FILED in MITCHELL County, NC
on Nov 03 2004 at 03:20:47 PM
by: PATTY YOUNG
Register of Deeds
BOOK 404 PAGE 905

2004007992
MCDOWELL CO, NC FEE $29.00
GIFT DEED
PRESENTED & RECORDED:
11-05-2004 03:56:02 PM
Patricia A. Reel
REGISTER OF DEEDS
BY: CAROLYN I REEL
DEPUTY REGISTER OF DEEDS
BK:CRP 802
PG:1-6

FILED in Avery County, NC
on Nov 03 2004 at 02:04:39 PM
by: Tamela T. Baker
Register of Deeds
BOOK 384 PAGE 568

APPROVED BY CRA

APPROVED TO RECORD
TAX DEPARTMENT
By 11/5/04

Avery (4.92 acres) -
McDowell (162.84 acres) -
Mitchell (363.54 acres) - 1769-00-
Excise Tax- $0.00

Recording Time, Book and Page

Prepared by: **Miller & Johnson, PLLC, P.O. Box 49, Boone, NC 28607**
Return to: **Grantee by mail**

STATE OF NORTH CAROLINA

GENERAL WARRANTY GIFT DEED

COUNTY OF AVERY

This General Warranty Gift Deed made this 18th day of October, 2004, by and between

Conservation Trust for North Carolina, a North Carolina Non-Profit Corporation

(hereinafter called "Grantor")

and

APPROVED BY TAX ASSESSOR TO BE RECORDED IN THE MITCHELL COUNTY REGISTER OF DEEDS OFFICE
DATE 11/3/04 RS

Mail

The State of North Carolina
c/o State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

(hereinafter called "Grantee")

Property Transfer Card Made
Date 11-3-04
By DDP

Taxes Paid Through
2003
By D J Date 11-4-04

Taxes Paid
Thru Year 2003
Date 11-3-04 BH

WITNESSETH:

Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration to it in hand paid by Grantee, the receipt of which is hereby acknowledged, has given, granted and conveyed and by these presents does give, grant, convey and confirm unto Grantee, its successors and assigns, in fee simple all that certain lot, parcel or tract of land situated in Toe River Township of Avery County (PIN # 18100812076),Grassy Creek Township of Mitchell County (PIN # 171957006923), and North Cove Township of McDowell County (171900890197), North Carolina, and more particularly described as follows:

THAT CERTAIN TRACT OF LAND AS DESCRIBED ON EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS IF SET OUT IN FULL.

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The property hereinabove described was acquired by Grantor by instrument recorded in Avery County Deed Book 379, Page 1348; Mitchell County Deed Book 396, Page 625; McDowell County Deed Book 784, Page 602.

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TO HAVE AND TO HOLD the aforesaid lot, parcel or tract of land and all privileges and appurtenances thereunto belonging, or in any wise appertaining, unto Grantee, its successors and assigns in fee simple forever.

Grantor covenants with Grantee that Grantor is seized of the premises in fee simple and has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, other than those exceptions set forth below; and that it will warrant and defend the title to the same against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Utility, rights of way, and other easements of public record.

2. Conservation Easement recorded in Mitchell County Book 396, Page 632; Avery County Book 379, Page 1353; and McDowell County Book 784, Page 609.

3. 2004 Ad Valorem property taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Conservation Trust for North Carolina (SEAL)
(A North Carolina Non-Profit Corporation)

By: J. Reid Wilson, CEO

Title: Executive Director and Assistant Secretary AND CEO

C:\WPDATA\Real Estate\Conservation Trust of NC.State of NC\General Warranty Deed.wpd

BOOK 404 PAGE 907

BOOK 384 PAGE 570

STATE OF NORTH CAROLINA

COUNTY OF Wake

CRP 802 3

I, the undersigned, a Notary Public of the state and county aforesaid, certify that D. Reid Wilson personally came before me this day and acknowledged that (s)he is Asst Secretary/CEO of Conservation Trust for North Carolina, a North Carolina Non-Profit Corporation, and that s(he), in that capacity, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and Notarial Seal this 25th day of October, 2004.

NOTARY SEAL

KATHARINE M. NAUJOKS NOTARY PUBLIC WAKE COUNTY, N.C.

