

FINAL REPORT
Department of Conservation and Recreation
Eastern Shore Land Acquisition -- Bull Tract

Principal Investigator, Larry Smith

NOAA Grant # NAO6NOS4190241, Task 11

This project was funded in part by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant FY06 #NA06N064190241, of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended.



On September 28, 2006 the Virginia Department of Conservation and Recreation (DCR) purchased a 65.66% fee interest in a 285 acre portion of the 491 acre Bull Tract that had been purchased by The Nature Conservancy (TNC) in 2005. This 285-acre property was dedicated as the Magothy Bay State Natural Area Preserve (NAP). The purchase price paid by DCR for the 100% interest in the 285-acre parcel was determined by averaging the three appraisals that were

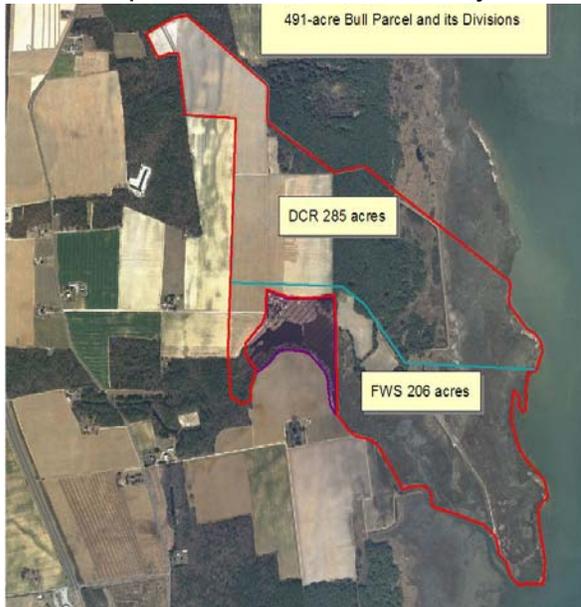


Figure 1: Project Area

done on the 285-acre parcel for DCR. That price was \$3,846,666. On October 9, 2007, DCR purchased the remaining 34.34% interest in the 285-acre Bull tract for \$1,320,945. This final interest was purchased using state Parks and Natural Area Bond Funds, this NOAA CELCP grant as well as grants from the Virginia DEQ Coastal Program and the U.S. Fish and Wildlife Service. This \$514,714 CELCP grant contributed 38.9% of the funds for this second closing, or 13.4% of the land purchase cost for the entire Bull tract purchase.

This 285-acre property is now owned entirely by the Virginia Department of Conservation and Recreation. The purchase of this and other parcels for migratory bird conservation on the lower Eastern Shore has resulted in the establishment of the Southern Tip partnership. The Magothy Bay NAP, as well as other public and private protected lands in the area, will be managed cooperatively following the Southern Tip Memorandum of Understanding that the Conservancy, U. S. Fish and Wildlife Service, DCR, DEQ, and the Virginia Department of Game and Inland Fisheries prepared in 2006. The purpose of this MOU is to facilitate cooperation between The U.S. Fish and Wildlife Service, The Commonwealth of Virginia's Department of Game and Inland Fisheries and Department of Conservation and Recreation, and The Nature Conservancy in the protection and management of conservation lands on the Southern Tip of the Virginia Eastern Shore for the purpose of resident and migratory bird species and other coastal dependent species and natural communities.



Figure 2: Location Acknowledgement Signage.

Deed prepared by:
George W. Barlow, III, Division Attorney
The Nature Conservancy
490 Westfield Road
Charlottesville, VA 22901



**CERTIFIED TO BE
A TRUE COPY**

Tax Map No. 00118-0A-00-002 (portion)

This Deed is exempt (i) from recordation taxes pursuant to Section 58.1-811(A)(3) of the Code of Virginia (1950), as amended, and (ii) from the payment of Clerk's fees pursuant to Section 17.1-266 of the Code of Virginia (1950), as amended.

The title insurance underwriter for the subject property is First American Title Insurance Company.

