



Roy Cooper, Governor

North Carolina  
Department of Administration  
State Property Office

Machelle Sanders  
*Secretary*

Tim Walton  
*Director*

July 7, 2020

Daniel Bruton, Attorney at Law  
Bell, Davis, and Pitt  
100 North Cherry Street, Suite 600  
Winston-Salem, NC 27101

Re: Maple Ridge Farms, Inc. property  
126.46 acres by conservation easement  
Subdivision rights  
DMS Site 94709  
Moore's Fork Creek  
Surry County, NC

Dear Mr. Bruton:

Thank you for discussing with me by phone on July 6<sup>th</sup>, 2020, the pending foreclosure sale of the above referenced property that is subject to a State of North Carolina conservation easement on behalf of your client, Mr. Mark Rogers, with Rogers Auction and Realty.

The State of North Carolina conservation easement that encumbers this site is for the benefit of the Division of Mitigation Services, (formerly the Ecosystem Enhancement Program), as required for compensatory mitigation with the US Army Corps of Engineers, Wilmington District.

Although not specifically stated in the conservation easement document, it is the policy of the State of NC and the Division of Mitigation Services to allow subdivision of the easement area based upon the individual parcels as set forth and identified in separate deeds, even when held by the same grantor. Therefore, it is permissible for the conservation easement area to be transferred with the underlying fee based upon the following deeded parcels in place at the time of acquisition by the State.

Inserted below is the section of the conservation easement that references the deeded parcels applicable to the possible subdivision of the conservation easement:

**WHEREAS**, Grantor owns in fee simple certain real property situated, lying, and being in Stewarts Creek Township, Surry County, North Carolina (the "**Property**"), and being more particularly described as that certain parcel of land containing approximately 408 +/- acres and being conveyed to the Grantor by deed as recorded in **Deed Book 0426 at Page 1017, Deed Book 0504, Page 1127, Deed Book 0504, Page 1134** of the Surry County Registry, North Carolina; and

94709 Moore's Fork Creek Maple Ridge Farms, Inc., subdivision of easement cont.

The plat of record for the State of NC conservation easement is on the pages following this letter as further reference to the deeds of record.

I have also attached an aerial view of the easement area and a .kmz file to the email for additional reference.

You may contact me at [blane.rice@doa.nc.gov](mailto:blane.rice@doa.nc.gov) or 919-787-5757 (mobile) if further assistance is needed regarding this matter.

