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REGISTER OF DEEDS
BOOK 351 PAGE 260

State of North Carolina

ASSIGNMENT OF CONSERVATION EASEMENT

County of Polk

THIS ASSIGNMENT is made on the 26th day of February, 2007, ~~2006~~, by and between **PACOLET AREA CONSERVANCY, INC., ("PAC")**, 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 **PAC** for the purchase of a Conservation Easement over real property situated along the tributaries of Skyuka Creek and the North Pacolet River, and

WHEREAS, pursuant to the funding, **PAC** has, on the 13th day of February, 2007, ~~2006~~, acquired a Conservation Easement, over the property of Charlotte L. Moss, n/k/a Charlotte L. Pratt, and husband Leonard Stephen Pratt; Desmine B. Luthi, n/k/a Desmine L. Sartain, and husband John M. Sartain; Helen G. Luthi, n/k/a Helen L. Rosemund, and husband Kenneth E. Rosemund; and Freida A. Luthi, unmarried; and, as Trustees of the Perry S. Luthi, Jr. Irrevocable Trust, Desmine B. Luthi, n/k/a Desmine L. Sartain, and Perry S. Luthi, Sr., and which easement is recorded in Deed Book 351, Page 246, Polk County Registry; and

WHEREAS, PAC has, on the 29th day of December, 2006, has acquired a Deed of Easement over the property of Brenda George Whelchel and husband Roland Bruce Whelchel, providing access from N.C.S.R. #1136 over the Whelchel property described in deed recorded in Book 209, Page 564, to the property under Conservation Easement as described above, and which Deed of Easement is easement is recorded in Deed Book 351, Page 257, Polk County Registry; and

WHEREAS, in furtherance of the terms and conditions of the Grant Agreement, **PAC**

desires to assign its right, title, and interest in the Conservation Easement and the Deed of Easement providing access to the **State**, and the **State** has agreed to this Assignment.

NOW, THEREFORE, in consideration of funding paid by **EEP** to **PAC**; the mutual benefits accruing to the **State**, **PAC**, 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, **PAC** conveys and assigns to the **State of North Carolina**, acting by and through the **North Carolina Ecosystem Enhancement Program**, all the rights, title, easement, privilege and interest (and subject to all conditions contained therein), in that Conservation Easement conveyed to **PAC** by Charlotte L. Moss et al., dated the 13th day of February, 2007 ~~2006~~, and recorded in Deed Book 351, Page, 246, Polk County Registry, and that Deed of Easement providing access conveyed to **PAC** by Brenda George Whelchel and husband, dated the 29th day of December, 2006, and recorded in Deed Book 351, Page 257, Polk County Registry.

PAC hereby expressly reserves from this Assignment the nonexclusive rights initially acquired by the Conservation Easement and the Deed of Easement to monitor, enforce and maintain the Conservation Easement and to access the property for such purposes as described in the easement.

TO HAVE AND TO HOLD the said rights, privileges and easements herein granted and assigned to the **State of North Carolina**, its successors and assigns in perpetuity.

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

IN WITNESS WHEREOF, PAC has executed the foregoing in its corporate name, under seal, signed by the **President** with proper authorization by the **PAC Board**, the date and year first above written.

PACOLET AREA CONSERVANCY, INC.

By: William H. Meanix, Jr.
William H. Meanix, Jr., President (SEAL)

ATTEST: Sally Walker
Sally Walker, Executive Director

NORTH CAROLINA
COUNTY OF POLK

I, William A. McFarland, Jr., a Notary Public in and for the County and State aforesaid, do hereby certify that William H. Meanix, Jr., personally appeared before me this day and acknowledged that he is the President of the Pacolet Area Conservancy, Inc., a North Carolina Non-Profit Corporation, and that by the authority duly given as an act of the corporation, the foregoing instrument was signed in its name by its President and attested as its Executive Director.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 26th day of February, ~~2006.~~ 2007.

Notary Public. My commission expires 2/2/08.