DEED AND DEDICATION
Bull Tract

THIS DEED AND DEDICATION, dated the 4th day of October, 2007, by and between **THE NATURE CONSERVANCY**, a District of Columbia non-profit corporation, Grantor, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF CONSERVATION AND RECREATION**, Grantee, located at 203 Governor Street, Richmond, Virginia 23219.

WITNESSETH:

WHEREAS, by Deed and Dedication, dated September 25, 2006, from The Nature Conservancy, a District of Columbia non-profit corporation (the "Conservancy"), to the Commonwealth of Virginia, Department of Conservation and Recreation (the "Commonwealth"), recorded September 29, 2006, in the Clerk's Office of the Circuit Court of Northampton County, Virginia, as Instrument Number 060002738, the Conservancy: (1st) dedicated, in perpetuity, as Magothy Bay Natural Area Preserve, pursuant to § 10.1-213 of the Code of Virginia (1950), as amended, the property described in Exhibit A to the said Deed and Dedication, dated September 25, 2006, (2nd) designated and conveyed an open-space easement pursuant to §§ 10.1-1701 and 10.1-1703 of the Open-Space Land Act, §§ 10.1-1700

through 10.1-1705 of the Code of Virginia (1950), as amended, over, under and upon, the property described in said Exhibit A to the Deed and Dedication, dated September 25, 2006, and then, (3rd), conveyed to the Commonwealth an undivided 65.66% fee simple interest in that certain tract or parcel of land, known as Parcel B-1, containing 285.869 acres, more or less, located east of Highway 13 in Capeville Magisterial District, Northampton County, Virginia, as more particularly described on Exhibit A to said Deed and Dedication, dated September 25, 2006, which Exhibit A was attached thereto and recorded therewith; and

WHEREAS, the Conservancy and Commonwealth entered into a Tenants in Common Agreement and Option to Purchase, dated September 25, 2006, and recorded September 29, 2006, in the aforesaid Clerk's Office as Instrument Number 060002740 (the "TIC Agreement and Option") providing for the joint management of the property conveyed by the said Deed and Dedication, dated September 25, 2006, and granting the Commonwealth an option to acquire the Conservancy's remaining undivided 34.34% interest therein; and

WHEREAS, the Commonwealth exercised its option to purchase in the TIC Agreement and Option, and by this Deed and Dedication the Conservancy conveys to the Commonwealth all its remaining interest in the property described on the attached Exhibit A to this Deed and Dedication, including both undivided fee simple interest and appurtenant easements; and

WHEREAS, upon the recordation of this Deed and Dedication, the TIC Agreement and Option will terminate pursuant to Section 1, paragraph 1.2, of its terms; and

WHEREAS, Parcel B-2, as referenced in Exhibit A to said Deed and Dedication, dated September 25, 2006 (which Parcel B-2 abuts portions of Parcel B-1 as shown on that certain plat of survey made by Marsh & Legge Land Surveyors, P.L.C., dated February 16, 2006, revised September 13, 2006, and recorded September 29, 2006 together with and as a part of said Deed

and Dedication, dated September 25, 2006, in Plat Book 37, at pages 24 and 25), was conveyed from The Nature Conservancy to The United States of America by Warranty Deed, dated January 25, 2007, and recorded January 30, 2007, in the aforesaid Clerk's Office as Instrument Number 070000243 together with certain non-exclusive easements of right of way for ingress and egress which, in part, cross Parcel B-1 and are subject to specified terms and conditions as set forth in said Deed and Dedication, dated September 25, 2006; and,

WHEREAS, it is the intention of the Grantee herein, itself, to dedicate, in perpetuity, its entire undivided one-hundred percent (100%) interest in said Parcel B-1 as described in Exhibit A attached hereto (said one hundred percent (100%) interest being comprised of an undivided 65.66% fee simple interest acquired under the said Deed and Dedication, dated September 25, 2006, and an undivided 34.34% fee simple interest acquired under this Deed and Dedication) as a natural area preserve pursuant to § 10.1-213(D) of the Code of Virginia (1950), as amended, and to designate, in perpetuity, its entire undivided one-hundred percent (100%) interest in said Parcel B-1 to be retained and used for the preservation and provision of open-space land pursuant to § 10.1-1701 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, FURTHER W I T N E S S E T H :

