

**2012005020**

COLUMBUS CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED:

10-05-2012 05:04:47 PM

KANDANCE H WHITEHEAD

REGISTER OF DEEDS

BY REGINA MARCELLINO

DEPUTY

BK: RB 1042**PG: 202-205**

EXCISE TAX: NONE

RECORDING TIME, BOOK AND PAGE

PREPARED BY: T. SCOTT SESSIONS, ATTORNEY AT LAW; THE MCGOUGAN LAW FIRM; 130 JEFFERSON STREET, P.O. BOX 1319, WHITEVILLE, NORTH CAROLINA 28472.

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

EFFLUENT SPRAY EASEMENT

THIS DEED OF EASEMENT made this the 5TH day of OCTOBER, 2012, by **BARNES FARMS, INCORPORATED, SUCCESSOR IN INTEREST BY MERGER FROM E&R FARMS, INCORPORATED, BY CERTIFICATION OF MERGER RECORDED IN DEED BOOK 580 AT PAGE 889, COLUMBUS COUNTY REGISTRY**, a North Carolina corporation, having an address of 3965 Kings Cross Road, Lumberton, North Carolina 28358, whether one or more, party of the first part, to **WILBUR B. FREEDMAN and wife, PEARL W. FREEDMAN**, of 1127 Jordan Road, Clarkton, North Carolina 28433, whether one or more, party of the second part. The designation party of the first part and party of the second part 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:

THAT WHEREAS, said party of the first part owns certain lands lying on the East side of State Road 1574, also known as Old 74, in Chadbourn Township, Columbus County, North Carolina, containing a total of 14.76 acres, more or less, as the same is more particularly described on a survey map entitled "Plat For E & R Farms, Inc. Plat #1", dated August 1, 2012, and prepared by Billy M. Duncan, PLS, said survey map being attached hereto and incorporated herein by reference for more particularity of description; and

WHEREAS, said party of the second part also owns certain lands lying on the East side of State Road 1574, also known as Old 74, in Chadbourn Township, Columbus County, North Carolina, said property of the second part being purchased by the party of the first part from the party of the second part simultaneously with the execution of this Easement and described in a Deed recorded a short time prior to the recording of this Easement in Book _____ at Page _____, Columbus County Registry, said lands containing a commercial swine operation; and

WHEREAS, the party of the second part desire to possess an easement from the party of the first part which would be intended to run with the land and which would allow the party of the second part, their heirs and assigns, to scatter and otherwise disseminate swine sewage, manure, and effluent over a portion of the lands of the party of the first part described above, and

WHEREAS, the party of the first part desires to and has agreed to grant said easement to the party of the second part as described hereinafter.

NOW, THEREFORE, said party of the first part, for and in consideration of Ten Dollars (\$10.00) and other valuable considerations, to it in hand paid by said party of the second part, the receipt of which is hereby acknowledged, does hereby give, grant, and convey unto said party of the second part, and its heirs and assigns, a perpetual right and easement of ingress, egress, and regress over and upon the lands of the party of the first part, said right and easement being to scatter and otherwise disseminate swine sewage, manure, and effluent in an agriculturally sound manner upon the lands described below, for an indefinite period of time, to run with the land of the party of the second part, and for the purposes of scattering and

otherwise disseminating such swine sewage, manure, and effluent. Said easement is more particularly described as follows:

ALL OF that certain tract of land described as Lot or Tract B, containing 6.53 acres, more or less, as the same is more particularly shown and delineated upon a survey map entitled "Plat For E & R Farms, Inc. Plat #1", dated August 1, 2012, and prepared by Billy M. Duncan, PLS, said survey map being attached hereto and incorporated herein by reference for more particularity of description. The said 6.53 acres, more or less, is designated upon said survey map as "Spray Area".

This easement shall run with the land. A portion of the consideration for the grant of easement herein is the covenant that the party of the second part shall disseminate and spray said effluent in a reasonable manner, and in compliance with all applicable state and local regulations, and that the party of the second part shall save and hold the parties of the first part harmless from any claims arising out of said operation brought or maintained by any third parties.

TO HAVE AND TO HOLD the aforesaid right and easement and use of the said land of the party of the first part and all privileges and appurtenances thereto belonging to the party of the second part, and their heirs and assigns, in fee simple.

