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MCDOWELL CO, NC FEE $34.00
PRESENTED & RECORDED:
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TONIA R HAMPTON
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BY: MEGAN RICKETTS
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BK: CRP 1140
PG: 687-703

STATE OF NORTH CAROLINA
McDOWELL COUNTY
SPO File Number 59-ZK-MOD
EEP Site ID 92527
Prepared by: Office of the Attorney General
Property Control Section
Return to: NC Department of Administration
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

AMENDMENT OF CONSERVATION EASEMENT AND RIGHT OF ACCESS PROVIDED PURSUANT TO DENR FULL DELIVERY MITIGATION CONTRACT D06027-D TO MODIFY THE EASEMENT AREA

THIS AMENDMENT OF THE CONSERVATION EASEMENT AND RIGHT OF ACCESS, made this 23 day of September, 2014, by and between Lester L. Kemick and wife Catharine Kemick, ("**Grantor**"), whose mailing address is, 361 Briarwood Drive, Rutherfordton, NC 28139, and the State of North Carolina whose mailing address is, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321 ("**Grantee**"). The designations 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.

WITNESSETH:

This amendment is intended to modify the previous Conservation Easement as recorded in **Deed Book CRP 936, Pages 981-988 and Map Book 15, Page 59 of the McDowell County Registry** (the "**Conservation Easement**"). Grantor and Grantee (collectively, the "**Parties**") have agreed to modify the land areas included in the easement area. Areas which the Parties agree should not be encumbered by the Conservation Easement are released to the Grantor and the Conservation Easement on all areas as defined in **Exhibit A** will continue to be subject to the Conservation Easement conveyed to the Grantee.

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. § 143-214.8 et seq., the State of North Carolina has established the Ecosystem Enhancement Program (formerly known as the Wetlands Restoration Program) (as defined in N.C. Gen. Stat. 143-214.8) within the Department of Environment and Natural Resources for the purposes of acquiring, maintaining, restoring, enhancing, and creating wetland and riparian resources that contribute to the protection and

17

improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, The State of North Carolina is qualified to be the Grantee of a Conservation Easement pursuant to N.C. Gen. Stat. § 121-35; and

WHEREAS, the Ecosystem Enhancement Program in the Department of Environment and Natural Resources has approved acceptance of this instrument; and

WHEREAS, the Department of Environment and Natural Resources, the North Carolina Department of Transportation and the United States Army Corps of Engineers, Wilmington District entered into a Memorandum of Agreement, (MOA) duly executed by all parties in Greensboro, NC on July 22, 2003. This MOA recognizes that the Ecosystem Enhancement Program is to provide for compensatory mitigation by effective protection of the land, water and natural resources of the State by restoring, enhancing and preserving ecosystem function; and

WHEREAS, the acceptance of this instrument for and on behalf of the State of North Carolina has been granted to the Department of Administration by resolution as approved by the Governor and Council of State adopted at a meeting held in the City of Raleigh, North Carolina, on the 5th day of June 2011; and

WHEREAS, Grantor owns in fee simple certain real property situated, lying, and being in Cashiers Township, Jackson County, North Carolina (the "**Property**"), and being more particularly described as that certain parcel of land containing approximately 370 acres conveyed to the Grantor by deed as recorded in **Deed Book 959, Page 47 and Deed Book 760, Page 569,** of the McDowell County Registry, North Carolina; and

WHEREAS, Grantor is willing to allow the Conservation Easement to remain in place on the described areas of the Property as set forth in Exhibit A, thereby restricting and limiting the use of the included areas of the Property to the terms and conditions and purposes set forth, and Grantee is willing to accept such Conservation Easement. This Amended Conservation Easement shall be for the protection and benefit of the waters of **Morgan Creek.**

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, the Parties agree to amend the Conservation Easement to only encumber the tracts of land identified **as "Morgan Creek Conservation Easement Revision Project" as shown on a plat of survey entitled "An Amendment of a Conservation Easement Survey for the State of North Carolina, Ecosystem Enhancement Program, "Morgan Creek Conservation Easement Revision Project"-SPO File Number 59-ZK-MOD and EEP Project ID No. 92527 dated July 25, 2014 (last revision), prepared by Kee Mapping and Survey, and as recorded in Map Book PL 24, Page 18 of the McDowell County Registry (the "Plat")**, said Easement Area being more particularly described on **Exhibit A** attached hereto and incorporated by reference herein.

The effective date of this Amendment of the Conservation Easement as recorded in **Deed Book CRP 936, Pages 981-988 of the McDowell County Registry**, shall be October 4, 2007, the date the Conservation Easement being modified by this document was recorded.

FURTHERMORE, all property interests in the area defined in the easement recorded in **Deed Book CRP 936, Pages 981-988 and in Map Book 15 at Page 59 of the McDowell County Registry**, that are not included within the Easement Area as defined above are hereby quitclaimed and released to the Grantor by the State of North Carolina, through its authorized representatives signing below.

[Remainder of page left blank intentionally.]

IN TESTIMONY WHEREOF, the Grantor and Grantee have hereunto set their hand and seal, the day and year first above written.

_____ Lester L. Kemick (SEAL)

Catharine Kemick Catharine Kemick (SEAL)

NORTH CAROLINA
COUNTY OF Gaston

I, David Godley, a Notary Public in and for the County and State aforesaid, do hereby certify that Lester L. Kemick, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 23rd day of September, 2014.

Notary Public

My commission expires:

5/28/17

DAVID GODLEY NOTARY PUBLIC WAKE COUNTY, NC

NORTH CAROLINA
COUNTY OF Gaston

I, David Godley, a Notary Public in and for the County and State aforesaid, do hereby certify that Catharine Kemick, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 23rd day of September, 2014.

Notary Public

My commission expires:

5/28/17

DAVID GODLEY NOTARY PUBLIC WAKE COUNTY, NC

IN TESTIMONY WHEREOF, the **STATE OF NORTH CAROLINA** has caused this instrument to be executed in its name by SPEROS FLEGGAS, Senior Deputy Secretary, Department of Administration.

