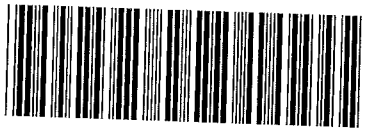
FOR REGISTRATION REGISTER OF DEEDS
Jennifer Leggett Whitehurst
Beaufort County, NC
June 27, 2013 09:56:00 AM
Book 1821 Page 47-52
FEE: $26.00
INSTRUMENT # 2013003691



INSTRUMENT # 2013003691

Prepared by and Return to:
Robert H. Merritt, Jr.
Bailey & Dixon, LLP
P. O. Box 1351
Raleigh, NC 27602

STATE OF NORTH CAROLINA

COUNTY OF BEAUFORT

TERMINATION AND RELEASE OF PORTION OF RIGHT OF WAY AND DRAINAGE EASEMENT

THIS TERMINATION AND RELEASE OF EASEMENT, made and entered into as of this 24th day of JUNE, 2013, by and between STEPHEN R. POOLE, JR. and wife, LUCINDA POOLE of 4847 Sidney Road, Belhaven, NC 27810 ("Party of the First Part") and CHAD ASHLEY POOLE (unmarried) of 4858 Sidney Road, Belhaven, NC 27810 and STEPHEN RICHARD POOLE, III and wife, JENNIE C. POOLE of 4696 Sidney Road, Belhaven, NC 27810 (collectively "Party of the Second Part");

WITNESSETH:

WHEREAS, on or about February 16, 1981, Jerol Selby and wife, Betty C. Selby and Paul R. Waters and wife, Alma M. Waters granted to Weyerhaeuser Company a right of way and easement 30 feet in width for the purpose of ingress, egress and regress over certain land shown on Plat Book B, Slide 266, Beaufort County Registry and further described in a document recorded at Book 800, Page 361, Beaufort County Registry (the "Right of Way"); and

WHEREAS, by virtue of the document recorded at Book 800, Page 361, Beaufort County Registry, the said Jerol Selby and wife, Betty C. Selby and Paul R. Waters and wife, Alma M. Waters also granted to Weyerhaeuser Company a drainage easement and right of way thirty (30) feet in width measured from point "a" to point "b" as shown on Plat Book B, Slide 266, Beaufort County Registry (the "Drainage Easement"); and

WHEREAS, pursuant to document dated June 11, 1986, recorded at Book 865, Page 744, Beaufort County Registry, Weyerhaeuser Company granted and conveyed to the Party of the First Part, a permanent and perpetual drainage easement thirty (30) feet in width over and upon portions of the Drainage Easement and Right of Way granted and conveyed to Weyerhaeuser Company under the document recorded at Book 800, Page 361, Beaufort County Registry; and

WHEREAS, pursuant to a deed dated December 19, 1986, recorded at Book 873, page 611, Beaufort County Registry, Weyerhaeuser Company conveyed to James T. Burbage and wife, Mary Fran Burbage (subject to Weyerhaeuser's reservation of mineral rights) (i) Tract A as shown on Plat Cabinet D, Slide 67, Beaufort County Registry and (ii) an adjoining tract noted on Plat Cabinet D, Slide 67 and more fully described as Weyerhaeuser Beau. 48 and shown on Map Book 4, Page 70 and Deed Book 360, Page 556, Beaufort County Registry, both of the aforementioned tracts being subject to the Right of Way and Drainage Easement granted and conveyed in Book 800, Page 361, Beaufort County Registry; and

WHEREAS, pursuant to deed dated December 19, 1986 recorded at Book 873, Page 616, Beaufort County Registry, Weyerhaeuser Company conveyed by quitclaim unto James T. Burbage and wife, Mary Fran Burbage, all of its right, title and interest in and to the Right of Way and the Drainage Easement, described in the document recorded at Book 800, page 361, Beaufort County Registry; and

WHEREAS, by deed dated December 23, 1986, recorded at Book 873, Page 619, Beaufort County Registry, James T. Burbage and wife, Mary Fran Burbage conveyed to Stephen R. Poole, Jr. and wife, Lucinda T. Poole, (subject to Weyerhaeuser's retention and reservation of mineral rights) all of their interest in (i) Tract A as shown on Plat Cabinet D, Slide 67, Beaufort County Registry and (ii) the adjoining tract known as Weyerhaeuser Beau. 48 as shown on Map Book 4, Page 70 and Deed Book 360, page 556, Beaufort County Registry; and

WHEREAS, by deed dated December 23, 1986, recorded at Book 873, page 623, James T. Burbage and wife, mary Fran Burbage conveyed by quitclaim unto Stephen R. Poole, Jr. and wife, Lucinda T. Poole all of their right, title and interest in and to the Right of Way and the Drainage Easement described in the document recorded at Book 800, page 361, Beaufort County Registry; and