Notary Public

My Commission Expires:

7-27-08

Mitchell County, North Carolina

Each of the foregoing (or annexed) certificate(s) of Katherine M. Naujoks, notary public is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Patty Young, Register of Deeds

By: Kay Young - Deputy

Assistant/Deputy Register of Deeds

NORTH CAROLINA
AVERY COUNTY } OFFICE OF REGISTER OF DEEDS

THE FOREGOING CERT. OR ANNEXED CERT. OF Katharine M. Naujoks N.P.
OF SAID CO., & STATE IS CERTIFIED TO BE CORRECT.
FILED FOR REGISTRATION AT 2:04 O'CLOCK P M.
ON THE 3rd DAY OF November 20 04
AND REGISTERED IN THIS OFFICE IN BOOK 384
AT PAGE 568

REGISTER OF DEEDS BY Renee Dillinger
ASSISTANT/DEPUTY

EXHIBIT A
GENERAL WARRANTY DEED
CONSERVATION TRUST FOR NORTH CAROLINA, GRANTOR
THE STATE OF NORTH CAROLINA, GRANTEE

CRP 802 4

BEGINNING on a concrete monument, a corner to those lands of Hemedon Furniture, Inc. (see Deed Book 131, Page 282, Mitchell County Registry) and Unimin Corporation (see Deed Book 171, Page 1,007); thence running with the Unimin Corporation line North 44° 46 Min. 59 Sec East 759.18 feet to a 2" iron stake; thence South 66° 01 Min. East 106.82 feet to a 2" iron; thence South 87° 52 Min. 59 Sec East 181.31 feet to an iron set at a 28" marked Oak; thence North 81° 35 Min. 41 Sec. East 536.37 feet to a 2" iron; thence South 84° 11 Min. East 315.64 feet to a 2" iron at a 4" marked Hickory; thence North 69° 34 Min. 49 Sec. East 400.87 feet to an iron; thence South 58° 24 Min. East 149.73 feet to a 2" iron; thence North 88° 31 Min. 10 Sec. East 422.47 feet to an iron set at a 26" marked Oak; thence South 56° 55 Min. East 186.22 feet to an iron set at a stump; thence South 42° 09 Min. East 202.02 feet to an iron; thence South 63° 17 Min. 42 Sec East 502.26 feet to an iron set at a 36"marked Oak; thence South 76° 53 Min. East 145.33 feet to an iron at a 36" Oak; thence North 87 ° 34 Min. East 143.22 feet to an iron in or near the Mitchell County/McDowell County boundary; thence North 02° 00 Min. East 132.01 feet to a concrete monument in or near the Mitchell County/Avery County boundary; thence crossing into Avery County and running North 50° 41 Min. East 304.70 feet to an iron; thence North 67° 09 Min. East 222.20 feet to an iron; thence North 01° 52 Min. East 297.50 feet to an iron; thence N 17 deg 28 min E 228.07 feet to an iron; thence North 63° 39 Min. East 127.39 feet to an iron; thence South 47° 04 Min. East 69.70 feet to an iron; thence North 59° 24 Min. 00 Sec. East 427.80 feet to an iron; thence North 41° 00 Min. 00 Sec East 430.80 feet to an iron; thence North 69° 26 Min. 00 Sec. East 577.10 feet to an iron; thence South 71° 42 Min. East 328.02 feet to an iron; thence North 68° 54 Min. East 113.20 feet to an iron; thence North 84° 00 Min. 23 Sec. East 374.89 feet to an iron set at a marked Lynn Snag at a spring, a corner to those lands owned now or formerly by CSX Railroad; thence running with the railroad line and crossing into McDowell County, South 03° 43 Min. 25 Sec. West 1,494.68 feet to an iron, a corner to the United States of America U.S. Forest Service; thence running with the Forest Service line South 45° 16 Min. 12 Sec. East 905.74 feet to an iron set in the center line of an existing woods road; thence continuing with the Forest Service line South 24° 02 Min. West 218.00 feet to an iron; thence South 75° 21 Min. 00 Sec. West 655.60 feet to H.P.S. Monument #211; thence South 61° 46 Min. West 313.06 feet to H.P.S. Monument #210; thence South 62° 25 Min. West 167.30 feet to H.P.S. Monument #209; thence South 72° 00 Min. 30 Sec. West 844.41 feet to H.P.S. Monument #208; thence South 32° 05 Min. 00 Sec. West 404.47 feet to H.P.S. Monument # 207; thence South 07° 34 Min. 30 Sec. West 557.06 feet to H.P.S. Monument #206; thence South 07° 15 Min. 00 Sec. West 474.23 feet to H.P.S. Monument #205; thence South 07° 40 Min. West 188.60 feet to N.P.S. Monument #204; thence South 07° 37 Min. West 330.50 feet to H.P.S. Monument #203; thence South 08° 39 Min. West 183.53 feet to H.P.S. Monument #202; thence) South 