

1675  
0477

FILED Mar 18, 2021 01:43:30 pm FILED  
BOOK 01675 CHEROKEE  
PAGE 0477 THRU0481 COUNTY NC  
INSTRUMENT # 01774 DAPHNE DOCKERY  
RECORDING \$26.00 REGISTER  
EXCISE TAX \$710.00 OF DEEDS DD

**CHEROKEE COUNTY TAX CERTIFICATION**

There are no delinquent taxes due that are a lien against the Parcel Numbers(s) set forth in this deed.

Cherokee County Tax Collector

Date: 3/18/21 By: [Signature]

**SPECIAL WARRANTY DEED**

DEED STAMPS: \$710.00

This instrument was prepared by David E. Cowan of the law firm of Cowan & Cowan, P.A. Title to the lands and/or interest in lands described herein is not certified unless a separate, written title opinion has been given to, or title insurance obtained for, the Grantees herein by said law firm.

Based upon information furnished by the Grantor(s) or their agents, the accuracy of which is not guaranteed by Cowan & Cowan, P.A., the mailing address of the Grantors is as stated after their name, and the property described in this deed  includes  does not include, the primary residence of a Grantor.

Pin No. 453400165731000

State of North Carolina  
County Of Cherokee

Title File No. 21-192

This Indenture made the 9<sup>th</sup> day of March, 2021, by and between:

**NANTAHALA BANK & TRUST COMPANY**  
120 Siler Road  
Franklin, North Carolina 28734

hereinafter called Grantors, and

**GLEN HENDERSON ARIAS and wife,  
KATHERINE I. ARIAS, a ½ undivided interest, and  
CLAUDIA P. ROMAN RUIZ and husband,  
JOHN EDWIN PARRA, a ½ undivided interest  
12403 Stone Bark Trail  
Orlando, FL 32824**

hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

**Witnesseth;** That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns, (subject to the terms, conditions, covenants, restrictions, exceptions and reservations hereinafter stated, if any), the following particularly described real estate, located in Cherokee County, North Carolina to-wit:

That certain tract or parcel of land consisting of 135.30 acres, more or less, (beginning aggregate acreage being 143.86 acres, more or less, excepting that 2.91 acre tract described, recited or referred to in Deed Book 429, page 74; and excepting that 5.65 acre tract described, recited or referred to in Deed Book 1047, page 116, Cherokee County, North Carolina Registry), situate in Shoal Creek Township, Cherokee County, North Carolina, as depicted on that plat of survey dated June 19, 2006, revised July 18, 2006, by Kenneth R. Moore, PLS, incorporated herein by reference, the metes and bounds description as related thereon being:

BEGINNING at a point at the intersection of the centerline of North Carolina State Secondary Road 1320 with the intersection of the centerline of the access road serving the hereindescribed tract, the 5.65 acre tract aforementioned and the 2.91 acre tract aforementioned, the westernmost corner of the hereindescribed tract and a point in the common boundary line of that tract owned now or formerly by Ledford (Deed Book 858, page 67), said point having North Carolina Grid Coordinates of N=547782.92 and E=429607.53; thence running with the centerline of the access road, along and with the "Ledford Tract", the following courses and distances: S 62-13-49 E 136.55 feet to a point, S 62-12-42 E 50.17 feet to a point, S 52-53-49 E 66.12 feet to a point, S 48-43-01 E 128.97 feet to a point, S 38-39-15 E 54.80 feet to a point, S 38-29-53 E 36.17 feet to a point, the intersection of this access road with the centerline of the right of way which serves the 5.65 acre tract aforementioned, S 04-01-01 W 46.53 feet to a point, S 00-51-13 W, crossing under an overhead utility line, 39.59 feet to a point and S 12-07-15 E 27.98 feet to a point; thence leaving the center of the access road and continuing with the "Ledford Tract", S 33-45-03 W 26.25 feet to an iron pin (set) at or near the east margin of the access road, S 30-48-14 W 141.40 feet to an iron pin (set), S 55-04-09 W 76.45 feet to an iron pin (set), S 06-03-23 E 170.58 feet to an iron pin (set), S 12-09-31 E 166.85 feet to an iron pin (set), S 04-24-37 E 127.68 feet to an iron pin (set), S 15-02-16 W 110.34 feet to an iron pin (set), S 03-55-00 E 120.61 feet to an 8" red oak tree and S 03-55-00 E 2.56 feet to a point in the common boundary line of that tract owned now or formerly by Boring (Deed Book 358, page 188); thence running with the "Boring Tract" the following courses and distances: S 89-41 E 90.06 feet to an iron pin (found), S 86-49 E 93.80 feet to an iron pin (found), S 88-03 E 64.91 feet to a 16" yellow pine tree, S 20-12 E 147.63 feet to an iron pin (found), S 06-23 W 140.57 feet to an iron pin (found), and S 11-03 W 141.01 feet to a cross tie fence corner, the southwest corner of the hereindescribed tract; thence continuing with the "Boring Tract", S 83-50 E 55.49 feet to an 18" yellow pine tree, S 73-28 E 93.03 feet to an iron pin (found), S 69-29 E 145.98 feet to an iron pin (found), S 75-35 E 72.55 feet to an iron pin (found), S 81-14 E 167.61 feet to an iron pin (found), S 82-22 E 176.91 feet to an iron pin (found), S 82-06 E, crossing a branch, 169.86 feet to an iron pin (found), S 81-53 E 165.67 feet to an iron pin (found), S 82-46 E 99.17 feet to an iron pin (found), S 82-21 E 84.45 feet to an iron pin (found), S 82-23 E 238.74 feet to an iron pin (found); S 76-39 E 78.89 feet to an iron pin (found), S 76-39-00 E 5.0 feet to a dead 20" black oak at an old fence corner, N 30-46-33 E 45.48 feet to a point, N 15-46-19 E 160.54 feet to a point, N 45-46-19 E 140.50 feet to a point and N 40-46-19 E 99.64 feet to a steel fence post (found), the southeast corner of the hereindescribed tract and a point in the common boundary line of that tract owned now or formerly by Lake Appalachia Investments, L.L.C. (Deed Book 1193, page 783); thence continuing with the "Lake Appalachia Tract" the following courses and distances: N 84-25-16 E 52.25 feet to a point, N 79-25-16 E 401.76 feet to a point, N 64-25-16 E 98.59 feet to a point, N 50-25-16 E 98.59 feet to a point, N 58-25-16 E 166.13 feet to a point, N 64-25-16 E 64.09 feet to a point, N 75-25-16 E 159.23 feet to a point, N 62-25-16 E 91.20 feet to a point, N 44-25-16 E 69.02 feet to a point at or near the center of a soil road, N 34-25-16 E 189.29 feet to a point, N 47-25-16 E 154.79 feet to a point, N 29-25-16 E 122.26 feet to a point within a 100' TVA powerline easement, N 28-25-16 E 98.59 feet to a point at or near the north margin of the TVA powerline easement, and N 33-25-16 E 98.59 feet to a metal fence post, the easternmost corner of the hereindescribed tract; thence continuing with the "Lake Appalachia Tract", N 73-34-30 W 154.02 feet to a point, N 55-34-30 W, crossing a soil road, 100.67 feet to a point, N 57-34-30 W 159.06 feet to a point, N 48-34-30 W, crossing the aforementioned soil road, 144.96 feet to a point, N 44- 34-30 W 140.93 feet to a point, N 29-34-30 W 62.42 feet to a point, N 17-34-30

