WILKES COUNTY NC 12/12/2003
1
$2962.00
STATE OF NORTH CAROLINA
Real Estate Excise Tax

FILED
MAY 18 2004
SECRETARY OF STATE

Book 0933 Page 0234
FILED
WILKES COUNTY NC
12/12/2003 8:43 AM
RICHARD L. WOODRUFF
Register Of Deeds
By: Sam Deputy/~~Asst.~~

14-23.1

Common

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax $2962.00 Wilkes
$39,966.00 Caldwell

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____

Verified by _____ County on the ____ day of _____, 200__

by _____

Mail after recording to: State Property Office
1321 Mail Service Center
Raleigh, NC 27669-1321

Doc ID: 005857340018 Type: CRP
Recorded: 12/12/2003 at 01:09:53 PM
Fee Amt: $40.031.00 Page 1 of 18
Excise Tax: $39.966.00
Workflow# 610529
Caldwell County, NC
WAYNE L RASH Register of Deeds
BK 1483 PG 943-960

This instrument was prepared by: Richard J. Kline

Brief description for the Index:

THIS DEED made this 12th day of December, 2003 by and between

GRANTOR	GRANTEE
JESSE W. HORTON, JR., HARRY T. BRANCH and **ROBERT H. TESTA**, acting not individually but as trustees of the **MINGO TRIBAL PRESERVATION TRUST**, a trust organized under the laws of the State of North Carolina created under the Mingo Tribal Preservation Trust dated January 4, 1993	STATE OF NORTH CAROLINA c/o STATE PROPERTY OFFICE 1321 Mail Service Center Raleigh, NC 27669-1321

Workflow No. 610529

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.q. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

6500-18

39966

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all those certain lots or parcels of land situated in the Yadkin Valley Township, Caldwell County, and Elk Township, Wilkes County, North Carolina and more particularly described as TRACTS #1, #2, #3, #4, #5, #6, #7, and #8 on Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The State of North Carolina has received payment from the Ecosystem Enhancement Program for acquisition of the above described property in consideration of which the State of North Carolina has agreed to the establishment of a perpetual riparian buffer extending 300' from the two banks of all blue line streams and tributaries. This 300' buffer will forever be conserved and managed in a manner that will protect the quality of waters of the waters mentioned above and otherwise promote the public purposes authorized under the provisions of N.C. Gen. Stat. §§143-214.8, et. seq. This paragraph creates neither rights nor responsibilities on the part of the Grantor, its heirs or assigns.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the matters identified on Exhibit B attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal as of the date first written.

GRANTOR:

Jesse W Horton, Jr (SEAL)
Jesse W. Horton, Jr.,
Trustee of the Mingo Tribal Preservation Trust

Harry T. Branch (SEAL)
Harry T. Branch,
Trustee of the Mingo Tribal Preservation Trust

Robert H Testa (SEAL)
Robert H. Testa
Trustee of the Mingo Tribal Preservation Trust

NORTH CAROLINA
CALDWELL COUNTY

945

THE CERTIFICATE OF:
Rebecca S Greer
a n P

IS CERTIFIED TO BE CORRECT.
WAYNE L. RASH, REGISTER OF DEEDS
BY: Wus Wiff

ACKNOWLEDGMENT

STATE OF NORTH CAROLINA,
CALDWELL County ss:

I, Rebecca S. Greer, a Notary Public of the County and State aforesaid, certify that Jesse W. Horton, Jr., as Trustee of the Mingo Tribal Preservation Trust, personally came before me this day and acknowledged the execution of the foregoing instrument in his capacity as Trustee. Witness my hand and official stamp or seal, this 12th day of December, 2003.

My Commission expires:
10-5-08

Rebecca S Greer
Notary Public

ACKNOWLEDGMENT

STATE OF NORTH CAROLINA,
CALDWELL County ss:

I, Rebecca S. Greer, a Notary Public of the County and State aforesaid, certify that Harry T. Branch, as Trustee of the Mingo Tribal Preservation Trust, personally came before me this day and acknowledged the execution of the foregoing instrument in his capacity as Trustee. Witness my hand and official stamp or seal, this 12th day of December, 2003.

My Commission expires:
10-5-08

Rebecca S Greer
Notary Public

ACKNOWLEDGMENT

STATE OF NORTH CAROLINA,
CALDWELL County ss:

I, Rebecca S. Greer, a Notary Public of the County and State aforesaid, certify that Robert H. Testa, as Trustee of the Mingo Tribal Preservation Trust, personally came before me this day and acknowledged the execution of the foregoing instrument in his capacity as Trustee. Witness my hand and official stamp or seal, this 12th day of December, 2003.

My Commission expires:
10-5-08

Rebecca S Greer
Notary Public

NORTH CAROLINA WILKES COUNTY

The foregoing certificate of Rebecca S. Greer is certified to be correct

Richard L. Woodruff
Register of Deeds

By: Teresa A. Miller
Deputy/Ass't Register of Deeds

EXHIBIT A

LEGAL DESCRIPTION

TRACT #1

This is a description for Mingo Tribal Preservation Trust, being a part of that property belonging to Mingo Tribal Preservation Trust, a deed of which is recorded at Deed Book 1303 at Page 715 and Deed Book 1425 at Page 296, both being recorded in the Caldwell County Registry of Deeds, being in Yadkin Valley Township, Caldwell County, North Carolina, and being more particularly described as follows:

BEGINNING on a 5/8 inch rebar found, said BEGINNING POINT being a corner with that property belonging to H.A. Moretz, a deed of which is recorded at Deed Book 666 at Page 997 in the Caldwell County Registry of Deeds, and said BEGINNING POINT being located South 72 degrees 06 minutes 37 seconds West 1,751.92 feet from a P.K. Nail in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Cove Branch Road (SR #1557), and being located North 82 degrees 17 minutes 17 seconds West 2,129.18 feet from a P.K. Nail in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Lick Log Lane; thence from the POINT OF BEGINNING and with the H.A. Moretz property South 68 degrees 38 minutes 06 seconds West, passing a corner with that property belonging to H.A. Moretz, a deed of which is recorded at Deed Book 645 at Page 515, and continuing for a total distance along this bearing of 2,786.46 feet to a 5/8 inch rebar found; thence still with H.A. Moretz for 10 calls: South 05 degrees 23 minutes 40 seconds West, crossing a branch, 231.22 feet to a new ½ inch iron pipe, continuing on the same bearing 539.49 feet to a new ½ inch iron pipe, still continuing on the same bearing 20.00 feet to a point in the centerline of a creek, and still continuing along the same bearing 170.11 feet to a 5/8 inch rebar found for a total distance along this bearing of 960.82 feet; thence South 28 degrees 54 minutes 24 seconds West 158.65 feet to a 24 inch pine; South 38 degrees 07 minutes 46 seconds West 139.06 feet to a 5/8 inch rebar found; South 13 degrees 25 minutes 29 seconds West 132.28 feet to a spike found in a six inch sourwood; South 06 degrees 03 minutes 23 seconds East 149.58 feet to a 14 inch birch; South 33 degrees 47 minutes 13 seconds East 389.01 feet to a 5/8 inch rebar found; South 03 degrees 19 minutes 41 seconds East 167.10 feet to a 5/8 inch rebar found; South 32 degrees 36 minutes 21 seconds East 226.29 feet to an eight inch sourwood; South 28 degrees 53 minutes 06 seconds East 628.20 feet to a 5/8 inch rebar found; South 27 degrees 44 minutes 43 seconds East 242.81 feet to a 5/8 inch rebar found, a corner with Patterson School, a deed of which is recorded at Deed Book 1126 at Pages 256 and 263 in the Caldwell County Registry of Deeds; thence with Patterson School for two calls: South 01 degrees 43 minutes 44 seconds West 297.10 feet to a chestnut stump; North 84 degrees 04 minutes 50 seconds West 641.04 feet to an existing ½ inch iron pipe, being a corner with Tract 2; thence continuing with Tract 2 for four calls: continuing on the same bearing (North 84 degrees 04 minutes 50 seconds West) 1,641.87 feet for a total distance along this bearing of 2,282.91 feet to an existing 3/4 inch iron pipe; South 50 degrees 58 minutes 41 seconds West 2,389.12 feet to an existing ½ inch iron pipe; South 19 degrees 58 minutes 12 seconds East 346.78 feet to a 5/8 inch rebar found on top of Epperson Knob; South 71 degrees 06 minutes 33 seconds West 1,266.56 feet to a P.K. Nail found in the rock outcrop on the high point of the knob, a corner with the Anne Bernhardt et al property, a deed of which is recorded at Deed Book 1326 at Page 820 in the Caldwell County Registry of Deeds; thence with the Anne Bernhardt et al property and the top of the ridge for seven calls: North 33 degrees 26 minutes 14 seconds West 283.65 feet to a 3/4 inch spike found; North 41 degrees 03 minutes 47 seconds West 540.25 feet to a 5/8 inch rebar found; North 43 degrees 43 minutes 20 seconds West 253.52 feet to a six inch white oak; North 16 degrees 18 minutes 47 seconds West 235.11 feet to a 3/4 inch spike found; North 00 degrees 45 minutes 33 seconds East 290.27 feet to an eight inch red oak; North 34 degrees 55 minutes 09 seconds West 94.88 feet to a 5/8 inch rebar found; North 63 degrees 01 minutes 42 seconds West 192.74 feet to a nail found at the base of a triple red oak, a corner with the Anne Bernhardt et al property and a corner with the Bruce B. Cameron, Trustee et al property, a deed of which is recorded at Deed Book 1216 at Page 1140 in the Caldwell County Registry of Deeds; thence with the Bruce B. Cameron Trustee et al property for 51 calls: South 86 degrees 25 minutes 33 seconds West 300.07 feet to a point; North 36 degrees 50 minutes 59 seconds West 66.55 feet to an eight inch yellow pine; North 36 degrees 03 minutes 12 seconds West 222.74 feet to a 5/8 inch rebar found; North 61 degrees 38 minutes 03 seconds West 118.85 feet to a 16 inch double red oak; North 51 degrees 21 minutes 58 seconds West 210.82 feet to a 5/8 inch