Sincerely,

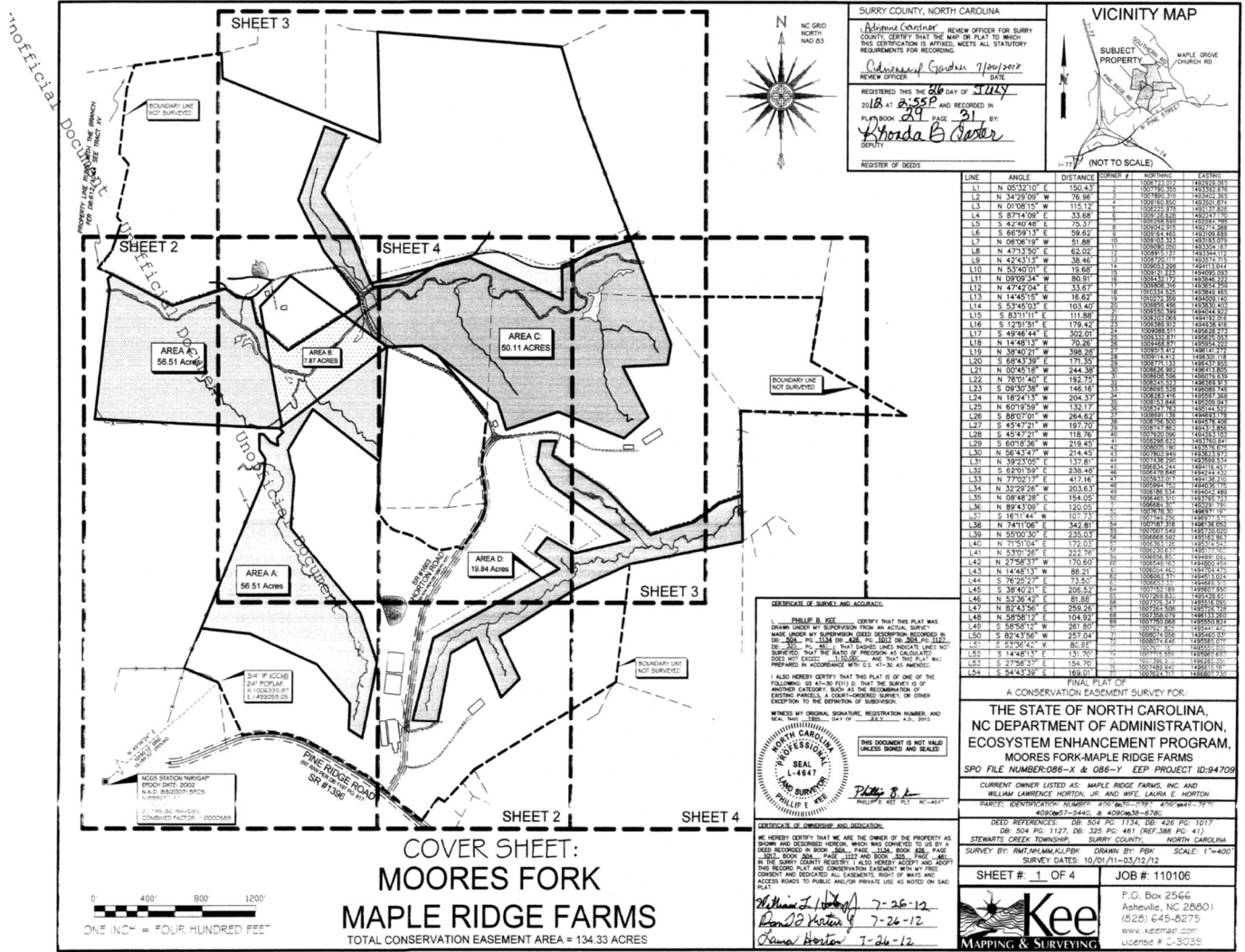
A handwritten signature in black ink that reads "Blane Rice". The signature is written in a cursive, flowing style.

