Moore

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2005 MAR 21 11:49:58 AM
BK:2761 PG:150-155 FEE:$26.00
INSTRUMENT # 2005005189

Instrument prepared by: Attorney General's Office
Property Control Section
PIN NO: Out of 852304923390
Mail after recording to:
Marion Patrick
State Property Office, Dept. Of Administration,
1321 Mail Service Center, Raleigh, NC 27699-1321

State of North Carolina
County of Moore

ASSIGNMENT OF CONSERVATION EASEMENT

THIS ASSIGNMENT is made on the 16 day of March 2005, by **Sandhills area Land Trust**, INC or ("**Assignor**") to the **STATE OF NORTH CAROLINA**, or ("**State**") acting by and through the **NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM,** ("**EEP**")

WITNESSETH:

WHEREAS, EEP has agreed to provide funding to the **Sandhills Area Land Trust**, INC for the purchase of a Conservation Easement over real property situated along Nat's Creek, and

WHEREAS, pursuant to the funding, the **Sandhills Area Land Trust**, INC has, on the 16 day of March 2005, acquired a Conservation Easement, over the property of Jesse Andrew Wimberley, unmarried, which easement is recorded in Deed Book 2761, Page 134, Moore County Registry: and

WHEREAS, in furtherance of the terms and conditions of the Grant Agreement, the **Sandhills Area Land Trust**, INC 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 **Sandhills Area Land Trust**, INC the mutual benefits accruing to the **State**, the **Sandhills Area Land Trust**, 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 **Assignor** conveys and assigns to the **State**, all the rights, title, easement, privilege and interest (and subject to all conditions contained therein), in that Conservation Easement conveyed to the **Sandhills Area Land Trust** INC by **Jesse Andrew Wimberley** dated the 16 day of MARCH 2005, and recorded in Deed Book 2761, Page, 134, Moore County Registry.

The **Assignor** 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 **State**; 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 **Sandhills Area Land Trust**, INC has executed the foregoing in its corporate name, under seal, signed by the **Board President of the Sandhills Area Land Trust** INC with proper authorization by the **Sandhills Area Land Trust**, the date and year first above written.

Sandhills Area land Trust, INC

By: _____ (SEAL)
C. Lane Toomey, Board President

SANDHILLS AREA LAND TRUST, INC. CORPORATE SEAL

ATTEST

Joseph R. McDonald
_____
Title

NORTH CAROLINA
COUNTY OF MOORE

I, NANCY TALTON LONDEREE, a Notary Public in and for the County and State aforesaid, do hereby certify that C. LANE TOOHEY personally appeared before me this day and acknowledged that **he/she** is the **President** of the **Sandhills Area Land Trust**, 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 Board President and attested as its VICE PRESIDENT/SEC

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 16 day of MARCH 2005.

Nancy Talton Londeree
Notary Public

My commission expires:

February 05, 2006

NANCY TALTON LONDEREE
NOTARY PUBLIC
MOORE COUNTY, N.C.