Part I

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged at and before the sealing and delivery of this Deed, the Grantor does hereby grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, subject to easements, restrictions and reservations of record, unto the Commonwealth of Virginia, Department of Conservation and Recreation, Grantee, all its undivided thirty-four and thirty-four one hundredths percent (34.34%)

fee simple interest in that certain tract or parcel of land, known as Parcel B-1, containing 285.869 acres, more or less, located east of Highway 13 in Capeville Magisterial District, Northampton County, Virginia, and more particularly described on Exhibit A (Real Estate Description) hereto, which is attached to this Deed and Dedication and incorporated herein by reference, together with certain permanent non-exclusive access easements and right of way as specified in said attached Exhibit A.

Part II

The Grantee, Department of Conservation and Recreation, hereby (1) dedicates, in perpetuity, as a natural area preserve, to continue to be named and known as the Magothy Bay Natural Area Preserve, its entire undivided one-hundred percent (100%) fee simple interest in the property described in Exhibit A to this Deed and Dedication, which dedication as a natural area preserve is made pursuant to § 10.1-213(D) of the Code of Virginia (1950), as amended, and the Virginia Natural Area Preserves Act, § 10.1-209 through § 10.1-217 of the Code of Virginia (1950), as amended, and (2) designates, in perpetuity, its entire undivided one-hundred percent (100%) fee simple interest in the property described in Exhibit A to this Deed and Dedication to be retained and used for the preservation and provision of open-space land, which designation of open-space land is made pursuant to § 10.1-1701 of the Code of Virginia (1950), as amended, and the Open-Space Land Act, § 10.1-1701 through § 10.1-1705 of the Code of Virginia (1950), as amended.

Part III – Miscellaneous Provisions

The property conveyed by this Deed and Dedication has been acquired, in part, with funding received by the Commonwealth of Virginia, Department of Conservation and Recreation, from Grant Agreement Number VA C-14-L-1, dated July 27, 2007, between the U.S.

Fish and Wildlife Service and the Department of Conservation and Recreation. All present and future use of this property is and shall remain subject to the terms and conditions described in the Notice of Grant Agreement, which are attached to this Deed and Dedication and incorporated herein as Exhibit B, and are recorded herewith, and to the other administrative requirements of the applicable grant funding program of the U.S. Fish and Wildlife Service.

Funds for the purchase of the property interests conveyed by this Deed and Dedication were provided, in part, by grant number NA06NOS4190241 Task 11, from the Virginia Coastal Zone Management Program at the Department of Environmental Quality and the National Oceanic and Atmospheric Administration. Future use and disposition of the property is subject to the terms and restrictions contained in the grant, which are hereby incorporated by reference, and to the Terms of Grant Agreement, which are attached to this Deed and Dedication and incorporated herein as Exhibit C, and are recorded herewith, and to the other administrative requirements of the applicable grant funding program of the Department of Environmental Quality.

The property and interests conveyed by this Deed have been acquired, in part, with funds from Federal financial assistance award #NA06NOS4190283 from the National Oceanic and Atmospheric Administration (NOAA) through the Virginia Coastal Zone Management Program at the Department of Environmental Quality. Title to the property conveyed by this Deed and Dedication shall vest in the Virginia Department of Conservation and Recreation subject to the disposition instructions from NOAA or its successor agencies. Future use and disposition of the property is subject to the terms and restrictions contained in the award, which are hereby incorporated by reference, and to the Terms of Grant Agreement, which are attached to this Deed and Dedication and incorporated herein as Exhibit C, and are recorded herewith, and to the other

administrative requirements of the applicable award or grant funding program of the Department of Environmental Quality. The property and interests conveyed by this Deed and Dedication shall be managed for conservation purposes and in a manner consistent with the purposes for which it was entered into the Coastal and Estuarine Land Conservation Program. The Virginia Department of Conservation and Recreation shall not dispose of, encumber its title or other interests in, or change the use of said property without approval of NOAA or its successor agencies.