rebar found; North 82 degrees 24 minutes 49 seconds West 191.24 feet to a new ½ inch iron pipe; North 79 degrees 15 minutes 11 seconds West 407.55 feet to an 18 inch chestnut oak snag on top of the knob; North 33 degrees 40 minutes 33 seconds East 434.33 feet to a 10 inch red oak; North 26 degrees 18 minutes 14 seconds East 93.33 feet to a 14 inch chestnut oak; North 62 degrees 45 minutes 46 seconds East 153.60 feet to a 16 inch white pine; South 82 degrees 01 minutes 09 seconds East 123.34 feet to a 5/8 inch rebar found; North 50 degrees 14 minutes 48 seconds East 219.24 feet to an eight inch spike; North 63 degrees 19 minutes 26 seconds East 124.91 feet to an 18 inch white pine; North 10 degrees 16 minutes 35 seconds East 127.30 feet to a four inch sourwood; North 23 degrees 25 minutes 37 seconds West 144.25 feet to a three inch poplar; North 44 degrees 05 minutes 24 seconds East 422.90 feet to a new ½ inch iron pipe; North 63 degrees 01 minutes 45 seconds East 271.51 feet to a new ½ inch iron pipe; North 11 degrees 05 minutes 30 seconds East 278.58 feet to a 24 inch chestnut snag; North 07 degrees 20 minutes 55 seconds East 178.05 feet to a 10 inch chestnut oak; North 27 degrees 41 minutes 34 seconds East 195.04 feet to a 14 inch black gum; North 07 degrees 31 minutes 42 seconds East 349.93 feet to a nine inch maple; North 17 degrees 53 minutes 13 seconds East 88.96 feet to a 12 inch black gum; North 45 degrees 30 minutes 32 seconds East 116.41 feet to a 5/8 inch rebar found; North 67 degrees 17 minutes 50 seconds East 199.65 feet to a 5/8 inch rebar found; North 52 degrees 09 minutes 32 seconds East 201.15 feet to 5/8 inch rebar found; North 27 degrees 28 minutes 20 seconds East 176.73 feet to a six inch black gum; North 56 degrees 59 minutes 07 seconds East 207.63 feet to a 5/8 inch rebar found; North 12 degrees 59 minutes 20 seconds West 283.72 feet to a six inch chestnut oak; North 16 degrees 24 minutes 57 seconds East 258.92 feet to a seven inch red oak; North 04 degrees 35 minutes 57 seconds West 512.38 feet to a 14 inch black gum; North 04 degrees 35 minutes 49 seconds East 467.92 feet to a 10 inch yellow pine; North 32 degrees 18 minutes 42 seconds East 184.07 feet to a new ½ inch iron pipe; North 00 degrees 24 minutes 28 seconds East 296.36 feet to a nine inch yellow pine; North 11 degrees 02 minutes 22 seconds West 176.92 feet to a 5/8 inch rebar found; North 24 degrees 26 minutes 12 seconds West 180.56 feet to a 12 inch chestnut oak; North 08 degrees 04 minutes 59 seconds West 106.94 feet to an eight inch red oak; North 23 degrees 22 minutes 54 seconds East 123.25 feet to a point; North 23 degrees 22 minutes 54 seconds East 17.77 feet to a nail found; North 42 degrees 47 minutes 37 seconds East 269.52 feet to a six inch white oak; North 68 degrees 59 minutes 48 seconds East 248.65 feet to a 5/8 inch rebar found; North 39 degrees 13 minutes 56 seconds East 259.39 feet to a nail found in a yellow pine; North 18 degrees 41 minutes 45 seconds East 478.76 fee to a 10 inch chestnut oak; North 54 degrees 27 minutes 05 seconds East 100.50 feet to a 5/8 inch rebar found; South 79 degrees 12 minutes 27 seconds East 122.88 feet to a nail found at the base of a 12 inch maple; North 59 degrees 23 minutes 52 seconds East 86.03 feet to an eight inch maple; North 06 degrees 45 minutes 09 seconds East 97.26 feet to a 36 inch white oak; North 20 degrees 11 minutes 20 seconds East 276.82 feet to an 18 inch red oak; North 40 degrees 29 minutes 33 seconds East 179.48 feet to a 5/8 inch rebar found; North 29 degrees 13 minutes 01 seconds West 168.08 feet to a nine inch oak; North 05 degrees 14 minutes 46 seconds East 401.30 feet to an eight inch spike found in the base of a red oak in the gap of the mountain; North 70 degrees 03 minutes 44 seconds East 719.72 feet to a 5/8 inch rebar found, a corner with Tract 3; thence with Tract 3 for three calls: South 16 degrees 13 minutes 40 seconds West 182.88 feet to a 5/8 inch rebar found; South 51 degrees 35 minutes 24 seconds East 219.86 feet to a 5/8 inch rebar found; South 44 degrees 22 minutes 41 seconds East 165.40 feet to a six inch maple, being a corner with Fred S. McGee, Jr., a deed of which is recorded at Deed Book 968 at Page 75 in the Caldwell County Registry of Deeds; thence with the Fred S. McGee, Jr. property for five calls: South 48 degrees 50 minutes 08 seconds East 5.11 feet to an existing 3/4 inch iron pipe, and continuing on the same bearing 553.02 feet for a total distance along this bearing of 558.13 feet to a 5/8 inch rebar found; South 33 degrees 45 minutes 58 seconds East 250.45 feet to a 5/8 inch rebar found; South 71 degrees 17 minutes 50 seconds East 367.29 feet to the center of a concrete monument #176; South 08 degrees 02 minutes 34 seconds West 2,180.16 feet to the center of a new 60 foot wide right of way recorded at Deed Book 1385 at Page 1110 in the Caldwell County Registry of Deeds, and continuing on the same bearing 894.06 feet for a total distance along this bearing of 3,074.22 feet to a stone found; North 68 degrees 38 minutes 28 seconds East 776.36 feet to a new ½ inch iron pipe on the southwest edge of a new 60 foot wide right of way, and continuing 65.64 feet to a point in the center of said right of way, and continuing on the same bearing 54.97 feet to a new ½ inch iron pipe on the northeast side of said right of way, and continuing 707.75 feet to a new ½ inch iron pipe in a line with McGee, and still continuing on the same bearing (North 68 degrees 38 minutes 28 seconds East) 2,424.00 feet for a total distance along this bearing of 4,028.72 feet to a 24 inch white pine, which is a corner with that property belonging to Fred S. McGee, Jr. and that property belonging to Up Buffalo, Inc., a

deed of which is recorded at Deed Book 1287 at Page 1279 (First Tract); thence with the Up Buffalo, Inc. property for two calls: South 53 degrees 40 minutes 23 seconds East 202.93 feet to an existing 1½ inch iron pipe; South 84 degrees 59 minutes 50 seconds East 877.64 feet to a new ½ inch iron pipe, a corner with that property belonging to Jon C. Wooten, Trustee, a deed of which is recorded at Deed Book 1195 at Page 880 (Parcel 1); thence with the Wooten property South 01 degrees 41 minutes 06 seconds East 237.59 feet to the center of a 14 inch black gum, a corner with the Wooten property and that property belonging to H.A. Moretz, a deed of which is recorded at Deed Book 666 at Page 997; thence with Moretz South 05 degrees 01 minutes 17 seconds West 10.00 feet to the center of a new ½ inch iron pipe, and continuing on the same bearing 442.23 feet for a total distance along this bearing of 452.23 feet to the POINT OF BEGINNING containing 874.389 acres by coordinates.

Together with a 60 foot wide right of way recorded at Deed Book 1385 at Page 1110 located on the Fred S. McGee, Jr. property, a deed of which is recorded at Deed Book 968 at Page 75, both being recorded in the Caldwell County Registry of Deeds.

Together with an existing 60 foot wide right of way recorded at Deed Book 1361 at Page 629 in the Caldwell County Registry of Deeds, crossing the property of Jon C. Wooten, Trustee of the Jon C. Wooten Revocable Trust.

Together with an existing 60 foot wide right of way recorded at Plat Book 19 at Page 80 in the Caldwell County Registry of Deeds, crossing the property of The Green Rock Baptist Church.

Subject to an existing 60 foot wide right of way recorded at Deed Book 1385 at Page 1116 in the Caldwell County Registry of Deeds, crossing Tract 1, serving the Fred S. McGee, Jr. property.

As surveyed by Western Carolina Surveyors, P.A., PETER E. FLEMING, P.L.S., the 28th day of October, 2003 and being their JOB #7470-03 (also reference drawing #7470-B).

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me this the 28th day of October, 2003 from a survey made under my supervision and being REVISED the 28th day of October, 2003.

