

MARLBORO COUNTY

MAR 3 1 2004

WATEREE MGT UNIT
STONE 34 TRACT

ASSESSOR'S ID #

035-01-02-002

STATE OF SOUTH CAROLINA

COUNTY OF MARLBORO

RIGHT OF WAY EASEMENT

FILED, RECORDED, INDEXED
03/19/2004 12:02:10PM
Rec Fee: 11.00 St Fee: 0.00
Co Fee: 0.00 Pages: 5
William B. Funderburk

THIS DEED OF EASEMENT, made this the 19th day of MARCH, 2004, by and between DIXON CONSTRUCTION COMPANY, Grantor, and WATEREE HOLDINGS, LLC a Delaware limited liability company, GRANTEE, whose address is c/o Forest Investment Associates, 15 Piedmont Center, Suite 1250, Atlanta, GA 30305, Grantee. The designation Grantor and Grantee 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 the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee, its successors and assigns, a perpetual, mutual and non-exclusive easement for ingress and egress in and to the real property owned by Grantee, with said easement described as follows:

A thirty (30') foot wide Right of Way Easement along the Grantor's Northern boundary line from State Road 559 to Grantee's Stone 34 Tract and being shown and delineated on that certain sketch thereof attached hereto as Exhibit "A".

For a more complete description, reference is craved to the aforementioned sketch incorporated herein by reference.

The property of the Grantor over which this easement is granted is a portion of the property conveyed to it by Deed recorded in Deed Book 114, at page 59, Marlboro County records.

Portion of Tax Map 35-01-02-002.

I hereby certify that the within deed has been this MAR 24 day of 2004 A.D. 1904 transcribed on Auditor's Book 979659 or Page 130
Gene Mon
Auditor of Marlboro County, S. C.

The purpose of this easement is to supply a perpetual, mutual and non-exclusive easement for ingress and egress to and from State Road 559 for the benefit of the Wateree Holdings LLC Stone 34 Tract, Tax Map Number 35-01-02-038, which is shown on Exhibit "A".

Said easement shall run with the title of the Grantee's Stone Tract.

The above-described easement is conveyed subject to the following conditions:

1. Grantor shall have the first opportunity to construct, maintain and repair the right of way for the Grantee, since Grantor is in this type of business. In addition, Grantor shall have the right to use the right of way, provided such use does not damage or destroy the road and improvements.
2. Grantee shall have the sole financial responsibility of constructing, maintaining, improving and repairing the road on the right of way.
3. Grantor and Grantee shall each have their own lock on any gate erected.

TO HAVE AND TO HOLD said easement to it, the Grantee, and its successors and assigns, forever.

And the Grantor covenants with the Grantee, that the Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor.

This non-exclusive Deed of Easement is subject to any existing easements and the Grantee has agreed in accepting this Deed of Easement to respect and honor prior existing easements, if any.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the
day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Patricia M. Burdy
Harry Rest

DIXON CONSTRUCTION COMPANY

BY: James L. Taylor (SEAL)
ITS Secretary

STATE OF SOUTH CAROLINA)

COUNTY OF MARLBORO)

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor, Dixon Construction Company, by and through its duly authorized officer, and as its act and deed, have executed, its seal impressed and as the Grantor's act and deed, deliver the within written Right of Way Easement for the uses and purposes therein mentioned; and that s/he, with the other witness whose signature appears above, witnessed the execution thereof.

Harry Rest (L.S.)

SWORN to before me this
19th day of MARCH, 2004

Patricia M. Burdy (L.S.)

Notary Public for South Carolina

My commission expires: 3/5/2013

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STATE OF SOUTH CAROLINA)

AFFIDAVIT

COUNTY OF MARLBORO)

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. Property located at: Easement in Marlboro County
2. Map Numbers: 35-01-02-002
3. Transferred from: Dixon Construction Company
4. Transferred to: Wateree Holdings, LLC
5. Date: 03/19/2004

The transaction was (Check one):

an arm's length real property transaction and the sales price paid or to be paid in; money or money's worth was \$_____.

not an arm's length real property transaction and the fair market value of the property is \$_____.

the above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10 et. seq. Because the deed is a deed of easement to provide access with no additional consideration.

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Purchaser's Agent. I further understand that a person required to furnish this Affidavit who willfully furnishes a false or fraudulent Affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Mary Beth Nickolich

Purchaser, Legal Representative of the
Purchaser, or other Responsible Person
Connected with the Transaction

SWORN to before me this
19th day of MARCH, 2004.

Patricia M. Bundy (L. S.)

Notary Public for South Carolina

My commission expires: 3/5/2013

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"Exhibit A"