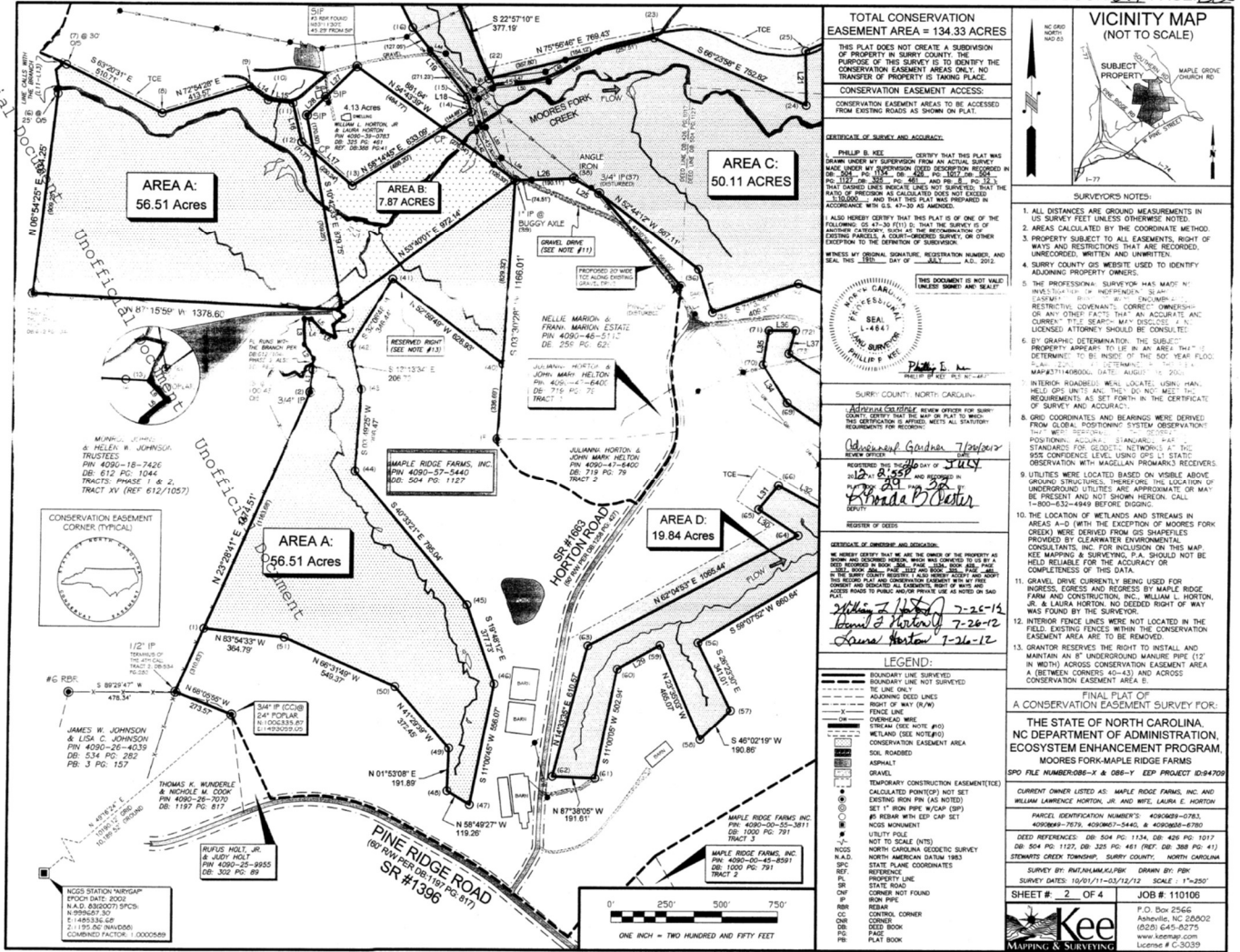
Blane Rice, DMS Manager  
State Property Office

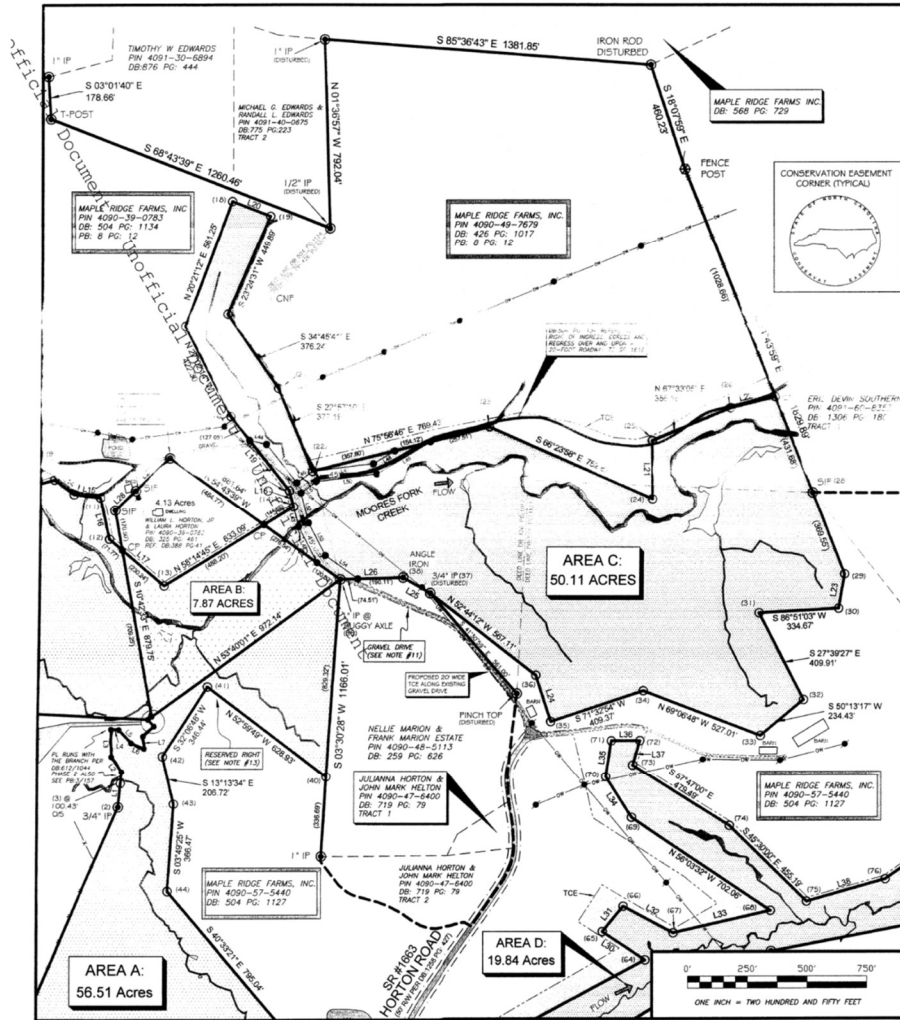
cc: [Mark Rogers, Rogers Realty & Auction Company, Inc.](#)  
Jeff Horton, DMS Property Specialist  
Ed Hajnos, Stewardship Program Manager  
Rachel Massa, Stewardship Program  
Tim Baumgartner, DMS Director  
Tim Walton, SPO Director

