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WAYNE COUNTY, NC
JUDY HARRISON REGISTER OF DEEDS
BK 3222 PG 296-300

Indexed

RECORDED AND VERIFIED
JUDY HARRISON
REGISTER OF DEEDS

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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 WAYNE

TERMINATION AND RELEASE OF PORTION OF CONSERVATION EASEMENT

THIS TERMINATION AND RELEASE OF PORTION OF CONSERVATION EASEMENT, made and entered into as of this 23rd day of October, 2015, by and between the STATE OF NORTH CAROLINA, whose mailing address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, North Carolina 27699-1321 and B&B Partnership, a North Carolina General Partnership, whose mailing address is 604 Benton Pond Road, Fremont, North Carolina 27830 ("B&B");

W I T N E S S E T H:

WHEREAS, pursuant to a Permanent Conservation Easement Deed recorded at Book 2383, Page 211, Wayne County Registry, B&B granted a conservation easement to the State of North Carolina (the "Conservation Easement"), which Conservation Easement is further described in a plat entitled "Conservation Easement Survey for State of North Carolina-Ecosystem Enhancement Program on the Property of B&B Partnership and Willard Joseph

Ballance and Richard A. Ballance (the Ballance Site)" dated September 23, 2005, and recorded at Plat Book M, Pages 59J and 60A, Wayne County, North Carolina, Registry; and

WHEREAS, the State of North Carolina and B&B have agreed to revise the Conservation Easement by deleting therefrom two portions of property on Tract A (PIN:3614749901) each of which are more fully described on Exhibit A, attached hereto and incorporated herein by reference; and

To further describe and identify the revisions to the Conservation Easement including, but not limited to those contemplated by this instrument, a new plat shall be recorded entitled "Conservation Easement Survey Release and Modification for State of North Carolina-Ecosystem Enhancement Program on the Property of 'The Ballance Site,'" dated June 16, 2015, prepared by Marshall Wight, PLS, showing, among other things, the two changes to the Conservation Easement contemplated by this Agreement, which changes are labeled "Release Area A" and "Release Area B" on such revised plat;

NOW, THEREFORE, the State of North Carolina for and in consideration of the premises hereinabove set forth, the sum of Ten Dollars ($10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, terminate and by these presents does remise, release, terminate and forever quitclaim unto B&B Partnership, its successors and assigns, any and all easements, rights and interests of every nature, over, upon, in, to and covering that certain real property situated in Wayne County, North Carolina, specifically described on Exhibit A attached hereto and being the same property described as "Release Area A" and "Release Area B" on that certain plat entitled "Conservation Easement Survey Release and Modification for State of North Carolina-Ecosystem Enhancement

Program on the Property of 'The Ballance Site,'" dated June 16, 2015, and recorded at Plat Book O, Page 41G & 41H, Wayne County Registry.

TO HAVE AND TO HOLD said real property together with all privileges and appurtenances thereto free and clear of any conservation easement and other rights of every nature previously granted to the State of North Carolina. By executing this Termination and Release, the State of North Carolina and B&B acknowledge that the Conservation Easement, as amended by this document and as now set forth in the revised plat recorded at Plat Book O, Pages 41G & 41H, Wayne County Registry shall continue as described in said Plat, as amended and modified hereby.

IN TESTIMONY WHEREOF, B&B has caused this instrument to be executed through its respective Partners and the State of North Carolina has caused this instrument to be executed in its name by Speros Fleggas, of the Department of Administration, by virtue of the power and authority duly given as of the date first above written.

STATE OF NORTH CAROLINA

By: Speros Fleggas
Speros Fleggas,
Department of Administration

B&B PARTNERSHIP, a North Carolina General Partnership

By: Joseph Todd Ballance
Joseph Todd Ballance, Partner

By: Deborah M Ballance
Deborah M. Ballance, Partner

By: Eleanor M. Ballance
Eleanor M. Ballance, Partner

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Marin B. Patrick, a Notary Public, certify that Speros Fleggas, of the Department of Administration for the State of North Carolina, personally appeared before me this day and acknowledged that by authority duly given and as the act of the State, the foregoing instrument was signed in his name as the act and deed of the State of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 23rd day of October, 2015.

Marion B. Patrick
Notary Public

My Commission Expires: August 10, 2019

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

STATE OF NORTH CAROLINA
COUNTY OF Lenoir

I, Lea A. Zorbaugh, a Notary Public, certify that Joseph Todd Ballance, Deborah E. Ballance and Eleanor M. Ballance personally appeared before me this day and acknowledged that they are the Partners of B&B Partnership, a North Carolina General Partnership, and that they executed the foregoing on behalf of the Partnership.

WITNESS my hand and official stamp or seal, this 25 day of March, 2016.

Lea A. Zorbaugh
Notary Public

My Commission Expires: 3-21-17

LEA A. ZORBAUGH NOTARY PUBLIC LENOIR COUNTY, NC

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EXHIBIT A

Tract A – Easement Area Terminated and Released

Conservation Easement over a portion of land now owned by B&B Partnership (PIN: 3614749901) located in Nahunta Township, Wayne County, North Carolina and being a portion of Tract A as shown on map entitled "Conservation Easement Survey Release and Modification for State of North Carolina, Ecosystem Enhancement Program on the Property of "The Ballance Site," dated June 16, 2015, prepared by Marshall Wight, PLS and recorded in Plat Book O, Pages 41G & 41H, of the Wayne County Registry and being more particularly described as follows:

(A) Commencing at an iron pin having NC Grid Coordinates of X=2,318,016.29, Y=644,612.92 and identified as point 100 on the above-referenced plat, said iron pin being the POINT AND PLACE OF BEGINNING, thence N33°16'21"W 22.96 feet to a point, thence N67°59'19"E 247.70 feet to a point, thence S33°16'21"E 223.35 feet to an iron pin, thence N77°35'36"W 347.70 feet to the point and place of BEGINNING, and being that certain portion of land designated on the above-reference recorded plat as Release Area A consisting of 0.69 acres (29918.6 sq. ft.).

(B) Commencing at an iron pin having NC Grid Coordinates of X=2,319,758.52, Y=644,491.09 and identified as point 101 on the above referenced plat, said iron pin being the POINT AND PLACE OF BEGINNING, thence N41°48'20"W 16.22 feet to a point, thence N70°27'52"E 108.06 feet to a point, thence S 42°36'13"E 20.77 feet to a point, thence S72°35'46"W 110.13 feet to the point and place of BEGINNING, and being that certain potion of land designated on the above-referenced plat as Release Area B consisting of 0.04 acres (1845.9 sq. ft.).