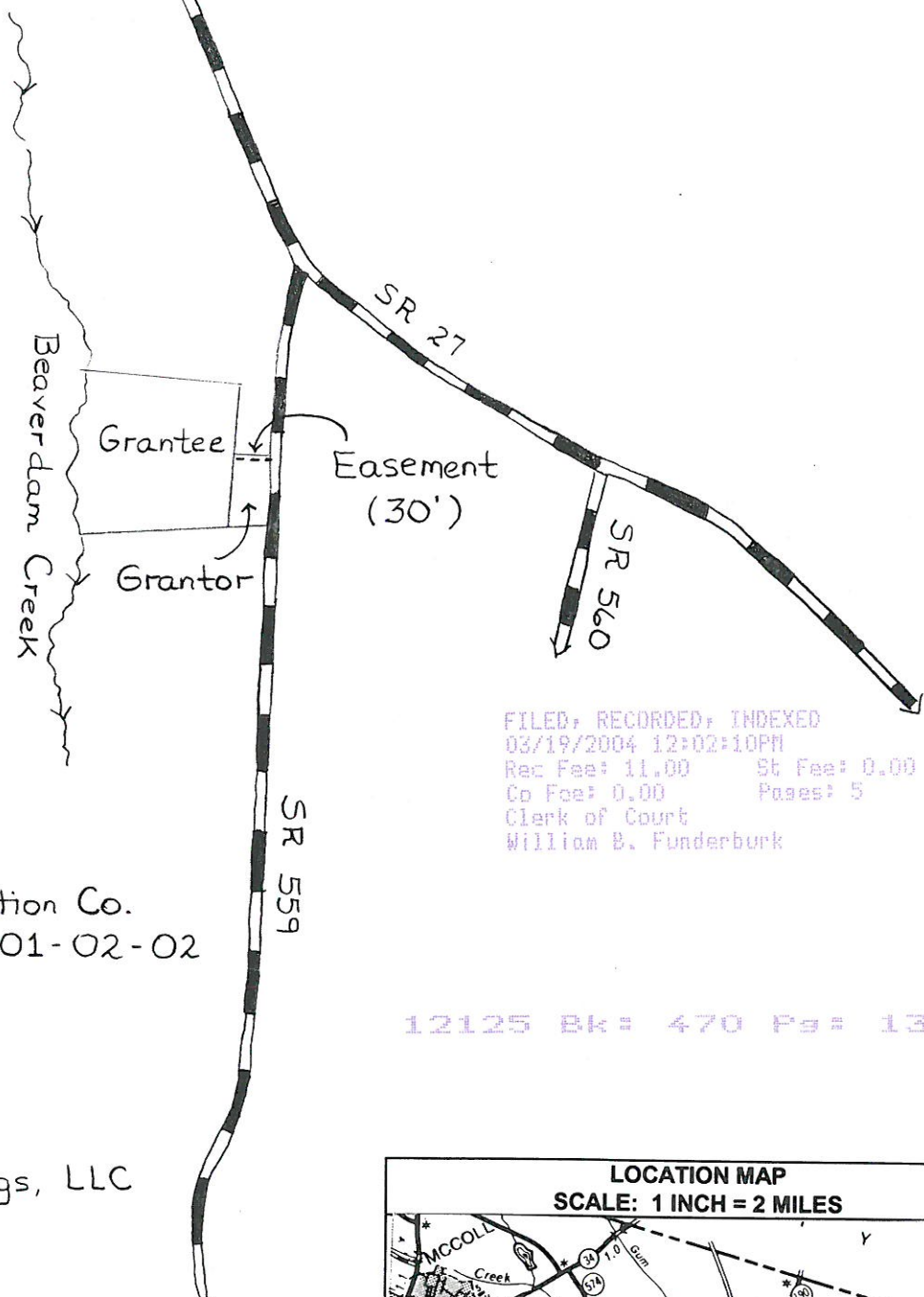
STONE TRACT
33.7 ACRES
MARLBORO COUNTY, SC

TAX MAP #: 35-01-02-38
REVISED: MBN 2/23/2004

to McColl



1:15,840



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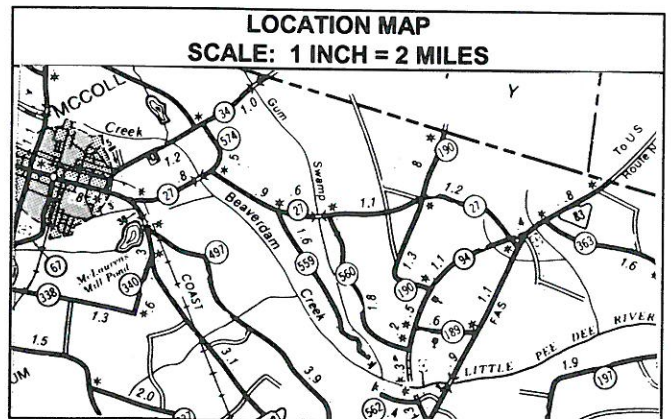
Grantor:

Dixon Construction Co.
Tax Map # 35-01-02-02
DB 114, P 59

Grantee:

Wateree Holdings, LLC
DB 466, P 16

12125 Bk: 470 Pg: 134



GOLDBERG & EASTERLING, P.A.

ATTORNEYS AT LAW

MAILING ADDRESS:

P.O. DRAWER 655

BENNETTSVILLE, S.C. 29512-0655

116 LIBERTY STREET
BENNETTSVILLE, SOUTH CAROLINA 29512
(843) 479-2878
FAX (843) 479-2879
E-MAIL gandelaw@bellsouth.net

WILLIAM C. GOLDBERG (1917-1972)
HARRY R. EASTERLING
HARRY R. EASTERLING, JR.

May 4, 2004

Wateree Holdings, LLC
C/o Forest Investment Associates
15 Piedmont Center, Suite 1250
Atlanta, GA 30305

RE: Right of Way Easement from Dixon Construction Company
Our File No.: 10511

Dear Sir or Madam:

I herewith enclose the original Right of Way Easement to Wateree Holdings, LLC from Dixon Construction Company, which has been recorded in Deed Book 470, Page 130 in the office of the Clerk of Court for Marlboro County, S.C.

Thanking you and with kind regards, I am

Very truly yours,


Harry R. Easterling, Jr.

HREjr/pmb
Enclosures