PETER E. FLEMING, P.L.S. (L-4240)

FILE NAME: 7470-03 (Tract 1)

TRACT #2

This is a description of a survey made for Mingo Tribal Preservation Trust, being that property described in Deed Book 1311 at Page 1680 in the Caldwell County Registry of Deeds, being in Patterson Township, Caldwell County, North Carolina, and being more particularly described as follows:

BEGINNING on a P.K. Nail found in a rock outcrop on the high point of a knob, being a common corner with the Anne Bernhardt et al property, a deed of which is recorded at Deed Book 1326 at Page 820 in the Caldwell County Registry of Deeds, and being a corner with Tract 1, said BEGINNING POINT being located South 52 degrees 56 minutes 19 seconds West 11,254.88 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Cove Branch Road (SR #1557), and said BEGINNING POINT also being located South 57 degrees 41 minutes 36 seconds West 11,149.99 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Lick Log Lane; thence from the POINT OF BEGINNING and with Tract 1 for four calls: North 71 degrees 06 minutes 33 seconds East 1,266.56 feet to a 5/8 inch rebar found on top of Epperson Knob; North 19 degrees 58 minutes 12 seconds West 346.78 feet to an existing ½ inch iron pipe; North 50 degrees 58 minutes 41 seconds East 2,389.12 feet to an existing 3/4 inch iron pipe; South 84 degrees 04 minutes 50 seconds East 1,641.87 feet to an existing ½ inch iron pipe located on top of Ripshin Mountain, a corner in a line with Tract 1 and that property belonging to Patterson School, a deed of which is recorded at Deed Book 1126 at Pages 256 and 263 in the Caldwell County Registry of Deeds; thence with the Patterson School property and with the top of Ripshin Mountain for 12 calls: South 70 degrees 38 minutes 17 seconds West 195.22 feet; South 33 degrees 49 minutes 59 seconds West 132.02 feet; South 48 degrees 13 minutes 59 seconds West 101.00 feet; South 72 degrees 57 minutes 59 seconds West 83.27 feet; South 83 degrees 23 minutes

59 seconds West 230.69 feet; South 88 degrees 18 minutes 59 seconds West 171.33 feet; South 72 degrees 43 minutes 59 seconds West 115.78 feet; South 55 degrees 41 minutes 59 seconds West 95.59 feet; South 72 degrees 25 minutes 59 seconds West 75.40 feet; South 89 degrees 51 minutes 59 seconds West 115.20 feet; North 79 degrees 05 minutes 01 seconds West 121.89 feet; South 74 degrees 15 minutes 55 seconds West 146.38 feet to a point on top o f Ripshin Mountain; thence leaving Ripshin Mountain South 39 degrees 14 minutes 01 seconds East 2,268.09 feet; South 50 degrees 49 minutes 44 seconds West 65.00 feet; South 54 degrees 08 minutes 35 seconds West 1,273.63 feet; North 04 degrees 29 minutes 18 seconds East 311.71 feet; South79 degrees 06 minutes 56 seconds West 3,867.76 feet; North 12 degrees 56 minutes 44 seconds East 1,352.45 feet to the POINT OF BEGINNING containing 204.693 acres by coordinates.

As surveyed by Western Carolina Surveyors, P.A., T.R. BISHOP, P.L.S., the 3rd day of March, 1983, and being their JOB #2774-C (also reference drawing #7470-03, REVISED October 28, 2003).

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me on this the 28th day of October, 2003.

PETER E. FLEMING, P.L.S. (L-4240)
FILE NAME: 7470-03 (Tract 2)

TRACT #3

This is a description of a survey made for Mingo Tribal Preservation Trust, being that property recorded at Deed Book 1089 at Page 862 in the Caldwell County Registry of Deeds, being in Patterson Township, Caldwell County, North Carolina, and being more particularly described as follows:

BEGINNING on an existing 1 inch iron pipe, being a common corner with the Amy Whisnant and Chad Starnes property, a deed of which is recorded at Deed Book 1319 at Page 833, the Charles E. Johnson property, a deed of which is recorded at Deed Book 1147 at Page 326, and that property belonging to Bruce Hamby, a deed of which is recorded at Deed Book 1330 at Page 1353, all being recorded in the Caldwell County Registry of Deeds, said BEGINNING POINT being located North 02 degrees 04 minutes 45 seconds East 7,817.39 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at is intersection with Cove Branch Road (SR #1557), and said BEGINNING POINT also being located North 01 degrees 03 minutes 19 seconds West 8,637.60 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) and its intersection with Lick Log Lane; thence from the POINT OF BEGINNING and with the Bruce Hamby property South 48 degrees 19 minutes 25 seconds West 735.33 feet to an existing 3/4 inch iron pipe, continuing along the same bearing 328.19 feet to an existing 3/4 inch iron pipe, a corner with Tract 5; thence continuing with Tract 5 and along the same bearing (South 48 degrees 19 minutes 25 seconds West) 399.03 feet to an existing 3/4 inch iron pipe, a corner with Tract 5 and the Lawrence E. Henson property, a deed of which is recorded at Deed Book 1371 at Page 153 in the Caldwell County Registry of Deeds; thence with the Lawrence E. Henson property and still continuing on the same bearing (South 48 degrees 19 minutes 25 seconds West) 482.30 feet to an existing 3/4 inch iron pipe, and still continuing on the same bearing 186.72 feet for a total distance along this bearing of 2,131.57 feet to a 5/8 inch rebar found, a corner with the Lawrence E. Henson property and Tract 4; thence with Tract 4 for two calls (crossing a 45 foot wide right of way): North 39 degrees 17 minutes 16 seconds West 52.38 feet to an existing 3/4 inch iron pipe, and continuing on the same bearing 309.67 feet for a total distance along this bearing of 362.05 feet to a 5/8 inch rebar found; North 85 degrees 45 minutes 12 seconds West 1,468.01 feet to a 3/4 inch rebar found, a corner with Tract 4 and the Robert J. Everitt property, a deed of which is recorded at Deed Book 1166 at Page 1503 in the Caldwell County Registry of Deeds; thence with the Robert J. Everitt property for four calls: North 31 degrees 34 minutes 27 seconds East 1,538.96 feet to a new ½ inch iron pipe; South 70 degrees 40 minutes 52 seconds West 2,427.72 feet to a new ½ inch iron pipe; South 06 degrees 22 minutes 30 seconds West 1,320.72 feet to a new ½ inch iron pipe; South 72 degrees 51 minutes 52 seconds West 2,360.07 feet to an existing 3/4 inch iron pipe, a corner with the Robert J. Everitt property and that property belonging to Fred S. McGee, Jr., a deed of which is recorded at Deed Book 968 at Page 75 in the Caldwell County Registry of Deeds; thence with the Fred S. McGee, Jr. property South 00 degrees 11 minutes 24 seconds West 1,443.79 feet to an existing 3/4 inch iron pipe, and continuing on the same bearing 1,226.90 feet for a total distance along this bearing

of 2,670.69 feet to an existing 3/4 inch iron pipe, a corner with the Fred S. McGee, Jr. property and Tract 1; thence with Tract 1 for four calls: North 48 degrees 50 minutes 08 seconds West 5.11 feet to a six inch maple; North 44 degrees 22 minutes 41 seconds West 165.40 feet to a 5/8 inch rebar found; North 51 degrees 35 minutes 24 seconds West 219.86 feet to a 5/8 inch rebar found; North 16 degrees 13 minutes 40 seconds East 182.88 feet to a 5/8 inch rebar found located on top of the ridge, a corner with Tract 1 and that property belonging to Bruce B. Cameron, Trustee et al, a deed of which is recorded at Deed Book 1216 at Page 1140 in the Caldwell County Registry of Deeds; thence with the Bruce B. Cameron, Trustee et al property and the top of the ridge for 35 calls: North 41 degrees 25 minutes 52 seconds West 67.20 feet to a new ½ inch iron pipe; North 49 degrees 14 minutes 06 seconds West 106.45 feet to a new ½ inch iron pipe; North 08 degrees 02 minutes 31 seconds West 136.93 feet to a new ½ inch iron pipe; North 40 degrees 36 minutes 48 seconds East 172.35 feet to a new ½ inch iron pipe; North 26 degrees 04 minutes 02 seconds East 123.78 feet to a new ½ inch iron pipe; North 35 degrees 47 minutes 12 seconds East 68.29 feet; North 00 degrees 00 minutes 24 seconds East 28.32 feet; North 13 degrees 29 minutes 18 seconds East 74.59 feet; North 41 degrees 57 minutes 43 seconds East 41.74 feet; North 32 degrees 57 minutes 56 seconds West 186.14 feet; North 11 degrees 43 minutes 52 seconds East 75.73 feet; North 06 degrees 47 minutes 10 seconds East 99.42 feet; North 17 degrees 36 minutes 14 seconds West 74.33 feet to a new ½ inch iron pipe; North 14 degrees 49 minutes 56 seconds West 23.97 feet; North 03 degrees 51 minutes 47 seconds West 95.91 feet to a new ½ inch iron pipe; North 11 degrees 11 minutes 14 seconds West 122.72 feet to a new ½ inch iron pipe; North 17 degrees 00 minutes 34 seconds West 28.28 feet; North 07 degrees 03 minutes 44 seconds West 80.75 feet to a new ½ inch iron pipe; North 65 degrees 03 minutes 09 seconds West 94.83 feet to a new ½ inch iron pipe; North 24 degrees 31 minutes 02 seconds West 34.19 feet; North 10 degrees 16 minutes 53 seconds West 24.30 feet; North 34 degrees 22 minutes 20 seconds West 16.66 feet; North 08 degrees 52 minutes 53 seconds West 63.58 feet to a new ½ inch iron pipe; North 04 degrees 11 minutes 00 seconds East 60.30 feet; North 04 degrees 25 minutes 57 seconds West 56.59 feet to a new ½ inch iron pipe; North 14 degrees 38 minutes 08 seconds West 113.71 feet to a new ½ inch iron pipe; North 30 degrees 28 minutes 05 seconds West 92.56 feet; North 40 degrees 08 minutes 59 seconds West 47.18 feet to a new ½ inch iron pipe; North 25 degrees 30 minutes 03 seconds West 41.45 feet; North 02 degrees 15 minutes 17 seconds West 187.09 feet; North 05 degrees 28 minutes 16 seconds East 141.95 feet; North 19 degrees 14 minutes 34 seconds East 47.64 feet; North 11 degrees 02 minutes 58 second East 53.72 feet; North 01 degrees 03 minutes 11 seconds East 51.06 feet to a new ½ inch iron pipe on top of the ridge; thence leaving the top of the ridge and continuing with the Bruce B. Cameron, Trustee et al property North 80 degrees 52 minutes 14 seconds West 2,315.41 feet to a new ½ inch iron pipe in a painted line, a corner with the Bruce B. Cameron, Trustee et al property and that property belonging to Wanda L. Jenkins, a deed of which is recorded at Deed Book 983 at Page 318 in the Caldwell County Registry of Deeds; thence with the Wanda L. Jenkins property for two calls: North 29 degrees 43 minutes 08 seconds East 2,002.49 feet to a new ½ inch iron pipe; North 59 degrees 13 minutes 44 seconds East 4,381.27 feet to a new ½ inch iron pipe, a corner with the Wanda L. Jenkins property and that property belonging to Joseph S. Erby, a deed of which is recorded at Deed Book 1194 at Page 742 in the Caldwell County Registry of Deeds; thence with the Joseph S. Erby property South 88 degrees 18 minutes 16 seconds East 622.48 feet to an existing ½ inch iron pipe located on top of a ridge, a corner with the Joseph S. Erby property and that property belonging to Coy A. Coffey, a deed of which is recorded at Deed Book 1196 at Page 764 in the Caldwell County Registry of Deeds; thence with the top of the ridge, a marked line and with the Coy A. Coffey property for 9 calls: North 43 degrees 02 minutes 19 seconds East 75.16 feet; North 41 degrees 35 minutes 59 seconds East 134.93 feet; North 22 degrees 44 minutes 23 seconds East 14.97 feet to a new ½ inch iron pipe; North 18 degrees 18 minutes 03 seconds East 144.06 feet; North 18 degrees 27 minutes 26 seconds East 57.98 feet; North 19 degrees 10 minutes 28 seconds East 85.26 feet; North 04 degrees 49 minutes 09 seconds East 158.58 feet to a new ½ inch iron pipe; North 16 degrees 10 minutes 11 seconds East 26.90 feet; North 21 degrees 00 minutes 33 seconds East 170.45 feet to a new ½ inch iron pipe; North 01 degrees 04 minutes 07 seconds East, passing a common corner with the Arvil Coffey property recorded at Deed Book 1032 at Page 1286 in the Caldwell County Registry of Deeds, 115.00 feet; thence continuing with the top of the ridge, a marked line and the Arvil Coffey property North 10 degrees 51 minutes 24 seconds East 180.56 feet; North 29 degrees 44 minutes 49 seconds East, passing a common corner with the Leonard H. McCall, Jr. property, a deed of which is recorded at Deed Book 918 at Page 259 in the Caldwell County Registry of Deeds, 124.98 feet; thence continuing with top of the ridge, a marked line and the Leonard H. McCall, Jr. property for three calls: North 44 degrees 31 minutes