Plat Book 29, Pages 31-34

PLAT BOOK: 29 PAGE: 31







**TOTAL CONSERVATION EASEMENT AREA = 134.33 ACRES**

THIS PLAT DOES NOT CREATE A SUBDIVISION OF PROPERTY IN SURRY COUNTY. THE PURPOSE OF THIS SURVEY IS TO IDENTIFY THE CONSERVATION EASEMENT AREAS ONLY. NO TRANSFER OF PROPERTY IS TAKING PLACE.

**CONSERVATION EASEMENT ACCESS:**  
CONSERVATION EASEMENT AREAS TO BE ACCESSED FROM EXISTING ROADS AS SHOWN ON PLAT.

**CERTIFICATE OF SURVEY AND ACCURACY:**  
PHILIP B. KEE, SURVEYOR HAS THIS PLAT AND DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION REFERRED TO DB: 504 PG: 1127, DB: 504 PG: 1127, DB: 504 PG: 1127, DB: 504 PG: 1127) THAT CARRIES ONLY IMPLICIT AND NOT EXPLICIT WARRANTIES. I ALSO HEREBY CERTIFY THAT THIS PLAT IS ONE OF THE FOLLOWING: (1) A SURVEY OF THE BOUNDARIES OF EXISTING PARCELS; (2) A SURVEY OF THE BOUNDARIES OF EXISTING PARCELS AND OF THE BOUNDARIES OF EXISTING PARCELS AND OF THE BOUNDARIES OF EXISTING PARCELS; (3) A SURVEY OF THE BOUNDARIES OF EXISTING PARCELS AND OF THE BOUNDARIES OF EXISTING PARCELS; (4) A SURVEY OF THE BOUNDARIES OF EXISTING PARCELS AND OF THE BOUNDARIES OF EXISTING PARCELS.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 15th DAY OF JULY, A.D. 2012.