STATE OF NORTH CAROLINA

By: _____
Speros Fleggas
Senior Deputy Secretary

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Marion B. Patrick, a Notary Public in and for the aforesaid County of Wake and the State of North Carolina, do certify that Speros Fleggas, personally came before me this day and acknowledged that he is Senior Deputy Secretary, Department of Administration, State of North Carolina, and that by authority duly given and as the act of the State, has signed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 25th day of September, 2014.

_____
Notary Public

Print name: Marion B. Patrick

My Commission Expires: August 10, 2019

MARION B. PATRICK
NOTARY
PUBLIC
WAKE COUNTY, N.C.

Exhibit A:

An Amendment of
A Conservation Easement Survey for
The State of North Carolina,
Ecosystem Enhancement Program,
"Morgan Creek Conservation Easement Revision Project"
The Property of Lester Lee Kemick
SPO FILE NUMBER: (59-ZK-MOD) PROJECT ID: (92527)

The following conservation easement areas are located off of Mud Cut Road (SR #1351) within the Montford Cove Township, McDowell County, North Carolina and being on a portion of that property conveyed to Lester Lee Kemick as recorded in Deed Book 959 Page 47 and Deed Book 760 Page 569 in the McDowell County Register of Deeds and being more particularly described as follows:

Conservation Easement Area "A" 2.63 Acres:

BEGINNING AT AN EXISTING 1/2" REBAR (CORNER 1), said rebar being located N 73°41'24" W a horizontal ground distance of 3626.81 feet from a rebar set with a Kee control cap, and having North Carolina State Plane Coordinates of Northing: 678956.70 feet and Easting: 1098448.58 feet;
Thence with the conservation easement area S 86°23'58"W a distance of 112.88 feet to a 5/8" rebar set (corner 2), said rebar being in the common line of Deed Book 959 Page 47 and Deed Book 975 Page 721 in the McDowell County Registry and located N 41°45'58" W a distance of 451.69 feet from a ½" iron pipe in a rock pile;
Thence with the aforesaid common line and continuing with the conservation easement area the following (3) courses and distances:
(1) N 41°45'58" W a distance of 51.35 feet to a calculated point in the creek;
(2) N 00°27'52" E a distance of 16.59 feet to an existing angle iron (corner 3);
(3) N 00°27'52" E a distance of 172.59 feet to a 5/8" rebar set (corner 4), said rebar being

S 00°27'52" W a distance of 25.36 feet from an existing 1/2" iron pipe;
Thence leaving the aforementioned common line and continuing with the conservation easement area the following (10) courses and distances:
(1) N 51°11'48" E a distance of 107.60 feet to an existing 1/2" rebar (corner 5);
(2) N 43°12'27" E a distance of 103.07 feet to an existing 1/2" rebar (corner 6);
(3) N 35°28'48" E a distance of 63.59 feet to an existing 1/2" rebar (corner 7);
(4) N 31°23'15" E a distance of 94.03 feet to an existing 1/2" rebar (corner 8);
(5) N 22°53'57" E a distance of 79.02 feet to an existing 1/2" rebar (corner 9); said rebar being S 31°04'23" E a distance of 38.34 feet from an existing nail at the intersection of Sugar Hill Rd (SR. #1001) and Mud Cut Road (SR. # 1351);
(6) S 77°45'23" E a distance of 80.43 feet to a 5/8" rebar set (corner 10);
(7) S 07°59"44" W a distance of 187.99 feet to a 5/8" rebar set (corner 11);
(8) S 02°58'57" W a distance of 126.05 feet to a 5/8" rebar set (corner 12); said rebar being

S 80°51'34" W a distance of 60.00 feet from a 5/8" rebar set (corner 14);
(9) S09°08'26" E a distance of 113.83 feet to an existing 1/2" rebar (corner 13); said rebar being S 74°36'32" W a distance of 60.36 feet from a 5/8" rebar set (corner 42);
(10) S 59°56'27" W a distance of 219.01 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "B" 7.99 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 14), said rebar being located N 80°51'34" E a distance of 60.00 feet from a 5/8" rebar set (corner 12);

Thence with the conservation easement area the following (29) courses and distances:

(1) N 67°26'02" E a distance of 120.32 feet to an existing 1/2" rebar (corner 15);
(2) S 89°45'57" E a distance of 202.37 feet to a 5/8" rebar set (corner 16);
(3) S 71°55'14" E a distance of 237.64 feet to an existing 1/2" rebar (corner 17);
(4) N 77°09'09" E a distance of 273.20 feet to an existing 1/2" rebar (corner 18);
(5) N 85°43'37" E a distance of 534.10 feet to an existing 1/2" rebar (corner 19);
(6) N 48°16'21" E a distance 69.25 feet to an existing 1/2" rebar (corner 20);
(7) N 78°59"42" E a distance 182.84 feet to an existing 1/2" rebar (corner 21); said rebar being located S 47°10'41" W a distance of 30.22 feet from a 5/8" rebar set (corner 43);
(8) S 35°50'51" E a distance of 105.96 feet to a 5/8" rebar set (corner 22), said rebar being located S 34°16'21" W a distance of 31.90 from a 5/8" rebar set (corner 48);
(9) S 82°26'20" E a distance of 136.29 feet to an existing 1/2" rebar (corner 23);
(10) S 39°58'37" E a distance of 113.03 feet to an existing 1/2" rebar (corner 24);
(11) N 75°54'32" E a distance of 304.53 feet to an existing 1/2" rebar (corner 25), said rebar being

located S 75°22'12" W a distance of 50.53 feet from a 5/8" rebar set (corner 69);
(12) S 06°19'21" E a distance of 110.50 feet to an existing 1/2" rebar (corner 26), said rebar being

located S 69°51'37" W a distance of 51.49 feet from a 5/8" rebar set (corner 85);
(13) S 28°42'29" W a distance of 82.80 feet to a 5/8" rebar set (corner 27);
(14) N 88°39'03" W a distance of 137.37 feet to an existing 1/2" rebar (corner 28);
(15) S 15°25'58" E a distance of 194.13 feet to a 5/8" rebar set (corner 29), said rebar being located