53 seconds East 130.50 feet to a new ½ inch iron pipe; North 34 degrees 05 minutes 16 seconds East 125.89 feet; North 40 degrees 03 minutes 44 seconds East 68.09 feet to a new ½ inch iron pipe, a corner with the Leonard H. McCall, Jr. property and with the Charles H. Poteet property, a deed of which is recorded at Deed Book 622 at Page 350 in the Caldwell County Registry of Deeds; thence with the top of the ridge, a marked line and the Charles H. Poteet property for six calls: North 44 degrees 30 minutes 11 seconds East 225.34 feet to a new ½ inch iron pipe in the gap of the mountain; North 42 degrees 06 minutes 35 seconds East 443.67 feet; North 60 degrees 58 minutes 21 seconds East 118.63 feet to a new ½ inch iron pipe; North 74 degrees 52 minutes 54 seconds East 55.44 feet; North 63 degrees 38 minutes 41 seconds East 140.13 feet; North 63 degrees 31 minutes 45 seconds East 325.46 feet to a P.K. Nail set in a rock at the intersection with two ridges, a corner with the Charles H. Poteet property and that property belonging to James B. Hawkins, Sr., a deed of which is recorded at Deed Book 975 at Page 755 (First Tract) in the Caldwell County Registry of Deeds; thence with the top of a ridge, a marked line and the James B. Hawkins, Sr. property for 15 calls: South 54 degrees 39 minutes 04 seconds East 38.11 feet; South 79 degrees 26 minutes 09 seconds East 56.82 feet to a new ½ inch iron pipe; South 73 degrees 08 minutes 54 seconds East 33.24 feet; South 24 degrees 34 minutes 51 seconds East 78.49 feet; South 50 degrees 00 minutes 42 seconds East 64.97 feet; South 76 degrees 38 minutes 04 seconds East 50.63 feet; South 06 degrees 37 minutes 25 seconds West 88.52 feet to a new ½ inch iron pipe; South 22 degrees 42 minutes 35 seconds East 31.33 feet; South 32 degrees 05 minutes 29 seconds East 97.83 feet; South 30 degrees 19 minutes 43 seconds East 112.66 feet to a new ½ inch iron pipe; South 49 degrees 18 minutes 26 seconds East 69.55 feet; South 51 degrees 28 minutes 45 seconds East 58.07 feet; South 43 degrees 04 minutes 54 seconds East 78.54 feet; South 50 degrees 22 minutes 00 seconds East 34.44 feet; South 20 degrees 43 minutes 43 seconds East 43.40 feet to a new ½ inch iron pipe set in a pine stump; thence leaving the ridge and continuing with the marked line and the James B. Hawkins, Sr. property South 07 degrees 56 minutes 38 seconds East 2,341.11 feet to a new ½ inch iron pipe, and continuing on the same bearing 2.48 feet for a total distance along this bearing of 2,343.59 feet to a painted rock; thence continuing with the James B. Hawkins, Sr. property and with a marked line North 73 degrees 30 minutes 32 seconds East 1,183.39 feet to a new ½ inch iron pipe, a corner with the James B. Hawkins, Sr. property and that property belonging to Amy Whisnant and Chad Starnes, a deed of which is recorded at Deed Book 1319 at Page 833 in the Caldwell County Registry of Deeds; thence with the Amy Whisnant and Chad Starnes property South 07 degrees 40 minutes 41 seconds West 1,509.06 feet to a new ½ inch iron pipe at a marked stone; thence still with the Amy Whisnant and Chad Starnes property and with a marked line South 85 degrees 48 minutes 38 seconds East 1,124.20 feet to the POINT OF BEGINNING containing 663.487 acres by coordinates.

As surveyed by Western Carolina Surveyors, P.A., PETER E. FLEMING, P.L.S., the 8th day of May, 2003, and being their JOB #7543 (also reference 7470-03, REVISED October 28, 2003).

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me this the 28th day of October, 2003 from a survey made under my supervision the 8th day of May, 2003.

PETER E. FLEMING, P.L.S. (L-4240)

FILE NAME: 7470-03 (Tract 3)

TRACT #4

This is a description for Mingo Tribal Preservation Trust, being a portion of that property recorded at Deed Book 1425 at Page 301 and at Deed Book 1315 at Page 974 (back reference), both being recorded in the Caldwell County Registry of Deeds, being in Patterson Township, Caldwell County, North Carolina, and being more particularly described as follows:

BEGINNING on an existing 3/4 inch rebar found, being a common corner with that property belonging to Robert J. Everitt, a deed of which is recorded at Deed Book 1166 at Page 1503 in the Caldwell County Registry of Deeds, and being a corner with Tract 3, said BEGINNING POINT being located North 23 degrees 52 minutes 06 seconds West 7,418.27 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Cove Branch Road (SR #1557), and said BEGINNING POINT also being located North 24 degrees 21 minutes 31 seconds West 8,351.14 feet from a P.K. Nail found in the centerline of Buffalo Cove

Road (SR #1504) at its intersection with Lick Log Lane; thence from the POINT OF BEGINNING and with Tract 3 for two calls: South 85 degrees 45 minutes 12 seconds East 1,478.01 feet to a 5/8 inch rebar found; South 39 degrees 17 minutes 16 seconds East 309.67 feet to an existing 3/4 inch iron pipe, and continuing on the same bearing, and crossing a 45 foot wide right of way, 52.38 feet for a total distance along this bearing of 362.05 feet to a 5/8 inch rebar found, a corner with Tract 3 and that property belonging to Lawrence Henson, a deed of which is recorded at Deed Book 1371 at Page 153 in the Caldwell County Registry of Deeds; thence with the Lawrence Henson property South 32 degrees 05 minutes 27 seconds East 788.84 feet to a point in the centerline of Buffalo Cove Road (SR 1504); thence with the centerline of Buffalo Cove Road for three calls: South 61 degrees 38 minutes 51 seconds West 53.74 feet; South 51 degrees 59 minutes 54 seconds West 53.91 feet; South 43 degrees 11 minutes 28 seconds West 58.75 feet to a point in the centerline of the road and a corner with the Larry E. Henson property, a deed of which is recorded at Deed Book 1427 at Page 1515 in the Caldwell County Registry of Deeds; thence with the Larry E. Henson property for six calls: North 71 degrees 41 minutes 48 seconds West 914.40 feet to an existing iron pipe; South 74 degrees 54 minutes 56 seconds West 65.81 feet; South 47 degrees 05 minutes 14 seconds West 47.77 feet; North 85 degrees 33 minutes 37 seconds West 57.17 feet; North 54 degrees 08 minutes 49 seconds West 108.22 feet; North 89 degrees 47 minutes 19 seconds West 40.07 feet to a point in the centerline of an existing 45 foot wide right of way; thence continuing with the Larry E. Henson property and with the centerline of the existing 45 foot wide right of way for 11 calls: South 39 degrees 03 minutes 56 seconds West 18.07 feet; South 01 degrees 48 minutes 22 seconds West 199.21 feet; South 33 degrees 34 minutes 47 seconds West 41.12 feet; South 88 degrees 12 minutes 18 seconds West 135.78 feet; North 71 degrees 58 minutes 52 seconds West 181.47 feet; North 65 degrees 35 minutes 10 seconds West 98.62 feet; North 85 degrees 23 minutes 12 seconds West 36.22 feet; South 17 degrees 30 minutes 00 seconds West 78.01 feet; South 51 degrees 44 minutes 15 seconds West 31.29 feet; South 82 degrees 15 minutes 50 seconds West 65.47 feet; South 63 degrees 24 minutes 14 seconds West 43.29 feet to a point in the centerline of an existing 45 foot wide right of way, a corner with that property belonging to James A. Greene, a deed of which is recorded at Deed Book 1145 at Page 1306 in the Caldwell County Registry of Deeds; thence leaving the existing 45 foot wide right of way and with the James A. Greene property for two calls: North 71 degrees 12 minutes 03 seconds West 23.37 feet to an iron pin; North 70 degrees 48 minutes 04 seconds West 277.67 feet to an iron pin, a corner with the James A. Greene property and that property belonging to Robert J. Everitt, a deed of which is recorded at Deed Book 1166 at Page 1503 in the Caldwell County Registry of Deeds; thence with the Robert J. Everitt property for two calls: North 04 degrees 19 minutes 05 seconds East 705.21 feet to an existing iron pipe; North 40 degrees 40 minutes 26 seconds East 326.15 feet to the POINT OF BEGINNING containing 40.714 acres by coordinates.