05° 44 Min. West 290.78 feet to H.P.S. Monument #201; thence South 06° 25 Min. 30 Sec. West 437.98 feet to H.P.S. Monument #200; thence South 28° 42 Min. West 42.03 feet to an iron located in or near the McDowell County/Mitchell County line, in the boundary of those lands of Robert Lee Queen (described in Book 148, Page 98, Mitchell County Registry); thence running with the Queen line South 87° 40 Min. 24 Sex. West 628.29 feet to an iron, a corner to Billy Ray Pendley; thence running with the Pendley line South 87° 40 Min. 24 Sec. West 354.27 feet to an iron, a corner to Joseph D. Gourlay; thence running with the Gourlay line South 87° 26 Min. West 278.86 feet to an iron at the Eastern edge of an old woods road; thence crossing the road and running South 87° 59 Min. West 29.68 feet to an iron in the boundary of Kathy R. Smith (see Deed Book 276, Page 771, Mitchell County Registry); thence running with the Kathy Smith line South 87° 40 Min. West 174.32 feet to an iron found at a 24" marked Poplar, a corner to C.A. Hensley (see Mitchell County Deed Book 155, Page 420); thence running with the Hensley line North 09° 05 Min. East 70.33 feet to a 10" marked Spanish Oak; thence North 08° 06 Min. West 116.05 feet to a 18" marked Chestnut Oak; thence North 34° 41 Min. West 117.16 feet to an iron set in the center of a 14" Chestnut Oak stump; thence North 67° 57 Min. West 311.94 feet to a spike set in the center of a double 18" White Oak; thence North 86° 36 Min. West 190.34 feet to an iron set at two 6" marked Spanish Oaks; thence South 28° 11 Min. West 99.72 feet to a marked 14" Spanish Oak; thence South 14° 46 Min. West 74.92 feet to an iron set in the centerline of an old road; thence running with the old road South 09° 28 Min. East 59.58 feet to an iron; thence continuing with the old road South 23° 26 Min. East 62.43 feet to an iron; thence South 05° 33 Min. West 120.71 feet to an iron; thence leaving the old road and running South 63° 20 Min. West 48.10 feet to an iron set at a down 10" Oak; thence South 30 ° 32 Min. West 129.05 feet to a 28" Spanish Oak; thence South 32° 45 Min. West 85.39 feet to a 6" Dogwood, thence South 19° 12 Min. East 91.16 feet to an iron set at a 10" Poplar; thence South 22° 30 Min. East 39.34 feet to a 10" Poplar; thence South 29° 25 Min. East 105.65 feet to an iron set at a 24" marked Walnut; thence South 29° 25 Min. East 57.58 feet to a point in the centerline of HCSR 1128; thence running with the centerline of HCSR 1128, South 32° 17 Min. West 40.98 feet to a point; thence South 15° 08 Min. West 55.81 feet to a point; thence South 03° 44 Min. West 59.87 feet to a point; thence South 00° 41 Min. 20 Sec. East 442.76 feet to a point; thence South 02° 44 Min. West 60.33 feet to a point; thence South 15° 52 Min. West 57.46 feet to a point; thence South 37° 28 Min. West 45.53 feet to a point thence South 60° 40 Min. West 42.45 feet to a point; thence South 79° 42 Min. West 25.46 feet to a point; thence North 83° 23 Min. West 36.99 feet to a point; thence North 65° 28 Min. West 40.00 feet to a point; thence N 51 deg 18 min W 39.96 feet to a point; thence North 37° 16 Min. West 107.89 feet to a point at the intersection of the Humpback Mountain Subdivision Road; thence running along the Humpback Mountain Subdivision Road, South 72° 48 Min. East 75.86 feet to a point; thence North 66° 18 Min. East 44.46 feet to a point; thence North 26° 14 Min. East 63.32 feet to a point; thence North 27° 01 Min. West 80.43 feet to a point; thence North 38° 49 Min. West 70.92 feet to a point. The Southernmost corner of Lot 1 in Section 3 of Humpback Mountain Subdivision; thence running with the boundary of said Lot 1, North 47° 28 Min. East 100.00 feet to a stake; thence N 00 deg 36 min E 149.75 feet to a stake; thence North 37° 30 Min. West 74.99 feet to a stake, a corner to Lot 2 of Section 3, Humpback Mountain Subdivision; thence running with the boundary of Lot 2, North 37° 30 Min. West 150.00 feet to a stake, a corner to Lot 3; thence running with the boundary of Lot 3, North 49° 15 Min.