N 10°57'42" W a distance of 31.21 feet from a 5/8" rebar set (corner 49);
(16) N 84°55'24" W a distance of 42.11 feet to a 5/8" rebar set (corner 30);
(17) N 53°31'18" W a distance of 52.56 feet to a 5/8" rebar set (corner 31), said rebar being located

N 13°44'59" W a distance of 46.89 feet from a 5/8" rebar set (corner 60);
(18) N 14°53'11" W a distance of 64.60 feet to an existing 1/2" rebar (corner 32);
(19) N 46°56'43" W a distance of 114.54 feet to a 5/8" rebar set (corner 33);
(20) N 64°21'41" W a distance of 205.16 feet to an existing 1/2" rebar (corner 34);
(21) S 89°28'28" W a distance of 151.94 feet to a 5/8" rebar set (corner 35);
(22) S 02°37'50" W a distance of 11.59 feet to a 5/8" rebar set (corner 36);
(23) S 85°07'48" W a distance of 666.01 feet to a 5/8" rebar set (corner 37);
(24) N 72°08'06" W a distance of 33.75 feet to a 5/8" rebar set (corner 38);
(25) S 82°17'07" W a distance of 268.61 feet to a 5/8" rebar set (corner 39);
(26) N 80°18'29" W a distance of 164.69 feet to a 5/8" rebar set (corner 40);
(27) N 64°57'19" W a distance of 122.87 feet to a 5/8" rebar set (corner 41);
(28) S 84°09'11" W a distance of 248.15 feet to a 5/8" rebar set (corner 42); said rebar being located

N 74°36'32" E a distance of 60.36 feet from an existing 1/2" rebar (corner 13);
(29) N 09°08'26" W a distance of 107.26 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "C" 0.36 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 43), said rebar being located N 47°'10"41 E a distance of 30.22 feet from an existing 1/2" rebar (corner 21);
Thence with the conservation easement area the following (6) courses and distances:
(1) N 31°09'24" E a distance of 78.94 feet to an existing 1/2" rebar (corner 44);
(2) S 88°29"45" E a distance of 149.26 feet to a 5/8" rebar set (corner 45);
(3) S 41°27'29" W a distance of 27.75 feet to a 5/8" rebar set (corner 46);
(4) S 23°51'30" W a distance of 34.76 feet to a 5/8" rebar set (corner 47);
(5) S 47°35'41" W a distance of 135.12 feet to a 5/8" rebar set (corner 48); said rebar being located N 34°16'21" E a distance of 31.90 feet from 5/8" rebar set (corner 22);
(6) N 35°50'51" W a distance of 98.78 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "D" 1.51 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 49), said rebar being located S 10°57'42" E a distance of 31.21 feet from a 5/8" rebar set (corner 29);
Thence with the conservation easement area the following (13) courses and distances:
(1) S 05°13'31" E a distance of 110.66 feet to a 5/8" rebar set (corner 50);
(2) S 28°42'22" W a distance of 166.00 feet to a 5/8" rebar set (corner 51);
(3) S 20°41'54" W a distance of 190.09 feet to a 5/8" rebar set (corner 52);
(4) S 31°15'50" W a distance of 117.60 feet to a 5/8" rebar set (corner 53);
(5) S 60°31'23" W a distance of 152.21 feet to an existing 1/2" rebar (corner 54), said rebar being located N 33°51'01" E a distance of 30.89 feet from a 5/8" rebar set (corner 62);
(6) N 42°20'44" W a distance of 39.92 feet to a 5/8" rebar set (corner 55);
(7) N 02°47'54" E a distance of 57.62 feet to a 5/8" rebar set (corner 56), said rebar being located

N 46°33'35" E a distance of 43.37 feet from a 5/8" rebar set (corner 67);
(8) N 57°59'44" E a distance of 134.07 feet to a 5/8" rebar set (corner 57);
(9) N 12°22'10" E a distance of 184.80 feet to a 5/8" rebar set (corner 58);
(10) N 33°53'48" E a distance of 223.05 feet to a 5/8" rebar set (corner 59);
(11) N 01°12'14" W a distance of 105.37 feet to a 5/8" rebar set (corner 60); said rebar being

located S 13°44'59" E a distance of 46.89 feet from a 5/8" rebar set (corner 31);
(12) S 53°31'18" E a distance of 24.95 feet to a 5/8" rebar set (corner 61);
(13) S 84°55'24" E a distance of 59.17 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "E" 1.18 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 62), said rebar being located S 33°51'01" W a distance of 30.89 feet from an existing 1/2" rebar (corner 54);
Thence with the conservation easement area the following (7) courses and distances:
(1) S 52°09'37" W a distance of 184.71 feet to a 5/8" rebar set (corner 63);
(2) S 35°30'16" W a distance of 188.63 feet to a 5/8" rebar set (corner 64);
(3) S 63°26'48" W a distance of 152.51 feet to a 5/8" rebar set (corner 65);
(4) N 14°13'52" W a distance of 111.56 feet to a 5/8" rebar set (corner 66);
(5) N 50°52'41 E a distance of 490.98 feet to a 5/8" rebar set (corner 67); said rebar being located