Subject to an existing recreation easement recorded at Deed Book 1130 at Page 406 and at Plat Book 16 at Pages 240 and 241, both being recorded in the Caldwell County Registry of Deeds.

No field survey performed by Western Carolina Surveyors, P.A.; information taken from deed plots only (reference drawing #7470-03, REVISED October 28, 2003).

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me this the 28th day of October, 2003.

PETER E. FLEMING, P.L.S. (L-4240)

FILE NAME: 7470-03 (Tract 4)

TRACT #5

This is a description made for Mingo Tribal Preservation Trust, being a portion of Deed Book 1425 at Page 301 and reference Deed Book 1315 at Page 974 (Tract 2), both being recorded in the Caldwell County Registry of Deeds, being in Patterson Township, Caldwell County, North Carolina, and being more particularly described as follows:

BEGINNING on an existing 3/4 inch iron pipe which is a corner with Tract 3 and that property belonging to Lawrence Henson, a deed of which is recorded at Deed Book 1371 at Page 153 in the Caldwell County Registry of Deeds, said BEGINNING POINT being located North 06 degrees 44

minutes 35 seconds West 6,887.35 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Cove Branch Road (SR #1557), and said BEGINNING POINT also being located North 09 degrees 16 minutes 27 seconds West 7,765.09 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Lick Log Lane; thence from the POINT OF BEGINNING and with Tract 3 North 48 degrees 19 minutes 25 seconds East 399.03 feet to an existing 3/4 inch iron pipe, a corner with Tract 3 and the Bruce Hamby property, a deed of which is recorded at Deed Book 1330 at Page 1353 in the Caldwell County Registry of Deeds; thence with the Bruce Hamby property for three calls: South 37 degrees 53 minutes 24 seconds East 125.71 feet; South 02 degrees 51 minutes 39 seconds West 97.58 feet; South 16 degrees 57 minutes 11 seconds East 925.15 feet to a point in the centerline of Buffalo Cove Road (SR #1504); thence with the centerline of Buffalo Cove Road for eight calls: South 50 degrees 59 minutes 50 seconds West 27.54 feet; South 56 degrees 00 minutes 09 seconds West 52.47 feet; South 60 degrees 11 minutes 28 seconds West 64.47 feet; South 65 degrees 40 minutes 46 seconds West 66.75 feet; South 72 degrees 15 minutes 51 seconds West 70.16 feet; South 75 degrees 58 minutes 48 seconds West 106.28 feet; South 76 degrees 25 minutes 25 seconds West 64.12 feet; South 72 degrees 19 minutes 58 seconds West 50.60 feet to a point in the centerline of Buffalo Cove Road, a corner with the Lawrence Henson property, a deed of which is recorded at Deed Book 1371 at Page 153 in the Caldwell County Registry of Deeds; thence with the Lawrence Henson property for two calls: North 05 degrees 23 minutes 56 seconds West 885.21 feet; North 38 degrees 34 minutes 21 seconds West 151.87 feet to the POINT OF BEGINNING containing 10.004 acres by coordinates.

Subject to an existing recreation easement recorded at Deed Book 1130 at Page 406 and at Plat Book 16 at Pages 240 and 241, both being recorded in the Caldwell County Registry of Deeds.

This description was prepared on the 28th day of October, 2003 from a deed recorded at Deed Book 1315 at Page 974 (Tract 2) in the Caldwell County Registry of Deeds (reference drawing #7470-03, REVISED October 28, 2003).

No field survey performed by Western Carolina Surveyors, P.A.

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me this the 28th day of October, 2003.

PETER E. FLEMING, P.L.S. (L-4240)
FILE NAME: 7470-03 (Tract 5)

TRACT #6

This is a description made for Mingo Tribal Preservation Trust, being a part of that property recorded at Deed Book 1425 at Page 301 and being Lot 7 of Plat Book 16 at Page 240, both being recorded in the Caldwell County Registry of Deeds, being in Patterson Township, Caldwell County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in the centerline of Buffalo Cove Road (SR #1504) and being a corner with the Bruce Hamby property, a deed of which is recorded at Deed Book 1330 at Page 1353 in the Caldwell County Registry of Deeds, said BEGINNING POINT being located North 01 degrees 06 minutes 51 seconds East 6,251.48 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Cove Branch Road (SR #1557), and said BEGINNING POINT also being located North 02 degrees 35 minutes 58 seconds West 7,081.47 feet from a P.K. Nail found in the centerline of Buffalo Cove Road (SR #1504) at its intersection with Lick Log Lane; thence from the POINT OF BEGINNING and with the Bruce Hamby property for four calls: North 25 degrees 00 minutes 24 seconds West 435.39 feet; North 54 degrees 35 minutes 01 seconds East 207.97 feet; North 66 degrees 00 minutes 37 seconds East 97.66 feet; South 36 degrees 15 minutes 33 seconds East 504.48 feet to a point in the centerline of Buffalo Cove Road (SR #1504); thence with the centerline of Buffalo Cove Road for six calls: South 61 degrees 54 minutes 38 seconds West 60.01 feet; South 69 degrees 28 minutes 58 seconds West 85.24 feet; South 74 degrees 34 minutes 22 seconds West 70.70 feet; South 74 degrees 19 minutes 16 seconds West 65.28 feet; South 66 degrees 38 minutes 52 seconds West 65.72 feet; South 60 degrees 45 minutes 43 seconds West 56.06 feet to the POINT OF BEGINNING containing 3.797 acres by coordinates.

Subject to an existing recreation easement recorded at Deed Book 1130 at Page 406 and at Plat

Book 16 and Pages 240 and 241, both being recorded in the Caldwell County Registry of Deeds.

No field work performed by Western Carolina Surveyors, P.A.; information taken from Plat Book 16 at Page 240 (Lot 7) as recorded in the Caldwell County Registry of Deeds (reference drawing #7470-03, REVISED October 28, 2003).

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me this the 28th day of October, 2003.

PETER E. FLEMING, P.L.S. (L-4240)

FILE NAME: 7470-03 (Tract 6)

TRACT #7

This is a description of a survey made for Mingo Tribal Preservation Trust, being that property described at Deed Book 1425 at Page 301 (Tract 1) in the Caldwell County Registry of Deeds, being in Yadkin Valley Township, Caldwell County, North Carolina and being more particularly described as follows:

BEGINNING at a point in the centerline of Buffalo Creek, being a corner with Tract #8 and with that property belonging to Charles Johnson, a deed of which is recorded at Deed Book 1147 at Page 326 in the Caldwell County Registry of Deeds; thence with the Charles Johnson property , leaving Buffalo Creek, North 88 degrees 23 minutes 33 seconds West 16.29 feet to a point, being a corner with the Amy Whisnant and Chad Starnes property, recorded at Deed Book 1319 at Page 833 in the Caldwell County Registry of Deeds; thence with the Whisnant and Starnes property North 01 degrees 28 minutes 22 seconds East 778.26 feet to a point; South 84 degrees 25 minutes 32 seconds East 669.72 feet to a point, being a corner with that property belonging to Floran Blaj, a deed which is recorded at Deed Book 1341 at Page 1153 in the Caldwell County Registry of Deeds; thence with the Blaj property for six calls: North 01 degrees 50 minutes 10 seconds East 250.43 feet to a point; North 60 degrees 42 minutes 54 seconds East 171.03 feet to a point; North 70 degrees 34 minutes 54 seconds East 141.52 feet to a point; South 77 degrees 19 minutes 06 seconds East 79.74 feet to a point; South 73 degrees 41 minutes 06 seconds East 169.39 feet to a point; South 88 degrees 02 minutes 58 seconds East 111.08 feet to a new iron pipe located in the centerline of Buffalo Creek and being a corner with Katheryn Pipes Barlow, a deed of which is recorded at Deed Book 1363 at Page 898 in the Caldwell County Registry of Deeds, and a corner with Tract #8; thence with the centerline of Buffalo Creek and Tract #8 for seven calls: South 22 degrees 58 minutes 53 seconds West 93.55 feet; South 49 degrees 35 minutes 28 seconds West 195.24 feet; South 68 degrees 17 minutes 27 seconds West 133.11 feet; South 58 degrees 26 minutes 21 seconds West 847.37 feet; South 45 degrees 38 minutes 22 seconds West 224.63 feet; South 35 degrees 58 minutes 55 seconds West 188.38 feet; South 43 degrees 46 minutes 02 seconds West 14.69 feet to the POINT OF BEGINNING containing 10.814 acres by coordinates.

Property is subject to an existing recreation easement, which is recorded at Deed Book 1130 at Page 406 and at Plat Book 16 at Page 240 and 241, all being recorded in the Caldwell County Registry of Deeds.