EXHIBIT A

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THE STATE OF NORTH CAROLINA, GRANTEE

West 175.05 feet to a stake, a corner to Lot 4; thence running with the boundary of Lot 4, North 49° 15 Min. West 152.99 feet to a stake, a corner to Lot 5; thence running with the boundary Lot 5, North 49° 15 Min. West 149.61 feet to a stake, a corner to Lot 6; thence running with the boundary of Lot 6, North 49 15 Min. West 153.23 feet to a stake, a corner to Lot 7; thence running with the boundary of Lot 7, North 49° 14 Min. West 149.82 feet to a stake thence continuing with the boundary of Lot 7, South 41° 48 Min. West 201.96 feet to a stake near the Eastern edge of the Humpback Mountain Subdivision Road; thence running along the edge of Humpback Mountain Subdivision Road, North 43° 43 Min. West 147.55 feet to a point; thence North 37° 20 Min. West 339.32 feet to a point; thence North 35° 16 Min. West 110.90 feet to a point; thence North 32° 09 Min. West 145.98 feet to a point; thence North 33° 45 Min. West 66.78 feet to a point; thence North 37° 45 Min. West 75.93 feet to a point; thence North 41° 53 Min. East 87.90 feet to a point; thence North 33° 10 Min. East 76.92 feet to a point; thence North 03° 33 Min. East 67.82 feet to a point; thence North 05° 19 Min. West 58.34 feet to a point; thence North 12° 48 Min. West 38.99 feet to a point; thence North 04° 12 Min. West 65.60 feet to a point; thence North 10° 30 Min. West 169.82 feet to a point; thence North 22° 54 Min. West 49.21 feet to a point; thence N 52 deg 10 min W 60.86 feet to a point; thence N 72° 14 Min. West 60.24 feet to a point; thence North 79° 15 Min. West 57.35 feet to an point; thence North 56° 54 min. West 26.32 feet to a point; thence North 39° 18 Min. West 44.61 feet to a point; thence North 20° 44 Min. West 35.05 feet to a point; thence North 16° 44 Min. West 51.63 feet to a point; thence North 27° 32 Min. West 57.24 feet to a point; thence North 18° 23 Min. West 50.44 feet to a point; thence North 61° 45 Min. West 56.95 feet to a point; thence North 01° 59 Min. East 39.35 feet to a point; thence North 44° 03 Min. East 86.22 feet to a point; thence South 63° 33 Min. East 100.67 feet to a point; thence North 89° 58 Min. East 86.32 feet to a point; thence North 40° 02 Min. East 106.87 feet to a point; thence North 32° 56 Min. East 102.12 feet to a point; thence North 32° 05 Min. East 102.95 feet to a point; thence north 11° 40 Min. West 214.63 feet to a point; thence North 15° 20 Min. West 58.02 feet to a point; thence North 11° 13 Min. West 42.13 feet to a point; thence North 27° 38 Min. West 29.39 feet to a point; thence North 27° 38 Min. West 58.62 feet to a point; thence north 68° 13 Min. West 60.71 feet to a point; thence North 70° 06 Min. West 62.13 feet to a point; thence North 44° 06 Min. West 17.99 feet to a point; thence North 14° 41 Min. West 9.79 feet to a point; thence North 11° 17 Min. East 33.63 feet to a point; thence North 29° 58 Min. East 171.14 feet to a point; thence North 27° 51 Min. East 125.25 feet to a point; thence North 12° 10 Min. East 102.54 feet to a point; thence North 07° 43 Min. East 100.26 feet to a point; thence North 21° 03 Min. West 104.47 feet to a point; thence North 59° 10 Min. West 77.82 feet to an iron at the edge of the road; thence leaving the road and running North 35° 05 Min. West 323.63 feet to an iron; thence North 67° 05 Min. West 247.10 feet to an iron; thence North 51° 20Min. West 357.03 feet to an iron at the edge of a right of way leading to the Humpback Mountain Subdivision reservoir site; thence North 51° 20 Min. West 32.00 feet to a point in the centerline of a road in a 30' wide right of way leading from the Humpback Mountain Subdivision property to the Humpback Mountain Property Owners' reservoir site; thence running down and with the centerline of said right of way South 09° 58 Min. West 147.88 feet to a point; thence South 18° 08 Mon. West 186.82 feet to a point; thence South 08° 50 Min. West 195.80 feet to a point; thence leaving the road and running South 54° 03 Min. West 44.89 feet to an iron in the boundary of Hemredon Furniture, Inc. (see Mitchell County Deed Book 131, Page 282); thence North 01° 12 Min. West 178.14 feet to an iron; thence North 06° 46 Min. East 266.43 feet to an iron; thence North 12° 39 Min. East 111.84 feet to an iron; thence North 01° 21 Min. West 233.15 feet to an iron; thence North 23° 48 Min. 00 Sec. East 462.31 feet to the point of **BEGINNING**, containing 545.41 acres as shown on a survey plat prepared by Jerry L. Dall, RLS, L-3108 on 25 November 1997 with map number 97147-11.

