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FORSYTH CO, NC FEE \$21.00
 PRESENTED & RECORDED:
 03-30-2007 10:50 AM
 DICKIE C WOOD
 REGISTER OF DEEDS
 By: BETTY C CAMPBELL DPTY
BK:RE 2741
PG:740-743

Box 5

NORTH CAROLINA)
)
 FORSYTH COUNTY)

IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 07CVS 2195

CITY OF WINSTON-SALEM,)

Plaintiff,)

v.)

MEMORANDUM
OF ACTION

MALLARD LAKES ASSOCIATION, a Non-profit
 Corporation)

Defendant.)

TAKE NOTICE:

1. That on the 30th day of March 2007, the City of Winston-Salem instituted the above-entitled civil action in the Superior Court of Forsyth County, by filing a Complaint and Declaration of Taking, and by depositing the amount estimated by the Plaintiff to be just compensation for the taking and by the issuance of Summons therein.

2. That the above-named Defendants are the only persons whom the Plaintiff is informed and believes may have or claim to have an interest in the property.

3. That the property acquired by this taking by condemnation is situated in Winston Township, Forsyth County, North Carolina, and is more particularly described in Exhibit A, attached hereto, and made a part hereof.

This Memorandum of Action is filed pursuant to the provisions of G.S. 40A-43.

Angela I. Carmon
 Angela I. Carmon
 Attorney for Plaintiff *by ccr*

City Attorney's Office
 Post Office Box 2511
 Winston-Salem, N.C. 27102

EXHIBIT A

DESCRIPTION OF PROPERTY AFFECTED

Being known and Designated as Lot 301, Block 5039, tax maps of Forsyth County as presently constituted and as further described in the deed to Mallard Lakes Association, recorded in deed book 965, page 332 and dated May 31, 1968 in the Forsyth County Register of Deeds.

INTEREST OR ESTATE TAKEN

The City of Winston-Salem will acquire permanent easements and temporary construction easements as more specifically described below in the "Area Taken" for the Mallard Lakes Outfall.

AREA TAKEN

Permanent and Temporary Construction Easements:

Being three strips of land, each twenty (20) feet wide, the centerline of each being described by courses and distances as follows:

No. 1:

Commencing at a point being NC Grid Coordinates N:889331.81 and E:1608120.09, also the southernmost corner of Mallard Lakes Association (Tax Lot 301, Block 5039; Deed Book 965, Page 332), in the northern right-of-way line of Walker Road; thence along the northern right-of-way of Walker Road North $65^{\circ} 54'43''$ East 41.51 feet to the centerline of a new sanitary sewer line, the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the centerline of a new sanitary sewer line North $23^{\circ} 44'17''$ West 47.26 feet to a point in the easterly boundary of Nancy H. Corriher [Tax Lot 99 of Block 5039; Deed Book 2504, Page 3203].

Together with a twenty-five (25) foot wide temporary construction easement parallel to, and lying easterly of and adjacent to, the easterly boundary of the above-described twenty (20) foot wide permanent easement for use in connection with the initial constructing and laying of the sanitary sewer line.

No. 2:

Commencing at an existing iron pipe in the easterly right-of-way line of Mallard Lakes Drive, also the northwest corner of Geneva D. Terry [Tax Lot 97 of Block 5039; Deed Book 1320, Page 925]; thence with the northern boundary of Geneva D. Terry South $72^{\circ} 40'47''$ East 162.28 feet to the centerline of a new sanitary sewer line the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the centerline of a new sanitary sewer line North $13^{\circ} 20'24''$ East to a point; thence North $44^{\circ} 49'05''$ East 13.03 feet to a point in the southern boundary of Jeffrey P. Melang [Tax Lot 96 of Block 5039; Deed Book 2146, Page 282], said point being South $72^{\circ} 44'23''$ East 166.77 feet along Melang's southern boundary from Melang's southwest corner in the easterly right-of-way line of Mallard Lakes Drive.