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me this the 28th day of October, 2003 from a deed recorded at Deed Book 1425 at Page 301 in the Caldwell County Registry of Deeds. No field work was performed by Western Carolina Surveyors. (also reference drawing #7470-03, REVISED October 28, 2003)

PETER E. FLEMING, P.L.S. (L-4240)

FILE NAME: 7470-03 (Tract #7)

TRACT # 8

This is a description of a survey made for Mingo Tribal Preservation Trust, being in Yadkin Valley Township, Caldwell County and in Elk Township, Wilkes County, North Carolina, being that property recorded at Deed Book 1314 at Page 605, Deed Book 1097 at Page 1046, Deed

Book 1297 at Page 1005, Deed Book 1425 at Page 301 and Deed Book 1087 at Page 1607 (Caldwell County) and Deed Book 748 at Page 418 and Deed Book 716 at Page 583 (Wilkes County) and taken from a survey prepared by John Steele, P.L.S., for Mingo Tribal Preservation Trust dated 7/12/96 and from a survey prepared by Western Carolina Surveyors, P.A. dated 6/25/02 and 5/10/96 AS REVISED on 4/3/00, being also a part of that property recorded at Plat Book 16 at Pages 240-241 (Caldwell County) from a survey prepared for Mountain Resource Company by Lewis Cox, P.L.S., dated 4/1/96, and being more particularly described as follows:

BEGINNING on a stone near a road connecting to Cove Branch Road (SR #1557), said beginning corner being a corner with that property belonging to Judy Conner and Robert Woodring, a deed of which is recorded at Deed Book 1002 at Page 735 in the Caldwell County Registry of Deeds, said BEGINNING POINT being located North 09 degrees 21 minutes 05 seconds East 12,962.31 feet from the N.C.G.S. Station "Palmyra" and being located North 13 degrees 10 minutes 38 seconds East 14,635.63 feet from the N.C.G.S. Station "Palmyra Azimuth Mark", said BEGINNING POINT having the North Carolina Grid Coordinates of North 845,311.00 feet, East 1,256,955.26 feet; thence from the POINT OF BEGINNING South 88 degrees 39 minutes 41 seconds West 169.41 feet to an axle, a corner with the Conner and Woodring property and that property belonging to Derek Price, a deed of which is recorded Deed Book 1369 at Page 1274 and at Plat Book 19 at Page 468 in the Caldwell County Registry of Deeds; thence North 01 degrees 53 minutes 19 seconds East 164.98 feet to an existing ½ inch iron rod, a corner with the Derek Price property and that property belonging to Donna Price, a deed of which is recorded at Deed Book 1415 at Page 683 in the Caldwell County Registry of Deeds, and continuing on the same bearing 3,551.99 feet for a total distance of 3,716.97 feet to an existing 3/4 inch iron pipe in a stump, which is a corner with that property belonging to Hugh Conley, Jesse Conley, Wilma Woodring and Hunt Conley, a deed of which is recorded at Deed Book 514 at Page 87 in the Caldwell County Registry of Deeds; thence North 63 degrees 20 minutes 57 seconds West 316.67 feet to a stone; thence South 83 degrees 42 minutes 01 seconds West 1,241.32 feet to a new ½ inch iron rod; thence South 00 degrees 26 minutes 06 seconds East 1,923.64 feet to a new ½ inch iron rod; thence North 89 degrees 19 minutes 00 seconds East 193.06 feet to a new ½ inch iron rod, a corner with the Donna Price property and a corner with the aforementioned Hugh Conley, Jesse Conley, Wilma Woodring and Hunt Conley property; thence South 00 degrees 03 minutes 59 seconds East 984.43 feet to a new ½ inch iron rod; thence South 89 degrees 21 minutes 57 seconds East 398.66 feet to an existing 3/4 inch iron pipe in a pile of stones; thence South 05 degrees 00 minutes 50 seconds West 594.00 feet to a new ½ inch iron rod; thence North 78 degrees 25 minutes 47 seconds West 197.17 feet to a new ½ inch iron rod in a stump; thence South 02 degrees 02 minutes 57 seconds West 1,881.00 feet to a new ½ inch iron rod, which is a corner with that property belonging to Cora Bowers, a deed of which is recorded at Deed Book 255 at Page 453 and that property belonging to Edward Bowers, a deed of which is recorded at Deed Book 262 at Page 51, both in the Caldwell County Registry of Deeds; thence North 84 degrees 57 minutes 54 seconds West 342.97 feet to a new ½ inch iron rod, a corner with the Edward Bowers property and that property belonging to William Jones, a deed of which is recorded at Deed Book 19 at Page 165 in the Caldwell County Registry of Deeds; thence North 02 degrees 02 minutes 57 seconds East 1,061.32 feet to a new ½ inch iron rod; thence South 80 degrees 17 minutes 07 seconds West 461.85 feet to a new ½ inch iron rod; thence South 10 degrees 29 minutes 52 seconds East 245.94 feet to a new ½ inch iron rod in a stump; thence North 84 degrees 57 minutes 54 seconds West 705.42 feet to a new ½ inch iron rod; thence South 03 degrees 28 minutes 24 seconds West 599.98 feet to a new ½ inch iron rod in a stump; thence North 83 degrees 46 minutes 24 seconds West 539.59 feet to a new ½ inch iron rod, a corner with the William Jones property and that property belonging to Up Buffalo, Inc., a deed of which is recorded at Deed Book 1287 at Page 1276 in the Caldwell County Registry of Deeds; thence North 00 degrees 48 minutes 33 seconds West 1,042.80 feet to a new ½ iron rod in a stump; thence South 89 degrees 15 minutes 34 seconds West 1,123.83 feet to an existing ½ inch iron pipe; thence North 03 degrees 34 minutes 36 seconds East 205.54 feet to a new ½ inch iron rod; thence South 89 degrees 32 minutes 27 seconds West 360.09 feet to a point in the center of Buffalo Cove Road (SR #1504); thence with the center of Buffalo Cove Road for seven calls: North 25 degrees 26 minutes 41 seconds East 58.25 feet; North 27 degrees 22 minutes 59 seconds East 77.17 feet; North 29 degrees 09 minutes 39 seconds East 77.31 feet; North 32 degrees 02 minutes 24 seconds East 70.82 feet; North 34 degrees 24 minutes 59 seconds East 58.45 feet; North 34 degrees 41 minutes 47 seconds East 84.35 feet; North 34 degrees 08 minutes 01 seconds East 184.84 feet to a point in the center of the road, a corner with Up Buffalo, Inc. property (Deed Book 1287, Page 1276-Caldwell County Registry); thence

leaving the road South 87 degrees 28 minutes 29 seconds East 1,993.99 feet to a stone in a stump; thence North 03 degrees 05 minutes 01 seconds East 1,363.14 feet to a spike in a stump; thence North 87 degrees 10 minutes 23 seconds West 1,559.54 feet to an existing 1 inch iron rod, a corner with the Tommy Moretz property, a deed of which is recorded at Deed Book 1410 at Page 2064 in the Caldwell County Registry of Deeds; thence the following three calls: North 10 degrees 33 minutes 47 seconds East 405.38 feet; North 26 degrees 21 minutes 54 seconds West 837.65 feet; North 87 degrees 10 minutes 36 seconds West 125.00 feet to a point in the center of Buffalo Cove Road, a corner with that property belonging to Larry E. Henson, a deed of which is recorded at Deed Book 1427 at Page 1515; thence with the center of Buffalo Cove Road for the following 45 calls: North 06 degrees 58 minutes 45 seconds West 57.34 feet; North 09 degrees 09 minutes 34 seconds East 48.53 feet; North 18 degrees 43 minutes 42 seconds East 27.22 feet North 18 degrees 43 minutes 42 seconds East 8.45 feet; North 25 degrees 48 minutes 41 seconds East 61.82 feet; North 36 degrees 28 minutes 23 seconds East 53.01 feet; North 49 degrees 30 minutes 38 seconds East 49.09 feet; North 56 degrees 48 minutes 29 seconds East 46.70 feet; North 54 degrees 38 minutes 51 seconds East 45.96 feet; North 47 degrees 19 minutes 19 seconds East 38.58 feet; North 41 degrees 14 minutes 36 seconds East 48.99 feet, a corner with the Larry E. Henson property (Deed Book 1427, Page 1515) and Tract #4; North 40 degrees 52 minutes 34 seconds East 58.75 feet; North 49 degrees 41 minutes 00 seconds East 53.91 feet; North 59 degrees 19 minutes 57 seconds East 53.74 feet, a corner with Tract #4 and Lawrence Henson (Deed Book 1371, Page 153); North 63 degrees 33 minutes 03 degrees East 70.01 feet; North 64 degrees 07 minutes 39 seconds East 65.70 feet; North 63 degrees 44 minutes 19 seconds East 96.95 feet; North 65 degrees 23 minutes 11 seconds East 49.65 feet, a corner with Lawrence Henson (Deed Book 1371, Page 153) and Tract #5; North 70 degrees 00 minutes 46 seconds East 50.58 feet; North 74 degrees 06 minutes 31 seconds East 64.12 feet; North 73 degrees 39 minutes 54 seconds East 106.28 feet; North 69 degrees 56 minutes 57 seconds East 70.16 feet; North 63 degrees 21 minutes 52 seconds East 66.75 feet; North 57 degrees 52 minutes 34 seconds East 64.47 feet; North 53 degrees 41 minutes 15 seconds East 52.47 feet; North 48 degrees 40 minutes 56 seconds East 27.54 feet, a corner with Tract #5 and the Bruce Hamby property (Deed Book 1330, Page 1353); North 42 degrees 55 minutes 32 seconds East 101.02 feet; North 46 degrees 08 minutes 13 seconds East 64.38 feet; North 52 degrees 25 minutes 06 seconds East 83.83 feet; North 55 degrees 15 minutes 58 seconds East 120.57 feet, a corner with the Bruce Hamby property and Tract #6; North 58 degrees 25 minutes 23 seconds East 56.06 feet; North 64 degrees 18 minutes 32 seconds East 65.72 feet; North 71 degrees 58 minutes 56 seconds East 65.28 feet; North 72 degrees 14 minutes 02 seconds East 70.70 feet; North 67 degrees 08 minutes 38 seconds East 85.24 feet; North 59 degrees 34 minutes 18 seconds East 60.01 feet, a corner with Tract #6 and the Bruce Hamby property; North 59 degrees 34 minutes 18 seconds East 35.74 feet; North 53 degrees 10 minutes 19 seconds East 67.56 feet; North 49 degrees 32 minutes 04 seconds East 114.73 feet; North 47 degrees 56 minutes 01 seconds East 38.03 feet, a corner with the Bruce Hamby property and the Donald Lackey property (Deed Book 1010, Page 786); North 48 degrees 17 minutes 18 seconds East 70.65 feet; North 50 degrees 57 minutes 54 seconds East 50.16 feet; North 59 degrees 05 minutes 08 seconds East 58.87 feet; North 71 degrees 46 minutes 25 seconds East 69.71 feet; North 75 degrees 35 minutes 17 seconds East 32.99 feet to a point in the center of Buffalo Cove Road, which is a corner with that property belonging to Donald Lackey, a deed of which is recorded at Deed Book 1010 at Page 786; thence North 28 degrees 41 minutes 56 seconds West 180.04 feet to an existing iron pipe; thence South 59 degrees 31 minutes 55 seconds West 311.69 feet to an existing iron pipe, a corner with the Donald Lackey property and the Bruce Hamby property; thence North 43 degrees 04 minutes 34 seconds West 439.14 feet to a point in the center of Buffalo Creek, a corner with Bruce Hamby and that property belonging to Charles E. Johnson, a deed of which is recorded at Deed Book 1147 at Page 326; thence with the center of Buffalo Creek and with the Charles E. Johnson property for five calls: North 68 degrees 12 minutes 54 seconds East 101.74 feet; North 65 degrees 34 minutes 43 seconds East 47.33 feet; North 49 degrees 01 minutes 47 seconds East 112.79 feet; North 54 degrees 09 minutes 36 seconds East 64.99 feet; North 52 degrees 23 minutes 37 seconds East 184.91 feet to a point in the center of the creek, a corner with Charles E. Johnson and Darlene Harvey, a deed of which is recorded at Deed Book 1400 at Page 1443; thence leaving the creek and with the Darlene Harvey property South 53 degrees 32 minutes 37 seconds East 649.56 feet to a point in the center of Buffalo Cove Road; thence with the center of Buffalo Cove Road for six calls: North 16 degrees 11 minutes 53 seconds East 49.57 feet; North 16 degrees 55 minutes 44 seconds East 62.54 feet; North 24 degrees 17 minutes 53 seconds East 11.73 feet; North 34 degrees 07 minutes 02 seconds East 53.35 feet; North 48 degrees 05 minutes 38 seconds East 61.05 feet; North 44 degrees 10 minutes 24 seconds East 85.06 feet; North 29

