FILED in Avery County, NC
on Oct 11 2007 at 01:13:42 PM
by: Tamela T. Baker
Register of Deeds
BOOK 419 PAGE 1256

Travis Hamrick

Instrument prepared by:
State Property Office
Mail after recording to:
Blane Rice, EEP Section Manager
State Property Office, Dept. Of Administration,
1321 Mail Service Center, Raleigh, NC 27699-1321

State of North Carolina

ASSIGNMENT OF CONSERVATION EASEMENT

County of Avery

THIS ASSIGNMENT is made on the 9th day of October 2007, by **Restoration Systems, LLC, with an address of 1101 Haynes Street, Suite 211, Raleigh, NC 27604 ("Assignor")** to the **State of North Carolina**, (the "**State**" or "**Assignee**") acting by and through the **North Carolina Ecosystem Enhancement Program ("EEP")**

WITNESSETH:

WHEREAS, EEP has entered into a contract for stream restoration services under contract number D06125-A with Restoration Systems, LLC for compensatory mitigation including the acquisition of a Conservation Easement over real property situated along **Three Mile Creek**, and

WHEREAS, pursuant to contract number D06125-A, Restoration Systems, LLC has, on the 26th day of September, 2007, acquired a Conservation Easement, over the property of Mary E. Spry, (widow), with a mailing address of 214 Three Mile Road, Newland, NC 28657 and which easement is recorded in Deed Book 418, Page 2702, Avery County Registry: and

WHEREAS, in furtherance of the terms and conditions of the Grant Agreement, Restoration Systems, LLC 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 the contract between **EEP** and Restoration Systems, LLC; the mutual benefits accruing to the **State**, Restoration Systems, LLC, 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, Restoration Systems, LLC, conveys and assigns to the **State of North Carolina**, acting by and through the **North Carolina Ecosystem Enhancement Program**, all the rights, title, easement, privilege and interest (and subject to all conditions contained therein), in that Conservation Easement conveyed to the Restoration Systems, LLC, by Mary E. Spry, (widow) dated the 26th day of September, 2007 and recorded in Deed Book 418, Page 2702, Avery County Registry.

Restoration Systems, LLC hereby expressly reserves from this Assignment the nonexclusive rights initially acquired by the Conservation Easement to construct, complete, monitor, enforce and maintain the restoration project and 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 of North Carolina**, its successors and assigns in perpetuity.

AND the **Assignor** covenants that it is properly vested with the Conservation Easement; has the right to assign the same to the **Assignee**; that the Easement is free from encumbrances except as may be expressly excepted to by the terms and conditions of the Conservation Easement; and that the **Assignor** will warrant and defend title to the same against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Restoration Systems, LLC, has executed the foregoing in its corporate name, under seal, signed by the ***OFFICER*** with proper authorization by Restoration Systems, LLC, the date and year first above written.

Restoration Systems, LLC

By: John Preyer Vice President (SEAL)
Title

ATTEST

Mary Hawkins (PROJECT MANAGER)
Title

(Add APPROPRIATE Acknowledgement by Notary Public)

