★ Keep this document

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, KEITH E. JACOBS, Notary Public for said County and State, certify that Steven D. Jester personally came before me this day and acknowledged that he is General Manager, Facility and Real Estate Services Division, of Duke Energy Corporation, a North Carolina corporation, and that he, as General Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal this 30TH day of JANUARY, 2001.

[NOTARIAL SEAL]

Notary Public

My Commission Expires: JUNE 6, 2003

The foregoing Certificate(s) of Keith E Jacobs

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Brenda D. Bell REGISTER OF DEEDS FOR Iredell COUNTY

By Kay W Mills ~~Deputy~~ / Assistant-Register of Deeds.

1937997.01
LIB: CH

112834

An Independent Agent Representing
ERIE INSURANCE GROUP

Prepared by: Duke Energy Corporation
Return to: Crescent Resources, LLC, Attn: Susan Higginson, PO Box 1003, Charlotte, NC 28201-1003

STATE OF NORTH CAROLINA

0601

COUNTY OF IREDELL

ABANDONMENT OF EASEMENT RIGHTS

THIS ABANDONMENT OF EASEMENT RIGHTS (this "Abandonment") is made this 30TH day of JANUARY, 2001, by **DUKE ENERGY CORPORATION** (formerly Duke Power Company) ("Duke"), a North Carolina corporation.

WITNESSETH:

WHEREAS, Duke is the holder of certain easement rights in Iredell County relating to Duke's operation and maintenance of Duke's Marshall - Beckerdite electrical transmission facilities as shown on Duke's maps (on file with Duke) with file numbers 103-63-A and 103-64-A (collectively, the "Maps") and as described in those certain instruments recorded in (i) Book 363 at Page 395 (relating to property owned by Thomas E. Clark and wife, Virgie Lee Clark, now or formerly); (ii) Book 365 at Page 51 (relating to property owned by George P. Morrison and wife, Alice G. Morrison, now or formerly); (iii) Book 369 at Page 214 (relating to property owned by R. Frank Overcash and wife, Millie C. Overcash, now or formerly); (iv) Book 385 at Page 186 (relating to property owned by L. H. Sherrill and wife, Mabel Sherrill, now or formerly); (v) Book 366 at Page 535 (relating to property owned by Andrew James Sherrill, now or formerly); (vi) Book 366 at Page 542 (relating to property owned by W.W. Upton and wife, Dorothy M. Upton, now or formerly) (the instruments described in items (i) through (vi) above collectively being the "Right-of Way Instruments"); and (vii) Book 481 at Page 91 (the "Deed"), all being recorded in the Office of the Register of Deeds of Iredell County (the "Registry"); and

12
3

WHEREAS, Duke desires to release, remise and abandon all of its right, title and interest in the areas described in the Right-of-Way Instruments and its right, title and interest in a portion of one area described in the Deed.

NOW, THEREFORE, Duke hereby releases, remises and abandons all right, title and interest Duke may have or be entitled to assert in and to (i) those areas described in the Right-of-Way Instruments, and (ii) that area described as "(1) Marshall – Beckerdite, 150 ft. wide" on page 1F of the Deed (such page being recorded in Book 481 at Page 97 in the Registry), but only with regard to the portion of such area as is shown on the Maps, and to no other areas described in the Deed.

IN WITNESS WHEREOF, Duke hereunto sets its hand on the day and date first above written.

DUKE ENERGY CORPORATION

By: _____

Name: Steven D. Jester

Title: General Manager, Facility and Real Estate Services Division

IREDELL COUNTY NC
Book 1240
Pages 1749-1751
FILED 3 PAGE(S)
02/07/2001 2:12 PM
BRENDA D. BELL
Register Of Deeds

869

24986, 24989, 24905, 24988, 24987, ~~4944~~ 193997.01
LIB: CH

d112834

An Independent Agent Representing
ERIE INSURANCE GROUP
ERIE®

ASSISTANT SECRETARY CERTIFICATE

I, SUE C. HARRINGTON, Assistant Secretary of Duke Energy Corporation, do hereby certify that the following is a true and correct excerpt of a Resolution adopted September 22, 1997, by the Management Committee of the Board of Directors of Duke Energy Corporation, and that said quoted Resolution has not been rescinded or amended:

> FURTHER RESOLVED, That the General Manager of the Facility and Real Estate Services Division, be and hereby is authorized, to execute any contract, lease, deed or other instrument relating to real property without further action or approval by the Board of Directors of this Committee when deemed by said General Manager to be necessary or desirable in the operation of the Company's business, subject, however, to a monetary limit of $1,500,000.00 consideration or value in any single transaction, and to execute such documents in any such transaction which is approved by a resolution of this Committee.
>
> FURTHER RESOLVED, That the Secretary or any Assistant Secretary be and hereby is authorized to attest and affix the Corporate seal to any contracts, leases, deeds or other instruments executed under authority of this resolution and may execute any certificate that may be required to certify the incumbency and authority of the officer or manager executing such documents.

I further certify that on JANUARY 30, 2001, Steven D. Jester was the General Manager, Facility and Real Estate Services Division, and by reason of holding said position and pursuant to the above quoted Management Committee's Resolution, had full authority to represent and act on behalf of Duke Energy Corporation with respect to the execution of an Abandonment of Easement Rights by Duke Energy Corporation for property located in Iredell County, North Carolina and to execute on behalf of Duke Energy Corporation all documents and instruments relating in any way thereto.

WITNESS my hand and official seal of said Company this 30TH day of JANUARY, 2001.



Sue C. Harrington
Assistant Secretary

1939169.01
LIB: CH

FORM 1569532.01
6/4/98

112834

An Independent Agent Representing
ERIE INSURANCE GROUP
ERIE®

Duke Energy®

DUKE ENERGY CORPORATION
P.O. Box 1007
Wachovia Center
Charlotte, NC 28201-1007

May 2, 2003

Mr. Dennis J. Gara
425 Kenway Loop
Mooresville, NC 28117

RE: Right-of-way crossing
Lot #16
Point Of View subdivision

Dear Mr. Gara:

Thank you for your inquiry this week and providing details of your concerns by fax. We have investigated your question and find that we have indeed released and abandoned this right-of-way crossing Lot #16 in the Point Of View subdivision. I am enclosing a copy of our documentation filed in February of 2001 abandoning these rights.

Please let me know should you have further concerns.

Sincerely,

G. W. Christian, Jr.
Manager, Real Estate Operations
Corporate Real Estate Services

GWCjr/
Attachments

ERIE®
An Independent Agent Representing
ERIE INSURANCE GROUP

www.duke-energy.com