W 76.50 feet to a point, N 07-34-30 W 100.67 feet to a point, N 17-34-30 W 100.67 feet to a point at or near the center of a soil road and N 03-34-30 W 175.16 feet to a 1/2" open top iron pin, thence continuing with the "Lake Appalachia Tract", S 60-49-46 W 139.87 feet to a point, S 57-19-46 W 98.85 feet to a point at or near the center of a soil road, S 59-19-46 W 98.85 feet to a 1" open top iron pin, N 74-56-18 W 68.49 feet to a point, N 52-56-18 W 99.25 feet to a point, N 56-26-18 W 99.25 feet to a point, N 42-56-18 W 99.25 feet to a point, N 56-26-18 W 99.25 feet to a point, N 53-56-18 W 23.82 feet to a metal fence post, N 38-25-11 W 40.91 feet to a point, N 46-55-11 W 106.18 feet to a point, N 37-25-11 W 93.52 feet to a point, and N 37-25-11 W 199.70 feet to an iron pin (found), the northernmost corner of the hereindescribed tract and a point in the common boundary line of the "Ledford Tract"; thence continuing with the "Ledford Tract", S 35-00-06 W 257.02 feet to an iron pin (found), S 66-56-52 W, with a curve to the right having a radius of 200.08 feet and a chord distance of 210.99 feet, total distance 222.24 feet to an iron pin (found), N 81-15-14 W 606.46 feet to an iron pin (found), S 53-50-17 W 346.31 feet to an iron pin (found), S 67-18-37 W 83.16 feet to an iron pin (found), N 87-20-50 W 102.16 feet to an iron pin (found) at or near the east margin of North Carolina State Secondary Road 1320 and N 87- 20-50 W 27.76 feet to the center of North Carolina State Secondary Road 1320; thence running with the centerline of North Carolina State Secondary Road 1320, the following courses and distances: S 22-17-13 W 34.46 feet to a point, S 26-25-27 W 50.24 feet to a point, S 32-10-34 W 60.49 feet to a point, S 41-25-05 W 44.72 feet to a point, S 56- 50-53 W 46.91 feet to a point, S 69-55-09 W 25.46 feet to a point, S 74-50-19 W 57.54 feet to a point, S 71-39-16 W 41.70 feet to a point, S 59-43-04 W 44.40 feet to a point, S 52-23-44 W 40.13 feet to a point, S 51-43-07 W 43.26 feet to a point, S 54-37-56 W 43.33 feet to a point, S 59-07-25 W 43.38 feet to a point, S 69-14-20 W 44.37 feet to a point, S 83-02-33 W 43.25 feet to a point, N 84-23-44 W 46.06 feet to a point, N 79-07-14 W 40.31 feet to a point and N 74-19- 51 W 35.49 feet to the Beginning.

SAVE AND EXCEPT that certain tract or parcel of land containing 10.25 acres, more or less, previously conveyed in Deed Book 1476, Page 532, Cherokee County Registry, said instrument being incorporated by reference herein.

CONVEYED FURTHER IS: a non-exclusive, perpetual right of way and easement over and across the access road which forms a part of the western boundary line of the hereindescribed tract as depicted on that plat of survey dated June 19, 2006, revised July 18, 2006, by Kenneth R. Moore, PLS, for vehicular, water, sewer, electric, telephone and telecommunication ingress, egress and regress to and from North Carolina State Secondary Road 1320, for the benefit of the hereindescribed tract and the owners thereof, the metes and bounds description of the centerline of the right of way from its intersection with the centerline of North Carolina State Secondary Road 1320 to its intersection with the centerline of the right of way serving the aforementioned 2.91 acre tract being:

BEGINNING at a point at the intersection of the centerline of North Carolina State Secondary Road 1320 with the intersection of the centerline of the access road serving the hereindescribed tract the westernmost corner of the hereindescribed tract and a point in the common boundary line of that tract owned now or formerly by Ledford (Deed Book 858, page 67), said point having North Carolina Grid Coordinates of N=547782.92 and E=429607.53; thence running with the centerline of the access road, along and with the "Ledford Tract", the following courses and distances: S 62-13-49 E 136.55 feet to a point, S 62-12-42 E 50.17 feet to a point, S 52-53-49 E 66.12 feet to a point, S 48-43-01 E 128.97 feet to a point, S 38-39-15 E 54.80 feet to a point, S 38-29-53 E 36.17 feet to a point, the intersection of this access road with the centerline of the right of way which serves the 5.65 acre tract aforementioned, S 04-01-01 W 46.53 feet to a point, S 00-51-13 W, crossing under an overhead utility line, 39.59 feet to a point and S 12-07- 15 E 27.98 feet to a point at the intersection of the centerline of the access road which serves the 2.91 acre tract aforementioned.

ALSO HEREIN CONVEYED is a non-exclusive, perpetual right of way and easement thirty (30) feet in width, fifteen (15) feet each side of the centerline thereof, which which traverses the Southern area of the adjoining 10.25 acre parcel of land, for the purpose of vehicular, water, sewer, electricity, telephone, telecommunications and television cable ingress, egress and regress from the herein described tract to the public road known as River Hill Road, as illustrated on that plat of survey by Palmer's Surveying, Inc., Felix Edward Palmer, Jr., North Carolina Professional Land Surveyor No. L-3949, dated August 6, 2013, titled "A Survey for Nantahala Bank and Trust Company."

TITLE TO THESE PREMISES IS SUBJECT TO the right of way and easement for North Carolina State Secondary Road 1320.