WHEREAS, by virtue of a deed recorded at Book 906, Page 211, Stephen Richard Poole, Jr. and wife, Lucinda T. Poole acquired fee simple title to the tract originally owned by Jerol Selby and wife, Betty C. Selby, which was subject to the Right of Way from its intersection with S.R. 1738 to the southwestern corner of the property owned by Paul R. Waters and wife, Alma M. Waters, as shown on Plat Book B, Slide 266, Beaufort County Registry; and

WHEREAS, by deed dated December 27, 2001 recorded at Book 1235, Page 484, Beaufort County Registry, Chad Ashley Poole and Stephen Richard Poole, III acquired the fee simple interest n the lands previously owned by Paul R. Waters and wife, Alma M. Waters which was burdened by the Right of Way and the Drainage Easement, said property being assigned PIN: 15-005359 and GPIN: 6672-78-3003 by the Beaufort County tax office;

WHEREAS, as a result of the conveyances set forth above, the said Stephen R. Poole, Jr. and wife, Lucinda T. Poole as Party of the First Part and Stephen Richard Poole, III and wife,

Jennie C. Poole and Chad Ashley Poole (unmarried) collectively Party of the Second Part, own all of the land subject to the Right of Way and Drainage Easement described in Book 800, Page 361; and

WHEREAS, the Party of the First Part and the Party of the Second Part both desire to terminate and cancel the portion of the Right of Way and Drainage Easement depicted as the drainage easement for Jerol Selby running from point "a" to point "b" on Plat B, Slide 266, Beaufort County Registry, and to remove the benefits and burdens of the same from the lands affected by said Right of Way and Drainage Easement;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Party of the First Part does hereby remise, release, terminate and by these presents do remise, release, terminate and forever quitclaim unto the Party of the Second Part, their heirs and assigns, all of that portion of the Drainage Easement and right of way depicted on Plat B, Slide 266 as "Drainage Easement for Jerol Selby" running from point "a" located on said plat, N 60° 20' 56" E 339.32 feet; thence N 75° 02' 56" E 200.92 feet to point "b" located on said plat and being the same drainage easement referenced in document entitled Right of Way dated February 16, 1981, recorded at Book 800, page 361, Beaufort County Registry.

TO HAVE AND TO HOLD the real property covered by the aforementioned right of way and easement together with all privileges and appurtenances thereto, free and clear of any right of way or easement (drainage or otherwise) previously granted to Weyerhaeuser Company pursuant to the document recorded at Book 800, Page 361, Beaufort County Registry.

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IN WITNESS WHEREOF, the Party of the First Part and the Party of the Second Part have caused this document to be executed as of the day and year first above written.

PARTY OF THE FIRST PART:

By: Stephen R. Poole Jr. (SEAL)
Stephen R. Poole, Jr.

By: Lucinda T. Poole (SEAL)
Lucinda T. Poole

PARTY OF THE SECOND PART:

By: Stephen Richard Poole III (SEAL)
Stephen Richard Poole, III

Jennie C. Poole (SEAL)
Jennie C. Poole

Chad Ashley Poole (SEAL)
Chad Ashley Poole

STATE OF NORTH CAROLINA

COUNTY OF BEAUFORT

I, THOMAS E. ARCHIE, the undersigned Notary Public, certify that **Stephen R. Poole, Jr. and wife, Lucinda T. Poole**, personally appeared before me this day, and acknowledged to me that they voluntarily signed the foregoing document.

Witness my hand and Notarial stamp or seal this the 24th day of JUNE, 2013.

Notary Public

My Commission Expires: 2-19-16

Thomas E. Archie
Notary Public
Beaufort County
North Carolina
My Commission Expires 2/19/16

STATE OF NORTH CAROLINA

COUNTY OF BEAUFORT

I, THOMAS E. ARCHIE, the undersigned Notary Public, certify that **Stephen Richard Poole, III and wife, Jennie C. Poole**, personally appeared before me this day, and acknowledged to me that they voluntarily signed the foregoing document.

Witness my hand and Notarial stamp or seal this the 24th day of JUNE, 2013.

Notary Public

My Commission Expires: 2-19-16

Thomas E. Archie
Notary Public
Beaufort County
North Carolina
My Commission Expires 2/19/16

STATE OF NORTH CAROLINA

COUNTY OF BEAUFORT

I, THOMAS E. ARCHIE, the undersigned Notary Public, certify that **Chad Ashley Poole**, unmarried, personally appeared before me this day, and acknowledged to me that he voluntarily signed the foregoing document.

Witness my hand and Notarial stamp or seal this the 24th day of JUNE, 2013.

Notary Public

THOMAS E. ARCHIE

My Commission Expires: 2/19/16

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Thomas E. Archie
Notary Public
Beaufort County
North Carolina
My Commission Expires 2/19/16

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