241

Doc ID: 000056060003 Type: CRP
Recorded: 03/18/2004 at 04:15:27 PM
Fee Amt: $1,077.00 Page 1 of 3
Excise Tax: $1,057.00
Franklin County North Carolina
Linda H. Stone Register of Deeds
BK 1396 PG 241-243

Instrument prepared by:
PIN NO:
Mail after recording to:
Blane Rice
State Property Office, Dept. Of Administration,
1321 Mail Service Center, Raleigh, NC 27699-1321
Rev. $1057.00

State of North Carolina

ASSIGNMENT OF CONSERVATION EASEMENT

County of Franklin

THIS ASSIGNMENT is made on the 18th day of March, 2004, 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 Swift/Sandy Creek within the Upper Tar River Basin, and

WHEREAS, pursuant to the funding, the **TAR RIVER LAND CONSERVANCY** has, on the 18th day of March, 2004, acquired Conservation Easements, over the property of **FELIX AND LUCY ALLEN**, which easements are recorded in Deed Book 1396, Page 236, Franklin County Registry, and Deed Book 1396, Page 231, Franklin 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 **FELIX AND LUCY ALLEN** dated the 18th day of March, 2004, and recorded in Deed Book 1396, Page, 231, Franklin County Registry and in Deed Book 1396, Page, 236, Franklin County Registry .

The **TAR RIVER LAND CONSERVANCY** hereby expressly reserves from this Assignment the nonexclusive rights initially acquired by the Conservation 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 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 **EXECUTIVE DIRECTOR** with proper authorization by **TAR RIVER LAND CONSERVANCY**, the date and year first above written.

TAR RIVER LAND CONSERVANCY

By: _____ (SEAL)
Board President
Tar River Land Conservancy

ATTEST

By: _____
Executive Director/
Assistant Secretary
Tar River Land Conservancy

Acknowledgement

NORTH CAROLINA
COUNTY OF FRANKLIN

I, CHARLES P GREEN JR, a Notary Public in and for the County and State aforesaid, do hereby certify that Ernest Averett personally appeared before me this day and acknowledged that he is the Board President of the **TAR RIVER LAND CONSERVANCY**, 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 Board President and attested by Jeffrey A. Fisher, its Executive Director and Assistant Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 18th day of March, 2004.

Notary Public

CHARLES P. GREEN, JR. NOTARY PUBLIC WAKE COUNTY, N.C.

My commission expires:

12/12/06

North Carolina-Franklin County

The foregoing certificate of Charles P. Green, Jr., a Notary Public, is certified to be correct and duly recorded this 18th day of March, 2004.

Linda H. Stone
Linda H. Stone, Register of Deeds
by: Carolyn Coley Asst.