BK:00793 PG:0980

FILED
WARREN COUNTY, NC
ELSIE R. WELDON
REGISTER OF DEEDS

FILED	Mar 28, 2005
AT	11:45:31 am
BOOK	00793
START PAGE	0980
END PAGE	0982
INSTRUMENT #	01232

Mail after recording to:

Jeffrey A. Fisher, Esq.
PO Box 1161
123 Main St.
Louisburg, NC 27549

State of North Carolina

ASSIGNMENT OF CONSERVATION EASEMENT

County of Warren

THIS ASSIGNMENT is made on the 24th day of March, 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 Shocco Creek within the Upper Tar River Basin, and

WHEREAS, pursuant to the funding, the **TAR RIVER LAND CONSERVANCY** has, on the 24th day of March, 2005, acquired a Conservation Easement, over the property of **LESTER D. CAPPS ENTERPRISES, INC.**, which easements are recorded in Deed Book 793, Page 971, Warren 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 **LESTER D. CAPPS ENTERPRISES, INC.** dated the 24th day of March, 2005, and recorded in Deed Book 793, Page, 971, Warren County.

The **TAR RIVER LAND CONSERVANCY** hereby expressly reserves from this Assignment the rights to make "Educational Visits" 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
Tar River Land Conservancy

ATTEST

By: _____
Jeffrey W. Fisher
Executive Director/
Assistant Secretary
Tar River Land Conservancy

Acknowledgement

NORTH CAROLINA
COUNTY OF Franklin Co.

I, Cynthia W. Satterfield, a Notary Public in and for the County and State aforesaid, do hereby certify that Ernest B. Averett, III 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 23th day of March, 2005.

Cynthia W Satterfield
Notary Public

My commission expires:

August 8, 2009

CYNTHIA W. SATTERFIELD
NOTARY
PUBLIC
FRANKLIN COUNTY, NC

NORTH CAROLINA - WARREN COUNTY
The foregoing certificate(s) of
CYNTHIA W SATTERFIELD

Notary Public is (are) certified to be correct.
Duly registered this date and hour shown
on the first page hereof.

ELSIE R. WELDON
Register of Deeds

By Susan D. Rogan
Deputy Register of Deeds