FILED
GRANVILLE COUNTY
09/28/2005 3:07 PM
KATHRYN CREWS AVERETT
Register Of Deeds

Mail after recording to:
Jason C. Peoples
123 N. Main Street
P.O. Box 1161
Louisburg, NC 27549

SPO File No. 039-AC

State of North Carolina

ASSIGNMENT OF CONSERVATION EASEMENT

County of Granville

THIS ASSIGNMENT is made on the 19th day of September, 2005, by and between **TAR RIVER LAND CONSERVANCY** to the **STATE OF NORTH CAROLINA**, (the "**STATE**" or "**ASSIGNEE**") acting by and through the **NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM** ("**EEP**").

WITNESSETH:

WHEREAS, EEP has agreed to provide funding to **TAR RIVER LAND CONSERVANCY** for the purchase of a Conservation Easement over real property situated along the Tar River within the Upper Tar River Basin, and

WHEREAS, pursuant to the funding, the **TAR RIVER LAND CONSERVANCY** has, on the 27th day of September, 2005, acquired Conservation Easements, over the property of **LYNETTE C. SMITHERMAN and RICHARD W. SMITHERMAN**, which easement is recorded in Deed Book 1110, Page 341, Granville County Registry, and

WHEREAS, in furtherance of the terms and conditions of the Grant Agreement, the **TAR RIVER LAND CONSERVANCY** desires to assign its right, title, and interest in the Conservation Easement to the **STATE**, and the **STATE** has agreed to this Assignment.

NOW, THEREFORE, in consideration of funding paid by **EEP** to the **TAR RIVER LAND CONSERVANCY**; the mutual benefits accruing to the **STATE**, the **TAR RIVER LAND CONSERVANCY**, and the public from the Conservation Easement herein referenced and assigned, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the **TAR RIVER LAND CONSERVANCY** conveys and assigns to the **STATE**, acting by and through the **EEP**, all the rights, title, easement, privilege and interest (and subject to all conditions contained therein), in those Conservation Easements conveyed to the **TAR RIVER LAND CONSERVANCY** by **LYNETTE C. SMITHERMAN and RICHARD W. SMITHERMAN,** dated the 27th day of September, 2005, and recorded in Deed Book 1110, Page 341, Granville County Registry.

The **TAR RIVER LAND CONSERVANCY** hereby expressly reserves from this Assignment the rights to make "Educational Visits" found in found in Section III A, and the nonexclusive rights initially acquired by the Conservation Easement to inspect monitor, enforce and maintain the Conservation Easement found in Sections III and IV and to access the property for such purposes as described in the easement.

TO HAVE AND TO HOLD the said right, privilege and easement herein granted and assigned to the **STATE**, its successors and assigns in perpetuity.

AND the **ASSIGNOR** covenants that it is properly vested with the Conservation Easement; has the right to assign the same to the **ASSIGNEE**; that the Easement is free from encumbrances except as may be expressly excepted to by the terms and conditions of the Conservation Easement; and that the **ASSIGNOR** will warrant and defend title to the same against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the **TAR RIVER LAND CONSERVANCY**, has executed the foregoing in its corporate name, under seal, signed by the **BOARD PRESIDENT** with proper authorization by **TAR RIVER LAND CONSERVANCY**, the date and year first above written.

TAR RIVER LAND CONSERVANCY

By: _____ (SEAL)
Ernest B. Averett, III
Board President

ATTEST

By: _____
Jason C. Peoples
Assistant Secretary

ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA
COUNTY OF Franklin

I, Cynthia W. Satterfield, a Notary Public of said County and State, do hereby certify that **Jason C. Peoples** personally appeared before me this day and acknowledged that he is the Assistant Secretary of the Tar River Land Conservancy, a non-profit corporation, and that by authority duly given and as an act of the corporation the foregoing Instrument was signed in its name by its President, **Ernest B. Averett, III**, and attested by his/herself as its Assistant Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 19th day of September, 2005.

Cynthia W Satterfield
Notary Public

CYNTHIA W. SATTERFIELD NOTARY PUBLIC FRANKLIN COUNTY, NC

My commission expires:

August 8, 2009

STATE OF NORTH CAROLINA, GRANVILLE COUNTY.
The foregoing certificate of Cynthia W. Satterfield, a Notary Public is certified to be correct. This instrument was presented for registration and filed in this office in Book 1110, Page 351. This 28th day of September 2005, at 3:07 o'clock P.M.

Kathryn Cross Averett Register of Deeds By Kathy M. Adcock Deputy/Assistant