THERE IS EXCEPTED AND RESERVED FROM THIS CONVEYANCE a 1.11 acre tract or parcel of land shown on said survey plat as the Humpback Mountain Property Owners, Inc. reservoir site and more particularly described as follows: **BEGINNING** at the southernmost point of said reservoir site shown on said survey plat and running North 50° 38 Min. West 110.00 feet to a point; thence North 50° 38 Min. West 40.00 feet to a point in the centerline of a road and 30' right of way leading form said reservoir tract to the Humpback Mountain Subdivision property; thence North 50° 38 Min. West 70.00 feet to a point; thence North 39° 22 Min. East 220.00 feet to a point; thence South 50° 38 Min. East 220.00 feet to a point; thence South 39° 22 Min. West 220.00 feet to the point of **BEGINNING**, containing 1.11 acres.

THERE IS EXCEPTED AND RESERVED FROM THIS CONVEYANCE a perpetual, non-exclusive, easement and right of way for the use of Humpback Mountain Property Owners, Inc. in and to that certain private road and 30' wide right of way shown on said survey plat leading from said 1.11 acre reservoir tract to the lands of Humpback Mountain Subdivision for purposes of ingress, egress, and regress to and from said reservoir for purposes of maintaining, repairing and/or replacing said reservoir.

THERE IS ALSO CONVEYED HEREWITH a perpetual, non-exclusive, appurtenant easement and right of way, for the use of the presently existing Humpback Mountain Corporation road located along the western boundary of said lands described hereinabove for purposes of ingress, egress and regress to and from the lands herein conveyed.

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THE STATE OF NORTH CAROLINA, GRANTEE

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ALSO CONVEYED HEREWITH is a perpetual and non exclusive easement and road right of way leading to and from NCSR 1128 and the hereinabove described property over and upon Laurel Ridge Road as shown on the map Book I, page 333 Mitchell County Registry, and the connector road running from Laurel Ridge Road with the Sarvis and Gourlay lines as shown on said map to the southern boundary of the above described tract at the terminus of the easement as shown at Map Book I, page 332 of the Mitchell County Registry, together with right of ingress, egress and regress for purposes of maintenance inspection, improvement and repair of said roadway.

EXCEPTING AND RESERVING from the above conveyance a perpetual, non-exclusive easement and right of way to Holston Land Company, Inc. and United States of America (Blue Ridge Parkway), for the use of the presently existing woods road, said easement of record in Book 270, page 630, McDowell County Registry, and further shown on survey plat by Jerry L. Ball, RLS #L-3180 dated 25 November 1997, Map No. 97147-11.

THIS CONVEYANCE IS ALSO SUBJECT TO THE CONSERVATION EASEMENT RECORDED IN MITCHELL COUNTY BOOK 396, PAGE 632; AVERY COUNTY BOOK 379, PAGE 1353; AND MCDOWELL COUNTY BOOK 784, PAGE 609.

Patricia A. Reel
Register of Deeds

McDowell County
Register of Deeds

21 South Main Street, Suite A • Marion, NORTH CAROLINA 28752
Telephone 828-652-4727 • Fax 828-652-1537 • E-Mail register@mcdowell.main.nc.us

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Filed For Registration: 11/05/2004 03:56:02 PM

Book: CRP 802 Page: 1-6

Document No.: 2004007992

DEED 6 PGS 29.00

Recorder: CAROLYN I REEL

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State of North Carolina, County of McDowell

The foregoing certificates of KATHARINE M NAUJOKS Notary(ies) Public is(are) certified to be correct this 05TH of NOVEMBER 2004.

PATRICIA A. REEL, REGISTER OF DEEDS

By: Carolyn I. Reel
DEPUTY REGISTER OF DEEDS

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DO NOT REMOVE!

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.