

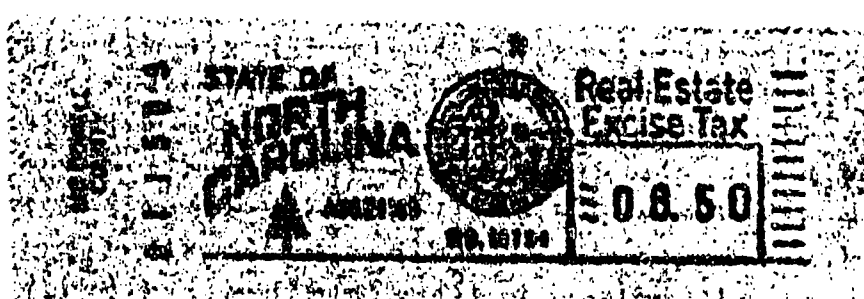
STATE OF North Carolina  
COUNTY OF McDowell

KNOW ALL MEN BY THESE PRESENTS: THAT

HUMBLE OIL & REFINING COMPANY, a Delaware corporation, having an office at 800 Bell Avenue, Houston, Texas 77002, herein referred to as "Grantor", for the sum of Ten Dollars (\$10.00) and other valuable consideration                     , to it in hand paid by PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC., a corporation, of North Carolina                     , herein referred to as "Grantee", (whether one or more), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Grantee, subject to the reservations, covenants, conditions and restrictions hereinafter set forth, all that certain tract or parcel of land situated in the County of McDowell, State of North Carolina, to-wit:

SEE DESCRIPTION IN EXHIBIT "A" ATTACHED HERETO.

This conveyance is made and accepted subject to the additional restriction that no building, or any part or portion thereof, shall at any time be erected or placed on said property within 50 feet of the right-of-way line of U. S. Highway 64, nor shall any projection of any building, of whatever character, be permitted to extend into or encroach upon said 50 foot area.



This conveyance is made by Grantor and accepted by Grantee subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights, rights-of-way and easements of record, including the building and zoning ordinances, regulations and restrictions by municipal or other governmental authority applicable to and enforceable against the above described premises.

Provided, however, that the above-described property, either by itself or in conjunction with other property, shall not be used for the maintenance or operation of an automotive service station or a bulk service station or the sale or storage of petroleum or other automotive products normally associated with such stations for a period of ten ( 10 ) years from the date hereof which shall constitute a covenant running with the land for the benefit of Grantor and is binding upon Grantee, and the successors, legal representatives, heirs and assigns of Grantee during the term thereof.

Ad valorem taxes and special assessments, if any, against the property herein conveyed for the current year shall be prorated between Grantor and Grantee as of the date hereof, and each shall bear their proportionate part thereof.

TO HAVE AND TO HOLD the above described land, together with the appurtenances, estate, title and interest thereto, unto the said Grantee, its successors, legal representatives, heirs and assigns, forever, subject to the provisions hereof, and in lieu of all other warranties, expressed or implied, Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend the title to said premises unto the said Grantee, its successors, legal representatives, heirs and assigns, against every person

whomever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

The foregoing recital of consideration is true as I verily believe. Executed this the 11th day of April, 1969.

HUMBLE OIL & REFINING COMPANY

ATTEST:  
[Signature]  
Assistant Secretary

By [Signature]  
Vice President

Signed and acknowledged in the presence of:

[Signature]  
[Signature]  
[Signature]

Notary Public  
MONA H. MINTER  
Notary Public in and for Harris County, Texas  
My Commission Expires 6-1-69

## Exhibit "A"

BEGIN AT A CONCRETE R/W MONUMENT MARKING THE OLD U. S. HIGHWAY #64 RIGHT-OF-WAY AND THE INTERSECTION OF A SOIL ROAD RIGHT-OF-WAY RUN SOUTH 18° 00' WEST 40' TO A POINT, THENCE RUN SOUTH 40° 00' EAST 242.6' TO THE POINT OF BEGINNING OF THE PREMISES HEREIN DESCRIBED, THENCE RUN NORTH 50° 00' EAST 177.2' TO A 4' IRON PIPE, THENCE RUN SOUTH 68° 30' EAST 277.3' TO A POINT IN THE CATAWBA RIVER, THENCE RUN SOUTH 7° 40' WEST 27.5' TO A POINT IN THE CATAWBA RIVER, THENCE RUN SOUTH 60° 30' WEST 50.0' TO A POINT IN THE CATAWBA RIVER, THENCE RUN SOUTH 48° 30' WEST 48.5' TO A POINT IN THE CATAWBA RIVER, THENCE RUN SOUTH 26° 50' WEST 95.0' TO A POINT IN THE CATAWBA RIVER, THENCE RUN SOUTH 54° 45' WEST 62.0' TO A POINT IN THE CATAWBA RIVER, THENCE RUN SOUTH 85° 51' WEST 52.2' TO A POINT IN THE CATAWBA RIVER, THENCE RUN NORTH 40° 00' WEST 255.9' TO THE POINT OF BEGINNING.

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JOHN B. TURNER, JR., known to me to be the person whose name is subscribed to the foregoing instrument as Vice President of HUMBLE OIL & REFINING COMPANY, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and as the act and deed of said HUMBLE OIL & REFINING COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of April, 1969.



Mona H. Minter  
Notary Public in and for  
Harris County, Texas

MONA H. MINTER  
Notary Public in and for Harris County, Texas  
My Commission Expires 6-1-69

NORTH CAROLINA  
MC DONELL COUNTY

The foregoing certificate of Mona H. Minter, Notary Public of Harris County, Texas is certified to be correct. Witness my hand this 21st day of August, 1969

Filed for registration at 9:40 A. M. this 21st day of August, 1969

By: Geraldine Whittall  
Assistant Register of Deeds

Ruth L. Lambeth  
Register of Deeds