

1744
0373

FILED Oct 13, 2023 03:13:00 pm FILED
BOOK 01744 CHEROKEE
PAGE 0373 THRU0376 COUNTY NC
INSTRUMENT # 05175 KAREN WRIGHT
RECORDING \$26.00 REGISTER
EXCISE TAX (None) OF DEEDS
KMW

CHEROKEE COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien against the Parcel Number(s) set forth in this deed.
Cherokee County Tax Collector
Date: 10/13/23 By: JG

TRUSTEE'S DEED

This instrument was prepared by Julie G. Walker of the law firm of Walker Law Firm. 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 Walker Law Firm, the mailing address of the Grantors is as stated after their name, and the property described in this deed [X] includes [] does not include, the primary residence of a Grantor.

State of North Carolina
County Of Cherokee

Pin: 55110302841500
Deed Stamps: -0-

This Indenture made the 27th day of September, 2023, by and between:

JOHN JOSEPH SIAS, un-remarried widower of Judith Sias
210 Pin Oak Ridge
Murphy, NC 28906

hereinafter called Grantors, and

JOHN CHRISTOPHER SIAS, Trustee of the John Joseph Sias Family Trust Agreement dated the 5th day of May, 2023
210 Pin Oak Ridge
Murphy, NC 28906

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:

*** SEE SCHEDULE "A" ATTACHED**

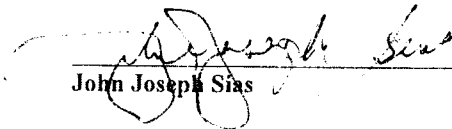
To Have and To Hold the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to, the said Grantees, and his/her heirs and assigns forever, upon the trust and with the powers herein set forth;

FIRST. Said Trustee(s) shall have full power and authority to sell said land, or any part thereof, either by public auction or private sale at such prices and upon such terms as he may see fit, to execute deeds to the purchaser, for all lands so sold, and for all deferred payments to take notes payable to themselves as Trustee(s) secured by Deed of Trust.

SECOND. Said Trustee(s) shall have full power and authority to mortgage, encumber, pledge, hypothecate, lease, rent or improve the said property as she may see fit.

THIRD. Said Trustee(s) is/are acting as Trustee for other parties with whom he has entered into a contract setting forth certain other and further conditions with regard to this trust which shall be binding as between the Trustee, JOHN CHRISTOPHER SIAS, and those for whom they are acting; but strangers to said contract and purchasers of said lands from the Trustee, JOHN CHRISTOPHER SIAS, shall not be bound thereby and shall be required to look only to the powers and authority of said Trustee as set out and granted in this conveyance.

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.



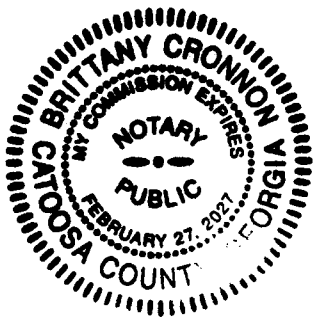
John Joseph Sias (SEAL)

(Affix notary seal or stamp below)

State of North Carolina, County of Cherokee

I, Brittany Cronnon, a Notary Public of said state and county, do hereby certify that **John Joseph Sias, un-remarried widower of Judith Sias**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notary Seal, this the 27th day of September, 2023.



My commission expires 2/27/2027

Brittany Cronnon
Notary Public (Signature)

Brittany Cronnon
Notary Public (Print Name)

Prepared By:

Walker Law Firm
Attorney at Law
39 Hiwassee St.
P.O. Box 714
Murphy, North Carolina 28906
PHONE: (828) 837-6178

DEED STAMPS: \$ -0-

Schedule A

A certain tract or parcel of land lying and being in Murphy Township, Cherokee County, North Carolina containing 0.77 acres more or less and being designated as Lot 123, Highland Creek Subdivision according to plat of survey by Allen Surveying, Phillip G. Allen, North Carolina Professional Land Surveyor L-3081 entitled "Lots 75-124 Phase 3 of Highland Creek Subdivision" dated April 2006 revised May 15, 2006, and from said plat of survey is more particularly described as follows:

BEGINNING at a point in the center of an existing subdivision access road known as Pin Oak Road having a 40-foot easement corridor, 20-feet on each side of the centerline thereof, said beginning point being the Southeast corner of the property herein conveyed, corner common to Lot 121 and on a line common to Lot 95. From said point of beginning, along with the aforementioned centerline on a line common to Lot 95 in a curve to the left a distance of 67.74 feet subtended by a chord North 84 deg 24' 46" West a distance of 67.68 feet, radius = 485.63 feet; thence North 88 deg 27' 55" West a distance of 113.54 feet to a point being the Southwest corner of the property herein conveyed, corner common to Lots 95, 96 and 124. Thence leaving the aforementioned centerline and line common to Lot 95 and along a line common to Lot 124 North 20 deg 48' 48" West a distance of 217.02 feet passing an iron pin located at or near the North side of the aforementioned easement corridor and passing an iron pin located at or near the South side of the aforementioned easement corridor to a point in the center of the aforementioned Pin Oak Road, said point being the Northwest corner of the property herein conveyed, corner common to Lot 124 and on a line common to Lot 100. Thence leaving the line common to Lot 124 and along with the aforementioned centerline on a line common to Lot 100 South 89 deg 49' 33" East a distance of 28.56 feet; thence in a curve to the left a distance of 62.81 feet subtended by a chord North 68 deg 59' 16" East a distance of 61.39 feet, radius = 84.94 feet to a point being the Northern-most corner of the property herein conveyed, corner common to Lot 122 and on a line common to Lot 100. Thence leaving the aforementioned centerline and line common to Lot 100 and along a line common to Lot 122 South 34 deg 38' 02" East a distance of 176.41 feet passing an iron pin located at or near the South side of the aforementioned easement corridor; thence North 73 deg 00' 00" East a distance of 93.52 feet to an iron pin located at the Northeast corner of the property herein conveyed, corner common to Lot 122 and on a line common to Lot 121. Thence leaving the line common to Lot 122 and along a line common to Lot 121 South 08 deg 34' 39" West a distance of 117.92 feet passing an iron pin located at or near the North side of the aforementioned easement corridor to the point and place of BEGINNING. Containing 0.77 acres more or less according to the aforementioned survey plat. Should there be any discrepancy between the aforementioned survey plat and the above metes and bounds description, the survey plat shall prevail.

ALSO CONVEYED AND RESERVED HERewith is the non-exclusive right of ingress/egress, regress and utility service along existing and/or proposed subdivision access roads known as Pin Oak Road and Clear Creek Trail the centerlines of which will also be the centerline of a 40-foot ingress/egress and utility right of way easement corridor, 20-feet on each side of the centerline thereof for the purpose of vehicular and pedestrian ingress, egress and regress from the property herein conveyed to the public road.

ALSO CONVEYED AND RESERVED HERewith is the non-exclusive right of ingress/egress, regress and utility service along existing and/or proposed subdivision access roads other than Pin Oak Road and Clear Creek Trail the centerlines of which will also be the centerline of a 30-foot ingress/egress and utility right of way easement corridor, 15-feet on each side of the centerline thereof for the purpose of vehicular and pedestrian ingress, egress and regress from the property herein conveyed to the public road.

ALSO CONVEYED AND RESERVED HERewith is the non-exclusive right of ingress/egress, regress and utility service along existing and/or proposed driveways the centerline of which is or shall be the centerline of a 20-foot ingress/egress and utility right of way easement corridor, 10-feet on each side of the centerline thereof for the purpose of vehicular and pedestrian ingress/egress and regress from the individual lots shown on the aforementioned survey plat to the subdivision access road serving Highland Creek Subdivision.

THIS CONVEYANCE MADE SUBJECT TO Restrictive Covenants and Conditions governing Highland Creek Subdivision as recorded in Deed Book 1082 Page 56, in the Register of Deeds

Office, Cherokee County, North Carolina.

THIS CONVEYANCE MADE TOGETHER WITH AND SUBJECT TO road easement as described in instrument recorded in Deed Book 1159 page 217, in the Office of the Register of Deeds, Cherokee County, North Carolina.

ALSO CONVEYED HERewith is the non-exclusive perpetual right to take and use water from a well located upon Lot 102 for domestic purposes along with the right and easement to go upon said lot for the purposes of laying, repairing and/or maintaining pumping and piping equipment to serve the property herein conveyed, subject to the terms and conditions of use as described in the Covenants and conditions governing Highland Creek subdivision as recorded in Deed Book 1082, Page 56, in the Office of the Register of Deeds, Cherokee County, North Carolina.

THIS CONVEYANCE MADE SUBJECT TO upper and lower riparian rights for the uninterrupted flow of any creek, river or stream which may border or traverse the property herein conveyed.

THIS CONVEYANCE FURTHER MADE SUBJECT TO a 40-foot buffer zone from the bank of any stream as defined in Hiwassee River WS IV-CA Watershed Ordinance which requires the consultation with the proper local agency prior to any excavation.

The subject property lies within an area of Cherokee County, North Carolina which is unregulated as to the subdivision of land.

FOR SOURCE OF TITLE reference Deed Book 1231, Page 834, Cherokee County Registry.

FOR SOURCE OF TITLE reference Deed Book 1320, Page 734, Cherokee County Registry.