Together with the following two (2) temporary construction easements:

No. 1 (Adjacent to the westerly boundary of the permanent easement):

Commencing at an existing iron pipe, the northeast corner of Geneva D. Terry [Tax Lot 97 of Block 5039; Deed Book 1320, Page 925]; thence with the northern boundary of Geneva D. Brown North $72^{\circ} 40' 47''$ West 127.62 feet to the western boundary of the new permanent sanitary sewer easement; thence with the western boundary of the new permanent sanitary sewer easement North $13^{\circ} 20' 24''$ East 20.72 feet to the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the western boundary of the new temporary construction easement North $13^{\circ} 20' 24''$ East 9.44 feet to a point in the southern boundary of Jeffrey P. Melang [Tax Lot 96 of Block 5039; Deed Book 2146, Page 282]; thence with the southern boundary of Jeffrey P. Melang South $72^{\circ} 44' 23''$ East 5.55 feet to a point in the western boundary of the new permanent sanitary easement; thence with the western boundary of the new permanent sanitary sewer easement South $44^{\circ} 49' 05''$ West 10.64 feet to the point and place of BEGINNING.

No. 2 (Adjacent to the easterly boundary of the permanent easement):

Commencing at an existing iron pipe, the northeast corner of Geneva D. Terry [Tax Lot 97 of Block 5039; Deed Book 1320, Page 925]; thence with the northern boundary of Geneva D. Brown North $72^{\circ} 40' 47''$ West 82.51 feet to a point in the eastern boundary of the temporary construction easement, the POINT AND PLACE OF BEGINNING; thence with the northern boundary of Geneva D. Brown North $72^{\circ} 40' 47''$ West 25.06 feet to a point in the easterly boundary of the new permanent sanitary sewer easement; thence with the easterly boundary of the new permanent sanitary sewer easement North $13^{\circ} 20' 24''$ East 16.47 feet to a point; thence continuing North $44^{\circ} 49' 05''$ East 15.43 feet to a point in the southern boundary of Jeffrey P. Melang [Tax Lot 96 of Block 5039; Deed Book 2146, Page 282]; thence with the southern boundary of Jeffrey P. Melang South $72^{\circ} 44' 23''$ East 16.98 feet to a point in the eastern boundary of the temporary construction easement; thence with the eastern boundary of the temporary construction easement South $13^{\circ} 20' 24''$ West 30.21 feet to the point of BEGINNING.

No. 3:

Commencing at an existing iron pipe in the easterly right-of-way line of Mallard Lakes Drive, also the northwest corner of Freddie E. Burks [Tax Lot 94 of Block 5039; Deed Book 1943, Page 637]; thence with the northern boundary of Freddie E. Burks South $72^{\circ} 39' 33''$ East 200.89 feet to the centerline of a new sanitary sewer line, the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the centerline of a new sanitary sewer line North $18^{\circ} 31' 56''$ West 194.38 feet to a point; thence North $01^{\circ} 52' 24''$ East 163.83 feet to a point in the easterly right-of-way line of Mallard Lakes Drive, said point being along the easterly right of way lines of Mallard Lakes Drive with the arc of a curve to the right having a chord bearing and distance of North $27^{\circ} 54' 31''$ East 236.06 feet and a radius of 643.80 feet and N $17^{\circ} 20' 25''$ East 83.38 feet from North Carolina grid coordinates N: 889220.77 and E: 1608104.76

Together with a twenty (20) foot wide temporary construction easement parallel to, and lying westerly of and adjacent to, the westerly boundary of the above-described twenty (20) foot wide permanent easement; and a five (5) foot wide temporary construction easement parallel to, and lying easterly of and adjacent to, the easterly boundary of the above-described twenty (20) foot wide permanent easement for use in connection with the initial construction and laying of the sanitary sewer line.

The area of the three permanent easements contain 8,739.38 sq. feet. The area of the three temporary construction easements contain 10,909.79.

The above-described easements are described according to a survey by Christopher A. Wall, PLS, dated November 6, 2006 and on file as Map 8797-P in the Engineering Records Center, City of Winston-Salem.