


2005005032

CLAY CO, NC FEE \$20.00
STATE OF NC REAL ESTATE EXT
\$150.00
PRESENTED & RECORDED:
10-07-2005 10:34:24 AM
MELISSA ROACH
REGISTER OF DEEDS
BY: PHYLIS MANEY
ASSISTANT
BK:CRP 295

Phyllis Maney, Asst
PG:107-107

NORTH CAROLINA WARRANTY DEED

Excise Tax \$150.00 Deed Stamps Recording Time, Book and Page

Tax Lot No. split from 5592.00-71-1590
Verified by Clay  County on the 27th day of September, 2005
by

Mail after recording to

This instrument was prepared by Deborah L. Nichols, NICHOLS & NICHOLS, P.O. Box 525, Hayesville, NC 28904
Brief description for the Index Lot 12 (1.237 ac) & Lot 12A (0.058 ac), Phase 1, Tusquittee Crossing
THIS DEED made this 27th day of September, 2005, by and between

GRANTOR

GRANTEE

DREAMLAND INVESTMENTS, LLC,
a North Carolina Limited
Liability Company
P. O. Box 741
Hayesville, NC 28904

BRUCE C. SIKES and wife,
BETSY E. SIKES
1381 Lanier Road
Peachland, NC 28133

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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 a 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 in fee simple, all that certain lot or parcel of land situated in the City of Tusquittee Township, Clay County, North Carolina and more particularly described as follows:

TRACT ONE:

All that lot of land, denominated as **Lot 12** (containing **1.237 acres**, more or less), of **Phase 1** of **TUSQUITTEE CROSSING SUBDIVISION** in Tusquittee Township, Clay County, North Carolina, being the same lot shown on the plat of survey by Sprinkle Surveying, P.A., Samuel L. Sprinkle, PLS, dated April 7, 2004, revised May 24, 2004, November 16, 2004, January 18, 2005, April 6, 2005, July 19, 2005, and August 30, 2005, and recorded September 21, 2005, at 02:17:52 P.M. in Plat Cabinet 4, slide 1120, Clay County, North Carolina, Registry, reference to which is hereby made and incorporated as if fully set out herein for more particular description of the lands herein conveyed.

(continued on next page)

The foregoing property is conveyed together with and subject to that Declaration of Covenants, Restrictions, Easements, Reservations, Terms and Conditions governing TUSQUITTEE CROSSING SUBDIVISION, dated April 20, 2004, and recorded in Deed Book 273, page 129, Clay County, North Carolina, Registry, reference to which is hereby made and incorporated as if fully set out herein.

The foregoing property is conveyed together with and subject to the perpetual, non-exclusive, 16-foot wide utility right of way and easement, leading from the centerline of the 60-foot wide road right of way leading to Lot 12, to the North corner of Lot 7A, as shown on the above-referenced, recorded plat of survey, for utilities, as said utilities are more particularly described in TRACT TWO, below.

The foregoing property is conveyed together with and subject to a perpetual, non-exclusive, 16-foot wide utility right of way and easement, 8 feet on either side of the North boundary line of Septic Area 7A, and on either side of the common boundary line between Septic Areas 10A and 12A, as said Septic Areas are shown on the above-referenced, recorded plat of survey.

The foregoing property is conveyed together with and subject to a perpetual, non-exclusive, 16-foot wide utility right of way and easement, 8 feet on either side of the North boundary line of Septic Area 12A, as said Septic Area is shown on the above-referenced, recorded plat of survey.

For source of title, see Deed Book 268, page 15, Clay County, North Carolina, Registry.