S 46°33'35" W a distance of 43.37 feet from a 5/8" rebar set (corner 56);
(6) S 02°47'54" W a distance of 38.76 feet to a 5/8" rebar set (corner 68);
(7) S 42°20'44" E a distance of 59.76 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "F" 5.33 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 69), said rebar being located N 75°22'12" E a distance of 50.53 feet from an existing 1/2" rebar (corner 25);
Thence with the conservation easement area the following (17) courses and distances:
(1) N 75°55'22" E a distance of 86.54 feet to an existing 1/2" rebar (corner 70);
(2) S 58°33'41" E a distance of 87.39 feet to a 5/8" rebar set (corner 71);
(3) S 37°11'03" E a distance of 74.55 feet to an existing 1/2" rebar (corner 72);
(4) S 57°46'33" E a distance of 186.05 feet to an existing 1/2" rebar (corner 73);
(5) S 52°55'09" E a distance of 605.61 feet to an existing 1/2" rebar (corner 74);
(6) S 28°10'56" E a distance of 251.32 feet to an existing 1/2" rebar (corner 75);
(7) S 01°57'33" E a distance of 217.14 feet to a 5/8" rebar set (corner 76), said rebar being located

N 68°22'18" W a distance of 138.46 feet from a 5/8" rebar set (corner 118);
(8) N 80°53'06" W a distance of 122.60 feet to a 5/8" rebar set (corner 77), said rebar being located N 15°40'22" W a distance of 33.04 feet from an existing 1/2" rebar (corner 125);
(9) N 21°17'52" W a distance of 277.21 feet to a 5/8" rebar set (corner 78);
(10) N 49°11'42" W a distance of 261.99 feet to an existing 1/2" rebar (corner 79);
(11) S 19°13'00 W a distance of 162.35 feet to an existing 1/2" rebar (corner 80), said rebar being

located N 20°18'02" E a distance of 50.06 feet from an existing 1/2" rebar (corner 86);
(12) N 66°52'43" W a distance of 86.24 feet to an existing 1/2" rebar (corner 81), said rebar being

located N 22°43'17" E a distance of 50.00 feet from a 5/8" rebar set (corner 106);
(13) N 11°13'09" E a distance of 220.33 feet to an existing 1/2" rebar (corner 82);
(14) N 64°38'39" W a distance of 117.99 feet to an existing 1/2" rebar (corner 83);
(15) N 44°34'48" W a distance of 112.58 feet to an existing 1/2" rebar (corner 84);
(16) N 51°58'42" W a distance of 333.88 feet to a 5/8" rebar set (corner 85), said rebar being located

N 69°51'37" E a distance of 51.49 feet from an existing 1/2" rebar (corner 26);
(17) N 06°19'21" W a distance of 105.51 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "G" 2.23 Acres:

BEGINNING AT AN EXISTING 1/2" REBAR (CORNER 86), said rebar being located S 20°18'02" W a distance of 50.06 feet from an existing 1/2" rebar (corner 80);
Thence with the conservation easement area the following (21) courses and distances:
(1) S 30°04'12" W a distance of 44.41 feet to an existing 1/2" rebar (corner 87);
(2) S 80°07'50" W a distance of 134.86 feet to an existing 1/2" rebar (corner 88);
(3) N 72°33'00" W a distance of 92.60 feet to an existing 1/2" rebar (corner 89);
(4) S 28°44'50" W a distance of 173.92 feet to an existing 1/2" rebar (corner 90);
(5) S 34°35'38" W a distance of 56.21 feet to an existing 1/2" rebar (corner 91);
(6) S 00°48'32" W a distance of 58.72 feet to an existing 1/2" rebar (corner 92);
(7) S 31°09'43" W a distance of 99.18 feet to an existing 1/2" rebar (corner 93);
(8) S 00°10'02" E a distance of 150.16 feet to a 5/8" rebar set (corner 94);
(9) S 22°03'05" W a distance of 156.04 feet to a 5/8" rebar set (corner 95);
(10) S 12°32'03" W a distance of 120.35 feet to a 5/8" rebar set (corner 96);
(11) S 68°27'02" W a distance of 37.01 feet to an existing 1/2" rebar (corner 97), said rebar being located N 30°40'29" E a distance of 30.16 feet from a 5/8" rebar set (corner 107);
(12) N 65°16'22" W a distance of 17.96 feet to an existing 1/2" rebar (corner 98);
(13) N 18°08'42" W a distance of 52.39 feet to an existing 1/2" rebar (corner 99), said rebar being located N 76°48'32" E a distance of 30.11 from a 5/8" rebar set (corner 116);
(14) N 00°29'06" E a distance of 55.24 feet to a 5/8" rebar set (corner 100);
(15) N 20°17'09" E a distance of 201.62 feet to a 5/8" rebar set (corner 101);
(16) N 20°13'54" W a distance of 120.19 feet to a 5/8" rebar set (corner 102);
(17) N 30°10'43" E a distance of 162.70 feet to a 5/8" rebar set (corner 103);
(18) N 25°13'09" E a distance of 283.84 feet to a 5/8" rebar set (corner 104);
(19) N 68°43'53" E a distance of 77.73 feet to an existing 1/2" rebar (corner 105);
(20) S 88°54'11" E a distance of 177.28 feet to 5/8" rebar set (corner 106), said rebar being located S 22°43'17" W a distance of 50.00 feet from an existing 1/2" rebar (corner 81);
(21) S 66°52'43" E a distance of 88.35 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "H" 1.19 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 107), said rebar being located S 30°40'29" W a distance of 30.16 feet from an existing 1/2" rebar (corner 97);
Thence with the conservation easement area the following (11) courses and distances:
(1) S 63°42'55" W a distance of 180.53 feet to 5/8" rebar set (corner 108);
(2) S 84°54'43" W a distance of 64.91 feet to an existing 1/2" rebar (corner 109);
(3) S 39°50'03" W a distance of 126.14 feet to an existing 1/2" rebar (corner 110);
(4) S 54°54'53" W a distance of 162.07 feet to an existing 1/2" rebar (corner 111);
(5) N 81°21'40" W a distance of 105.88 feet to a 5/8" rebar set (corner 112);
(6) N 18°52'45" E a distance of 83.17 feet to an existing 1/2" rebar (corner 113);
(7) N 85°35'02" E a distance of 77.28 feet to a 5/8" rebar set (corner 114);
(8) N 47°59'05" E a distance of 229.45 feet to a 5/8" rebar set (corner 115);
(9) N 66°20'41" E a distance of 244.14 feet to a 5/8" rebar set (corner 116), said rebar being located S 76°48'32" W a distance of 30.11 feet from an existing 1/2" rebar (corner 99);
(10) S 18°08'42" E a distance of 68.08 feet to a 5/8" rebar set (corner 117);
(11) S 65°16'22" E a distance of 27.92 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "I" 0.76 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 118), said rebar being located S 86°01'34" E a distance of 60.02 feet from an existing 1/2" rebar (corner 152);
Thence with the conservation easement area the following (8) courses and distances:
(1) S 02°23'42"W a distance of 107.50 feet to a 5/8" rebar set (corner 119), said rebar being located N 75°04'45" W a distance of 61.46 feet from an existing 1/2" rebar (corner 157);
(2) S 78°32'46" W a distance of 76.84 feet to an existing 1/2" rebar (corner 120);
(3) S 16°10'11" W a distance of 79.68 feet to an existing 1/2" rebar (corner 121), said rebar being located N 19°09'08" E a distance of 50.55 feet from a 5/8" rebar set (corner 126);
(4) N 79°19'35" W a distance of 74.93 feet to an existing 1/2" rebar (corner 122), said rebar being located N 27°04'39" E a distance of 52.12 feet from an existing 1/2" rebar (corner 130);
(5) N 05°39'17" E a distance of 99.22 feet to an existing 1/2" rebar (corner 123);
(6) N 49°21'42" W a distance of 57.07 feet to an existing 1/2" rebar (corner 124);
(7) N 19°47'31" W a distance of 93.57 feet to an existing 1/2" rebar (corner 125), said rebar being located S 15°40'22" E a distance of 33.04 feet from a 5/8" rebar set (corner 77);
(8) S 80°53'06" E a distance of 243.92 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "J" 0.24 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 126), said rebar being located S 19°09'08" W a distance of 50.55 feet from an existing 1/2" rebar (corner 121);
Thence with the conservation easement area the following (5) courses and distances:
(1) S 15°29'14" W a distance of 102.02 feet to a 5/8" rebar set (corner 127), said rebar being located N 07°00'30" W a distance of 30.39 feet from a 5/8" rebar set (corner 131);
(2) S 73°46'46" W a distance of 90.27 feet to an existing 1/2" rebar (corner 128), said rebar being located N 26°49'34" E a distance of 41.05 feet from a 5/8" rebar set (corner 140);
(3) N 06°47'23" E a distance of 93.35 feet to an existing 1/2" rebar (corner 129);
(4) N 25°38'41" E a distance of 51.09 feet to an existing 1/2" rebar (corner 130), said rebar being located S 27°04'39" W a distance of 52.12 feet from an existing 1/2" rebar (corner 122);
(5) S 79°19'35" E a distance of 82.19 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "K" 1.08 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 131), said rebar being located S 07°00'30" E a distance of 30.39 feet from a 5/8" rebar set (corner 127);
Thence with the conservation easement area the following (10) courses and distances:
(1) S 16°11'10" W a distance of 149.19 feet to an existing 1/2" rebar (corner 132);
(2) S 41°33'04" W a distance of 277.16 feet to an existing 1/2" rebar (corner 133);
(3) S 65°36'59" W a distance of 58.81 feet to a 5/8" rebar set (corner 134);
(4) N 81°22'14" W a distance of 104.15 feet to an existing 1/2" rebar (corner 135), said rebar being located S 78°20'07" E a distance of 30.80 feet from a 5/8" rebar set (corner 141);
(5) N 01°26'21" W a distance of 46.23 feet to an existing 1/2" rebar (corner 136);
(6) N 28°56'25" E a distance of 42.00 feet to an existing 1/2" rebar (corner 137), said rebar being located S 81°40'44" E a distance of 32.05 feet from a 5/8" rebar set (corner 150);
(7) S 81°50'27" E a distance of 72.65 feet to a 5/8" rebar set (corner 138);
(8) N 38°56'36" E a distance of 225.45 feet to a 5/8" rebar set (corner 139);
(9) N 26°49'00" E a distance of 89.25 feet to a 5/8" rebar set (corner 140), said rebar being located

S 26°49'34" W a distance of 41.05 feet from an existing 1/2" rebar (corner 128);
(10) N 73°46'46" E a distance of 113.43 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "L" 0.93 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 141), said rebar being located N 78°20'07" W a distance of 30.80 feet from an existing 1/2" rebar (corner 135);
Thence with the conservation easement area the following (11) courses and distances:
(1) N 81°59'45" W a distance of 105.84 feet to a 5/8" rebar set (corner 142);
(2) S 66°26'08" W a distance of 68.44 feet to an existing 1/2" rebar (corner 143);
(3) S 33°52'25" W a distance of 150.10 feet to an existing 1/2" rebar (corner 144);
(4) S 14°42'56" W a distance of 73.53 feet to an existing 1/2" rebar (corner 145);
(5) N 77°07'51" W a distance of 93.75 feet to a 5/8" rebar set (corner 146);
(6) N 12°24'26" E a distance of 114.15 feet to a 5/8" rebar set (corner 147);
(7) N 40°25'49" E a distance of 162.82 feet to a 5/8" rebar set (corner 148);
(8) N 67°27'31" E a distance of 104.38 feet to a 5/8" rebar set (corner 149);
(9) S 87°31'45" E a distance of 152.50 feet to a 5/8" rebar set (corner 150), said rebar being located

N 81°40'44" W a distance of 32.05 feet from an existing 1/2" rebar (corner 137);
(10) S 28°56'25" W a distance of 38.85 feet to a 5/8" rebar set (corner 151);
(11) S 01°26'21" E a distance of 47.39 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "M" 1.06 Acres:

BEGINNING AT AN EXISTING 1/2" REBAR (CORNER 152), said rebar being located S 86°01'34" E a distance of 60.02 feet from a 5/8" rebar set (corner 118);
Thence with the conservation easement area S 62°51'39" E a distance of 78.52 feet to a calculated point in the centerline of a branch, said point being in the common line of Deed Book 959 Page 47 and Deed Book 940 Page 817 of the McDowell County Registry;
Thence with the aforesaid common line, the centerline of the branch and continuing with the conservation easement area the following (7) courses and distances:
(1) S 05°32'49" E a distance of 53.64 feet to a calculated point;
(2) N 66°20'15" W a distance of 21.42 feet to a calculated point;
(3) S 22°16'10" E a distance of 21.59 feet to a calculated point;
(4) S 82°04'03" E a distance of 55.54 feet to a calculated point;
(5) S 03°10'36" W a distance of 37.10 feet to a calculated point;
(6) S 50°02'55" E a distance of 28.47 feet to a calculated point;
(7) N 71°39'15" E a distance of 48.34 feet to a calculated point;

Thence leaving the aforementioned common line and the centerline of branch and continuing with the conservation easement area the following (6) courses and distances:
(1) S 14°12'19" E a distance of 306.00 feet to an existing 1/2" rebar (corner 153), said rebar being located N 12°47'15" E a distance of 50.22 feet from an existing 1/2" rebar (corner 158);
(2) N 82°37'47" W a distance of 100.86 feet to a 5/8" rebar set (corner 154), said rebar being located N 18°09'58" W a distance of 55.41 feet from an existing 1/2" rebar (corner 181);
(3) N 18°18'27" W a distance of 150.74 feet to an existing 1/2" rebar (corner 155);
(4) N 36°16'59" W a distance of 165.49 feet to an existing 1/2" rebar (corner 156);
(5) N 27°33'33" W a distance of 41.17 feet to an existing 1/2" rebar (corner 157), said rebar being located S 75°04'45" E a distance of 61.46 feet from a 5/8" rebar set (corner 119);
(6) N 02°23'42" E a distance of 119.17 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "N" 3.82 Acres:

BEGINNING AT AN EXISTING 1/2" REBAR (CORNER 158), said rebar being located S 12°47'15" W a distance of 50.22 feet from an existing 1/2" rebar (corner 153);

Thence with the conservation easement area the following (24) courses and distances:

(1) S 02°12'22" W a distance of 192.05 feet to a 5/8" rebar set (corner 159);
(2) S 30°09'28" W a distance of 123.44 feet to a 5/8" rebar set (corner 160);
(3) S 10°40'55" W a distance of 175.18 feet to a 5/8" rebar set (corner 161);
(4) S 22°54'41" W a distance of 220.51 feet to a 5/8" rebar set (corner 162);
(5) S 44°32'08" W a distance of 289.47 feet to a 5/8" rebar set (corner 163);
(6) S 19°52'51" W a distance of 296.03 feet to a 5/8" rebar set (corner 164);
(7) S 05°17'19" E a distance of 181.22 feet to a 5/8" rebar set (corner 165);
(8) S 03°13'12" W a distance of 173.61 feet to a 5/8" rebar set (corner 166);
(9) S 52°22'05" W a distance of 154.69 feet to a 5/8" rebar set (corner 167), said rebar being located N 24°07'44" W a distance of 38.44 feet from 5/8" rebar set (corner 194);
(10) N 75°25'50" W a distance of 35.99 feet to an existing 1/2" rebar (corner 168);
(11) N 36°12'05" W a distance of 35.75 feet to an existing 1/2" rebar (corner 169), said rebar being located N 63°23'31" E a distance of 30.43 feet from a 5/8" rebar set (corner 201);
(12) N 31°03'27" E a distance of 183.74 feet to an existing 1/2" rebar (corner 170);
(13) N 03°40'30" W a distance of 218.14 feet to a 5/8" rebar set (corner 171);
(14) N 09°29'45" E a distance of 220.57 feet to a 5/8" rebar set (corner 172);
(15) N 54°48'01" W a distance of 26.72 feet to a 5/8" rebar set (corner 173), said rebar located N 46°44'52" E a distance of 49.04 from a 5/8" rebar set (corner 182);
(16) N 09°02'03" E a distance of 71.19 feet to an existing 1/2" rebar (corner 174), said rebar being located S 79°21'11" E a distance of 30.01 feet from a 5/8" rebar set (corner 193);
(17) S 78°08'49" E a distance of 40.15 feet to a 5/8" rebar set (corner 175);
(18) N 40°26'40" E a distance of 388.63 feet to a 5/8" rebar set (corner 176);
(19) N 17°43'17" E a distance of 83.37 feet to an existing 1/2" rebar (corner 177);
(20) N 46°39'35" E a distance of 68.51 feet to an existing 1/2" rebar (corner 178);
(21) N 11°17'27" E a distance of 216.90 feet to a 5/8" rebar set (corner 179);
(22) N 31°18'39" E a distance of 119.47 feet to a 5/8" rebar set (corner 180);
(23) N 04°32'03" E a distance of 171.68 feet to an existing 1/2" rebar (corner 181), said rebar being located S 18°09'58" E a distance of 55.41 feet from a 5/8" rebar set (corner 154);
(24) S 82°37'47" E a distance of 72.23 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "O" 2.08 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 182), said rebar being located S 46°44'52" W a distance of 49.04 feet from a 5/8" rebar set (corner 173);
Thence with the conservation easement area the following (12) courses and distances:
(1) S 49°26'10" W a distance of 188.59 feet to an existing 1/2" rebar (corner 183);
(2) S 75°40'06" W a distance of 91.72 feet to an existing 1/2" rebar (corner 184);
(3) S 40°05'38" W a distance of 366.04 feet to a 5/8" rebar set (corner 185);
(4) S 88°14'47" W a distance of 224.04 feet to a 5/8" rebar set (corner 186);
(5) N 12°09'32" W a distance of 86.60 feet to a 5/8" rebar set (corner 187);
(6) N 79°13'37" E a distance of 222.44 feet to a 5/8" rebar set (corner 188);
(7) N 20°51'00" E a distance of 95.29 feet to a 5/8" rebar set (corner 189);
(8) N 46°05'04" E a distance of 218.02 feet to a 5/8" rebar set (corner 190);
(9) N 71°27'56" E a distance of 172.05 feet to an existing 1/2" rebar (corner 191);
(10) N 46°31'29" E a distance of 181.34 feet to an existing 1/2" rebar (corner 192);
(11) S 46°44'52" E a distance of 23.65 feet to a 5/8" rebar set (corner 193), said rebar being located N 79°21'11" W a distance of 30.01 feet from an existing 1/2" rebar (corner 174);
(12) S 09°02'03" W a distance of 110.84 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "P" 1.40 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 194), said rebar being located S 24°07'44" E a distance of 38.44 feet from a 5/8" rebar set (corner 167);
Thence with the conservation easement area the following (9) courses and distances:
(1) S 71°51'52" W a distance of 195.33 feet to a 5/8" rebar set (corner 195);
(2) S 27°30'06" W a distance of 186.32 feet to an existing 1/2" rebar (corner 196);
(3) S 51°32'16" W a distance of 295.89 feet to a 5/8" rebar set (corner 197);
(4) N 24°51'10" W a distance of 83.89 feet to a 5/8" rebar set (corner 198);
(5) N 45°03'45" E a distance of 303.61 feet to a 5/8" rebar set (corner 199);
(6) N 28°56'01" E a distance of 180.50 feet to a 5/8" rebar set (corner 200);
(7) N 81°20'55" E a distance of 139.10 feet to a 5/8" rebar set (corner 201), said rebar being located S 63°23'31" W a distance of 30.43 feet from an existing 1/2" rebar (corner 169);
(8) S 36°12'05" E a distance of 51.51 feet to a 5/8" rebar set (corner 202);
(9) S 75°25'50" E a distance of 70.71 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "Q" 0.35 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 203), said rebar being in the common line of Deed Book 959 Page 47 and Deed Book 327 Page 102 in the McDowell County Registry and being located N 00°51'35" W a distance of 177.04 feet from a 5/8" rebar set (corner 236);
Thence with the conservation easement area the following (8) courses and distances:
(1) N 27°56'53" W a distance of 110.22 feet to a 5/8" rebar set (corner 204);
(2) N 58°31'18" W a distance of 118.92 feet to a 5/8" rebar set (corner 205), said rebar being located N 54°22'25" E a distance of 32.59 feet from a 5/8" rebar set (corner 211);
(3) N 12°38'01" W a distance of 28.72 feet to a 5/8" rebar set (corner 206);
(4) N 21°35'05" E a distance of 27.13 feet to a 5/8" rebar set (corner 207), said rebar being located S 35°32'52" E a distance of 35.72 feet from an existing 1/2" rebar (corner 230);
(5) N 80°17'46" E a distance of 49.76 feet to a 5/8" rebar set (corner 208);
(6) S 69°42'56" E a distance of 56.88 feet to a 5/8" rebar set (corner 209);

