This certifies that there are no delinquent ad valorem taxes, which the Duplin County Tax Collector is charged with collecting, that are a lien on: PIN:# 08-1449-1 Duplin County Assessor's Office. This is not a certification that the PIN# matches the deed description.

2-19-14
Date

(Deputy) Tax Collector/Tax Asst.

STATE OF NORTH CAROLINA
COUNTY OF DUPLIN
This instrument has been filed for Registration on the Date, Time and in the Book and Page shown on the First Page hereof, and is being returned for your safekeeping.
Davis H. Brinson, Register of Deeds

Davis H. Brinson Register of Deeds
02-19-2014 16:03:49 Duplin County, NC
NC REVENUE STAMP: $ 10.00 (#183010)

10 w
26 w
(8)

STATE OF NORTH CAROLINA

DUPLIN COUNTY

MODIFICATION OF CONSERVATION EASEMENT AREA PROVIDED PURSUANT TO FULL DELIVERY MITIGATION CONTRACT

SPO File Number: 31-X
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

Tax ID: 08-1449 and 08-1449-1

Excise Stamps: $10.00

THIS MODIFICATION OF CONSERVATION EASEMENT, made this 19 day of Feb, 2014, by JAMES A. RILEY, *Widower,* whose mailing address is 326 Ludie Brown Road, Chinquapin, NC, (**"Grantor"**), to the STATE OF NORTH CAROLINA, (**"Grantee"**), whose mailing address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321. The designations of 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 instrument is intended to modify the Conservation Easement as recorded in **Deed Book 1763, Page 0182, of the Duplin County Register of Deeds** (the "**Conservation Easement**"). Grantor and Grantee (collectively, the "**Parties**") have agreed to modify the description of the Property and land area included in the easement area to include an additional 0.466 of an acre. All areas which the Parties previously agreed should be encumbered will continue to be subject to the terms of 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) within the Department of Environment and Natural Resources for the purposes of acquiring, maintaining, restoring, enhancing, creating and preserving wetland and riparian resources that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, the Conservation Easement from Grantor to Grantee has been negotiated, arranged and provided for as a condition of a full delivery contract between **EBX-NEUSE I, LLC, 909 Capability Drive, Suite 3100 Raleigh NC 27606,** and the North Carolina Department of Environment and Natural Resources, to provide stream, wetland and/or buffer mitigation pursuant to the North Carolina Department of Environment and Natural Resources Purchase and Services Contract Number 004632 and dated May 24, 2012.

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, which 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 functions; and

WHEREAS, the acceptance of this instrument for and on behalf of the State of North Carolina was 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 8th day of February 2000; and

WHEREAS, the Ecosystem Enhancement Program in the Department of Environment and Natural Resources, which has been delegated the authority authorized by the Governor and Council of State to the Department of Administration, has approved acceptance of this instrument; and

WHEREAS, Grantor owns in fee simple certain real property situated, lying, and being in Cypress Creek Township, Duplin County, North Carolina (the "**Property**"), and being more particularly described as:

Tract 1: Tax Parcel Map Identification Number: 08-1449 and 08-1449-1

Being that certain parcel of land containing approximately 69-5/10 acres conveyed to Grantor through the will of Patricia Maready Riley which is filed in

Estate File No 13 E 055 in the office of the Duplin County Clerk of Court and said property being conveyed to Patricia Maready Riley via deeds recorded in **Deed Book 994, Page 62, Deed Book 1161, Page 145, and Deed Book 1218, Page 500, see also Deed Book 1763, Page 176, Deed Book 1763, Page 178, and Deed Book 1763, Page 180,** all of the Duplin County Registry, North Carolina, **LESS AND EXCEPT those parcels conveyed out in Deed Book 1313, Page 093 and Deed Book 1390, Page 0678,**of the Duplin County Registry, North Carolina. Said 69-5/10 acre parcel does not include those parcels deeded out in **Deed Book 633, Page 485 and Deed Book 613, Page 465**, of the Duplin County Registry, North Carolina. Property descriptions contained in said deeds and affidavits of correction to said deeds is hereby incorporated by reference.

WHEREAS, Grantor is willing to modify the Conservation Easement to include the described areas of the Property in "**Exhibit A**" attached hereto and incorporated by reference, thereby restricting and limiting the use of the included areas of the Property to the terms and conditions and purposes set forth in the Conservation Easement recorded in **Deed Book 1763, Page 0182, of the Duplin County Registry**, and Grantee is willing to accept such Conservation Easement. This Conservation Easement shall be for the protection and benefit of **Muddy Run II, NCEEP Project # 95354.**

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, Grantor unconditionally and irrevocably hereby modifies the Conservation Easement Area and grants and conveys unto Grantee, its successors and assigns, forever and in perpetuity, a Conservation Easement along with a general Right of Access.

The Easement Area consists of the following:

Being the same Easement consisting of **5.797 acres,** more or less, as shown on the plat of survey entitled "CONSERVATION EASEMENT SURVEY OF THE JAMES A. RILEY PROPERTY FOR THE STATE OF NORTH CAROLINA, S.P.O. FILE #31-X NCEEP RFP #16-004101 NCEEP PROJECT #95354 NCEEP PROJECT NAME: MUDDY RUN 2" and dated January 7th, 2013, by Matrix East, PLLC, Christopher K. Paderick, PLS Number 4189, SHEET 13 OF 13, and recorded in the Duplin County, North Carolina Register of Deeds at **Plat Book 27, Page 279.** Reference to said plat is hereby made for a more perfect and accurate description.

See attached **"Exhibit A"** for the Legal Description of the area of the Property hereinafter referred to as the "Easement Area"

TO HAVE AND TO HOLD, the said rights and easements perpetually unto the State of North Carolina for the aforesaid purposes.

AND Grantor covenants that Grantor is seized of said premises in fee and has the right to convey the permanent Conservation Easement recorded in **Deed Book 1763,**

Page 0182, of the Duplin County Registry of Deeds and modified by this instrument; that the same is free from encumbrances and that Grantor will warrant and defend title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set Grantor's hand and seal, the day and year first above written.

James A. Riley (SEAL)
James A. Riley

NORTH CAROLINA

COUNTY OF Pitt

I, Denelle Roberson, a Notary Public in and for the County and State aforesaid, do hereby certify that, JAMES A. RILEY, 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 19th day of February, 2014.

Denelle Roberson
Notary Public

My commission expires:
1-3-2018

DENELLE ROBERSON NOTARY PUBLIC My Comm. Expires January 3, 2018 PITT 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, NC 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 24th day of January, 2014.

_____
Notary Public

Print name: Marion B. Patrick

My Commission Expires: August 10, 2014

(Seal)

*See Following Page For notarial Certificate

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 24th day of January, 2014.

Marion B. Patrick
Notary Public

Print name: Marion B. Patrick

My Commission Expires: August 10, 2014

(Seal)

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

EXHIBIT A
to MODIFICATION OF CONSERVATION EASEMENT BY JAMES A RILEY, Grantor, TO the STATE OF NORTH CAROLINA, Grantee, dated the 19 day of February, 2014.

Legal Description of the Easement Area

Located in Cypress Creek Township, Duplin County, North Carolina and being more particularly described as follows:

BEGINNING at a point along the western boundary of Grantor's Property, said point being designated as Easement Corner #227 as indicated on plat referenced below, thence from that point of beginning N 57 deg. 15' 37'' E 202.96 feet to an iron stake designated as Easement Corner #228 on said plat; thence N 75 deg. 52' 51'' E 162.27 feet to an iron stake designated as Easement Corner #229 on said plat; thence N 71 deg. 41' 54'' E 252.82 feet to an iron stake designated as Easement Corner #230 on said plat; thence N 74 deg. 00' 44'' E 122.93 feet to an iron stake designated as Easement Corner #231 on said plat; thence N 80 deg. 10' 14'' E 182.56 feet to an iron stake designated as Easement Corner #232 on said plat; thence N 79 deg. 27' 28'' E 127.19 feet to an iron stake designated as Easement Corner #233 on said plat; thence N 81 deg. 01' 21'' E 135.25 feet to a iron stake designated as Easement Corner # 234 on said plat; thence S 74 deg. 01' 12'' E 227.06 feet to an iron stake designated as Easement Corner #235 on said plat; thence S 50 deg. 36' 59'' E 297.51 feet to an iron stake designated as Easement Corner #236 on said plat; thence S 79 deg. 30' 07'' E 39.12 feet to an iron stake designated as Easement Corner #237 on said plat; thence S 05 deg. 14' 37'' W 110.69 feet to an iron stake designated as Easement Corner #238 on said plat; thence S 66 deg. 57' 57'' W 25.58 feet to an iron stake designated as Easement Corner #239 on said plat; thence N 85 deg. 21' 37'' W 35.58 feet to an iron stake designated as Easement Corner #240 on said plat; thence N 54 deg. 32' 05'' W 71.24 feet to an iron stake designated as Easement Corner #241 on said plat; thence N 49 deg. 23' 46'' W 257.04 feet to an iron stake designated as Easement Corner #242 on said plat; thence N 76 deg. 35' 41'' W 171.98 feet to an iron stake designated as Easement Corner #243 on said plat; thence S 71 deg. 38' 05'' W 138.92 feet to an iron stake designated as Easement Corner # 244 on said plat; thence S 87 deg. 26' 32'' W 146.78 feet to an iron stake designated as Easement Corner #245 on said plat; thence S 73 deg. 37' 15'' W 534.66 feet to an iron stake designated as Easement Corner #246 on said plat; thence S 76 deg. 18' 27'' W 206.18 feet to an iron stake designated as Easement Corner #247 on said plat; thence S 19 deg. 45' 50'' E 296.90 feet to an iron stake designated as Easement Corner #248 on said plat; thence S 69 deg. 01' 59'' W 107.90 feet to point designated as Easement Corner #221 on said plat; thence N 32 deg. 31' 28'' W 13.92 feet to a point designated as Easement Corner #222 on said plat; thence N 20 deg. 27' 59'' W 81.24 feet to a point designated as Easement Corner #223 on said plat; thence N 19 deg. 34' 51'' W 102.19 feet to a point designated as Easement Corner #224 on said plat; thence N 19 deg. 36' 07'' W 56.13 feet to a point designated as Easement Corner #225 on said plat; thence N 18 deg. 13' 18'' W 62.02 feet to a point designated as Easement Corner #226 on said plat; thence N 19 deg. 19' 43'' W 64.80 feet to a point designated as Easement Corner #227 and the same point

of beginning, and consisting of 5.797 acres, more or less, as shown on plat of survey entitled "CONSERVATION EASEMENT SURVEY OF THE JAMES A. RILEY PROPERTY FOR THE STATE OF NORTH CAROLINA S.P.O. FILE #31-X, NCEEP RFP #16-004101, NCEEP PROJECT #95354, NCEEP PROJECT NAME: MUDDY RUN 2" and dated January 7, 2013, by Matrix East, PLLC, Christopher K. Paderick, PLS Number 4189, SHEET 13 OF 13, and recorded in the Duplin County, North Carolina Register of Deeds at Plat Book 27, Page 279. Reference to said plat is hereby made for a more perfect and accurate description.