TRACT TWO:

Also conveyed herewith is that lot of land, denominated as Lot 12A, containing 0.058 acre, more or less, also shown on the above-referenced recorded plat of survey, and being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 12 of Tusquittee Crossing Subdivision, as shown on the plat recorded in Plat Cabinet 4, Slide 1120, Clay County Registry, and runs with the centerline of the sixty-foot wide road right of way serving said subdivision six courses and distances as follows: North 69-54-21 East 87.52 feet, North 88-23-55 East 56.63 feet, South 81-04-05 East 44.68 feet, South 66-03-47 East 87.25 feet, South 65-27-16 East 36.64 feet, and South 65-38-35 East 20.47 feet to a point of intersection of the centerline of said 60-foot wide road right of way with the centerline of a 16-foot wide utility easement; thence with the centerline of the utility easement South 18-34-39 West 106.88 feet to the North corner of Septic Area 7A; thence with the North line of Septic Area 7A South 65-50-42 West 73.67 feet to the point and place of BEGINNING; thence with the line common to Lot 10A and Lot 12A South 69-11-43 West 76.97 feet; thence with the line common to Lot 12A and Lot 13A North 22-48-32 West 34.32 feet; thence with the North line of Lot 12A North 71-26-53 East 76.10 feet; thence with the East line of Lot 12A South 24-40-50 East 31.38 feet to the point and place of BEGINNING, containing 0.058 acre, more or less.

THE FOREGOING Lot 12A is conveyed together with a non-exclusive, perpetual utility right of way and easement, 16 feet in width, leading from the North corner of Lot 7A to the centerline of the 60-foot wide road right of way, and together with and subject to those non-exclusive, perpetual utility rights of way and easements, 16-feet in width, 8 feet on either side of the North boundary of Lot 7A, and along the common boundary of Lots 10A and 12A, and 8 feet on either side of the North boundary of Lot 12A, all of said lots as shown on the above referenced, recorded plat of survey, for the purposes of installing, inspecting, cleaning,

(continued on next page)

maintaining, repairing and replacing underground waste disposal lines leading from Lot 12 to the septic area located on Lot 12A.

THE FOREGOING Lot 12A is conveyed subject to the rights of others in and to the use of the non-exclusive, perpetual utility easements described in the foregoing paragraph.

Said Lot 12A is conveyed subject to the following covenants, restrictions and easements:

1. the title to Lot 12A cannot be partitioned in kind or divided from the title to Lot 12, as it is a necessary appurtenance for the location of a septic tank, drain field and other waste management facilities serving any residence to be constructed on Lot 12;
2. no structures shall be erected on Lot 12A unless the same shall be a waste management facility serving Lot 12;
3. the use of Lot 12A will be limited to waste management serving Lot 12;
4. Lot 12A, as a necessary appurtenance to Lot 12, will not be subject to separate assessments listed in the Covenants and Restrictions recorded in Deed Book 273, page 129, Clay County Registry, and all assessments levied by the Tusquittee Crossing Owners' Association will be levied solely on Lot 12; and,
5. DreamLand Investments, LLC, on behalf of itself, its successors and/or assigns, reserves a non-exclusive, perpetual right of way and utility easement across Lot 12A to install other waste disposal lines from lots other than Lot 12 to septic areas adjoining Lot 12A as shown on the above-referenced, recorded plat of survey.

For source of title, see Deed Book 268, page 15, Clay County, North Carolina, Registry.

A map showing the above described property is recorded in Plat Cabinet Slide

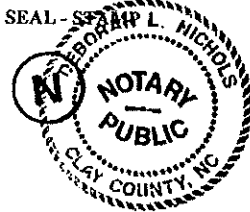
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

DREAMLAND INVESTMENTS, LLC,
a North Carolina Limited Liability Company

By: Norman McConnell (SEAL)
Norman McConnell, Managing Member



STATE OF NORTH CAROLINA, Clay County.
I, Deborah L. Nichols, a notary public of said County and State, do hereby certify that NORMAN McCONNELL personally came before me this day and acknowledged that he is managing member of DREAMLAND INVESTMENTS, LLC, a North Carolina Limited Liability Company, and by authority duly given and as the act of said limited liability company, executed the foregoing instrument on behalf of said limited liability company. Witness my hand and official stamp or seal, this 1st day of October, 2005.

My commission expires: 7-15-2010 Deborah L. Nichols Notary Public

The foregoing Certificate(s) of
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

.....REGISTER OF DEEDS FOR CLAY COUNTY, N.C.
ByDeputy/Assistant-Register of Deeds.

