

FILED Jan 09, 2025 FILED ELECTRONICALLY  
AT 08:30:09 AM CHEROKEE COUNTY NC  
BOOK 01770 KAREN WRIGHT  
START PAGE 1294 END PAGE 1298  
INSTRUMENT # 00089  
EXCISE TAX \$180.00

**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: 01/09/2025 By: AB

**THIS INSTRUMENT PREPARED BY & RETURN TO:**

Post Sale Department  
Brock & Scott, PLLC  
5431 Oleander Drive, Suite 200  
Wilmington, NC 28403  
File Number: 24-13084, Case Number: 24SP000042-190  
PIN #: 4590-03-02-4438  
Excise Tax: \$180.00

STATE OF NORTH CAROLINA

**SUBSTITUTE TRUSTEE'S DEED**

COUNTY OF **CHEROKEE**

**NCGS 105-317.2 Report on transfers of real property – requirements**

Grantor's address: see above "return to" address

Grantee's address: see below paragraph

Primary residence: As the Substitute Trustee of a special proceedings foreclosure file, this firm does not occupy any property as its residence. As to the original mortgagor(s), this firm does not have any specific knowledge as to whether the mortgagor(s) were occupying the property at the time of foreclosure sale.

This instrument was prepared by: Brock & Scott, PLLC, a licensed North Carolina attorney/law firm. The Grantee is receiving title because they were the successful bidder at a foreclosure sale of the below mentioned property. Any potential bidders were notified that the sale of the property would be made subject to all prior liens, unpaid taxes, any unpaid land transfer taxes, special assessments, easements, rights of way, deeds of release, and any other encumbrances or exceptions of record. Therefore, the Grantee assumes responsibility for any unpaid taxes.

**THIS SUBSTITUTE TRUSTEE'S DEED**, made this 1-8-2025, by and between Trustee Services of Carolina, LLC, Substitute Trustee in the Deed of Trust hereinafter mentioned, ("Grantor"), and **Navy Federal Credit Union**, its successors and assigns as their interests may appear, whose address is **820 Follin Lane, Vienna, VA 22180**, ("Grantee");

submitted electronically by "Brock & Scott, PLLC FC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Cherokee County Register of Deeds.



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**WITNESSETH:**

**WHEREAS, Mona L. Ackert a/k/a Mona Ackert, executed and delivered a **Deed of Trust dated July 26, 2023 and recorded on August 21, 2023 in Book 01740 at Page 1102** of the Cherokee County Public Registry, to Sean Murphy, as Trustee; and**

**WHEREAS, the beneficial interest of said Deed of Trust was originally held by and remains with, or was transferred and assigned to **Navy Federal Credit Union**, current beneficiary; and**

**WHEREAS, default having occurred in the payment of the indebtedness secured by said Deed of Trust and Grantor having been substituted as trustee, as set forth in **Appointment of Substitute Trustee recorded on May 16, 2024, in Book 01756, Page 1443 of the Cherokee County Public Registry**, due demand was made on the Grantor by the holder of the indebtedness secured by said Deed of Trust that he foreclose the said Deed of Trust and sell the property under the terms thereof; and**

**WHEREAS, under and by virtue of the power and authority in him vested by said Deed of Trust and according to the terms and the stipulations of the same, and having instituted a special proceeding before the Clerk of Superior Court of Cherokee County, entitled **Special Proceedings No. 24SP000042-190**, and after due advertisement as in said Deed of Trust provided and as by law required, and due and timely notice having been given to the parties of said special proceeding, and a proper hearing having been conducted on November 12, 2024, whereupon the Clerk of Superior Court of Cherokee County, North Carolina, authorized Grantor to proceed under said Deed of Trust and sell the real property as herein below described, Grantor, on December 13, 2024 at 10:00 AM, did expose the land described in said Deed of Trust, and hereinafter described and conveyed, subject to any and all superior liens, including without limitation, the lien of unpaid taxes and assessments, easements, conditions, restrictions, conveyances and releases, and matters of record, for sale at public auction at the Cherokee County Courthouse door, when and where Navy Federal Credit Union was the last and highest bidder for said land at the price of \$89,744.87; and**

**WHEREAS, Grantor duly reported the land sale to the Clerk of Superior Court of Cherokee County as required by law, and thereafter said sale remained open ten days, and no increased bid has been filed within the time allowed by law;**

**NOW, THEREFORE, in consideration of the premises and of the payment of the said purchase price by the Grantee, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the authority vested in him by the terms of the said Deed of Trust, Grantor does hereby bargain, sell, grant and convey unto Grantee and their successors and assigns, all that certain lot or parcel of land lying and being in the County of Cherokee, State of North Carolina, and being more particularly described as follows:**

**ALL THAT CERTAIN PARCEL OF LAND SITUATE IN THE CITY OF  
MURPHY, COUNTY OF CHEROKEE AND STATE OF NORTH CAROLINA  
BOUNDED AND DESCRIBED AS FOLLOWS:**