degrees 34 minutes 50 seconds East 5.73 feet to a point in the center of the road; thence leaving the road North 44 degrees 00 minutes 00 seconds West 537.01 feet to a point in the center of Buffalo Creek, a corner with the Charles E. Johnson and Darlene Harvey property, a deed of which is recorded at Deed Book 1400 at Page 1443 ; thence with the center of Buffalo Creek for eight calls: North 66 degrees 07 minutes 58 seconds East 68.14 feet; North 43 degrees 46 minutes 02 seconds East 263.27 feet (passing a corner with Charles E. Johnson and Tract #7) 14.69 feet from the terminus of this line; thence with the creek and with Tract #7 North 35 degrees 58 minutes 55 seconds East 188.38 feet; North 45 degrees 38 minutes 22 seconds East 224.63 feet; North 58 degrees 26 minutes 21 seconds East 847.37 feet; North 68 degrees 17 minutes 27 seconds East 133.11 feet; North 49 degrees 35 minutes 28 seconds East 195.24 feet; North 22 degrees 58 minutes 43 seconds East 93.55 feet to a point in the center of the creek, a corner with Tract #7 and the Florin Blaj property, a deed of which is recorded at Deed Book 1431 at Page 1153; thence leaving the creek North 84 degrees 49 minutes 25 seconds East 158.68 feet to a point in the center of Buffalo Cove Road; thence North 84 degrees 32 minutes 12 seconds East 235.41 feet to an existing 1 inch iron pipe; thence South 88 degrees 56 minutes 53 seconds East 1,224.31 feet to a new ½ inch iron pipe; thence North 01 degrees 00 minutes 47 seconds East 363.00 feet to a new ½ inch iron pipe; thence South 88 degrees 59 minutes 13 seconds East 561.00 feet to a new ½ inch iron pipe; thence North 01 degrees 00 minutes 47 seconds East 1,963.50 feet to a new ½ inch iron pipe; thence South 81 degrees 01 minutes 13 seconds West 545.07 feet to a ½ inch rebar set; thence North 89 degrees 33 minutes 48 seconds West 617.52 feet to a ½ rebar set; thence North 89 degrees 33 minutes 48 seconds West 1,752.98 feet to a ½ inch rebar set; thence South 25 degrees 27 minutes 50 seconds West 403.39 feet to an existing 5/8 inch iron rod, a corner with that property belonging to Larry Smith, a deed of which is recorded at Deed Book 1112 at Page 1253 and that property belonging to Leana Bumgarner, a deed of which is recorded at Deed Book 224 at Page 135, both being recorded in the Caldwell County Registry of Deeds; thence North 18 degrees 13 minutes 06 seconds West 614.38 feet to a ½ inch rebar set; thence North 48 degrees 36 minutes 11 seconds West 1,577.52 feet to an existing iron, a corner with that property belonging to Larry Maynard Smith, a deed of which is recorded at Deed Book 1254 at Page 870, that property belonging to James and Sharon Hawkins, a deed of which is recorded at Deed Book 1206 at Page 1178 and that property belonging to James and Edith Hawkins, a deed of which is recorded at Deed Book 1020 at Page 957, all being recorded in the Caldwell County Registry of Deeds; thence North 03 degrees 25 minutes 31 seconds East 1,040.32 feet to a ½ inch rebar set; thence North 47 degrees 15 minutes 04 seconds East 1,480.83 feet to a ½ inch rebar set; thence North 89 degrees 53 minutes 41 seconds East 331.66 feet to a ½ inch rebar set; thence North 45 degrees 45 minutes 29 seconds East 2,813.68 feet to a ½ inch rebar set; thence North 57 degrees 34 minutes 04 seconds East 1,114.62 feet to a ½ inch rebar set; thence North 41 degrees 04 minutes 45 seconds East 5,853.05 feet to an existing iron; thence North 23 degrees 45 minutes 54 seconds West 289.87 feet to an existing iron on a ridge in the line between Caldwell County and Wilkes County; thence with the dividing ridge between Caldwell County and Wilkes County for 12 calls: North 70 degrees 27 minutes 15 seconds East 544.82 feet to a ½ inch rebar set; South 26 degrees 23 minutes 37 seconds East 590.96 feet to a ½ inch rebar set at an oak tree; South 19 degrees 11 minutes 46 seconds East 210.37 feet to an existing spike; South 11 degrees 11 minutes 11 seconds East 291.23 feet to an existing spike; South 05 degrees 19 minutes 17 seconds East 121.60 feet to an existing spike; South 57 degrees 57 minutes 27 seconds East 97.20 feet to an existing spike; South 75 degrees 33 minutes 27 seconds East 103.38 feet to an existing spike; North 85 degrees 01 minutes 02 seconds East 239.10 feet to an existing spike; North 48 degrees 17 minutes 03 seconds East 106.86 feet to an existing spike; North 60 degrees 01 minutes 06 seconds East 109.54 feet to an existing spike; North 37 degrees 48 minutes 33 seconds East 163.71 feet to an existing spike; North 65 degrees 07 minutes 13 seconds East 230.25 feet to an existing spike; North 21 degrees 51 minutes 45 seconds West 696.73 feet to a ½ inch rebar set; North 83 degrees 26 minutes 30 seconds East 748.15 feet to a ½ inch rebar set; thence leaving the ridge North 61 degrees 37 minutes 48 seconds East 764.79 feet to a ½ inch rebar set; thence South 27 degrees 35 minutes 28 seconds East 649.76 feet to a ½ inch rebar set; thence North 40 degrees 31 minutes 27 seconds East 90.97 feet to a ½ inch rebar set; thence North 24 degrees 53 minutes 17 seconds East 64.63 feet to a ½ inch rebar set; thence North 41 degrees 27 minutes 50 seconds East 79.70 feet to a ½ inch rebar set; thence North 19 degrees 52 minutes 41 seconds East 120.08 feet to a ½ inch rebar set; thence North 20 degrees 02 minutes 25 seconds East 67.37 feet to a ½ inch rebar set; thence North 53 degrees 35 minutes 26 seconds East 169.75 feet to a ½ inch rebar set; thence North 35 degrees 01 minutes 03 seconds East 194.18 feet to a ½ inch rebar set; thence North 60 degrees 22 minutes 25 seconds East 98.16 feet to a ½ inch rebar set; thence North 71 degrees 26