By its execution of this Deed and Dedication, the Department of Conservation and Recreation, as grant recipient and award recipient of each of the two grants and one award referenced above, hereby consents to and confirms all the obligations and responsibilities with regard to the property and interests acquired by this Deed and Dedication as contained in the terms and conditions of, or as legally applicable to, each of the respective grants and award, and hereby consents to and confirms all the terms and conditions set forth in Exhibits B and C attached to this Deed and Dedication as they relate to said respective grants and award.

Further, by execution of this Deed and Dedication, the Director of the Department of Conservation and Recreation confirms that he has deemed the property described in the attached Exhibit A to this Deed and Dedication to qualify as a natural area under the Virginia Natural Area Preserves Act and that the property dedicated in Part II of this Deed and Dedication and described in said Exhibit A hereto is accepted by him, in the name of the Department, as a natural area preserve, which shall continue to be known as the Magothy Bay Natural Area Preserve; and, the Director of the Department of Conservation and Recreation confirms that he has approved, on behalf of said Department, the designation of the property described in

Exhibit A to this Deed and Dedication as open-space land pursuant to Part II of this Deed and Dedication and pursuant to the said Open-Space Land Act.

The Conservancy, Grantor, represents that it has been and remains in good standing as a non-profit corporation under the laws of the District of Columbia, that it is authorized to transact business in Virginia, and that the undersigned Vice-President and Virginia State Director for the Conservancy is fully authorized to execute this Deed and Dedication on its behalf.

IN WITNESS WHEREOF, The Nature Conservancy, a District of Columbia non-profit corporation, Grantor, has caused this Deed and Dedication to be executed on its behalf by its duly authorized officer; and, for the Grantee, the Director of the Department of Conservation and Recreation of the Commonwealth of Virginia has caused this Deed and Dedication to be executed on behalf of the said Department and the Commonwealth of Virginia for the purposes herein specified.

{SIGNATURE AND ACKNOWLEDGMENTS TO FOLLOW}

THE NATURE CONSERVANCY,
a District of Columbia non-profit corporation

By: Michael L. Lipford
Michael L. Lipford,
Vice-President and Virginia State Director

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond, to-wit

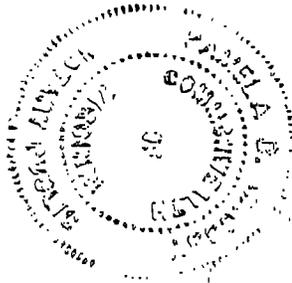
The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 4 day of October, 2007, by Michael L. Lipford, Vice-President and Virginia State Director of The Nature Conservancy, a District of Columbia non-profit corporation, on behalf of the corporation.

My commission expires: April 30, 2008.

Notary's Registration No.: 340610.

(AFFIX
NOTARY
SEAL)

Pamela Crosby
Notary Public



COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF CONSERVATION
AND RECREATION

By: 
Joseph H. Maroon
Director, Department of Conservation and Recreation

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
10th day of October 2007, by Joseph H. Maroon, Director of the Department of
Conservation and Recreation, on behalf of said Department and the Commonwealth of Virginia.

My commission expires: 5-31-2011. Russell W. Bantek
Deputy Director

Notary's Registration No.: 323989.

(AFFIX
NOTARY
SEAL)



Pamela H. Landrum
Notary Public

EXHIBIT A

Real Estate Description

ALL THAT certain tract or parcel of land containing 285.869 acres, more or less, together with all buildings and improvements thereon and all easements and appurtenances thereunto belonging, lying and being in Northampton County, Virginia, known and designated as Parcel B-1, as shown and described on that certain plat of survey thereof entitled "Boundary Survey, Parcel B-1, 285.869 Acres, a Portion of the Lands of The Nature Conservancy, a District of Columbia Non-Profit Corporation, Instrument No. 060000955, Plat Book 36 Page 15, Instrument No. 050000816, Plat Book 33 Page 70, Capeville Magisterial District, Northampton County, Virginia," prepared by S. W. Marsh, L.S., of Marsh & Legge, P.L.C., dated February 16, 2006, revised September 13, 2006 (the "Plat"), which Plat is of record in the Clerk's Office of the Circuit Court of Northampton County, Virginia in Plat Book 37, at pages 24 and 25.

