

FILED  
CHEROKEE COUNTY NC  
DAPHNE DOCKERY  
REGISTER OF DEEDS  
FILED Jan 17, 2013  
AT 12:02:04 pm  
BOOK 01456  
START PAGE 0153  
END PAGE 0165  
INSTRUMENT # 00250  
EXCISE TAX (None)

**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: 01/17/2013 By: na

This Instrument Was Prepared By:  
Marguerite E. Stricker, a licensed NC Attorney  
*WITHOUT THE BENEFIT OF TITLE OPINION*

Parcel # 45915637334000, 454200769357000, 456600646249000,  
459215637066000, 459215637139000, 459215639225000, 459215639400000,  
459215730339000, 459218217314000, 459218310913000, 459218317058000,  
459218319362000, 551101480709000, 551101493001000, 551101387966000,  
551101396007000, 551101398308000, 551101399287000, 459215637066000,  
457100715493000

STATE OF NORTH CAROLINA  
COUNTY OF CHEROKEE

**EXECUTOR'S NORTH CAROLINA NON-WARRANTY DEED**

**THIS DEED**, made this the 28th day of December 2012, by and between **Robert Anthony Godfrey, Executor of the Estate of Burnice G. Godfrey Sands**, 334 Horizon Drive, Brasstown, North Carolina 28902, hereinafter called "GRANTOR", and **RA GODFREY PROPERTIES, LLC, a North Carolina Limited Liability Company**, 334 Horizon Drive, Brasstown, North Carolina 28902, herein called "GRANTEE".

**WITNESSETH:**

**WHEREAS**, Burnice G. Godfrey Sands died on June 6<sup>th</sup>, 2012.

**WHEREAS**, Article V of the Last Will and Testament of Burnice G. Godfrey Sands appointed Robert Anthony Godfrey as Executor.

**WHEREAS**, Article III of the Last Will and Testament bequeathed and devised the real property described in Schedule "A" attached hereto to the Robert Anthony Godfrey; and,

**WHEREAS**, the above named Executor does hereby join in this Deed to evidence their consent to the conveyance of the real property described in Schedule "A" attached hereto as required by North Carolina General Statutes Section 28A-17-12.

**NOW, THEREFORE**, Grantors, for and in consideration of the sum of Ten Dollars (\$10) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, have given, granted, bargained, sold and conveyed and by these presents do give, grants, bargain, sell, convey and confirm unto Grantee, his heirs and/or successors and assigns in fee simple, as described in the attached Schedule "A", located in Cherokee County, North Carolina.

*See Attached Schedule "A" for a more particularly legal descriptions  
Estate File number of Burnice G. Godfrey Sands, 12-E-114, Clerk of Superior Courts,  
Cherokee County, North Carolina.*

This conveyance is subject to easements, rights of way and restrictive covenants of record, if any, and to ad valorem taxes for the current year.

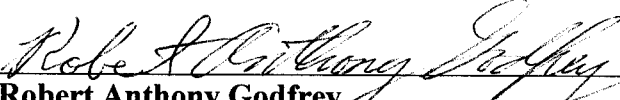
The above described property was conveyed in Deed Book 392, Page 139; Deed Book 414, Page 212; Deed Book 384, Page 10 (also with a 1999 Mobile Home located upon said property that is not affixed as real property and considered personal property); Deed Book 213, Page 170 (also with a single wide mobile home located upon said property that is not affixed as real property and considered personal property) ; Deed Book 310, Page 168; Deed Book 225, Page 429; Deed Book 225, Page 427; Deed Book 428, Page 161; Deed Book 621, Page 132; Deed Book 389, Page 170; Deed Book 907, Page 131; Deed Book 1280, Page 874 records for Cherokee County, North Carolina.

**TO HAVE AND TO HOLD** the above described premises, with all appurtenances thereunto belonging unto Grantee, his heirs and/or successors and assigns in fee simple.

Robert Anthony Godfrey covenants that they 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 they will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions stated above.

The Attorney makes no warrants as to title without a written title opinion.

**IN WITNESS WHEREOF**, Grantors have hereunto set their hands and seals the day and year first above written.

 (SEAL)  
**Robert Anthony Godfrey**  
Executor of the Estate of Burnice G. Godfrey Sands

STATE OF NORTH CAROLINA  
COUNTY OF CHEROKEE

I, Marguerite E. Stricker a Notary Public, do hereby certify that Robert Anthony Godfrey, Executor of the Estate of Burnice G. Godfrey Sands, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal this the 28<sup>th</sup> day of December, 2012.



Marguerite E. Stricker  
Notary Public

**SCHEDULE "A"**

**Tract One: 40.00 acres (+-) Friendship Church Road, parcel #:  
454200769357000**

Being that certain tract or parcel of land containing **40.00 acres, more or less** in the Shoal Creek Township, Cherokee County, North Carolina, adjoining the lands of R.L. Keenum and others, bounded as follows:

BEGINNING on a small white oak near R.L. Keenum's line and runs a Southeasterly direction crossing the public road to a by road, thence down said by road to a stone, thence more South straight line to a Holly, thence near East to Dogwood in the fence, thence Southeasterly direction passing a Pine and stone to a Blackgum with the top cut out, thence a little more East to a stone, thence a Northerly direction to a stone in a lane fence, thence near East a straight line to an Oak Tree, thence near the same direction to a Hickory on bank of a little branch, then up the branch to a double maple, thence near North to a Dogwood near the public road, thence near the same direction up the hill to J.N. Stiles corner, thence near same direction to the W.L. McNabb corner, thence near West with the said McNabb line to R.L. Keenum line and corner, thence South with said Keenum line to a small White Ok the point and place of BEGINNING, one half of the mineral excepted as in other deeds, this tract contains forty acres, more or less.

SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For Source of Title see Deed Book 310, Page 168, records for Cherokee County, North Carolina.

**Tract Two: 21 Grant Street, parcel #: 459215639400000**

Being that certain tract or parcel of land containing **0.170 acres, more or less**, Murphy Township, Cherokee County, North Carolina and being more particularly described as follows:

BEGINNING at a stake at the intersection of a street leading from Terrace Avenue and runs to a driveway leading from Terrace Avenue to the lot formerly occupied by Murphy Hospital S 83 E 151 feet to a stake; then North 62 feet to a stake in the line of a lot of the Heroney Subdivision; then with the line of said lot S 85 W 152 feet; to a stake on the street leading from Terrace Avenue to Cherry Street; then with said street S 12 E 30 feet to the point and place of BEGINNING, containing 0.170 acres, more or less.

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SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For Source of Title see Deed Book 225, Page 429, records for Cherokee County, North Carolina.

**Tract Three: 223 Terrace Ave., parcel #: 459215639225000**

Being that certain tract or parcel of land containing **1.00 acre, more or less** located in Murphy Township, Town of Murphy, Cherokee County, North Carolina as part of the Old Murphy Hospital lands and as more particularly described as follows:

BEGINNING at a stake in the South margin of a road or driveway leading from Terrace Avenue to the Old Murphy Hospital, and runs South 18 East passing two feet East of a fire plug at 48 feet, total distance 178 feet, to a point in road; thence with road, the course between terminals being as follows: S 82 W 100 feet to a point; then S 61 W 100 feet to a point; then N 80 W 100 feet to a point; then N 19 W 100 feet to a point; then N 30 E 134 feet to a point on road leading to old Hospital; then with said road S 85 E 265 feet to the point and place of BEGINNING, containing by estimation, about 1 ½ acres, more or less.

SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

There is a 1985 East single wide mobile home, VIN # F166S143CK7318GA, located upon said property that is not affixed and made into real property but considered personal property only.

For source of title see Deed Book 231, Page 170, records for Cherokee County, North Carolina.

**Tract Four: Trillium Trail, containing 1.14 acres (+-) parcel # 459218317058000; 186 Skyline Drive, containing 12.39 acres (+-), parcel #: 459218217314000; Lot 25 Stonebrook Estates, containing 0.80 acres (+-), parcel #: 459218319362000 and Lot 1 Stonebrook Estates, containing 2.19 acres (+-), parcel #: 459218310913000:**

Being that certain tract(s) or parcel(s) of land in Cherokee County, North Carolina bounded on the Northeast by the Murphy Housing Authority, and the Beal Cemetery, on the Southeast by Cornwell, Carroll, and Decker on the Southwest by Smith and the Cherokee County Chamber of Commerce, on the Northwest by Highway project 8.3019114 and being more particularly described as follows:

BEGINNING on a point marked by an iron pipe (found), said point being on the southeast right of way of U.S. 64 east bound lane, said point having N.C. Grid

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Coordinates X=492,450.1, Y=521,584.68 and being the north corner of the Cherokee County Chamber of Commerce Property and runs thence with the right of way of U.S. 64 eastbound right of way, N 47-50 E 261.42 feet to a point in the city limits line, thence N 47-50 E with the southeast margin of U.S. 64 298.69 feet to the point of curve to the right of said U.S. 64 right of way, said curve having a point of intersection angle of 42 degrees 48 minutes 30 seconds, a tangent length 408.34 feet, a length of curve of 778.33 feet, a radius of 1001.74 feet, an arc distance of 650.1 feet to a point marked by an iron rod (set) in said right of way, thence leaving said right of way with the Murphy Housing Authority property line S 38-46 E 987.79 feet to a point marked by a concrete monument, (found), said point being in the line of the Beal Cemetery, thence with the line of Beal Cemetery, S 57-43 W 27.46 feet to a point marked by an iron rod (set), thence with the line of Beal Cemetery and a fence line, S 25-19 E 190.34 feet to a point marked by an iron rod (set) in the line of Cornwell, S 45-41 W 308.31 feet to a point, a corner of Carroll, thence with the line of Carroll and Decker, S 45-41 W 386.12 feet to a point marked by an iron rod (set), thence with the line of Decker, S 36-23 W 795.30 feet with an old fence line to a point marked by an iron rod (set), said point being a corner common to Smith, thence with the Smith property line seven courses: N 19-56 W 190.36 feet to a point marked by an iron pipe (found), N 27-45 W 231.73 feet to a point marked by an iron pipe (found), N 12-48 E 118.10 feet to an iron pipe (found), N 11-21 W 173.56 feet to a point marked by an iron pipe (found), N 37-09 W 417.62 feet to an iron rod (set), N 75-15 W 135.44 feet to a point marked by an iron rod (set), N 89-17 W 135.69 feet to a point marked by an iron rod (set), said point being a corner common to Hayes, thence with the Hayes line N 54-30 W 78.00 feet to a point marked by a 16 inch black oak, said point being a corner common to the Cherokee County Chamber of Commerce, thence with the Cherokee County Chamber of Commerce line N 8-25 E 371.37 feet to the point and place of BEGINNING, containing **42.41 acres, more or less.**

**EXCEPTING AND RESERVING THOSE CERTAIN TRACTS OR PARCELS OF LAND PREVIOUSLY CONVEYED LEAVING THE REMAINING COMBINED TOTAL 16.52 ACRES, MORE OR LESS.**

Description was made from a plat by Palmer's Surveying Services May, 1978. The plat made from a transit tape survey. Distances are horizontal; bearings are based on grid north.

SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

Subject to those certain covenants and restrictions as recorded in Deed Book 414, Page 212, records for Cherokee County, North Carolina.

For source of title see Deed Book 329, Page 139, records for Cherokee County, North Carolina.

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**Tract Five: 47 Grant Street, parcel # 459215730339000**

Being that certain tract or parcel of land containing **0.140 acres, more or less**, Murphy Township, Town of Murphy, Cherokee County, North Carolina and as more particularly described as follows:

BEGINNING on a stake in the margin of a driveway leading from Terrace Avenue to the lot formerly occupied by Murphy Hospital and runs with said driveway S 83 E 70 feet to a stake on said driveway; then N 66-30 E 51 feet to a stake on said driveway; then leaving driveway and running N 29 W 68 feet to a stake; a corner of the Meroney Subdivision; then with the line of said Lot S 85 W 68 feet to a stake in said line; then S 62 feet to the point and place of BEGINNING, containing 0.140 acres, more or less.

SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For source of title see Deed Book 225, Page 427, records for Cherokee County, North Carolina.

**Tract Six: E. US Hwy. 64, parcel #: 551101493001000:**

Being that certain tract or parcel of land designated as Lot No. 1, containing **2.5 acres, more or less**, Murphy Township, Cherokee County Development Corporation property, adjoining the Murphy Hospital Authority, District No. 1 and as more particularly described as follows:

BEGINNING on a concrete monument on the Southwest right of way line of U.S. Highway No. 64, corner common with Murphy Hospital Authority, and runs thence a line common with the Authority S 58-32 W 510.02 feet to an iron pipe, corner common with Lot No. 11; thence a line common with Lot No. 11 N 55-26 W 167.78 feet to an iron pipe, corner common with Lot No. 2; thence a line common with Lot No. 2 N 49-52 E 523.59 feet to an iron pipe in the aforesaid Southwest margin of U.S. Highway No. 64; thence continuing N 59-52 E 30.41 feet to a point in the centerline of U.S. Highway No. 64; thence with said centerline S 45-22 E 270.55 feet to a point in said centerline; thence N 84-40 W 43.1 feet to the point and place of BEGINNING, containing 2.5 acres, more or less.

Subject to the right of way of U.S. Highway No. 64.

Subject to that easement reservation as recorded in Deed Book 384, Page 10 records for Cherokee County, North Carolina.

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SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

There is a 1999 single wide mobile home located upon said property that is not affixed and made into real property but considered personal property only.

For source of title see Deed Book 384, Page 10, records for Cherokee County, North Carolina.

**Tract Seven: E. U.S. Highway 64, parcel #: 551101480709000**

Being that certain tract or parcel of land containing **0.88 acres, more or less**, a lot lying immediately Southwest of Lot No. 1 of the Cherokee County Development Property, adjoining the Murphy Hospital Authority Property, in Murphy Township, District No. 1, Cherokee County, North Carolina as more particularly described as follows:

BEGINNING on an iron pipe on Southwest side of road, most Westerly corner of the Hospital Authority Property and runs thence a line common with the Hospital Authority Property and with the Southeast side of a road N 58-32 E 289.98 feet to an iron pipe, Southeast corner of Lot No. 1; thence a line common with Lot No. 1 N 55-26 W 167.78 feet to an iron pipe, Southeast corner of Lot No. 2; thence S 49-52 W 274.7 feet to a stake on Northeast side of a road easement; thence S 55-26 E 122.48 feet to the point and place of BEGINNING, containing 0.88 acres, more or less.

Subject to that certain easement as recorded in Deed Book 428, Page 161, records for Cherokee County, North Carolina.

SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For source of title see Deed Book 482, Page 161, records for Cherokee County, North Carolina.

**Tract Eight: 222 Terrace Ave., parcel #: 459215637139000**

Being that certain tract(s) or parcel(s) of land on the East side of U.S. No. 64 in the Town of Murphy, Murphy Township, Cherokee County, North Carolina and as more particularly described as follows:

BEGINNING on an iron post on the East bank of a private road 18 inches from a 10 inch pine and runs S 41 W 100 feet to a post near a power line pole; then N 39-45 W 186 feet to a 10 inch Spanish Oak; then N 79-45 E 161 feet to a post on the bank of the road; then S 7-30 E 107 feet to the point and place of BEGINNING, containing  $\frac{1}{2}$  acre, **more or less**.

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SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For source of title see Deed Book 621, Page 132, records for Cherokee County, North Carolina.

**Tract Nine: Joe Brown Highway, parcel #: 456600646249000**

Being that certain tract or parcel of land containing **7.20 acres, more or less**, in the Unaka section of Beaverdam Township, Cherokee County, North Carolina, adjoining the land Herbert McMillan and Robert Ledford or successor, and more particularly described as follows:

BEGINNING on a forked poplar tree on the South bank of Joe Brown Highway, about forty (40) feet from the Southwest end of the bridge over Beaverdam Creek near Unaka, a corner common to Herbert McMillan and going to a line common to McMillan along the west side of a farm road 13 courses and distances as follows: S 3-15 W 71.3 ft.; S 1-30 E 188.5 ft.; S 89 W 83.4 ft.; S 37 W 90.8 ft.; S 56 W 105.5 ft.; S 26-30 W 69.8 ft.; S 50-30 W 85.9 ft.; S 40 W 115.2 ft.; S 38-15 W 88.6 ft.; S 46-30 W 83.9 ft.; S 50 W 91.1 ft.; S 50-30 W 84.5 ft.; and S 40-15 W 70.2 ft. to I.P. in the line of Ledford; thence in a line common to Ledford S 75 E 88 ft.; and S 67 E 45.4 ft. to a point at the West edge of Beaverdam Creek; thence up the West side of Beaverdam Creek 25 courses and distances as follows: N 67 E 66 ft.; N 68 E 62 ft.; N 55-30 E 62.8 ft.; N 55 E 79 ft.; N 44 E 68.5 ft.; N 42.5-30 E 105 ft.; N 37 E 34 ft.; N 47 E 35.5 ft.; N 60 E 40 ft.; N 66-30 E 48 ft.; N 59 E 32.6 ft.; S 86 E 60 ft.; N 78 E 24 ft.; S 82 E 61.5 ft.; S 81 E 86 ft.; S 79-30 E 51.5 ft.; N 85 E 92.8 ft.; N 74-30 E 62.5 ft.; N 26 E 108 ft.; N 26 W 94.5 ft.; N 41 W 225 ft.; N 52 W 68.4 ft.; N 55-30 W 74.5 ft.; N 27-30 W 58.5 ft.; N 2 W 82.5 ft. to a point under the lower edge of the bridge; thence N 79 W 94 ft. to the point and place at the BEGINNING, containing 7.2 acres, more or less.

Reserved to Herbert McMillan and his heirs the right to use the existing road or any road the buyer may build.

SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For source of title see Deed Book 389, Page 170 records for Cherokee County, North Carolina.

**Tract Ten: 194 Terrace Ave., parcel #: 459215637334000**

Being that certain tract or parcel of land containing **0.320 acres, more or less**, Murphy Township, Cherokee County, North Carolina as more particularly described as follows:

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BEGINNING on a 10 inch Spanish oak, the northwest corner of property now or formerly owned by Glenn H. Beavers and wife, Reba Beavers, and runs thence with a line common to Beavers, N 79-45 E 161 feet to a fencepost in the edge of Terrace Avenue, the northeast corner of the Beavers' property; thence with the west edge of Terrace Ave., a northwesterly direction 185 feet, more or less, (straight line chord being N 24-45 W 179 feet) to an iron pipe in a fence line; thence S 35 W 110 feet to a fence post bearing three hacks; thence S 11-06 W 104 feet to the point and place of BEGINNING, containing 0.42 acres, more or less, together with the dwelling house situate thereon.

SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For source of title see Deed Book 907, Page 131 records for Cherokee County, North Carolina.

**Tract Eleven ( 1/2 undivided interest): E . US Hwy 64 Alt.**

Being that certain tract(s) or parcel(s) of land, Murphy Township, Cherokee County, North Carolina and as more particularly described as follows:

**Tract One, parcel #: 551101399287000:** Being Lot No. 3 of the Cherokee Development Property: BEGINNING on an iron pipe in the Northeast line of Lot No. 11, Southwest corner of Lot No. 2 (said Beginning point stands N 55-26 W 317.78 feet from an iron pipe at the Southeast corner of Lot No. 1 located in the Northeast line of the Murphy Hospital Authority Property) and runs thence with the line of Lot No. 11 N 55-26 W 200 feet to an iron pipe, Southeast corner of Lot No. 4; thence a line common with Lot No. 4 N 34-34 E 577.14 feet to a point in the centerline of U.S. # 64; thence with centerline of U.S. #64 two (2) calls: S 53-37 E 122.28 feet and S 52-03 E 114.44 feet to a point in said centerline, Northwest corner of Lot No. 2; thence with the West line of Lot No. 2 S 38-15 W 567.67 feet to the point and place of BEGINNING, containing **2.87 acres, more or less.**

CONVEYED WITH AND SUBJECT TO the right of way for U.S. #64 and the electric line easement to Murphy Power Board.

**Tract Two, parcel #: 551101387966000:** A lot lying immediately Southwest of Lot No. 3 of the Cherokee County Development Corporation Property, being described as follows: BEGINNING on an iron pipe, Southeast corner of Lot No. 3 and runs thence a line common with Lot No. 3 N 55-26 W 200.0 feet to a stake, Southeast corner of Lot No. 4; thence S 34-34 W 264.97 feet to a stake in the Northeast margin of a road easement; thence with said easement S 55-26 E 182.95 feet to a stake Southwest corner of Gossett lot;

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thence a line common with Gossett N 38-15 E 265.51 feet to the point and place of BEGINNING, containing 1.6 acres, more or less.

**Tract Three, parcel #: 551101398308000:** Lot #4 of the Cherokee County Development Property, being described as follows: BEGINNING on an iron pipe in the East line of Lot #5, Northwest corner of Lot #11 (said beginning corner stands N 55-26 W 717.78 feet from the Hospital Authority line at the Northeast corner of Lot #11) and runs thence with the line of Lot #11 S 55-26 E 200.0 feet to an iron pipe, Southwest corner of Lot #3; thence a line common with Lot #3 N 34-34 E passing an iron pipe in the South right of way line of U.S. #64; thence with the centerline of U.S. #64 two (2) courses: N 55-29 W 98.84 feet and N 57-01 W 101.23 feet to a point in said centerline, Northeast corner of Lot #5; thence a line common with Lot #5 S 34-34 W 574.15 feet to the point and place of BEGINNING, containing 2.64 acres, more or less.

CONVEYED WITH AND SUBJECT TO the right of way for U.S. #64 and the electric line easement to Murphy Power Board.

**Tract Four, parcel #: 551101396007000:** A lot lying immediately Southwest of Lot No. 4 of the Cherokee County Development Corporation Property and being described as follows: BEGINNING on an iron pin, Southeast corner of Lot 4, known as the Riddle lot, and Southwest corner of Lot 3, and runs thence S 34-34 W 265 feet to a stake in line of the Bruce Property; thence a line common with Bruce N 55-26 W 200 feet to an iron pipe, Southeast corner of Lot 5; thence a line common with Lot 5 N 34-24 E 265.0 feet to a stake, Southwest corner of Lot 4; thence a line common with Lot 4 S 55-26 E 200.0 feet to the point and place of BEGINNING, containing 1.217 acres, more or less.

ALL THE AFOREMENTIONED LOTS ARE SUBJECT TO any and all right of ways, easements, and other matters of record, if applicable.

For source of title see Deed Book 1280, Page 874 records for Cherokee County, North Carolina.

**Tract Twelve: 0.360 acres (+-) Off Terrance Ave., parcel #: 459215637066000**

On the East side of U.S. No. 64 in the Town of Murphy, North Carolina.

BEGINNING on an iron post on the East bank of a private road 18 inches from a 10 inch Pine and runs S 41 W 100 feet to a post near a power line pole; then N 39-45 W 186 feet to a 10 inch Spanish Oak; then N 79-45 E 161 feet to a post on the bank of the road; then S 7-30 E 107 feet to the BEGINNING, containing one-half (1/2) acre, more or less.

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Being same lands conveyed by Edna O. Erwin to Weldon Burgess and wife, Virginia Burgess by deed dated February 19<sup>th</sup>, 1972 and recorded in Book 307, Page 177 Cherokee County Register of Deeds office, Murphy, N.C.

BEING the same land conveyed by Reba Beavers to Edna O. Erwin by deed dated February 13, 1967 and recorded in Book 263, Page 219, Cherokee County Registry.

FOR SOURCE of title see Deed Book 621, Page 132, records for Cherokee County, North Carolina.

**Tract Thirteen: Lots 24 & 25 Lakeview Estates, parcel #: 457100715493000**

All those certain tracts or parcels of land being designated as Lot 22 containing 0.86 acres, more or less, Lot 23, containing 0.96 acres, more or less, Lot 24, containing 0.95 acres, more or less and Lot 25, containing 1.08 acres, more or less, Lakeview Estates Subdivision, Notla Township, Cherokee County, North Carolina, said tracts of land being more particularly described according to a plat of survey by Donald L. Cordell, R.L.S., dated September 5<sup>th</sup>, 1995, and from said plat described as follows:

BEGINNING at a ½ inch rebar set at the Northwestern most corner of the herein described tract, said corner being situate N 87-24-39 E 35.26 feet from a metal fencepost found, said corner being common to property owned now or formerly by Vidi Corporation (Deed Book 698, Page 236 and U.S. Forest Service Tract FBR-286); thence with the line common to U.S. Forest Service property, the following six (6) courses and distances: N 87-24-39 E 116.36 feet to a ½ inch rebar set, N 87-24-39 E 110.05 feet to a ½ inch rebar set, N 87-24-39 E 39.05 feet to a ½ inch rebar set, N 87-02-00 E 84.99 feet to a ½ inch rebar set, N 87-02-00 E 13.44 feet to a ½ inch rebar set, N 87-02-00 E 84.99 feet to a ½ inch rebar set, N 87-02-00 E 13.44 feet to a ½ inch rebar set and N 86-39-00 E 99.22 feet to a ½ inch rebar set, said point being the Northeastern most corner of the herein described tract and common to Lot 21 of Lakeview Estates; thence with the line common to Lot 21 of Lakeview Estates and Lot 2 of Lakeview Estates; thence running with the Southern boundary lien of the herein rebar set, S 65-04-59 W 32.78 feet to a ½ inch rebar set, S 77-24-10 W 129.83 feet to a ½ inch rebar set, S 65-04-59 W 32.78 feet to a ½ inch rebar set, S 77-24-10 W 129.83 feet to a ½ inch rebar set, S 78-51-21 W 92.65 feet to a ½ inch rebar set, S 68-56-36 W 26.79 feet to a ½ inch rebar set, S 68-56-36 W 37.89 feet to a ½ inch rebar set and S 68-56-36 W 89.10 feet to a ½ inch rebar set, said point being the Southwestern most corner of the herein described tract and common to lands owned now or formerly by the Vidi Corporation; thence with the line common to Vidi Corporation N 03-53-34 E 204.29 feet to a ½ inch rebar set, N 03-53-34 E 161.52 feet to a ½ inch rebar set and N 03-53-34 E 61.20 feet to the point and place of BEGINNING, containing a total of 3.85 acres, more or less.

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**EXCEPTING AND RESERVING OUT LOTS 22, CONTAINING 0.86 ACRES (+-) AND LOT 23, CONTAINING 0.96 ACRES (+-) PREVIOUSLY CONVEYED LEAVING LOTS 24, CONTAINING 0.95 ACRES (+-) AND LOT 25, CONTAINING 1.08 ACRES (+-) WITH THE TOTAL ACREAGE REMAINING BEING 2.03 ACRES, MORE OR LESS.**

THIS CONVEYANCE IS EXPRESSLY MADE SUBJECT to those certain covenants, restrictions, reservations, terms and conditions governing the Lakeview Estates Subdivision, containing a certain instrument recorded in Deed Book 405, Page 176, Cherokee County Registry, reference to which is hereby made.

ALSO HEREIN CONVEYED is a non-exclusive, perpetual right of way and easement over and across the existing 40 foot access road, 20 feet on each side of the centerline, as shown on the aforesaid plat of survey which traverses the middle portion of the above described tract and which traverses Lakeview Estates Subdivision and runs to State Road #1304, for the purposes of ingress, egress, regress and utilities thereon from the above described tract to the public road together with the right to use the sewer line located within said easement.

EXCEPTING AND RESERVING from this conveyance is a non-exclusive, perpetual right of way and easement over and across the existing 40 foot wide access road, 20 feet on each side of the centerline, which traverses the above described tract and as shown on the aforesaid plat of survey so as to provide ingress, egress, regress and utilities thereon from the remaining appurtenant lands of Grantors to the public road, and for the use of maintaining water pipes within the said right of way and easement, together with the right to lay and maintain a sewer line within said easement.

THIS CONVEYANCE IS ALSO CONVEYED TOGETHER WITH AND SUBJECT TO a non-exclusive, perpetual right of way and easement to obtain water for domestic purposes from the existing two (2) wells and reservoir to the Grantee and their heirs and/or successors and assigns as long as they shall pay the prescribed amount for the use of said water to the developers, their heirs and/or successors and assigns, to lay and maintain a water trunk line leading from said water system, to maintain a pump in or near said wells and to connect the same with utility service, together with the right to enter upon said lands to inspect, maintain and repair said wells, pumps and water pipeline and reservoir as may be necessary from time to time.

CONVEYED WITH AND SUBJECT TO ALL the water system agreements, easements, right of ways, lake access rights and easements, utility easements and septic drain fill area easements as recorded in Deed Book 799, Page 176, records for Cherokee County, North Carolina.

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