minutes 43 seconds East 132.05 feet to a ½ inch rebar set; thence North 12 degrees 20 minutes 38 seconds East 199.98 feet to a ½ inch rebar set; thence North 13 degrees 32 minutes 20 seconds East 203.50 feet to a ½ inch rebar set; thence North 42 degrees 28 minutes 28 seconds East 139.74 feet to a ½ inch rebar set; thence South 84 degrees 09 minutes 52 seconds East 169.40 feet to a ½ inch rebar set; thence South 87 degrees 21 minutes 31 seconds East 239.06 feet to a ½ inch rebar set; thence North 30 degrees 03 minutes 53 seconds East 288.74 feet to a point; North 89 degrees 40 minutes 22 seconds East 239.78 feet to a point; North 03 degrees 45 minutes 20 seconds East 596.78 feet to a point; South 52 degrees 30 minutes 57 seconds East 1,881.36 feet to a ½ inch rebar set; thence South 52 degrees 32 minutes 17 seconds East 1,081.22 feet to a ½ inch rebar set; thence South 06 degrees 33 minutes 21 seconds East 997.76 feet to a ½ inch rebar set; thence North 89 degrees 27 minutes 38 seconds West 341.80 feet to an existing concrete monument; thence South 02 degrees 14 minutes 30 seconds West 391.01 feet to an existing concrete monument; thence South 62 degrees 42 minutes 05 seconds West 403.44 feet to an existing concrete monument; thence South 25 degrees 30 minutes 21 seconds East 668.80 feet to an existing concrete monument; thence North 88 degrees 34 minutes 52 seconds West 881.10 feet to an existing concrete monument; thence South 01 degrees 46 minutes 46 seconds West 624.98 feet to an existing concrete monument; thence South 88 degrees 43 minutes 39 seconds East 587.60 feet to an existing concrete monument; thence South 87 degrees 31 minutes 56 seconds East 1,014.13 feet to an existing concrete monument; thence South 01 degrees 34 minutes 08 seconds West 255.03 feet to an existing concrete monument; thence North 87 degrees 58 minutes 26 seconds West 1,013.54 feet to an existing concrete monument; thence South 01 degrees 17 minutes 39 seconds West 869.88 feet to an existing concrete monument on top of a ridge in a line between Wilkes County and Caldwell County; thence with the top of the ridge and with the county line for the following four calls: South 57 degrees 37 minutes 11 seconds East 295.08 feet to an existing concrete monument; South 52 degrees 10 minutes 03 seconds East 247.76 feet to an existing concrete monument; South 15 degrees 43 minutes 57 seconds East 311.44 feet to an existing concrete monument; South 64 degrees 36 minutes 31 seconds East 369.92 feet to an existing concrete monument; thence South 89 degrees 07 minutes 39 seconds East 365.29 feet to an existing iron pipe; thence South 00 degrees 02 minutes 25 seconds West 182.02 feet to an existing concrete monument; thence South 87 degrees 30 minutes 02 seconds East 238.11 feet to an existing concrete monument; thence North 01 degrees 01 minutes 17 seconds East 152.63 feet to an existing iron pipe; thence North 44 degrees 25 minutes 42 seconds East 1,277.99 feet to an existing concrete monument; thence South 88 degrees 01 minutes 27 seconds East 827.31 feet to an existing concrete monument; thence South 84 degrees 54 minutes 09 seconds East 279.83 feet to a ½ inch rebar set; thence South 04 degrees 45 minutes 23 seconds East 913.10 feet to a ½ inch rebar set; thence South 01 degrees 02 minutes 27 seconds West 1,791.64 feet to a ½ inch rebar set; thence North 85 degrees 53 minutes 42 seconds West 1,980.00 feet to a ½ inch rebar set, a corner with that property belonging to the Z. M. Greene Estate, a deed of which is recorded at Deed Book 99 at Page 504 and at Deed Book 110 at Page 15 and that property belonging to N. Von and Viola Greene, a deed of which is recorded at Deed Book 847 at Page 32, both being recorded in the Caldwell County Registry of Deeds; thence South 26 degrees 23 minutes 28 seconds West 2,524.90 feet to a ½ inch rebar set; thence South 86 degrees 38 minutes 56 seconds West 288.72 feet to a ½ inch rebar set; thence North 03 degrees 18 minutes 21 seconds West 319.64 feet to a ½ inch rebar set; thence South 73 degrees 30 minutes 12 seconds West 246.32 feet to a beech tree; thence North 02 degrees 07 minutes 45 seconds West 1,198.28 feet to a ½ inch rebar set, a corner with that property belonging to Ned Z. Greene, a deed of which is recorded at Deed Book 1325 at Page 116 in the Caldwell County Registry of Deeds; thence North 85 degrees 14 minutes 15 seconds West 1,045.87 feet to a ½ inch rebar set; thence North 22 degrees 51 minutes 40 seconds West 787.16 feet to a ½ inch rebar set; thence South 71 degrees 26 minutes 00 seconds West 704.80 feet to a ½ inch rebar set; thence North 00 degrees 50 minutes 38 seconds West 1,306.99 feet to a ½ inch rebar set; thence South 89 degrees 54 minutes 08 seconds West 1,794.42 feet to a ½ inch rebar set; thence South 04 degrees 06 minutes 13 seconds East 1,733.62 feet to a marked hemlock tree; thence South 80 degrees 58 minutes 59 seconds East 718.30 feet to a marked double chestnut tree; thence South 00 degrees 50 minutes 46 seconds East 896.14 feet to a ½ inch rebar set; thence South 83 degrees 52 minutes 18 seconds East 1,805.28 feet to a ½ inch rebar set; thence South 01 degrees 41 minutes 02 seconds East 1,238.31 feet to an existing iron pipe at a maple tree; thence South 18 degrees 58 minutes 59 seconds West 900.80 feet to a ½ inch rebar set at a marked oak tree; thence North 60 degrees 11 minutes 46 seconds West 379.83 feet to a ½ inch rebar set at a marked oak tree; thence South 61 degrees 19 minutes 52 seconds West 7,625.00 feet to a ½ inch rebar set at a marked oak tree; thence North 78 degrees 31 minutes 24 seconds West 236.19 feet

to a spike; thence North 88 degrees 16 minutes 53 seconds West 1,113.45 feet to an existing 5/8 inch iron rod, a corner with that property belonging to Jerry Huffman and Ann Huffman, a deed of which is recorded at Deed Book 1100 at Page 598 in the Caldwell County Registry of Deeds, see also Will #00-E-354 recorded in Wilkes County and Will #01-E-425 recorded in Caldwell County; thence South 03 degrees 25 minutes 10 seconds West 2,857.15 feet to a stone, a corner with the Huffman property; thence South 88 degrees 14 minutes 38 seconds East 244.66 feet to a stone in a stump, a corner with the Huffman property; thence South 02 degrees 00 minutes 48 seconds West 714.33 feet to a stone, a corner with the Huffman property and a corner with that property belonging to Charlie Church, a deed of which is recorded at Deed Book 398 at Page 335 and that property belonging to J. E. McLean, a deed of which is recorded at Deed Book 509 at Page 87, all being recorded in the Caldwell County Registry of Deeds; thence South 37 degrees 30 minutes 33 seconds East 2,390.14 feet to a new ½ inch iron pipe in an existing pile of rocks, a corner with that property belonging to Tom Price, a deed of which is recorded at Deed Book 481 at Page 253 and at Deed Book 386 at Page 162 and that property belonging to Earl Wolfe, a deed of which is recorded at Deed Book 467 at Page 172, all being recorded in the Caldwell County Registry of Deeds; thence South 88 degrees 54 minutes 40 seconds West 929.54 feet to a stone, a corner with the Wolfe property; thence North 02 degrees 16 minutes 21 seconds East 668.72 feet to a stone in a stump, a corner with the Wolfe property; thence South 89 degrees 47 minutes 31 seconds West 1,080.28 feet to a stone, a corner with the Wolfe property; thence South 02 degrees 33 minutes 25 seconds West 1,306.81 feet to a marked oak snag, a corner with the Wolfe property; thence South 86 degrees 25 minutes 06 seconds East 237.26 feet to a stone, a corner with the Wolfe property; thence South 04 degrees 53 minutes 53 seconds West 1,440.05 feet to an existing 5/8 inch iron rod, a corner with the Earl Wolfe property and that property belonging to the Patterson School Foundation, a deed of which is recorded at Deed Book 1126 at Page 263; thence with the Patterson School Foundation property South 86 degrees 50 minutes 04 seconds West 1,784.17 feet to an existing 3/4 inch iron rod, a corner with the Patterson School Foundation property and that property belonging to Betty Kelly, a deed of which is recorded at Deed Book 1302 at Page 384 in the Caldwell County Registry of Deeds; thence North 01 degrees 19 minutes 55 seconds East 235.59 feet to an existing ½ inch iron rod, and continuing on the same bearing 144.60 feet for a total distance along this bearing of 380.19 feet to the center of a marked 24 inch walnut tree, a corner with the Kelly property and that property belonging to William Bowers, a deed of which is recorded at Deed Book 115 at Page 392 in the Caldwell County Registry of Deeds; thence North 04 degrees 36 minutes 33 seconds East 1,641.27 feet to the POINT OF BEGINNING containing 3,889.819 acres more or less, EXCEPTING 49.38 acres belonging to Charles Dula, as recorded at Deed Book 654 at Page 818 in the Caldwell County Registry of Deeds and being 3,840.439 acres more or less.

Subject to a recreation easement recorded at Deed Book 1130 at Page 406 and at Plat Book 16 at Pages 240 and 241 in the Caldwell County Registry of Deeds.

I, PETER E. FLEMING, P.L.S., certify that this description was prepared by me on October 23, 2003 and references Western Carolina Surveyors, P.A. JOB #8010 - a compilation of deeds and surveys for Mingo Tribal Preservation Trust (also reference drawing 7470-03, REVISED October 28, 2003).

PETER E. FLEMING, P.L.S. (L-4240)

FILE NAME: 7470-03 (Tract 8)

SCHEDULE "B"

THOSE MATTERS LISTED AS ITEMS 2 THROUGH 47 ON SCHEDULE B-SECTION 2 OF THE COMMITMENT FOR TITLE INSURANCE, POLICY NUMBER **031A14760-00**, ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE.