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CUMBERLAND COUNTY, N.C.

Prepared by and return to: Thomas B. Wood, Assistant Attorney General, 1505 Mail Service Center, Raleigh, North Carolina 27699.

NORTH CAROLINA
CUMBERLAND COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
02 CVS 4885

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

BILLY V. CAIN and wife, YVONNE L. CAIN,
Defendants.

)
)
)
) CONSENT JUDGMENT
) CNDM-CJ
)
)
)

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of the Superior Court and it appearing to the Court and the Court finding as fact:

That this action was duly instituted on the 1st day of July, 2002, by the issuance of Summons, filing of a Complaint and Declaration of Taking and Notice of Deposit as amended on October 21, 2002, for a total deposit of FIFTY-TWO THOUSAND SIXTY-FIVE DOLLARS (\$52,065.00) as estimated just compensation; that Summons was duly served on the defendants together with a copy of the Complaint and Declaration of Taking and Notice of Deposit along with the amendment of said Complaint and Declaration of Taking and Notice of Deposit; that the defendants, BILLY V. CAIN and wife, YVONNE L. CAIN, are the only parties who have or claim to have an interest in the property described in the Complaint and Declaration of Taking and the title to the property is not in dispute; that the property described in the Complaint and Declaration of Taking is subject only to such liens and encumbrances as are set forth in Exhibit "A" of the Complaint and Declaration of Taking; that the defendants filed an Answer to the Complaint within the time permitted by law; that

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all parties who are necessary to the determination of this action are properly before the Court; and that the defendants are under no legal disability;

That now, the defendants and the plaintiff have reached an agreement whereby the plaintiff has agreed to pay, and the said defendants have agreed to accept, the additional sum of TWO HUNDRED FIFTY-SEVEN THOUSAND NINE HUNDRED THIRTY-FIVE DOLLARS (\$257,935.00), which includes any claim for interest and all costs as full and just compensation for the appropriation of the interests and areas as set forth in the Complaint and Declaration of Taking and as hereinafter more particularly described; for any and all damages caused by the construction of Department of Transportation Project 8.2443001 (34918.2.1), I.D.# U-3312, Cumberland County; and for the past and future use thereof by the Department of Transportation, its successors and assigns, for all purposes for which the Department is authorized by law to subject the same.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Department of Transportation, plaintiff herein, was entitled to acquire and did acquire on the 1st day of July, 2002, by the filing of a Complaint and Declaration of Taking and Notice of Deposit, as amended on October 21, 2002 for a total deposit of FIFTY-TWO THOUSAND SIXTY-FIVE DOLLARS (\$52,065.00), those certain interests or estates and areas, hereinafter more particularly described, in, over, upon and across the property of defendants; and that said property of defendants is described as follows:

Being all of that tract of land more particularly described in that certain MEMORANDUM OF ACTION captioned "DEPARTMENT OF TRANSPORTATION, Plaintiff, V. BILLY V. CAIN and wife, YVONNE L. CAIN, Defendants", recorded in the Office of the Register of Deeds for Cumberland County in Book 5781, Page 423, reference to which MEMORANDUM OF ACTION is made for a more particular description of said property of the defendants.

2. That the interests or estates acquired in, over, upon and across the hereinabove-described property of defendants are described as follows:

Fee simple title to right of way, and, a slope easement for providing lateral support to the highway, or land adjacent thereto, which area will revert to the owners at such time as said owners lower or raise the elevation of the land adjacent to said highway to the extent that such lateral support is no longer needed and, in addition, a permanent utility easement for all purposes for which the plaintiff is authorized by law to subject the same, and a temporary construction easement and a temporary drainage easement to continue until the completion of the project, at which time said temporary construction easement and temporary drainage easement areas will revert to the owners, and

also, in addition, an easement, in perpetuity for drainage for all purposes for which the plaintiff is authorized by law to subject the same.