AND the party of the first part, as Grantor, covenants with the party of the second part, as Grantee, that the party of the first part is seized of the premises in fee simple, has the right to convey the aforesaid right and easement and use of the said land in fee simple, that the title is marketable and free and clear of all encumbrances, and that the party of the first part will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hands and seals, the day and year first above written.

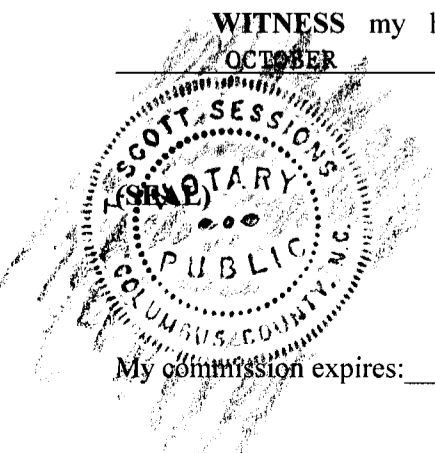
BARNES FARMS, INCORPORATED, Successor In Interest By Merger From E&R Farms, Incorporated

By: Richard D. Barnes
Title: **RICHARD D. BARNES, PRESIDENT**

**STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS**

I, T. SCOTT SESSIONS, a Notary Public of the County and State aforesaid, do hereby certify that **RICHARD D. BARNES** personally appeared before me this day and acknowledged that he is President of **BARNES FARMS, INCORPORATED**, a North Carolina corporation, and that he as President, being authorized to do so, executed the foregoing Deed Of Easement on behalf of the corporation.

WITNESS my hand and official notarial seal or stamp, this the 5TH day of OCTOBER, 2012.



J. Scott Sessions (SEAL)
NOTARY PUBLIC

My commission expires: 1/14/2017

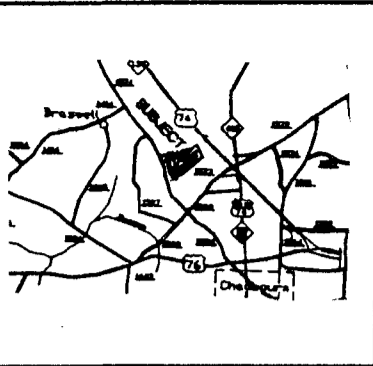
**STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS**

The foregoing, or annexed, certificate(s) of T. SCOTT SESSIONS, Notary Public, has been verified to have a signature, seal or stamp, and an expiration date. This instrument and certificate are duly registered at the date and time and in the book and page shown on the first page thereof.

Ret to: Scott Sessions

Kandance H. Whitehead
REGISTER OF DEEDS

By: Jamika A. Rouse
Assistant Deputy



LOCATION SKETCH (NOT TO SCALE)

PLAT FOR

E & R FARMS, INC.

