

STATE OF NORTH CAROLINA )

COUNTY OF CATAWBA )

2094

File No LQ3# 119-5B.  
Part of Tr# 5 as shown  
in Plat Bk 1; pg 32

1955 293

# This Indenture.

Made this 3rd day of September, 1974.

between CRESCENT LAND & TIMBER CORP., a corporation organized under the laws of the State of South Carolina, and DUKE POWER COMPANY, a corporation organized under the laws of the State of North Carolina, parties of the first part; and ROBERT L. HILDERBRAN and wife, FANNIE A. HILDERBRAN parties of the second part;

## WITNESSETH:

That the said parties of the first part in consideration of the mutual covenants contained herein and other good and valuable considerations, have bargained and sold and by these presents do grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns, all of that certain tract of land situate, lying and being in Catawba County, State of North Carolina, said land being more particularly described as follows:

Being that portion of the land of the parties of the first part lying between contour at elevation 838.0 feet, U.S.G.S. sea level datum, (sometime referred to as full pond elevation 157) and contour at elevation 851.0 feet, U.S.G.S. sea level datum, (sometime referred to as contour elevation 170) and lying adjacent to the property of parties of the second part described in the following deed(s):

| From                                   | Date            | Book | Page |
|----------------------------------------|-----------------|------|------|
| Paul W. Pope & wf<br>Elizabeth A. Pope | 2 December 1968 | 926  | 185  |

recorded in the office of the Register of Deeds for the aforesaid county.

Duke Power Company reserves from this conveyance and Crescent Land & Timber Corp. and the parties of the second part, in consideration of the mutual covenants contained herein, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto Duke Power Company the following rights, privileges and easements:

The permanent right, privilege and easement to flood intermittently the waters of the Catawba River and its tributaries in, over or upon the land described above whenever and to whatever extent such flooding occurs by reason of maintaining the Lookout Shoals Dam at its present elevation (838.0 feet, U.S.G.S. sea level datum), together with the right of ingress and egress to maintain the Lookout Shoals Reservoir.

TO HAVE AND TO HOLD the aforesaid land and all privileges and appurtenances thereto belonging to the said parties of the second part, and their heirs and assigns, to their only use and behoof forever, subject to the reservation and conveyance of the flood easement above set out.