**ADVERSE CLAIMS:**  
I HEREBY CERTIFY THAT I AM NOT AWARE OF ANY ADVERSE CLAIMS TO THE PROPERTY AS SHOWN ON THIS PLAT.

**REGISTER OF DEEDS:**  
WILLIAM J. HORTON JR. 7-26-12  
LORNA F. HORTON 7-26-12  
LORNA F. HORTON 7-26-12

**LEGEND:**  
--- BOUNDARY LINE SURVEYED  
--- BOUNDARY LINE NOT SURVEYED  
--- EASEMENT LINE ONLY  
--- ADJOINING DEED LINES  
--- RIGHT OF WAY (RW)  
--- FENCE LINE  
--- CROWNED W/VE  
--- STREAM (SEE NOTE #10)  
--- WETLAND (SEE NOTE#9)  
--- CONSERVATION EASEMENT AREA  
--- SOIL MAPPED  
--- ASPHALT  
--- GRAVEL  
--- TEMPORARY CONSTRUCTION EASEMENT(S)  
--- EXISTING IRON PIN (AS NOTED)  
--- SET (1" BORN PIPE W/ CAP (SP)  
--- REBAR WITH LEAP CAP SET  
--- NEOS SURVEY  
--- UTILITY POLE  
--- NOT TO SCALE INTO  
--- NORTH CAROLINA GEODETIC SURVEY  
--- N.A.D. 83  
--- STATE PLANE COORDINATES  
--- REFERENCE  
--- PROPERTY LINE  
--- STATE ROAD  
--- CONVEY NOT FOUND  
--- BORN PIPE  
--- REBAR  
--- CORNER  
--- CORNER CORNER  
--- DEED BOOK  
--- PAGE  
--- PLAT BOOK