TOGETHER WITH, for purposes of access to Parcel B-1 and Parcel B-2, a permanent, non-exclusive access easement and right of way for ingress and egress fifty (50) feet in width along and across all those portions of Parcel B-2 and Parcel A designated as "Ex. 50' Ingress/Egress Easement" or as "50' Ingress/Egress Easement" as shown on the said Plat by Marsh & Legge, P.L.C., dated February 16, 2006 and revised September 13, 2006, which access easement begins at the eastern terminus of Bull's Drive where it intersects with the western boundary of said Parcel B-2 as shown on the said Plat, and thence runs immediately north on an existing unimproved dirt farm road along the western boundary of said Parcel B-2 a distance of 332.72 feet to the southern line of Parcel B-1, and thence runs generally in an easterly direction along and partly inside the northern boundary line extended and also along the northern boundary line of the inholding owned by John Bull (shown as Parcel A on the Plat), and thence runs in a southeasterly direction along the Existing 50' Ingress/Egress Easement and existing road to the Boat Ramp, as shown on the Plat. The parties hereto understand and agree that the southern boundary of said Parcel B-1, in part, extends down the middle of said access easement and existing access road, as shown on the Plat. Further, concerning the entire said access easement from the eastern terminus of Bull's Drive to the Boat Ramp near Magothy Bay as shown on said Plat, the owner of said Parcel B-2, and his or its successors and assigns, shall be responsible for maintenance and costs associated with the use of said access easement under that certain Roadway Maintenance Agreement, dated January 31, 2005, as amended by Amendment thereto, dated March 6, 2006, and recorded in the Clerk's Office of the Circuit Court of Northampton County, Virginia as Instrument Nos. 050000372 and 060002660, respectively; and, further,

TOGETHER WITH, for purposes of access to Parcel B-1 and Parcel B-2, permanent non-exclusive access easements and a right of way for ingress/egress twenty (20) feet in width, at all those locations on the Plat designated "20' Ingress/Egress Easement Centered on Existing Dirt Road, Inst. #060000955, Inst. #050000816, Inst. #050000070" and "20' Ingress/Egress Easement Centered on Existing Dirt Road, Inst. #060000955, Inst. #050000816, DB 103 PG 342," which access easements run generally from the eastern line of Seaside Road (Va. Sec. Rte. 600) in an easterly direction along and over Bull's Drive as shown on the Plat, an approximate distance of 2880 feet, to the intersection of said Bull's Drive with the western line of said Parcel B-2, for

purposes of access to, and ingress and egress to and from, said Parcel B-1 and Parcel B-2, and to and from the remaining length of the aforesaid 50' Ingress/Egress Easement that runs from the existing terminus of Bull's Drive to the said Boat Ramp near Magothy Bay, all as shown on the Plat; and, Grantor grants and conveys unto the Grantee, permanent non-exclusive cross easements for ingress/egress along and over each "20' Ingress/Egress Easement Centered on Existing Dirt Road;" and, further

TOGETHER WITH any and all remaining right, title and interest of the Grantor in and to that certain permanent, non-exclusive 50 foot wide access easement and right of way for ingress and egress for access to said both Parcel B-1 and Parcel B-2, in common with others, extending from the southerly right of way line of Jones Cove Road (Route 730), over the lands now or formerly of John Davis Bull, Sr. to the northern boundary line of Parcel B-1 as shown on the aforesaid Plat made by Marsh & Legge, P.L.C., dated February 16, 2006 and revised September 13, 2006, said reserved access easement being further described on the said Plat as "50' Ingress/Egress Easement, Inst. #050000816, PB 33 PG 70 (No Roadway Exists At Time Of Survey)," reference being hereby made to said Instrument No. 050000816 and PB 33, PG 70, for a more particular description of said permanent, non-exclusive 50/foot access easement and right of way.