3. That the areas acquired in, over, upon and across the hereinabove-described property are accurately shown upon a map, entitled "PROPERTY DESCRIBED IN CIVIL ACTION ENTITLED STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION VS. BILLY V. CAIN, ET UX", filed by the plaintiff in this action on the 14th day of October, 2004, and are described by metes and bounds therefrom as follows:

NEW R/W:

AREA 1:

Beginning at Point "414" being S 00°14'16" E 0.383 m. (1.26 ft.) from -LREV- 36+82.701, thence N 00°14'16" W 14.853 m. (48.73 ft.) to point "421"; thence S 83°55'40" E 8.087 m. (26.53 ft.) to point "887"; thence along a curve turning to the left, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of N 80°58'05" E and a chord distance of 97.034 m. (318.35 ft.), an arc distance of 97.731 m. (320.64 ft.) along said curve to point 904, thence N 69°05'58" E 98.349 m. (322.67 ft.) to point "917"; thence along a curve turning to the right, having a radius of 264.1000 m. (866.4681 ft.) and having a chord with a bearing of N 76°27'28" E and a chord distance of 67.592 m. (221.76 ft.), an arc distance of 67.778 m. (222.37 ft.) along said curve to point 370, thence S 66°21'02" E 94.267 m. (309.27 ft.) to point "344"; thence S 66°12'56" E 8.988 m. (29.49 ft.) to point "377"; thence N 79°19'06" W 32.875 m. (107.86 ft.) to point "941"; thence N 75°58'56" W 35.888 m. (117.74 ft.) to point "938"; thence along a curve turning to the left, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of S 79°25'18" W and a chord distance of 84.539 m. (277.36 ft.), an arc distance of 84.998 m. (278.86 ft.) along said curve to point 1038, thence S 69°05'58" W 98.349 m. (322.67 ft.) to point "905"; thence along a curve turning to the right, having a radius of 264.1000 m. (866.4681 ft.) and having a chord with a bearing of S 77°38'41" W and a chord distance of 78.487 m. (257.50 ft.), an arc distance of 78.779 m. (258.46 ft.) along said curve to point 892, thence S 45°31'23" W 15.636 m. (51.30 ft.) to point "890"; thence S 00°32'40" W 18.602 m. (61.03 ft.) to point "401"; thence along a curve turning to the left, having a radius of 91.0000 m. (298.5558 ft.) and having a chord with a bearing of S 11°25'11" E and a chord distance of 37.991 m. (124.64 ft.), an arc distance of 38.272 m.

(125.56 ft.) along said curve to point 398, thence along a curve turning to the left, having a radius of 603.5662 m. (1980.2001 ft.) and having a chord with a bearing of N 44°52'03" W and a chord distance of 130.331 m. (427.60 ft.), an arc distance of 130.586 m. (428.43 ft.) along said curve to point 386, thence S 78°43'46" E 59.705 m. (195.88 ft.) to point "414"; returning to place of beginning.

AREA 2:

Beginning at Point "416" being S 50°19'51" W 19.974 m. (65.53 ft.) from -LREV- 41+30.191, thence S 50°19'51" W 0.804 m. (2.64 ft.) to point "457"; thence N 58°36'21" W 5.430 m. (17.81 ft.) to point "458"; thence S 66°13'00" E 5.741 m. (18.84 ft.) to point "416"; returning to place of beginning.

PERMANENT DRAINAGE EASEMENT #1:

Beginning at Point "899" being N 21°45'57" E 16.932 m. (55.55 ft.) from -LREV- 37+49.348, thence N 21°45'57" E 5.011 m. (16.44 ft.) to point "389" thence N 75°10'49" E 9.197 m. (30.17 ft.) to point "390"; thence S 18°46'37" W 4.968 m. (16.30 ft.) to point "388"; thence along a curve turning to the right, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of S 75°52'37" W and a chord distance of 9.435 m. (30.96 ft.), an arc distance of 9.436 m. (30.96 ft.) along said curve to point 899,;returning to place of beginning.

PERMANENT DRAINAGE EASEMENT #2:

Beginning at Point "393" being N 20°54'02" W 14.100 m. (46.26 ft.) from -LREV- 38+18.000, thence N 20°54'02" W 8.900 m. (29.20 ft.) to point "392"; thence N 60°58'10" E 7.071 m. (23.20 ft.) to point "394"; thence S 89°05'57" E 10.770 m. (35.34 ft.) to point "912"; thence N 57°47'22" E 10.198 m. (33.46 ft.) to point "395"; thence S 66°15'39" E 11.243 m. (36.89 ft.) to point "914"; thence S 69°05'58" W 35.000 m. (114.83 ft.) to point "393"; returning to place of beginning.

PERMANENT DRAINAGE EASEMENT #3:

Beginning at Point "1017" being N 65°17'05" E 9.144 m. (30.00 ft.) from -Y11- 10+75.240, thence N 65°17'05" E 6.413 m. (21.04 ft.) to point "1018"; thence S 06°39'43" E 7.485 m. (24.56 ft.) to point

"1016"; thence S 70°00'02" W 4.749 m. (15.58 ft.) to point "2010"; thence along a curve turning to the right, having a radius of 91.0000 m. (298.5558 ft.) and having a chord with a bearing of N 19°17'00" W and a chord distance of 6.756 m. (22.17 ft.), an arc distance of 6.758 m. (22.17 ft.) along said curve to point 1017, returning to place of beginning.

PERMANENT DRAINAGE EASEMENT #4:

Beginning at Point "893" being S 12°44'15" W 15.283 m. (50.14 ft.) from -LREV- 37+48.738, thence along a curve turning to the left, having a radius of 264.1000 m. (866.4681 ft.) and having a chord with a bearing of N 79°35'23" E and a chord distance of 10.141 m. (33.27 ft.), an arc distance of 10.141 m. (33.27 ft.) along said curve to point 896, thence S 17°20'59" W 6.941 m. (22.77 ft.) to point "403"; thence S 76°42'22" W 9.756 m. (32.01 ft.) to point "402"; thence N 12°44'15" E 7.214 m. (23.67 ft.) to point "893"; returning to place of beginning.

PERMANENT DRAINAGE EASEMENT #5:

Beginning at Point "404" being S 49°09'52" E 16.009 m. (52.52 ft.) from -LREV- 38+35.419, thence N 69°05'58" E 48.922 m. (160.50 ft.) to point "1038"; thence along a curve turning to the right, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of N 71°44'39" E and a chord distance of 21.769 m. (71.42 ft.), an arc distance of 21.776 m. (71.44 ft.) along said curve to point 927, thence S 17°15'09" E 28.914 m. (94.86 ft.) to point "407"; thence S 71°11'03" W 53.863 m. (176.72 ft.) to point "406"; thence N 49°09'52" W 31.677 m. (103.93 ft.) to point "404"; returning to place of beginning.

PERMANENT DRAINAGE EASEMENT #6:

Beginning at Point "409" being S 08°54'37" E 14.155 m. (46.44 ft.) from -LREV- 39+65.713, thence along a curve turning to the right, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of N 87°47'45" E and a chord distance of 12.265 m. (40.24 ft.), an arc distance of 12.267 m. (40.25 ft.) along said curve to point 413, thence S 00°42'52" E 9.900 m. (32.48 ft.) to point "412"; thence S 87°54'37" W 10.847 m. (35.59 ft.) to point "411"; thence N 08°54'37" W 9.943 m. (32.62 ft.) to point "409"; returning to place of beginning.

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PERMANENT UTILITY EASEMENT:

Beginning at Point "2013" being N 69°59'56" E 9.105 m. (29.87 ft.) from -Y11- 10+84.248, thence along a curve turning to the right, having a radius of 91.0000 m. (298.5558 ft.) and having a chord with a bearing of N 22°21'22" W and a chord distance of 3.003 m. (9.85 ft.), an arc distance of 3.003 m. (9.85 ft.) along said curve to point 2010, thence N 70°00'02" E 15.801 m. (51.84 ft.) to point "2011"; thence S 19°59'39" E 3.000 m. (9.84 ft.) to point "2012"; thence S 69°59'56" W 15.678 m. (51.44 ft.) to point "2013"; returning to place of beginning.

Said utility easement in perpetuity is for the installation and maintenance of utilities, for all purposes for which the Department of Transportation is authorized by law to subject the same. The Department of Transportation, its agents and assigns, shall have the right to construct and maintain in a proper manner in, upon, and through the above-described permanent utility easement area, a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said area for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon, together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same, and together with the right of ingress, egress and regress to and from said area at all times.

SLOPE EASEMENT #1:

Beginning at Point "421" being N 00°14'16" W 14.471 m. (47.48 ft.) from -LREV- 36+82.701, thence N 89°20'23" E 17.487 m. (57.37 ft.) to point "423"; thence N 88°28'39" E 18.763 m. (61.56 ft.) to point "424"; thence N 83°27'54" E 18.763 m. (61.56 ft.) to point "425"; thence N 80°01'23" E 18.553 m. (60.87 ft.) to point "426"; thence S 21°45'57" W 1.259 m. (4.13 ft.) to point "899"; thence along a curve turning to the right, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of S 84°55'47" W and a chord distance of 64.902 m. (212.93 ft.), an arc distance of 65.108 m. (213.61 ft.) along said curve to point 887, thence N 83°55'40" W 8.087 m. (26.53 ft.) to point "421"; returning to place of beginning.

SLOPE EASEMENT #2:

Beginning at Point "393" being N 20°54'02" W 14.100 m. (46.26 ft.) from -LREV- 38+18.000, thence S 69°05'58" W 24.427 m. (80.14 ft.) to point "904"; thence along a curve turning to the right, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of S 71°54'55" W and a chord distance of 23.178 m. (76.04 ft.), an arc distance of 23.187 m. (76.07 ft.) along said curve to point 388, thence N 18°46'37" E 1.678 m. (5.51 ft.) to point "427"; thence N 73°38'12" E 9.379 m. (30.77 ft.) to point "428"; thence N 70°02'19" E 19.158 m. (62.85 ft.) to point "429"; thence N 69°15'51" E 18.000 m. (59.06 ft.) to point "430"; thence S 20°54'02" E 1.322 m. (4.34 ft.) to point "393"; returning to place of beginning.

SLOPE EASEMENT #3:

Beginning at Point "914" being N 66°15'39" W 20.067 m. (65.84 ft.) from -LREV- 38+67.278, thence N 66°15'39" W 4.496 m. (14.75 ft.) to point "431"; thence N 75°12'04" E 10.257 m. (33.65 ft.) to point "432"; thence N 70°20'33" E 20.005 m. (65.63 ft.) to point "433"; thence N 67°15'52" E 20.543 m. (67.40 ft.) to point "434"; thence N 71°25'54" E 21.354 m. (70.06 ft.) to point "435"; thence N 75°34'38" E 21.421 m. (70.28 ft.) to point "384"; thence N 89°25'20" E 13.708 m. (44.97 ft.) to point "369"; thence S 66°21'02" E 4.137 m. (13.57 ft.) to point "370"; thence along a curve turning to the left, having a radius of 264.1000 m. (866.4681 ft.) and having a chord with a bearing of S 76°27'28" W and a chord distance of 67.592 m. (221.76 ft.), an arc distance of 67.778 m. (222.37 ft.) along said curve to point 917, thence S 69°05'58" W 38.922 m. (127.70 ft.) to point "914"; returning to place of beginning.

SLOPE EASEMENT #4:

Beginning at Point "893" being S 12°44'15" W 15.283 m. (50.14 ft.) from -LREV- 37+48.738, thence S 12°44'15" W 4.683 m. (15.36 ft.) to point "442"; thence S 78°48'23" W 1.465 m. (4.81 ft.) to point "441"; thence S 82°48'01" W 24.487 m. (80.34 ft.) to point "440"; thence along a curve turning to the left, having a radius of 5.0000 m. (16.4042 ft.) and having a chord with a bearing of S 42°17'05" W and a chord distance of 6.497 m. (21.31 ft.), an arc distance of 7.071 m. (23.20 ft.) along said curve to point 439, thence S 01°46'09" W 16.778 m. (55.05 ft.) to point "438"; thence S 00°50'36" E 17.766 m. (58.29 ft.) to point "437"; thence S 04°56'17" E 12.101 m. (39.70 ft.)

to point "436"; thence S 65°17'05" W 2.332 m. (7.65 ft.) to point "1017"; thence along a curve turning to the right, having a radius of 91.0000 m. (298.5558 ft.) and having a chord with a bearing of N 08°15'49" W and a chord distance of 28.133 m. (92.30 ft.), an arc distance of 28.246 m. (92.67 ft.) along said curve to point 401, thence N 00°32'40" E 18.602 m. (61.03 ft.) to point "890"; thence N 45°31'23" E 15.636 m. (51.30 ft.) to point "892"; thence along a curve turning to the left, having a radius of 264.1000 m. (866.4681 ft.) and having a chord with a bearing of N 83°26'24" E and a chord distance of 25.344 m. (83.15 ft.), an arc distance of 25.354 m. (83.18 ft.) along said curve to point 893, returning to place of beginning.

SLOPE EASEMENT #5:

Beginning at Point "896" being S 17°20'59" W 16.240 m. (53.28 ft.) from -LREV- 37+60.440, thence along a curve turning to the left, having a radius of 264.1000 m. (866.4681 ft.) and having a chord with a bearing of N 73°47'40" E and a chord distance of 43.235 m. (141.85 ft.), an arc distance of 43.284 m. (142.01 ft.) along said curve to point 905, thence N 69°05'58" E 49.427 m. (162.16 ft.) to point "404"; thence S 49°09'39" E 2.583 m. (8.47 ft.) to point "448"; thence S 68°57'29" W 24.223 m. (79.47 ft.) to point "447"; thence S 66°44'02" W 20.017 m. (65.67 ft.) to point "446"; thence S 68°05'28" W 20.975 m. (68.81 ft.) to point "445"; thence S 73°28'14" W 21.455 m. (70.39 ft.) to point "444"; thence S 78°48'50" W 10.223 m. (33.54 ft.) to point "443"; thence N 17°20'59" E 4.723 m. (15.49 ft.) to point "896"; returning to place of beginning.

SLOPE EASEMENT #6:

Beginning at Point "927" being S 17°15'09" E 14.105 m. (46.28 ft.) from -LREV- 39+14.596, thence along a curve turning to the right, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of N 80°20'51" E and a chord distance of 48.979 m. (160.69 ft.), an arc distance of 49.067 m. (160.98 ft.) along said curve to point 409, thence S 08°54'37" E 2.190 m. (7.18 ft.) to point "464"; thence S 83°04'59" W 6.745 m. (22.13 ft.) to point "451"; thence S 77°41'57" W 18.671 m. (61.26 ft.) to point "450"; thence S 77°50'18" W 23.085 m. (75.74 ft.) to point "449"; thence N 17°15'09" W 3.774 m. (12.38 ft.) to point "927"; returning to place of beginning.

SLOPE EASEMENT #7:

Beginning at Point "413" being S 00°42'52" E 14.100 m. (46.26 ft.) from -LREV- 39+80.000, thence along a curve turning to the right, having a radius of 235.9000 m. (773.9486 ft.) and having a chord with a bearing of N 89°30'53" E and a chord distance of 1.887 m. (6.19 ft.), an arc distance of 1.887 m. (6.19 ft.) along said curve to point 938, thence S 75°58'56" E 7.869 m. (25.82 ft.) to point "462"; thence N 85°46'19" W 9.533 m. (31.28 ft.) to point "463"; thence N 00°42'52" W 1.187 m. (3.90 ft.) to point "413"; returning to place of beginning.

SLOPE EASEMENT #8:

Beginning at Point "457" being S 50°19'51" W 20.778 m. (68.17 ft.) from -LREV- 41+30.191, thence S 50°19'51" W 5.403 m. (17.73 ft.) to point "454"; thence N 54°22'30" W 19.941 m. (65.42 ft.) to point "455"; thence N 58°25'55" W 10.784 m. (35.38 ft.) to point "452"; thence S 66°13'00" E 27.234 m. (89.35 ft.) to point "458"; thence S 58°36'21" E 5.430 m. (17.81 ft.) to point "457"; returning to place of beginning.

SLOPE EASEMENT #9:

Beginning at Point "2013" being N 69°59'56" E 9.105 m. (29.87 ft.) from -Y11- 10+84.248, thence N 69°59'56" E 1.095 m. (3.59 ft.) to point "2015"; thence S 24°16'51" E 4.522 m. (14.84 ft.) to point "459"; thence along a curve turning to the left, having a radius of 603.5662 m. (1980.2001 ft.) and having a chord with a bearing of N 38°27'25" W and a chord distance of 4.475 m. (14.68 ft.), an arc distance of 4.475 m. (14.68 ft.) along said curve to point 398, thence along a curve turning to the right, having a radius of 91.0000 m. (298.5558 ft.) and having a chord with a bearing of N 23°23'06" W and a chord distance of 0.265 m. (0.87 ft.), an arc distance of 0.265 m. (0.87 ft.) along said curve to point 2013, returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #1:

Beginning at Point "421" being N 00°14'16" W 14.471 m. (47.48 ft.) from -LREV- 36+82.701, thence N 00°14'16" W 2.699 m. (8.85 ft.) to point "422"; thence N 89°27'24" E 36.230 m. (118.86 ft.) to point "888"; thence N 80°39'44" E 36.222 m. (118.84 ft.) to point "898";

thence N 76°38'45" E 2.661 m. (8.73 ft.) to point "389"; thence S 21°45'57" W 3.752 m. (12.31 ft.) to point "426"; thence S 80°01'23" W 18.553 m. (60.87 ft.) to point "425"; thence S 83°27'54" W 18.763 m. (61.56 ft.) to point "424"; thence S 88°28'39" W 18.763 m. (61.56 ft.) to point "423"; thence S 89°20'23" W 17.487 m. (57.37 ft.) to point "421"; returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #2:

Beginning at Point "430" being N 20°54'02" W 15.422 m. (50.60 ft.) from -LREV- 38+18.000, thence S 69°15'51" W 18.000 m. (59.06 ft.) to point "429"; thence S 70°02'19" W 19.158 m. (62.85 ft.) to point "428"; thence S 73°38'12" W 9.379 m. (30.77 ft.) to point "427"; thence N 18°46'37" E 3.290 m. (10.79 ft.) to point "390"; thence N 74°23'04" E 8.350 m. (27.40 ft.) to point "902"; thence N 69°33'54" E 36.091 m. (118.41 ft.) to point "391"; thence S 20°54'02" E 2.578 m. (8.46 ft.) to point "430"; returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #3:

Beginning at Point "431" being N 66°15'39" W 24.563 m. (80.59 ft.) from -LREV- 38+67.278, thence N 66°15'39" W 3.836 m. (12.58 ft.) to point "913"; thence N 77°41'42" E 13.075 m. (42.90 ft.) to point "915"; thence N 69°05'58" E 20.000 m. (65.62 ft.) to point "916"; thence N 68°41'37" E 42.184 m. (138.40 ft.) to point "918"; thence N 75°10'55" E 21.657 m. (71.05 ft.) to point "934"; thence S 89°40'21" E 7.994 m. (26.23 ft.) to point "368"; thence S 66°21'02" E 6.790 m. (22.28 ft.) to point "369"; thence S 89°25'20" W 13.708 m. (44.97 ft.) to point "384"; thence S 75°34'38" W 21.421 m. (70.28 ft.) to point "435"; thence S 71°25'54" W 21.354 m. (70.06 ft.) to point "434"; thence S 67°15'52" W 20.543 m. (67.40 ft.) to point "433"; thence S 70°20'33" W 20.005 m. (65.63 ft.) to point "432"; thence S 75°12'04" W 10.257 m. (33.65 ft.) to point "431"; returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #4:

Beginning at Point "442" being S 12°44'15" W 19.966 m. (65.50 ft.) from -LREV- 37+48.738, thence S 12°44'15" W 2.531 m. (8.31 ft.) to point "402"; thence S 74°25'12" W 1.638 m. (5.37 ft.) to point "894"; thence S 84°35'11" W 25.382 m. (83.27 ft.) to point "891"; thence S 01°39'45" E 43.538 m. (142.84 ft.) to point "1019"; thence

S 07°10'11" E 4.254 m. (13.96 ft.) to point "1018"; thence S 65°17'05" W 4.081 m. (13.39 ft.) to point "436"; thence N 04°56'17" W 12.101 m. (39.70 ft.) to point "437"; thence N 00°50'36" W 17.766 m. (58.29 ft.) to point "438"; thence N 01°46'09" E 16.778 m. (55.05 ft.) to point "439"; thence along a curve turning to the right, having a radius of 5.0000 m. (16.4042 ft.) and having a chord with a bearing of N 42°17'05" E and a chord distance of 6.497 m. (21.31 ft.), an arc distance of 7.071 m. (23.20 ft.) along said curve to point 440, thence N 82°48'01" E 24.487 m. (80.34 ft.) to point "441"; thence N 78°48'23" E 1.465 m. (4.81 ft.) to point "442"; returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #5:

Beginning at Point "443" being S 17°20'59" W 20.962 m. (68.77 ft.) from -LREV- 37+60.440, thence N 78°48'50" E 10.223 m. (33.54 ft.) to point "444"; thence N 73°28'14" E 21.455 m. (70.39 ft.) to point "445"; thence N 68°05'28" E 20.975 m. (68.81 ft.) to point "446"; thence N 66°44'02" E 20.017 m. (65.67 ft.) to point "447"; thence N 68°57'29" E 24.223 m. (79.47 ft.) to point "448"; thence S 49°09'39" E 2.980 m. (9.78 ft.) to point "405"; thence S 67°50'39" W 45.645 m. (149.75 ft.) to point "906"; thence S 70°10'50" W 21.082 m. (69.17 ft.) to point "897"; thence S 75°18'15" W 29.146 m. (95.62 ft.) to point "895"; thence S 75°46'18" W 3.787 m. (12.42 ft.) to point "403"; thence N 17°20'59" E 2.219 m. (7.28 ft.) to point "443"; returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #6:

Beginning at Point "449" being S 17°15'10" E 17.879 m. (58.66 ft.) from -LREV- 39+14.596, thence N 77°50'18" E 23.085 m. (75.74 ft.) to point "450"; thence N 77°41'57" E 18.671 m. (61.26 ft.) to point "451"; thence N 83°04'59" E 6.745 m. (22.13 ft.) to point "464"; thence S 08°54'24" E 2.731 m. (8.96 ft.) to point "410"; thence S 85°33'34" W 6.915 m. (22.69 ft.) to point "933"; thence S 78°11'01" W 41.277 m. (135.42 ft.) to point "408"; thence N 17°15'10" W 2.128 m. (6.98 ft.) to point "449"; returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #7:

Beginning at Point "463" being S 00°42'52" E 15.287 m. (50.16 ft.) from -LREV- 39+80.000, thence S 85°46'19" E 9.533 m. (31.28 ft.) to point "462"; thence S 75°58'56" E 28.019 m. (91.93 ft.) to point

"941"; thence S 79°19'06" E 32.875 m. (107.86 ft.) to point "377"; thence S 66°12'56" E 29.966 m. (98.31 ft.) to point "452"; thence S 58°25'55" E 10.784 m. (35.38 ft.) to point "455"; thence S 54°22'30" E 19.941 m. (65.42 ft.) to point "454"; thence S 50°19'51" W 3.679 m. (12.07 ft.) to point "453"; thence N 52°01'35" W 18.588 m. (60.98 ft.) to point "952"; thence N 62°20'00" W 18.063 m. (59.26 ft.) to point "950"; thence N 67°40'42" W 36.484 m. (119.70 ft.) to point "942"; thence N 78°26'35" W 36.815 m. (120.78 ft.) to point "940"; thence N 85°20'01" W 18.542 m. (60.83 ft.) to point "939"; thence N 00°42'52" W 2.713 m. (8.90 ft.) to point "463"; returning to place of beginning.

TEMPORARY CONSTRUCTION EASEMENT #8:

Beginning at Point "2015" being N 69°59'56" E 10.200 m. (33.46 ft.) from -Y11- 10+84.248, thence N 69°59'56" E 2.819 m. (9.25 ft.) to point "2016"; thence S 25°16'38" E 17.470 m. (57.31 ft.) to point "1013"; thence along a curve turning to the left, having a radius of 603.5662 m. (1980.2001 ft.) and having a chord with a bearing of N 37°36'10" W and a chord distance of 13.519 m. (44.35 ft.), an arc distance of 13.519 m. (44.36 ft.) along said curve to point 459, thence N 24°16'51" W 4.522 m. (14.84 ft.) to point "2015"; returning to place of beginning.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described areas until such time that the property owners alter the adjacent lands in such a manner that the lateral support of the cut and/or fill slopes is no longer needed. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits will terminate upon completion of the project.

TEMPORARY DRAINAGE EASEMENT #1:

Beginning at Point "389" being N 21°45'57" E 21.943 m. (71.99 ft.) from -LREV- 37+49.348, thence S 76°38'45" W 2.661 m. (8.73 ft.) to point "898"; thence N 21°20'02" E 18.851 m. (61.85 ft.) to point "900"; thence N 73°00'44" E 8.659 m. (28.41 ft.) to point "901"; thence S 16°25'08" E 15.506 m. (50.87 ft.) to point "902"; thence S 74°23'04" W 8.350 m. (27.40 ft.) to point "390"; thence S 75°10'49" W 9.197 m. (30.17 ft.) to point "389"; returning to place of beginning.

TEMPORARY DRAINAGE EASEMENT #2:

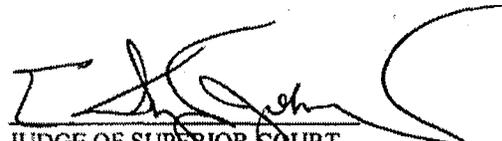
Beginning at Point "402" being S 12°44'15" W 22.497 m. (73.81 ft.) from -LREV- 37+48.738, thence N 76°42'22" E 9.756 m. (32.01 ft.) to point "403"; thence N 75°46'18" E 3.787 m. (12.42 ft.) to point "895"; thence S 16°29'33" W 46.463 m. (152.44 ft.) to point "1020"; thence S 50°23'38" W 21.951 m. (72.02 ft.) to point "1014"; thence S 70°00'02" W 7.711 m. (25.30 ft.) to point "1016"; thence N 06°39'43" W 7.485 m. (24.56 ft.) to point "1018"; thence N 07°10'11" W 4.254 m. (13.96 ft.) to point "1019"; thence N 57°54'12" E 17.104 m. (56.11 ft.) to point "1021"; thence N 14°29'18" E 38.036 m. (124.79 ft.) to point "894"; thence N 74°25'12" E 1.638 m. (5.37 ft.) to point "402"; returning to place of beginning.

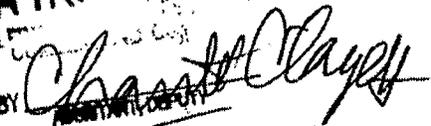
4. That the Department of Transportation, plaintiff herein, pay into Court the additional sum of TWO HUNDRED FIFTY-SEVEN THOUSAND NINE HUNDRED THIRTY-FIVE DOLLARS (\$257,935.00), and that said sum, together with the original deposit made by the plaintiff in this action unless heretofore disbursed by order of the Court, be disbursed to William W. Aycock, Jr. Attorney at Law, as attorney for, and for the benefit of the defendants, as their interests may appear.

5. That the sum of THREE HUNDRED TEN THOUSAND DOLLARS (\$310,000.00), said sum being the total amount of the original deposit plus said additional amount, and including any claim for interest and all costs, is the full, fair and adequate value of and represents just compensation for the taking of the hereinabove-described interests and areas by the Department of Transportation; for any and all damages caused by the construction of Department of Transportation Project 8.2443001 (34918.2.1), I.D.# U-3312, Cumberland County; and for the past and future use thereof by the Department of Transportation, its successors and assigns, for all purposes for which the said Department is authorized by law to subject the same.

6. That a copy of this Judgment be certified by the Clerk of Superior Court of Cumberland County to the Register of Deeds, who shall record the same among the land records of said County.

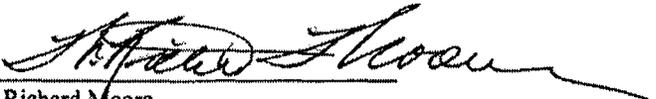
This the 12 day of October, 2005.

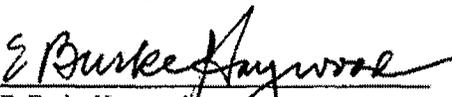

JUDGE OF SUPERIOR COURT

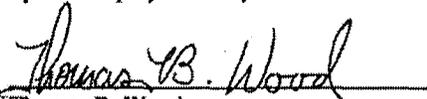
A TRUE COPY
CLERK OF SUPERIOR COURT
BY 
CLERK OF SUPERIOR COURT

APPROVED AND CONSENTED TO:

ROY COOPER
Attorney General

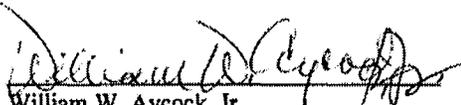

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