**VICINITY MAP (NOT TO SCALE)**

SUBJECT PROPERTY: MAPLE RIDGE CONSERVATION EASEMENT

**SURVEYOR'S NOTES:**

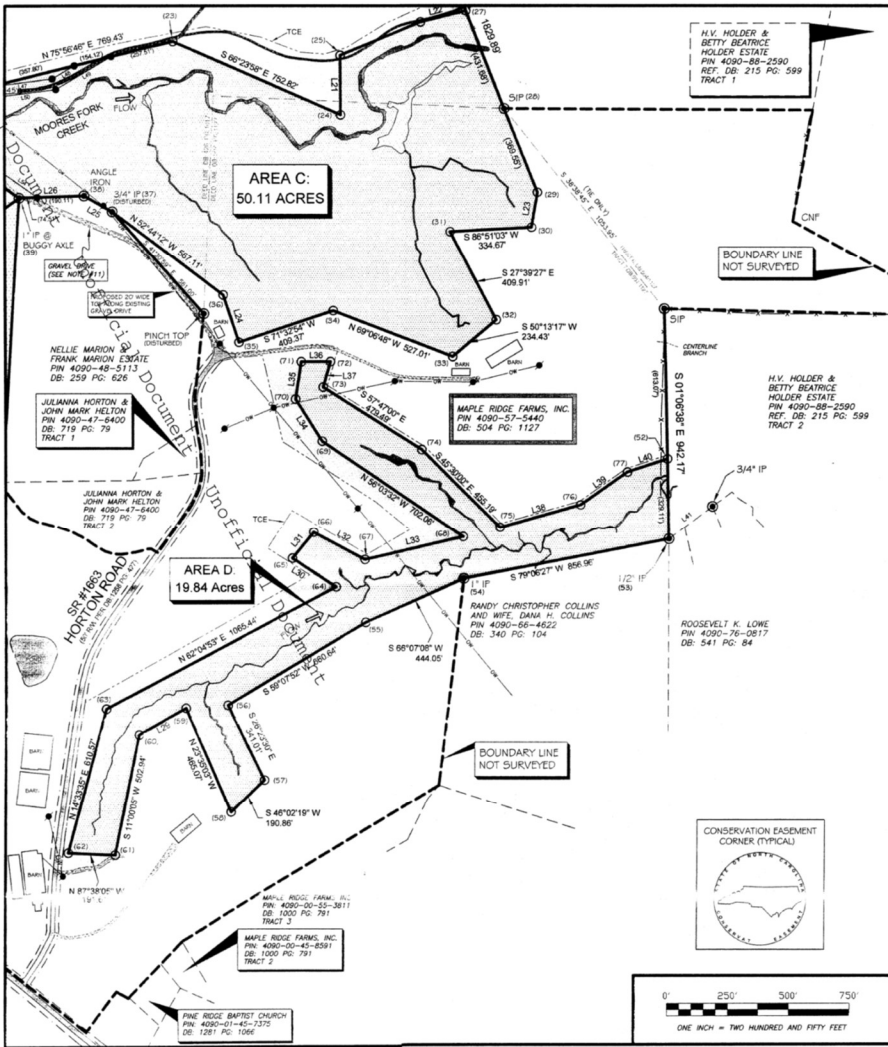
- ALL DISTANCES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
- AREAS CALCULATED BY THE COORDINATE METHOD.
- PROPERTY SUBJECT TO ALL EASEMENTS, RIGHT OF WAY AND RESTRICTIONS THAT ARE RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN.
- SURRY COUNTY GIS WEBSITE USED TO IDENTIFY ADJOINING PROPERTY.
- THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OF THE DEPTHS OF ANY EXISTING OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. A LICENSED ATTORNEY SHOULD BE CONSULTED.
- BY GRAPHIC DETERMINATION THE SUBJECT PROPERTY APPEARS TO BE IN AN AREA THAT IS DETERMINED TO BE A 100 YEAR FLOOD HAZARD ZONE.
- INTERFERING WITH THE SURVEYOR'S FIELD WORK OR DELAYING THE SURVEYOR'S FIELD WORK WILL BE CONSIDERED A VIOLATION OF THE CERTIFICATE OF SURVEY AND ACCURACY.
- GRID COORDINATES AND BEARINGS WERE DERIVED FROM GLOBAL POSITIONING SYSTEM (GPS) DATA THAT WERE OBTAINED BY THE SURVEYOR.
- STANDARD FOR GEODETIC NETWORKS: AT THE TIME OF THIS SURVEY, THE SURVEYOR USED A GPS RECEIVER WITH MAGELLAN PROMARK RECEIVERS.
- UTILITIES WERE LOCATED BASED ON VISUAL ABOVE GROUND STRUCTURES. THEREFORE THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE OR MAY BE PRESENT AND NOT SHOWN HEREON. CALL 1-800-632-4949 BEFORE DIGGING.
- THE LOCATION OF WETLANDS AND STREAMS IN AREAS A-D (WITH THE EXCEPTION OF MOORE'S FORK CREEK) WERE DERIVED FROM GIS SHAPFILES PROVIDED BY CLEARWATER ENVIRONMENTAL CONSULTANTS, INC. FOR INCLUSION ON THIS MAP. KEE MAPPING & SURVEYING, P.A. SHOULD NOT BE HELD LIABLE FOR THE ACCURACY OR COMPLETENESS OF THIS DATA.
- GRAVEL DRIVE CURRENTLY BEING USED FOR INGRESS, EGRESS AND STORAGE BY MAPLE RIDGE FARM AND CONSTRUCTION, INC., WILLIAM L. HORTON, JR. & LAURA HORTON. NO DEED RIGHT OF WAY WAS FOUND BY THE SURVEYOR.
- INTERIOR FENCE LINES WERE NOT LOCATED IN THE FIELD. EXISTING FENCES WITHIN THE CONSERVATION EASEMENT AREA ARE TO BE REMOVED.
- GRANTOR RESERVES THE RIGHT TO INSTALL AND MAINTAIN AN 8" UNDERGROUND MANURE PIPE (12" IN WIDTH) ACROSS CONSERVATION EASEMENT AREA A BETWEEN CORNERS 40-43 AND ACROSS CONSERVATION EASEMENT AREA B.

**FINAL PLAT OF A CONSERVATION EASEMENT SURVEY FOR:**  
THE STATE OF NORTH CAROLINA  
NC DEPARTMENT OF ADMINISTRATION,  
ECOSYSTEM ENHANCEMENT PROGRAM,  
MOORE'S FORK-MAPLE RIDGE FARMS  
SPD FILE NUMBER 088-X & 088-Y EEP PROJECT ID# 94709

CURRENT OWNER LISTED AS: MAPLE RIDGE FARMS, INC. AND WILLIAM LAWRENCE HORTON, JR. AND WIFE, LAURA E. HORTON  
PARCEL IDENTIFICATION NUMBERS: 408083-0783, 408084-0778, 408085-0540, & 408086-0788