The real estate herein conveyed is a portion of the property acquired by The Nature Conservancy, a District of Columbia non-profit corporation, by Deed from Picador Investment Group, L.P., a Virginia limited partnership, dated March 1, 2005, and recorded March 1, 2005, in the Clerk's Office of the Circuit Court of Northampton County, Virginia, as Instrument Number 050000816.

EXHIBIT B

Notice of Grant Agreement

The Commonwealth of Virginia, Department of Conservation and Recreation (the Department), its successors and assigns, acknowledge that the real property known as the Magothy Bay Natural Area Preserve in Northampton County, Virginia and more described on the attached Exhibit A (the Property) is acquired in part with funds received from a National Coastal Wetlands Conservation Grant administered by U.S. Fish and Wildlife Service (the Service), Division of Federal Aid, its successors and assigns, and that the property described is subject to all the terms and conditions of Grant Agreement Number VA C-14-L-1, dated July 27, 2007, between the Service and the Department, which includes the entire file on this project (the Grant Agreement). A copy of the Grant Agreement is kept on file at the offices of the Service, 300 Westgate Center Drive, Hadley, MA 01035-9589 and at the offices of the Department of Conservation and Recreation, 203 Governor Street, Richmond, Virginia 23219.

The Department acknowledges that the property conveyed by this Deed and Dedication is acquired for the approved purpose of long-term conservation of coastal wetland ecosystems, thereby preserving and protecting in perpetuity these multiple, interrelated land features which are critical to coastal fish, wildlife and their habitats. This said property protects spawning, nursery, and feeding habitat for a variety of fish and shellfish; habitat for threatened and endangered species; and habitat for numerous species of resident and migratory birds, and protects open space of Northampton County. The Department further acknowledges that the said property will be administered for the long-term conservation of lands and waters and the hydrologic systems and natural heritage resources dependent thereon. The property will be added to and known as the Department's Magothy Bay Natural Area Preserve. The Department hereby acknowledges that the said property will be used and will continue to be used for the approved purposes for which it is acquired. The property may not be conveyed or encumbered, in whole or in part, or used for any other purpose, without the written consent of the Regional Director of the U.S. Fish and Wildlife Service. Further, if the property is used for activities that interfere with accomplishment of the approved purpose, the violating activities must cease and any resulting adverse effects must be remedied.

The said property may not be converted or diverted from its approved purpose until there is substituted other real property which is of at least equal fair market value and of as nearly as feasible equivalent usefulness and location for the approved purpose as the property converted or diverted.

If the Department determines the property is no longer needed or useful for its original purpose and the Service concurs, the Department may, with the prior consent of the Service, either (1) acquire title to another parcel of real property of equal value that serves the same approved purpose as the original property and manage such newly acquired real property for same purpose specified in the original Grant Agreement, or (2) repay the Service, in cash, the proportionate federal share of funds invested in the original purchase price, or repay the Service, in cash, the proportionate federal share of the current fair market value of the property, or any

portion thereof, whichever is higher, or (3) as a last resort, transfer the subject property to the Service or to a third-party designated or approved by the Service.

EXHIBIT C

Terms of Grant Agreement

The Commonwealth of Virginia, Department of Conservation and Recreation (hereinafter the Department), acknowledges that the above described property conveyed by this Deed and Dedication is acquired, in part, with funds received from the Virginia Coastal Zone Management Program at the Department of Environmental Quality (hereinafter the VA CZM at DEQ) through grant number NA06NOS4190241 Task 11, and is acquired, in part, with funds received from Federal financial assistance award #NA06NOS4190283 from the National Oceanic and Atmospheric Administration (NOAA) through the Virginia Coastal Zone Management Program at the Department of Environmental Quality; and, that the said property conveyed by this Deed and Dedication is subject to all the terms and conditions of said grant and said award, both of which shall be binding on the Department and its successors and assigns.

The Department acknowledges that the property is acquired for the approved purpose of long-term conservation of coastal ecosystems, thereby preserving and protecting in perpetuity the multiple, interrelated uplands and wetlands which are critical to coastal resident and migratory birds, fish, wildlife, rare species and their habitats. This subject property is located on the Southern Tip of the Eastern Shore of Virginia that has been identified as an important stopover habitat for migratory songbirds. Further, the said property lies directly within the critical area boundary of that migratory songbird corridor. The protection, restoration and management of migratory songbird habitat on the property are of primary importance.