NORTH CAROLINA
COUNTY OF Wake

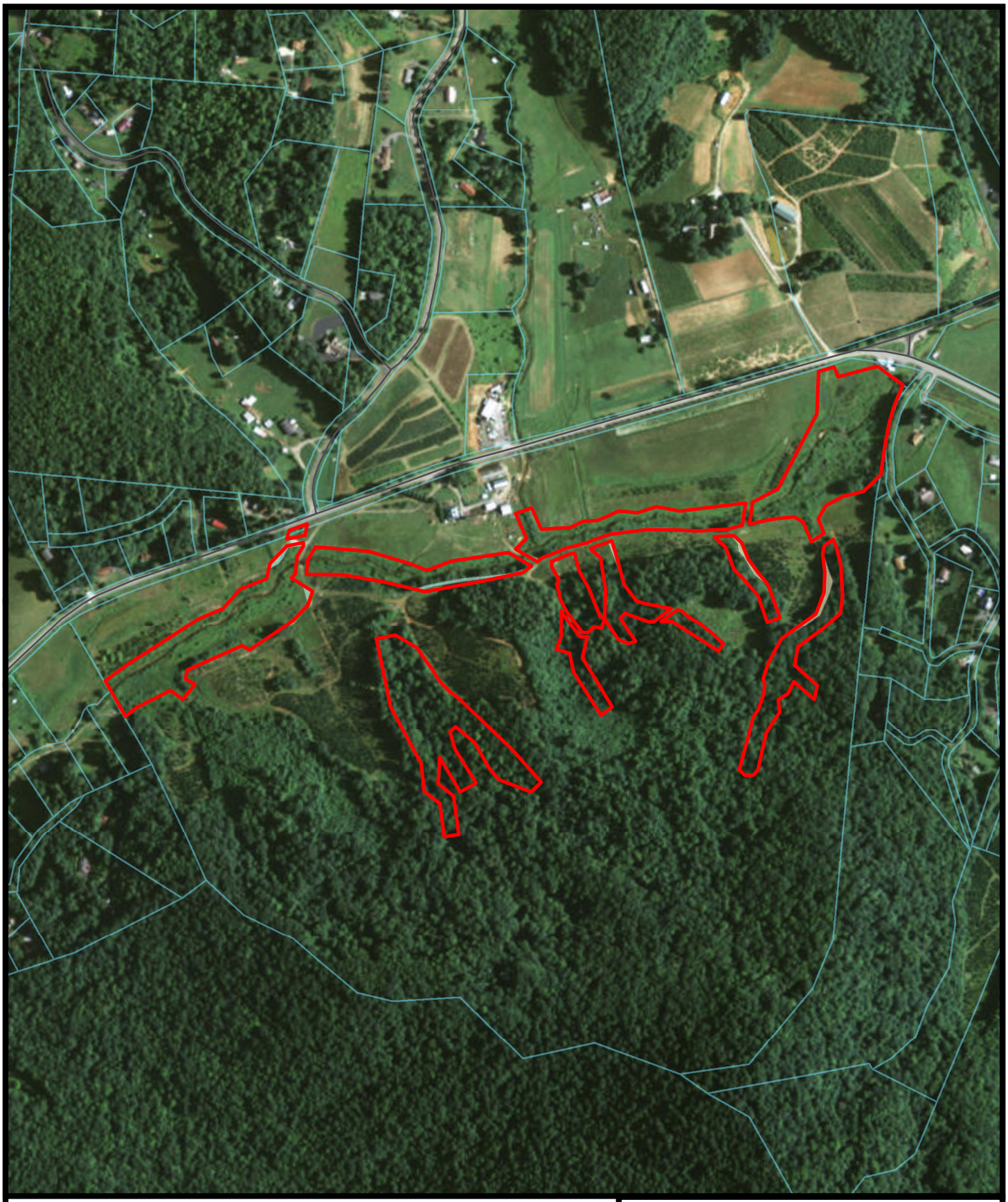
I, Kristen M. Poillon, a Notary Public in and for the County and State aforesaid, do hereby certify that John Preyer personally appeared before me this day and acknowledged that **he/she** is the ***TITLE of OFFICER*** of Restoration Systems, LLC, a North Carolina Corporation, and that by the authority duly given as an act of the corporation, the foregoing instrument was signed in its name by its ***TITLE*** and attested as its ***TITLE of ATTEST***.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 10th day of October 2007.

Kristen M. Poillon
Notary Public

My commission expires:
October 23, 2010

KRISTEN M. POILLON
MY COMMISSION EXPIRES
10-23-10
WAKE CO., NC
NOTARY PUBLIC



NC DEQ Mitigation Services

Site Name: Three Mile Creek

County Name: Avery

IMS Number: 92664

Created: 4/19/2017

Legend

- IMS
- Roads ROW
- UNKNOWN
- Parcels

0 220 440 660 880 Feet

N