DEED REFERENCES: DB: 504 PG: 1124, DB: 426 PG: 1017, DB: 504 PG: 1127, DB: 325 PG: 481 (REF. DB: 388 PG: 411)  
STEWARTS CREEK TOWNSHIP, SURRY COUNTY, NORTH CAROLINA  
SURVEY BY: WILLIAM L. KEE, SURVEYOR DRAWN BY: PHILIP B. KEE  
SURVEY DATES: 10/01/11-03/12/12 SCALE: 1"=250'

SHEET # 3 OF 4 JOB # 110106  
P.O. Box 2566 Asheville, NC 28902 (828) 645-5272 www.keemap.com License # C-30338



**TOTAL CONSERVATION EASEMENT AREA = 134.33 ACRES**

THIS PLAT DOES NOT REPRESENT A SUBDIVISION OF PROPERTY IN SURRY COUNTY, THE PURPOSE OF THIS SURVEY IS TO IDENTIFY THE CONSERVATION EASEMENT AREAS ONLY, NO TRANSFER OF PROPERTY IS TAKING PLACE.

**CONSERVATION EASEMENT ACCESS:**  
CONSERVATION EASEMENT AREAS TO BE ACCESSED FROM EXISTING ROADS AS SHOWN ON PLAT.

**CERTIFICATE OF SURVEY AND ACCURACY:**  
PHILIP B. KEY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION OR UNDER THE CLOSE PERSONAL SUPERVISION OF ANOTHER CADDREY, SUCH AS THE RECOMMENDATION OF ANOTHER CADDREY, OR THE SUPERVISION OF OTHER ASSISTANTS, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-29 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS PLAT IS ONE OF THE FOLLOWING: (S) 41-30 (1)(1) (I) THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMMENDATION OF ANOTHER CADDREY, OR THE SUPERVISION OF OTHER ASSISTANTS, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-29 AS AMENDED.

WITNESSES MY (PERSONAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 26<sup>th</sup> DAY OF JULY, A.D. 2012.

**PROFESSIONAL SURVEYOR**  
PHILIP B. KEY  
PHELPS & KEEL, P.L.C. NC-4647

SURRY COUNTY, NORTH CAROLINA

**ADVERSE INTEREST REVIEW OFFICER FOR SURRY COUNTY:** I HAVE REVIEWED THIS PLAT AND I AM SURE THIS CERTIFICATE IS ACCURATE AND MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Charlotte Gardner 7/26/2012*  
RECORDED THIS 26<sup>th</sup> DAY OF JULY 2012  
PLAT NO. 29-34  
*Shirley B. Carter*

**NUMBER OF DEEDS:**  
7-26-12  
7-26-12  
7-26-12

**LEGEND:**  
--- BOUNDARY LINE SURVEYED  
--- BOUNDARY LINE NOT SURVEYED  
--- THE LINE OF  
--- ADJOINING DEED LINES  
--- RIGHT OF WAY (R/W)  
--- FENCE LINE  
--- CONSERVATION EASEMENT AREA  
--- STREAM (SEE NOTE #10)  
--- WETLAND (SEE NOTE#9)  
--- SOIL WADDED  
--- ASPHALT  
--- GRAVEL  
--- TEMPORARY CONSTRUCTION EASEMENT(S)  
--- CALCULATED POINT(S) NOT SET  
--- EXISTING IRON PIN (AS NOTED)  
--- SET "X" IRON PIPE W/ CAP (SP)  
--- IRON WOODEN  
--- IRON PIPE W/ CAP (CP)  
--- IRON WOODEN  
--- UTILITY POLE  
--- NOT TO SCALE (NTS)  
--- NORTH CAROLINA GEODETIC SURVEY  
--- N.A.S.D. STATE PLANE COORDINATES  
--- REF. STATE PLANE COORDINATES  
--- STATE ROAD  
--- SHIP  
--- CONCRETE FOUND  
--- IRON PIPE  
--- REBAR  
--- CONTROL CORNER  
--- CONTROL  
--- DEED BOOK  
--- DEED PAGE  
--- PLAT BOOK