PLAT #1

CHADBOURN TOWNSHIP
COLUMBUS COUNTY
NORTH CAROLINA

1ST AUGUST 2012 SCALE=1"=200'
BILLY M. DUNCAN LAND SURVEYING

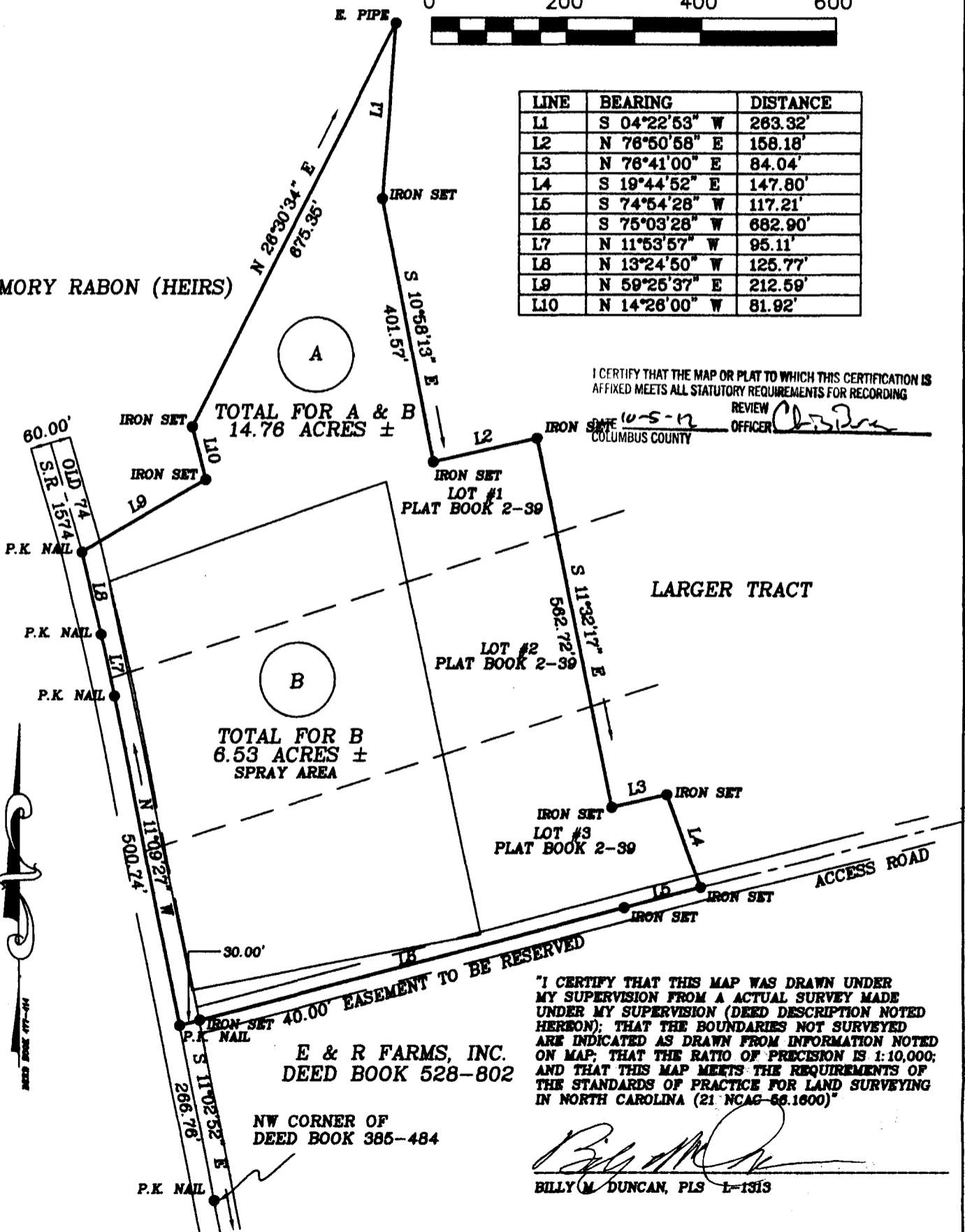
105 WEST NANCE STREET WHITEVILLE, NC 28472
NC LICENSE NO. 1313 SC LICENSE NO. 4474
FIELD SURVEY BY BILLY M. DUNCAN, PLS
COMPUTATIONS BY BILLY M. DUNCAN, PLS
PLAT DRAWN BY KRISTEN ELLIS TYREE

DEED REFERENCE
DEED BOOK 477-414



LINE	BEARING	DISTANCE
L1	S 04°22'53" W	263.32'
L2	N 76°50'58" E	158.18'
L3	N 76°41'00" E	84.04'
L4	S 19°44'52" E	147.80'
L5	S 74°54'28" W	117.21'
L6	S 75°03'28" W	682.90'
L7	N 11°53'57" W	95.11'
L8	N 13°24'50" W	125.77'
L9	N 59°25'37" E	212.59'
L10	N 14°26'00" W	81.92'

EMORY RABON (HEIRS)



TOTAL FOR A & B
14.76 ACRES ±

TOTAL FOR B
6.53 ACRES ±
SPRAY AREA

E & R FARMS, INC.
DEED BOOK 528-802

NW CORNER OF
DEED BOOK 385-484

I CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING
REVIEW OFFICER: [Signature]
COLUMBUS COUNTY

"I CERTIFY THAT THIS MAP WAS DRAWN UNDER
MY SUPERVISION FROM AN ACTUAL SURVEY MADE
UNDER MY SUPERVISION (DEED DESCRIPTION NOTED
HEREON); THAT THE BOUNDARIES NOT SURVEYED
ARE INDICATED AS DRAWN FROM INFORMATION NOTED
ON MAP; THAT THE RATIO OF PRECISION IS 1:10,000;
AND THAT THIS MAP MEETS THE REQUIREMENTS OF
THE STANDARDS OF PRACTICE FOR LAND SURVEYING
IN NORTH CAROLINA (21 NCAC 56.1600)"

[Signature]
BILLY M. DUNCAN, PLS L-1313