

THIS TO THE TERMS DESCRIBED HEREIN IS NOT CERTIFIED UNLESS A written title opinion, or title insurance is purchased by the Grantees.

6/15/2005

State of North Carolina
County of C H E R O K E E

This Indenture, made this 2nd day of July, 1990 by and between

BRYER BROOK, INC., a North Carolina Corporation

hereinafter called Grantors, and

FRANCES NAPOLITANO
9858 N.W. 76 Street
Tamarac, Florida 33321 hereinafter called Grantees,

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 given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns, subject to any conditions, restrictions, reservations, exceptions or limitations which may hereinafter appear, the following particularly described real estate located in Cherokee County, North Carolina, to-wit:

Being Lot #43 in Bryer Brook Subdivision, in Hothouse Township, District #4, on the waters of Persimmon Creek and being more particularly described according to plat prepared by Jeffery B. Weatherly, R.L.S., dated February 22, 1988, recorded in Plat Cabinet B, Slide 47, Cherokee County Registry, and from said plat described as follows:

BEGINNING on an iron pin in centerline at end of Laural Lane, most Southerly corner of Lot #42 and Northeast corner of Lot #41, and runs thence a line common with Lot #42 North 47-34 East, passing an iron pin at 44.86 feet and another iron pin at 333.33 feet, total distance 339.97 feet to a point in centerline of Persimmon Creek; thence up the centerline of Persimmon Creek as follows: South 54-00 East 64.37 feet, South 48-13 East 74.65 feet, South 55-31 East 41.20 feet, North 87-37 East 48.47 feet and South 68-05 East 30.80 feet to a point in said centerline, Northeast corner of Lot #44; thence a line common with Lot #44 South 63-29 West, passing an iron pin at 31.83 feet and another iron pin on East side of road at 511.42 feet, total distance 534.59 feet to a point in centerline of Laural Lane; thence with the centerline of Laural Lane North 03-50 East 130.03 feet to the BEGINNING, containing 1.54 acres.

Together with a non-exclusive road and utilities easement out over Laural Lane and other subdivision access roads to the public highway as a permanent means of ingress, egress and regress to the lot conveyed and for utilities.

The Grantors except and reserve a non-exclusive road and utilities easement forty (40) feet in width, twenty (20) feet each side of the centerline of Laural Lane for the benefit of Grantors, their heirs and assigns.

This lot is also conveyed subject to Covenants and Restrictions pertaining to Bryer Brook Subdivision dated April 15, 1988, and recorded in Book 463, page 201, Cherokee County Registry.

Being a part of the lands described in a deed dated September 30, 1987, from W.E. Roach and wife, to John L. Chynoweth and wife, Jeanne W. Chynoweth, recorded in Book 554, page 94, Cherokee County Registry.

For further source of title see Deed Book 608, page 148, Cherokee County Registry.

CHEROKEE COUNTY, NORTH CAROLINA
PIN: 33-00-30-0000/631
BY: *[Signature]*

To have and to hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, subject to any conditions, restrictions, reservations, exceptions or limitations which may appear above, unto the Grantees, their heirs and/or successors and assigns forever.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to the said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

In Witness Whereof, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

ATTEST:

[Signature]
Secretary (SEAL)

[Signature]
BRYER BROOK, INC. (SEAL)
President (SEAL)

463-201

NORTH CAROLINA / COUNTY OF CHEROKEE

This RELEASE DEED, made and entered into this the 18th day of April, 19 83 by and between William H. McKeever, acting as Trustee as hereinafter stated, and, Robert L. Head, Jr. and wife, Carol Head, hereinafter termed "FIRST PARTIES", and, Peter C. Swebilus, Sr. and wife, Marjorie E. Swebilus, hereinafter termed "SECOND PARTIES".

WITNESSETH: That Whereas, said SECOND PARTIES heretofore executed to William H. McKeever as Trustee, a certain Deed of Trust dated December 28 19 82, and recorded in Book 459, Page 51, Cherokee County Registry, to secure a certain note therein set forth due and payable to FIRST PARTIES; and Whereas, said SECOND PARTIES have requested the said FIRST PARTIES to release from the lien of said Deed of Trust so much of the lands as is hereinafter described, and the said FIRST PARTIES have agreed so to do and has requested the said Trustee to join in said release.

NOW, THEREFORE, said FIRST PARTIES, for and in consideration of the sum of \$1.00 (ONE DOLLAR) to each in hand paid by SECOND PARTIES, have remised and released, and by these presents do hereby remise, release and quitclaim unto the said SECOND PARTIES, and their heirs and assigns, the following described lands in Cherokee County, North Carolina:

See Schedule "A" attached hereto and by reference thereto incorporated herein being 1.16 acres, Bourne Subdivision.

TO HAVE AND TO HOLD said lands and premises, together with all privileges and appurtenances thereunto belonging to them the said SECOND PARTIES and their heirs and assigns, free and discharged from the lien of the Deed of Trust above referred to and recorded in Book 459, Page 51, Cherokee County Registry.

BUT it is understood and agreed that this release shall apply only to so much of said lands as are herein expressly described and conveyed, and that as to the remainder of said lands the said Deed of Trust shall be and remain in full force and effect.

IN TESTIMONY WHEREOF, the said FIRST PARTIES have hereunto set their hands and seals this the day and year first above written.

CHEROKEE COUNTY, NORTH CAROLINA
PIN: (5501 14 4360)
5501 14 4361
BY: [Signature]

[Signature] Trustee (SEAL)
William H. McKeever
[Signature] (SEAL)
Robert L. Head, Jr.
[Signature] (SEAL)
Carol Head
____ (SEAL)
____ (SEAL)