**VICINITY MAP (NOT TO SCALE)**

SUBJECT PROPERTY

**SURVEYOR'S NOTES:**

- ALL DISTANCES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
- AREAS CALCULATED BY THE COORDINATE METHOD.
- PROPERTY SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS THAT ARE RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN.
- SURRY COUNTY GIS WEBSITE USED TO IDENTIFY ADJOINING PROPERTY OWNERS.
- THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, RIGHT OF WAYS, ENCUMBRANCES, RESTRICTIVE COVENANTS, CORRECT OWNERSHIP OR ANY OTHER FACTS THAT COULD AFFECT AND CURRENT TITLE SEARCH MAY DISCLOSE. A LICENSED ATTORNEY SHOULD BE CONSULTED.
- BY GRAPHIC DETERMINATION, THE SUBJECT PROPERTY APPEARS TO LIE IN AN AREA THAT IS DETERMINED TO BE INSIDE OF THE 500 YEAR FLOOD PLAIN (ZONE X) AS DETERMINED BY THE F.E.M.A. MAP#071400000 DATED AUGUST 10, 2006.
- INTERIOR ROADWAYS WERE LOCATED USING HAND HELD GPS UNITS AND THEY DO NOT MEET THE REQUIREMENTS AS SET FORTH IN THE CERTIFICATE OF SURVEY AND ACCURACY.
- GRID COORDINATES AND BEARINGS WERE DERIVED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS THAT MET FEDERAL AND STATE POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 95% CONFIDENCE LEVEL, USING GPS L1 STATIC OBSERVATIONS WITH MAGELLAN PROGRAM'S RECEIVERS.
- UTILITIES WERE LOCATED BASED ON VISIBLE ABOVE GROUND STRUCTURES. THEREFORE THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE OR MAY BE PRESENT AND NOT SHOWN HEREON. CALL 1-800-832-4849 BEFORE DIGGING.
- THE LOCATION OF WETLANDS AND STREAMS IN AREAS A-D (WITH THE EXCEPTION OF MOORE'S FORK CREEK) WERE DERIVED FROM GIS SHAPFILES PROVIDED BY CLEARWATER ENVIRONMENTAL CONSULTANTS INC. FOR INCLUSION ON THIS MAP. KEEL MAPPING & SURVEYING, P.A. SHOULD NOT BE HELD RELIABLE FOR THE ACCURACY OR COMPLETENESS OF THIS DATA.
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**FINAL PLAT OF A CONSERVATION EASEMENT SURVEY FOR:**  
THE STATE OF NORTH CAROLINA  
NC DEPARTMENT OF ADMINISTRATION,  
ECOSYSTEM ENHANCEMENT PROGRAM,  
MOORE'S FORK-MAPLE RIDGE FARMS  
SPO FILE NUMBER 086-X & 086-Y EEP PROJECT #94709

CURRENT OWNER LISTED AS: MAPLE RIDGE FARMS, INC. AND WILLIAM LAWRENCE HORTON, JR. AND WIFE, LAURA E. HORTON

PARTIC. IDENTIFICATION NUMBER: 439-001-771  
4080869-7539, 4080869-5448, & 4080869-5390  
DEED REFERENCES: DB: 504 PG: 1134; DB: 428 PG: 1017; DB: 504 PG: 1127; DB: 325 PG: 461 (REF. DB: 388 PG: 41)  
STEWARTS CREEK TOWNSHIP, SURRY COUNTY, NORTH CAROLINA

SURVEY BY: KEEL MAPPING & SURVEYING  
SURVEY DATES: 10/01/11-10/12/12 SCALE: 1"=250'

SHEET # 4 OF 4 JOB # 110106

KEEL MAPPING & SURVEYING  
P.O. Box 2566  
Asheville, NC 28602  
(828) 645-5275  
www.keelmap.com  
License # C-3038



**EXHIBIT B**  
Conservation Easement Area Outlined