THAT CERTAIN TRACT OR PARCEL OF LAND, BEING ABOUT 2.5 MILES NORTH OF THE VILLAGE OF FOXFIRE AND ABOUT 0.85 MILES SOUTH OF THE TOWN OF WEST END. BOUNDED ON THE SOUTH BY WATTS AUMAN (DB 839, PAGE 404), ON THE EAST BY STALEY, PATTERSON, AND OTHERS (DB2003E, PAGE 173), ON THE NORTH BY SISK (DB 1602, PAGE 191) AND BY WATTS AUMAN (DB390, PAGE 383), ON THE WEST BY SCM (DB 2458, PAGE 94) IN MINERAL SPRINGS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET IRON ROD, SET IN THE EAST LINE OF THE JESSE WIMBERLY TRACT (DB 673, PAGE 263) SOUTH 15 DEGREES 49' 07" WEST 484.86 FEET FROM AN EXISTING IRON STAKE, A CORNER BETWEEN THE WIMBERLY PROPERTY AND THE STALEY, PATERSON AND OTHERS PROPERTY. SAID SET IRON ROD ALSO BEING LOCATED SOUTH 59 DEGREES 31' 32" WEST 3765.57 FROM A SET PK NAIL SET IN THE CENTERLINE OF HOFFMAN ROAD OVER THE CENTER OF A 24" CONCRETE CULVERT, SAID PK NAIL BEING LOCATED +/- 0.60 MILES FROM THE CL INTERSECTION OF N.C. 211 AND HOFFMAN ROAD; THENCE SOUTH 15 DEGREES 49' 07" WEST 886.75 FEET ALONG THE WIMBERLY/PATTERSON LINE TO AN SET IRON ROD; THENCE NORTH 73 DEGREES 50' 38" WEST 88.94 FEET TO AN IRON ROD SET; THENCE SOUTH 32 DEGREES 07' 00" WEST 159.81 FEET TO AN SET IRON ROD; THENCE SOUTH 26 DEGREES 20' 00" EAST 85.69 FEET TO AN IRON ROD SET; THENCE SOUTH 48 DEGREES 25' 55" WEST 91.98 FEET TO AN IRON ROD SET; THENCE SOUTH 86 DEGREES 45'55" WEST 128.71 FEET TO AN IRON ROD SET; THENCE SOUTH 31 DEGREES 57'00" WEST 179.76 FEET TO AN IRON ROD SET; THENCE SOUTH 8 DEGREES 05'55" EAST 102.86 FEET TO AN IRON ROD SET; THENCE SOUTH 84 DEGREES 16'45" EAST 156.72 FEET TO AN IRON ROD SET; THENCE SOUTH 57 DEGREES 02'30" EAST 106.18 FEET TO AN IRON ROD SET IN THE WIMBERLY/PATTERSON LINE; THENCE ALONG THE WIMBERLY/PATTERSON LINE SOUTH 15 DEGREES 49' 07" WEST 128.67 FEET TO AN IRON ROD SET, SAID IRON ROD LOCATED NORTH 15 DEGREES 49'07" EAST 300.95 FEET FROM AN EXISTING IRON PIPE, SAID IRON PIPE BEING THE SOUTHEAST CORNER OF THE WIMBERLY TRACT; THENCE NORTH 88 DEGREES 16'01" WEST 106.16 FEET TO AN IRON ROD SET; THENCE SOUTH 64 DEGREES 35'39" WEST 109.47 FEET TO AN IRON ROD SET; THENCE SOUTH 36 DEGREES 53'09" WEST 64.30 FEET TO AN IRON ROD SET; THENCE SOUTH 81 DEGREES 01'24" WEST 90.63 FEET TO AN IRON ROD SET; THENCE NORTH 23 DEGREES 28'06" WEST 117.80 FEET TO AN IRON ROD SET; THENCE NORTH 64 DEGREES 29'46" WEST 133.53 FEET TO AN IRON ROD SET; THENCE SOUTH 23 DEGREES 05'31" WEST 317.67 FEET TO AN IRON ROD SET, SAID IRON BEING IN THE SOUTH LINE OF THE WIMBERLY TRACT, LOCATED NORTH 84 DEGREES 22'04" WEST 545.73 FEET FROM AN EXISTING IRON PIPE, SAID PIPE BEING THE SOUTHEAST CORNER OF THE WIMBERLY TRACT; THENCE ALONG THE WIMBERLY/AUMAN LINE NORTH 84 DEGREES 22'04" WEST 453.13 FEET TO AN IRON ROD SET AT A EXISTING LIGHTWOOD STAKE, BEING THE CORNER BETWEEN WIMBERLY AND SCM; THENCE NORTH 17 DEGREES 47'00" EAST, ALONG THE WIMBERLY/SCM LINE, 1998.27 FEET TO AN IRON ROD SET, SAID IRON BEING SOUTH 17 DEGREES 47'00" WEST 503.37 FEET FROM AN EXISTING IRON PIPE, SAID PIPE BEING THE NORTHWEST CORNER OF THE WIMBERLY TRACT; THENCE SOUTH 86 DEGREES 33'17" 233.81 FEET TO AN IRON ROD SET; THENCE SOUTH 35 DEGREES 03'19" EAST 64.89 FEET TO AN IRON ROD SET; THENCE SOUTH 00 DEGREES 34'15" EAST 442.12 FEET TO AN IRON ROD SET; THENCE NORTH 50 DEGREES 39'04" EAST 325.53 FEET TO AN IRON ROD SET; THENCE SOUTH 89 DEGREES 51'17" EAST 228.73 FEET TO AN IRON ROD SET; THENCE NORTH 44 DEGREES 57'06" EAST 215.61 FEET TO THE BEGINNING, CONTAINING 33.82 ACRES, MORE OR LESS, AND BEING PART OF THE TRACT DESRIBED IN DEED BOOK 673, PAGE 263, IN THE MOORE COUNTY REGISTRY.