TITLE TO THESE PREMISES IS SUBJECT TO that one hundred foot (100') powerline right of way in favor of the Tennessee Valley Authority as depicted on that plat of survey dated June 19, 2006, revised July 18, 2006, by Kenneth R. Moore, PLS.

TITLE TO THESE PREMISES IS SUBJECT TO that non-exclusive right of way and easement in favor of that 5.91 acre tract as is described, recited or referred to in Deed Book 1047, page 116, Cherokee County, North Carolina Registry.

TITLE TO THESE PREMISES IS SUBJECT TO that nonexclusive right of way and easement in favor of that 2.91 acre tract as is described, recited or referred to in Deed Book 429, page 74, Cherokee County, North Carolina Registry.

TITLE TO THESE PREMISES IS SUBJECT TO that right of way and easement, if any, for the distribution of electric energy as depicted on that survey plat dated June 19, 2006, revised July 18, 2006, by Kenneth R. Moore, PLS.

TITLE TO THESE PREMISES IS SUBJECT TO a non-exclusive, perpetual right of way and easement over and across the access road which forms a part of the western boundary line of the hereindescribed tract as depicted on that plat of survey dated June 19, 2006, revised July 18, 2006, by Kenneth R. Moore, PLS, for vehicular, water, sewer, electric, telephone and telecommunication ingress, egress and regress to and from North Carolina State Secondary Road 1320, for the benefit of the adjoining lands owned now or formerly by Ledford (Deed Book 858, page 67) and the owners thereof, the metes and bounds description of the centerline of the right of way from its intersection with the centerline of North Carolina State Secondary Road 1320 to its intersection with the centerline of the right of way serving the aforementioned 2.91 acre tract being:

BEGINNING at a point at the intersection of the centerline of North Carolina State Secondary Road 1320 with the intersection of the centerline of the access road serving the hereindescribed tract the westernmost corner of the hereindescribed tract and a point in the common boundary line of that tract owned now or formerly by Ledford (Deed Book 858, page 67), said point having North Carolina Grid Coordinates of N=547782.92 and E=429607.53; thence running with the centerline of the access road, along and with the "Ledford Tract", the following courses and distances: S 62-13-49 E 136.55 feet to a point, S 62-12-42 E 50.17 feet to a point, S 52-53-49 E 66.12 feet to a point, S 48-43-01 E 128.97 feet to a point, S 38-39-15 E 54.80 feet to a point, S 38-29-53 E 36.17 feet to a point, the intersection of this access road with the centerline of the right of way which serves the 5.65 acre tract aforementioned, S 04-01-01 W 46.53 feet to a point, S 00-51-13 W, crossing under an overhead utility line, 39.59 feet to a point and S 12-07- 15 E 27.98 feet to a point at the intersection of the centerline of the access road which serves the 2.91 acre tract aforementioned.

FOR SOURCE OF TITLE reference Deed Book 1413, Page 690, Cherokee County Registry.

**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.

The Grantor covenants with the Grantee, that 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, except for the exceptions hereinafter stated.

**In Witness Whereof** each 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.

NANTAHALA BANK & TRUST COMPANY

By: Timothy S. Hubbs  
Timothy S. Hubbs, Chief Executive Officer

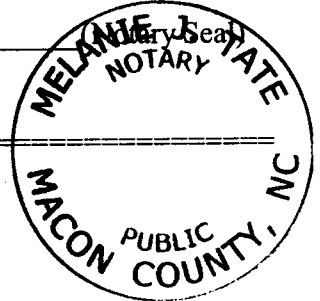
STATE OF NC, COUNTY OF macon

I, Melanie J Tate, a Notary Public of said state and county, do hereby certify that **Timothy S. Hubbs**, being personally known to me, personally appeared before me this day and acknowledged that he is Chief Executive Officer of **Nantahala Bank & Trust Company**, and that he, as Chief Executive Officer, being authorized to do so, executed the foregoing on behalf of Nantahala Bank & Trust Company.

WITNESS my hand and official seal, this the 15<sup>th</sup> day of March 2021.

Melanie J Tate  
Notary Public

My commission expires 03/21/2025



Prepared By  
**Cowan & Cowan, P.A.**  
Attorneys at Law  
P.O. Box 579  
Murphy, North Carolina  
PHONE: (828) 837-2332