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by: SHEILA W. WHITMIRE
REGISTER OF DEEDS
BOOK 351 PAGE 257

STATE OF NORTH CAROLINA

COUNTY OF POLK

DEED OF EASEMENT

THIS DEED OF EASEMENT made and entered into this 29th day of December, 2006 by and between BRENDA GEORGE WHELCHEL and husband, ROLAND BRUCE WHELCHEL, hereinafter referred to as "Grantor"; to PACOLET AREA CONSERVANCY, INC., hereinafter referred to as "Grantee";

W I T N E S S E T H:

THAT WHEREAS, Grantor is the owner of that certain property described in deed recorded in Book 209, Page 564, Polk County Registry; and

WHEREAS, Grantee is the owner of that certain Conservation Easement recorded in Book 351, Page 246, Polk County Registry; and

WHEREAS, Grantor desires, by this instrument, to give and grant unto Grantee a non-exclusive perpetual right of way and easement hereinafter described upon the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of the same being hereby acknowledged, Grantor does hereby give, grant and convey unto the Grantee, its successors,

successors in title and assigns, a perpetual non-exclusive right of way and easement, fifteen feet (15') in width, leading from N.C.S.R. #1136 in a westerly direction with and along the southern boundary line of the Grantor's property hereinabove referred to and along the northern margin of the right of way for Interstate 26 in and to the property described in the Conservation Easement of Grantee hereinabove referred to. Said right of way and easement shall be used for the purposes of ingress, egress and regress and shall be used in common by the Grantor, their heirs, successors in title and assigns, Grantee, its successors, successors in title and assigns, and all other persons having the lawful right to use the same, if any. It is expressly agreed by the parties hereto that any costs of construction and maintenance of the right of way and easement shall be borne solely by the Grantee and the Grantor shall have no responsibility whatsoever in connection with the construction and maintenance of said right of way and easement.

TO HAVE AND TO HOLD the right of way and easement hereby granted to the Grantee, its successors, successors in title and assigns, forever in common with Grantor, their heirs, successors in title, and assigns; it being agreed that the right of way and easement hereby granted is appurtenant to and runs with the Conservation Easement of the Grantee hereinabove referred to, subject to the rights of the Grantor, their heirs, successors in title and assigns, and all other persons having the lawful right to use the same.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals to this Deed of Easement the day and year first above written.

"GRANTOR"

Brenda George Whelchel (SEAL)
Brenda George Whelchel

Roland Bruce Whelchel (SEAL)
Roland Bruce Whelchel

STATE OF NORTH CAROLINA
COUNTY OF POLK

I, a Notary Public of the County and State aforesaid, do hereby certify that BRENDA GEORGE WHELCHEL and husband, ROLAND BRUCE WHELCHEL, Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29th day of December, 2006.

Notary Public

My Commission Expires:
2/2/08