(7) S 44°54'11" E a distance of 63.22 feet to a 5/8" rebar set (corner 210), said rebar being in the common line of Deed Book 959 Page 47 and Deed Book 327 Page 102 and being located
S 00°51'35" E a distance of 23.55 feet from an existing 5/8" rebar set with a High Country cap;
(8) S 00°51'35" E a distance of 156.62 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "R" 3.78 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 211), said rebar being located S 54°22'25" W a distance of 32.59 feet from a 5/8" rebar set (corner 205);
Thence with the conservation easement area the following (21) courses and distances:
(1) N 56°32'07" W a distance of 212.81 feet to an existing 1/2" rebar (corner 212);
(2) N 88°22'05" W a distance of 178.47 feet to a 5/8" rebar set (corner 213);
(3) S 69°03'07" W a distance of 309.25 feet to a 5/8" rebar set (corner 214);
(4) N 78°19'23" W a distance of 220.00 feet to a 5/8" rebar set (corner 215);
(5) S 86°11'47" W a distance of 241.28 feet to a 5/8" rebar set (corner 216);
(6) N 33°35'55" W a distance of 107.49 feet to an existing 1/2" rebar (corner 217);
(7) N 71°29'19" W a distance of 99.72 feet to an existing 1/2" rebar (corner 218);
(8) N 45°19'49" W a distance of 338.86 feet to an existing 1/2" rebar (corner 219);
(9) N 34°07'13" E a distance of 70.82 feet to an existing 1/2" rebar (corner 220);
(10) S 47°45'44" E a distance of 155.85 feet to an existing 1/2" rebar (corner 221);
(11) S 70°33'14" E a distance of 75.99 feet to an existing 1/2" rebar (corner 222);
(12) S 39°49'39" E a distance of 135.80 feet to a 5/8" rebar set (corner 223);
(13) S 80°24'07" E a distance of 357.98 feet to an existing 1/2" rebar (corner 224);
(14) S 76°01'15" E a distance of 165.11 feet to an existing 1/2" rebar (corner 225);
(15) N 78°41'18" E a distance of 107.29 feet to an existing 1/2" rebar (corner 226);
(16) N 62°49'09" E a distance of 128.55 feet a 5/8" rebar set (corner 227);
(17) S 88°47'33" E a distance of 255.07 feet to a 5/8" rebar set (corner 228);
(18) S 73°18'52" E a distance of 139.40 feet to a 5/8" rebar set (corner 229);
(19) S 50°41'57" E a distance of 90.92 feet to an existing 1/2" rebar (corner 230), said rebar being located N 35°32'52" W a distance of 35.72 feet from a 5/8" rebar set (corner 207);
(20) S 21°35'55" W a distance of 55.75 feet to a 5/8" rebar set (corner 231);
(21) S 12°38'53" E a distance of 50.69 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "S" 1.06 Acres:

BEGINNING AT AN EXISTING 1" IRON PIPE DISTURBED (CORNER 232), said iron pipe being a common corner of Deed Book 959 Page 47, Deed Book 327 Page 102 and Deed Book 1007 Page 232 in the McDowell County Registry and being located N 00°51'35" W a distance of 310.43 feet from an existing 1/2" rebar at the common corner of Deed Book 959 Page 47 and Deed Book 1007 Page 232;
Thence with the conservation easement area the following (4) courses and distances:
(1) S 67°56'12" W a distance of 401.50 feet to a 5/8" rebar set (corner 233);
(2) N 73°37'29" W a distance of 62.63 feet to a 5/8" rebar set (corner 234), said rebar being located N 73°31'23" E a distance of 28.84 feet from a 5/8" rebar set (corner 237);
(3) N 13°26'07" E a distance of 81.10 feet to a 5/8" rebar set (corner 235), said rebar being
S 88°08'41" E a distance of 25.52 feet from a 5/8" rebar set (corner 261);
(4) N 68°24'16" E a distance of 442.79 feet to a 5/8" rebar set (corner 236), said rebar being in the common line of Deed Book 959 Page 47 and Deed Book 327 Page 102;
Thence with the aforesaid common line and continuing with the conservation easement area S 00°51'35" E a distance of 108.71 feet to the TRUE POINT OF BEGINNING.

Conservation Easement Area "T" 3.85 Acres:

BEGINNING AT A 5/8" REBAR SET (CORNER 237), said rebar being located S 73°31'23" W a distance of 28.84 feet from a 5/8" rebar set (corner 234);

Thence with the conservation easement area the following (25) courses and distances:

(1) S 33°17'04" W a distance of 113.06 feet to a 5/8" rebar set (corner 238);
(2) S 86°45'19" W a distance of 580.99 feet to a 5/8" rebar set (corner 239);
(3) S 70°23'10" W a distance of 225.87 feet to a 5/8" rebar set (corner 240);
(4) S 49°58'23" W a distance of 218.86 feet to a 5/8" rebar set (corner 241);
(5) S 73°14'36" W a distance of 126.87 feet to a 5/8" rebar set (corner 242);
(6) S 12°11'50" E a distance of 236.12 feet to an existing 1/2" rebar (corner 243);
(7) S 49°49'05" W a distance of 86.90 feet to a 5/8" rebar set (corner 244);
(8) N 18°51'08" W a distance of 119.60 feet to a 5/8" rebar set (corner 245);
(9) N 09°29'43" W a distance of 254.61 feet to a 5/8" rebar set (corner 246);
(10) N 76°33'57" E a distance of 181.88 feet to a 5/8" rebar set (corner 247);
(11) N 49°50'13" E a distance of 147.88 feet to a 5/8" rebar set (corner 248);
(12) N 58°53'59" E a distance of 166.85 feet to an existing 1/2" rebar (corner 249);
(13) N 53°17'02" W a distance of 150.02 feet to an existing 1/2" rebar (corner 250);
(14) N 15°09'59" W a distance of 54.39 feet to a 5/8" rebar set (corner 251);
(15) N 57°21'23" E a distance of 77.54 feet to a 5/8" rebar set (corner 252), said rebar being located S 19°10'04" E a distance of 28.76 feet from an existing planted stone at the common corner of Deed Book 959 Page 47 and Deed Book 1012 Page 975 in the McDowell County Registry;
(16) S 13°56'55" E a distance of 55.56 feet to a 5/8" rebar set (corner 253);
(17) S 68°23'16" E a distance of 91.63 feet to a 5/8" rebar set (corner 254);
(18) S 26°57'09" E a distance of 70.83 feet to a 5/8" rebar set (corner 255);
(19) N 85°07'27" E a distance of 99.01 feet to an existing 1/2" rebar (corner 256);
(20) N 89°40'59" E a distance of 159.32 feet to a 5/8" rebar set (corner 257), said rebar being located S 58°52'51" E a distance of 80.96 feet from an existing planted stone at the common corner of Deed Book 959 Page 47 and Deed Book 1012 Page 975;
(21) N 79°16'15" E a distance of 279.73 feet to a 5/8" rebar set (corner 258);
(22) S 87°04'31" E a distance of 110.73 feet to a 5/8" rebar set (corner 259);
(23) N 47°20'52" E a distance of 103.22 feet to a 5/8" rebar set (corner 260);
(24) N 80°15'54" E a distance of 49.22 feet to a 5/8" rebar set (corner 261), said rebar being located N 88°08'41" W a distance of 25.52 feet from a 5/8" rebar set (corner 235);
(25) S 13°26'07" W a distance of 90.36 feet to the TRUE POINT OF BEGINNING.

Being all of that area of land containing a total of 42.83 Acres, being the same more or less, according to a plat of survey entitled "An Amendment of A Conservation Easement Survey for: The State of North Carolina, Ecosystem Enhancement Program, Morgan Creek Conservation Easement Revision Project"; on the property of Lester Lee Kemick; Job# 131087-CE. This description was prepared from an actual survey and shown on the aforementioned plat by Kee Mapping and Surveying, PA (License # C-3039) between the dates of 12/19/13 – 07/25/14 and under the supervision of Phillip B. Kee, NC PLS (License # L-4647). Conservation easement corners were set and conservation easement lines were flagged at time of recordation. Corners were set with 5/8" by 30" rebar, unless otherwise noted.

TOGETHER WITH the right to use a 12 foot wide non-exclusive easement for the purpose of ingress, egress and regress to the conservation easement areas as shown and described on the above referenced plat of survey prepared by Kee Mapping and Surveying, PA and being more particularly described in Section IIIA of the conservation easement agreement.