

1254
0957

FILED
CHEROKEE COUNTY
DAPHNE DOCKERY
REGISTER OF DEEDS

FILED Oct 06, 2006
AT 04:08:02 pm
BOOK 01254
START PAGE 0957
END PAGE 0960
INSTRUMENT # 03332

Cherokee County 10-06-2006
NORTH CAROLINA
Real Estate
Excise Tax \$310.00

Excise Tax \$ 310.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. 4594003299000
Verified by Cherokee County on the 6th day of October, 2006
by [Signature]

Mail after recording to: THE CLOSING PLACE, P.O. Box 940, Murphy, NC 28906

This instrument prepared by: Steinbronn & McNew PC
10 Tennessee Street, Murphy, NC 28906


Brief Description for Index

1507 Bates Creek rd. 11.7 +/- acres

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 22 day of September, 2006, by and between

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.q. corporation or partnership

GRANTOR	GRANTEE
ALMER F SUTTON, single and CHERYL MOSHER, f/k/a CHERYL A SUTTON, single 1507 Bates Creek Rd Murphy, NC, 28906	Musto and Associates, LLC 3 Hammersmith Drive Saugus, MA 01906 

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot of land situated in the City of, **Murphy** Township, **Cherokee** County, North Carolina and more particularly described as follows:

All that certain tract or parcel of land lying and being in Murphy Township, Cherokee County, North Carolina containing **11.170 acres** more or less according to plat of survey by Kevin D. Goldsmith, North Carolina Professional Land surveyor No. L-3669 entitled "Mustu Development" dated August 15, 2006 and from said plat of survey is more particularly described as follows:

BEGINNING at a point in the center of an existing access road which becomes a gravel driveway at said point, said beginning point being located at a corner common to Dockery (Deed Book 1007 Page 688) and Roberts (Deed Book 1196 Page 568). From said point of beginning, leaving the aforementioned access road centerline and along a line common to Roberts North 86 deg 05' 42" West a distance of 313.02 feet to an axle found at the top of the ridge, said point being the Southwest corner of the property herein conveyed, corner common to Roberts, Eastern Band of Cherokee Indians and now or formerly

Dockery. Thence leaving the line common to Roberts and along the ridge line common to now or formerly Dockery North 18 deg 31' 18" West a distance of 106.75 feet; thence North 36 deg 37' 03" West a distance of 62.63 feet to an iron rod set in a fence; thence North 37 deg 19' 14" West a distance of 234.72 feet to an iron rod set in a fence; thence North 31 deg 47' 05" West a distance of 231.99 feet to an iron rod set in a fence; thence North 34 deg 29' 18" West a distance of 135.55 feet passing an iron rod set to a point at a corner common to now or formerly Dockery and Eastern Band of Cherokee Indians (Deed Book 88 Page 399) (said point also being located North 08 deg 06' 25" East a distance of 311.17 feet from a concrete monument corner of Eastern Band of Cherokee Indians). Thence leaving the line common to now or formerly Dockery and along a line common to Eastern Band of Cherokee Indians North 08 deg 06' 25" East a distance of 406.93 feet to an existing iron rod located at the Northern-most corner of the property herein conveyed, corner common to Eastern Band of Cherokee Indians and now or formerly Chris Dockery (Deed Book 716 Page 143). Thence leaving the line common to Eastern Band of Cherokee Indians and along a line common to now or formerly Chris Dockery South 46 deg 30' 00" East a distance of 227.13 feet to an existing iron rod located at a corner common to Chris Dockery and EMM of Collier. Inc.(Deed Book 1210 Page 152). Thence leaving the line common to now or formerly Chris Dockery and along a line common to EMM South 45 deg 01' 37" East a distance of 987.98 feet to an existing iron rod located at a corner common to EMM and now or formerly Larry Dockery (Deed Book 361 Page 149). Thence leaving the line common to EMM and along a line common to now or formerly Larry Dockery South 45 deg 03' 03" East a distance of 172.57 feet to a point in the center of an existing roadway; thence South 45 deg 03' 03" East crossing an encroaching shed a distance of 176.92 feet to an axle found at the top of a ridge located at the Eastern-most corner of the property herein conveyed, corner common to now or formerly Larry Dockery and Danny Dockery. Thence leaving the line common to now or formerly Larry Dockery and along a line common to Danny Dockery North 86 deg 05' 42" West a distance of 444.65 feet to the point and place of BEGINNING. Containing 11.170 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.

THIS CONVEYANCE MADE TOGETHER WITH AND SUBJECT TO the non-exclusive perpetual right of ingress, egress, regress and utility service along an existing access road which begins at NCSR 1348 and proceeds in a Northerly direction on the line common to Roberts (Deed Book 1196 Page 568) and Danny Dockery (Deed Book 1007 Page 688).

THIS CONVEYANCE MADE SUBJECT TO electric power line distribution easement in favor of Blue Ridge Mountain EMC as described in instrument recorded in Deed Book 656 Page 50, in the Office of the Register of Deeds, Cherokee County, North Carolina.

THIS BEING THAT SAME PROPERTY CONVEYED UNTO Almer F. Sutton and wife Cheryl A. Sutton by Warranty Deed from Luther Sutton and wife Mattie Sutton dated April 16, 1973 and recorded on October 31, 1973 in Deed Book 329 Page 147, in the Office of the Register of Deeds, Cherokee County, North Carolina. NC6-6198

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.

And the Grantor covenants with the Grantee, that Grantor 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 Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

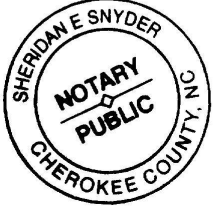
Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the 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.

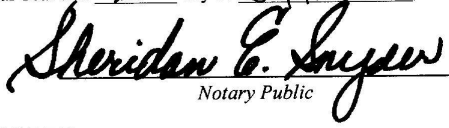
 (SEAL)
ALMER F SUTTON

SEAL-STAMP STATE OF North Carolina
 COUNTY OF Cherokee

I, Sheridan E Snyder, a Notary Public of said State and
County, do hereby certify that **ALMER F SUTTON, single** personally appeared before
me this day and acknowledged the due execution of the foregoing instrument.



Witness my hand and Notarial Seal this 22 day of September, 2006.


Notary Public

My Commission Expires:
8/7/2010
Sheridan E Snyder
Printed



Cheryl Mosher (SEAL)
CHERYL MOSHER

SEAL-STAMP

STATE OF Texas
COUNTY OF Bosque

I, Rex E. Royal, a Notary Public of said State and County, do hereby certify that **CHERYL MOSHER f/k/a CHERYL A SUTTON**, single personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 7th day of September, 2006.

My Commission Expires:

04/02/2009

Rex E Royal
Notary Public

REX E ROYAL Printed