(a) **Disposition of Real Property:** The real property interest acquired by the Department through this Deed and Dedication with Virginia Coastal Zone Management Program grant funds shall be administered in accordance with the grant terms and conditions for the long term management of the property as stated above. Otherwise, it shall be subject to Paragraphs b and c below.

(b) **Prior Approval Required for Resale:** By signature of the Department on this document and by acceptance of the grant monies, the Department agrees not to sell, transfer, hypothecate, or otherwise dispose of or encumber the land or parcels of land, or any portion thereof, or change the original use for which the said property was acquired, without first obtaining the prior written approval of the VA CZM at DEQ and the National Oceanic and Atmospheric Administration. If at any future date the Department deems it necessary and/or desirable to sell the property or any portion thereof, the Department shall notify the VA CZM at DEQ immediately; and

(c) **Terms of Resale:** Further, upon such approval and at the option of the VA CZM at DEQ, if the land or any parcel of the land is sold, transferred, hypothecated, or otherwise disposed of or encumbered, or ceases, in the opinion of the VA CZM at DEQ, to be used in whole or in part for the purpose for which it was acquired and held, the VA CZM at DEQ will provide instructions for one of the following alternatives:

(1) Provide to the VA CZM at DEQ (or an appropriate landholding entity of the its choosing) real property that is of equal value and will serve the purpose for which the original property was acquired; or

(2) Acquire title to and manage real property that is of equal value and will serve the purpose for which the original property was acquired; or

(3) Repay to the VA CZM at DEQ, on terms and conditions satisfactory to the VA CZM at DEQ, in cash, the proportionate share of the funds of the original purchase price. The amount paid to the VA CZM at DEQ will be computed by applying the VA CZM at DEQ's percentage of participation in the cost of the original purchase to the fair market value of the Property. A percentage of the funds derived from a resale shall be reinvested in land within Virginia's Coastal Zone for the purposes of sensitive coastal habitat protection and/or public access to coastal waters. This percentage shall be equivalent to the ratio of federal plus match dollars to total project cost as specified by the terms of grant number NA06NOS4190241 Task 11.

INSTRUMENT #070002573
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY ON
OCTOBER 15, 2007 AT 09:55AM
\$1,321.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$660.50 LOCAL: \$660.50
TRACI L. JOHNSON, CLERK

RECORDED BY: SBS



OFFICIAL RECEIPT
NORTHAMPTON COUNTY CIRCUIT COURT
DEED RECEIPT

DATE: 10/15/07 TIME: 09:55:49 ACCOUNT: 131CLR070002573 RECEIPT: 07000006409
 CASHIER: SSS REG: NDIS TYPE: DBS PAYMENT: FULL PAYMENT
 INSTRUMENT : 070002573 BOOK: PAGE: RECORDED: 10/15/07 AT 09:55
 GRANTOR: NATURE CONSERVANCY EX: N LOC: CD
 GRANTEE: COMMONWEALTH OF VA/DEPARTMENT OF CONSERVATION&REC EX: Y PCT: 100%
 AND ADDRESS : 203 GOVERNOR ST RICHMOND VA 23219
 RECEIVED OF : PIONEER TITLE DATE OF DEED: 10/04/07
 CHECK: \$1,321.00 17892
 DESCRIPTION 1: PARCEL & BOUNDARY SURVEY NR MAGOTHY BAY PAGES: 16
 2: CAPEVILLE DISTRICT NAMES: 0
 CONSIDERATION: 1,320.875.00 A/VAL: .00 MAP: 001180A00002
 PIN:
 026 DEEDS OF CONVEYANCE 660.50 220 GRANTOR TAX 660.50
 TENDERED : 1,321.00
 AMOUNT PAID: 1,321.00
 CHANGE AMT : .00

CLERK OF COURT: TRACI L. JOHNSON

BUSINESS FORMS SPECIALTY, INC (757) 827-9575

(1443-005 408)

8790