THAT CERTAIN TRACT OF LAND CONTAINING 2 ACRES, MORE OR LESS, BEING BOUNDED, NOW OR FORMERLY, BY NATURAL BOUNDARIES AND/OR LANDS OWNED BY AND/OR IN THE POSSESSION OF PERSONS AS FOLLOWS: ON THE NORTH BY H.L. MARTIN (BOOK 206, PAGE 253, CHEROKEE COUNTY REGISTRY) AND ETHEL L. CRISP (BOOK 817, PAGE 135, CHEROKEE COUNTY REGISTRY), ON THE EAST BY B. MAC KYLE, TRUSTEE (BOOK 881, PAGE 160, CHEROKEE COUNTY REGISTRY) AND ON THE SOUTH AND WEST BY JEFFREY R. SCHLUETER; SAID TRACT BEING SEVERED FROM A LARGER TRACT AND LYING NORTHWEST OF NCSR #1556 (MARTIN'S CREEK ROAD), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, A NEW CORNER, SAID IRON ROD LYING N 43-01 E 2,729.90 FEET FROM A PIKE NAIL FOUND AT THE INTERSECTION OF NCSR #1556 WITH NCSR #1603, AND RUNS THENCE FROM SAID BEGINNING POINT ALONG A SEVERANCE LINE N 20-27 W 239.68 FEET TO AN IRON ROD SET AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT (SAID IRON ROD LYING S 84-46 E 207.54 FEET FROM AN IRON ROD FOUND MARKING THE NORTHWEST CORNER OF THE SCHLUETER PROPERTY); THENCE ALONG PROPERTY LINES COMMON TO MARTIN AND CRISP S 84-46 E 428 FEET TO AN IRON ROD SET AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHWEST CORNER OF THE KYLE TRACT; THENCE ALONG THE PROPERTY LINE COMMON TO KYLE S 02-45 W 246.14 FEET TO AN IRON ROD SET AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; THENCE ALONG ANOTHER SEVERANCE LINE N 79-39 W, INTERSECTING THE CENTERLINE OF A DRIVEWAY AND 30 FOOT RIGHT OF WAY AT 214.06 FEET, TOTAL DISTANCE 336.12 FEET TO THE POINT OF BEGINNING.

GRANT OF EASEMENT:

GRANTORS FURTHER GRANT A PERPETUAL, NON-EXCLUSIVE EASEMENT, FOR PURPOSES OF INGRESS, EGRESS AND UTILITIES, 30 FEET WIDE, OVER AND ALONG THE DRIVEWAY EXTENDING ON THE SOUTH PROPERTY LINE OF THE HEREINABOVE DESCRIBED TRACT, THE CENTERLINE OF WHICH WILL HAVE THE FOLLOWING COURSES:

BEGINNING AT A NAIL FOUND AT THE CENTERLINE OF NCSR # 1556, AT THE INTERSECTION OF THE CENTERLINE OF A 30 FOOT EASEMENT NEAR THE INTERSECTION OF THE NORTH MARGIN OF A GRAVEL DRIVEWAY AN ACCESS ROAD, SAID NAIL LYING S 83-35 E 56.69 FEET FROM AN IRON PIN FOUND NEAR THE SOUTH MARGIN OF SAID GRAVEL ACCESS ROAD, AND RUNS THENCE FROM SAID BEGINNING POINT N 70-57 W APPROXIMATELY 300 FEET TO A FORK IN

THE MAD AND CONTINUING THENCE WITH THE LEFT FORK TO A POINT BEING WITNESSED BY AN AXLE FOUND LYING 15.17 E 5.59 FEET, AND CONTINUING THENCE FROM SAID POINT THE FOLLOWING THIRTEEN COURSES: N 88-18 W 23.22 FEET, N 84-39 W 50.81 FEET, N 81-33 W 63.25 FEET, N 83-40 W 59.58 FEET, N 82-48 W 43.87 FEET, N 77-36\ 42.38 FEET, N 67-54 W 41.37 FEET, N 57-14 W 25.90 FEET, N 48-37 W 30.28 FEET, N 40-34 W 41.10 FEET, N 30-44 W 44.02 FEET, N 20-16 W 51.91 FEET, N 18-31 W 93.42 FEET, TO A FORK IN THE ROAD; THENCE CONTINUING WITH THE RIGHT FORK (PRESENTLY A SOIL TRAIL) THE FOLLOWING TWENTYTWO COURSES: N 15-28 E 28.15 FEET, N 44-06 E 12.70 FEET, S 70-19 E 14.89 FEET, S 43-55 E 109.19 FEET, S 49-48 E 15.91 FEET, S 64.57 E 44.02 FEET, S 74-08 E 70.64 FEET, N 83-13 E 16.75 FEET, N 63-08 E 31.70 FEET, N 19-02 E 7.54 FEET, N 35-44 W 11.23 FEET, N 10-29 W 24.45 FEET, N 17-26 E 19.35 FEET, N 28-08 W 23.08 FEET, N 15-28 W 131.92 FEET, N 03-48 W 39.18 FEET, N 15-57 W 29.94 FEET, N 11-17 W 29.97 FEET, N 19-40 W 64.66 FEET, N 27-10 W 35.92 FEET, N 40-34 W 29.54 FEET, N 28-33 W 26.21 FEET, THE INTERSECTION WITH THE SOUTH PROPERTY LINE OF THE HEREINABOVE DESCRIBED TRACT. THE INITIAL PORTION OF SAID EASEMENT CROSSING THE KYLE PROPERTY TO ITS INTERSECTION WITH THE EAST PROPERTY LINE OF SCHLUETER PROPERTY, LEADING FROM NCSR #1556, BEING CONVEYED BY DEED RECORDED IN BOOK 468 PAGE 114, CHEROKEE COUNTY REGISTRY, REFERENCE TO WHICH IS HEREBY MADE.

THIS EASEMENT INCLUDES THE RIGHT TO GO UPON THE SERVIENT TENEMENTS WITH WORKMEN TO IMPROVE, REPAIR AND MAINTAIN SAID ACCESS ROAD AND UTILITIES AS MAY BE NECESSARY FROM TIME TO TIME. THIS EASEMENT IS APPURTENANT TO AND FOR THE BENEFIT OF THE HEREIN ABOVE-DESCRIBED TRACT, AND GRANTORS WARRANT TO GRANTEEES AND THEIR HEIRS, PERSONAL REPRESENTATIVES AND ASSIGNS AS HEREIN STATED FULL USE AND ENJOYMENT OF THIS EASEMENT. THE EASEMENT GRANTED HEREBY SHALL RUN WITH THE HEREINABOVE DESCRIBED TRACT AS TO ALL PROPERTY BURDENED AND BENEFITTED BY SUCH EASEMENT, INCLUDING ANY DIVISION OR PARTITION OF SUCH PROPERTY. THE RIGHTS, COVENANTS AND OBLIGATIONS CONTAINED IN THIS EASEMENT, SHALL BIND, BURDEN AND BENEFIT THE HEIRS AND ASSIGNS, LESSEES OR MORTGAGEES OF THE GRANTORS AND THE GRANTEEES.

AS SHOWN ON PLAT OF SURVEY ENTITLED "JAMES WALKER ARNOLD AND WIFE, DENIS KAREN ARNOLD", DATED DECEMBER 23, 2002, PREPARED BY WW LAND SURVEYING, INC., AND CERTIFIED BY JEFFREY B. WEATHERLY, PLS.

BEING THE SAME PROPERTY CONVEYED TO MONA ACKERT FROM

ANDREA GARST AND RYAN GARST, A MARRIED COUPLE, BY DEED  
DATED 12/3/2021, RECORDED 12/10/2021, IN BOOK 1698, PAGE 1069,  
COUNTY OF CHEROKEE, STATE OF NORTH CAROLINA.

Together with improvements located thereon; said property being located at and is  
commonly known as **5412 Martins Creek Rd, Murphy, NC 28906.**

Title to the property hereinabove described is subject to the following exceptions:

Subject to ad valorem taxes; all applicable zoning and land use ordinances, statutes and  
regulations; and to the provisions of all applicable restrictive covenants and easements of record.

**TO HAVE AND TO HOLD** the said land, together with all privileges and  
appurtenances as thereunto belonging unto the said Grantee, its successors and assigns, forever,  
in as full and ample manner, as Grantor, Substitute Trustee, is authorized and empowered to  
convey same.

**IN WITNESS WHEREOF**, Grantor, Substitute Trustee of the aforesaid Deed of Trust,  
has hereunto set his hand and affixed his seal the day and year first above written.

Trustee Services of Carolina, LLC  
Substitute Trustee

By: *Aaron B. Anderson*

Date: 1-8-25

Aaron B. Anderson, Member/Manager

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Rachel A. Eason, a Notary Public of New Hanover County and  
State aforesaid, do hereby certify that **Aaron B. Anderson, Member/Manager of Trustee Services  
of Carolina, LLC, Substitute Trustee**, personally appeared before me this day and acknowledged  
the due execution of the foregoing instrument on behalf of the company.

WITNESS my hand and notary stamp or seal this 8 day of January 2025.

*Rachel A. Eason*  
Notary Public

July 14, 2029  
My Commission Expires

NOTARY SEAL

RACHEL A. EASON  
NOTARY PUBLIC  
New Hanover County, North Carolina  
My Commission Expires July 14, 2029

~~RACHEL A. EASON  
NOTARY PUBLIC  
New Hanover County, North Carolina  
My Commission Expires July 14, 2029~~

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