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FILED  
CHEROKEE COUNTY  
DAPHNE DOCKERY  
REGISTER OF DEEDS

FILED Mar 14, 2007  
AT 01:51:42 pm  
BOOK 01276  
START PAGE 0402  
END PAGE 0406  
INSTRUMENT # 01998

## GENERAL WARRANTY DEED

This instrument was prepared by Charles W. McHan, Jr. of the law firm of Hyde, Hoover & Lindsay. 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.

State of North Carolina  
County Of Cherokee



CHEROKEE COUNTY NORTH CAROLINA  
45921313 0077000 458212967937000  
PIN: 458212963743000 458218417183000  
BY: DWETHERLY 3/14/2007

**This Indenture**, made the 13th day of March, 2007 by and between:

**SAMUEL RAY McHAN (a.k.a S. Ray McHan), unmarried**

hereinafter called Grantors, and

**SAMUEL RAY McHAN, Trustee**

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:

### TRACT ONE

All that certain tract or parcel of land containing 7.89 acres, more or less, designated as Tract 546 of Tarheel North being a part of Tarheel Properties, Murphy Township, Cherokee County, North Carolina, and being more particularly described according to a plat of survey dated September 21, 1995, by L. R. Harding, R.L.S., and as filed for record in Plat Cabinet C, Slide 109, Cherokee County Registry, reference to said plat of survey being made hereby and incorporated herein for a more particular description of said tract.

ALSO HEREIN CONVEYED TOGETHER WITH AND SUBJECT TO a non-exclusive, perpetual right of way and easement over and across the existing access roads as shown on the aforesaid plat of survey and which traverse the Tarheel Properties and over and across the existing access road known as Talc Mine Road for the purposes of ingress, egress and regress and utilities thereon from the above described tract to the public road.

THIS CONVEYANCE IS SUBJECT TO the restrictive covenants and conditions which govern Tarheel North, Tarheel Properties as recorded in Deed Book 747, Page 122, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO that certain right of way and easement in favor of the Town

of Murphy for the distribution of electric power to the Tarheel Subdivision Property as recorded in Deed Book 480, Page 97, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO that Deed of right of way for FORT BUTLER RESORT PARK AUTHORITY, INC., a North Carolina Corporation across a portion of Talc Mine Road, and Tarheel Road along with Lake Shore Drive as recorded in Deed Book 750, Page 110, Cherokee County Registry.

#### TRACT TWO

That certain tract or parcel of land containing 8.88 acres, more or less, a portion of Tract 545 of Tarheel North, in Murphy Township, Cherokee County, North Carolina, being more particularly described according to a plat of survey by Felix Edward Palmer, Jr., P.L.S., dated July 6, 2006 and from said plat of survey being more particularly described as follows:

BEGINNING at an iron rod set at a corner common to a 7.05 acre tract, a portion of Tract 545 and in a line common to Tract 546 of Tarheel North, McHan (Deed Book 753, Page 40); thence with a line common to the 7.05 acre tract South 64°36' West 23.40 feet, South 64°36'00" West 667.61 feet to an iron rod set and South 64°36' West 19.66 feet to a point in the centerline of a creek, a corner common to the 7.05 acre tract and in a line common to McHan (Deed Book 751, Page 148); thence with the centerline of the creek and a line common to McHan, South 83°20' West 21.22 feet, South 89°07' West 114.40 feet to an iron pipe, North 72°58'00" West 141.55 feet and North 23°16' West 100.77 feet to a point in said creek centerline, a corner common to McHan and in a line common to Witting (Deed Book 760, Page 17); thence with a line common to Witting and continuing with said creek centerline North 29°21' East 63.85 feet, North 21°14' West 79.35 feet, North 01°35' West 54.85 feet, North 15°11' East 100.60 feet, North 34°37' West 67.20 feet and North 34°37' West 2.18 feet to a point in said creek centerline where it intersects with the centerline of another creek, a corner common to Witting, Duncan (Deed Book 752, Page 44) and Decker (Deed Book 807, Page 191); thence with a line common to Decker and with the centerline of the second mentioned creek North 51°06' East 70.45 feet to an iron pipe, North 68°12' East 98.23 feet to an iron pipe, North 82°30' East 59.30 feet to an iron pipe, North 72°38'00" East 139.07 feet to an iron pipe, North 52°44' East 67.57 feet to an iron pipe and North 67°35' East 41.64 feet to an iron pipe in said creek centerline, a corner common to Decker, Tract 550 of Tarheel North, McHan (Deed Book 753, Page 40) and McHan; thence with a line common to McHan, South 56°46'00" East 639.40 feet to the point and place of BEGINNING, containing 8.88 acres, more or less.

ALSO HEREIN CONVEYED TOGETHER WITH AND SUBJECT TO a non-exclusive, perpetual right of way and easement over and across the existing access roads as shown on the aforesaid plat of survey and which traverse the Tarheel Properties and over and across the existing access road known as Talc Mine Road for the purposes of ingress, egress and regress and utilities thereon from the above described tract to the public road.

THIS CONVEYANCE IS SUBJECT TO the restrictive covenants and conditions which govern Tarheel North, Tarheel Properties as recorded in Deed Book 747, Page 122, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO that certain right of way and easement in favor of the Town of Murphy for the distribution of electric power to the Tarheel Subdivision Property as recorded in Deed Book 480, Page 97, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO that Deed of right of way for FORT BUTLER RESORT PARK AUTHORITY, INC., a North Carolina Corporation across a portion of Talc Mine Road, and Tarheel Road along with Lake Shore Drive as recorded in Deed Book 750, Page 110, Cherokee County Registry.

#### TRACT THREE

That certain tract or parcel of land containing .97 acres, more or less, designated as Lot 10 of Tract 105-3 and 105-4, Tarheel West, Phase Two, Murphy Township, Cherokee County, North Carolina, and being more particularly described according to a plat of survey by Lloyd B. Adams, P.L.S., dated January 31, 2000, and from said plat of survey being more particularly described as follows:

BEGINNING at a point in the centerline of a subdivision access road, a corner common to Lot 11 of

Tract 105-3 and 105-4 and in a line common to Tract 106-1, Tarheel West, Phase Two; thence with the centerline of the subdivision access road and a line common to Tract 106-1 and then with Tract 106-2, Tarheel West, Phase Two, South 40°16' West 267.09 feet to a point in said road centerline where it intersects with the centerline of another subdivision access road and a corner common to Lot 3 of Tract 105-3 and 105-4; thence leaving said road centerline and with the centerline of the second mentioned subdivision access road, a line common to Lot 3, South 66°53' East 219.54 feet to a point in said road centerline where it intersects with the centerline of another subdivision access road, a corner common to Lot 3 and in a line common to Lot 6 of Tract 105-3 and 105-4; thence with the centerline of the third mentioned subdivision access road and a line common to Lot 6, North 16°27' East 42.19 feet and North 11°27' East 16.14 feet to a point in said road centerline, a corner common to Lot 6 and Lot 9 of Tract 105-3 and 105-4; thence with a line common to Lot 9, North 11°27' East 52.82 feet, North 16°43' East 42.75 feet, North 24°08' East 76.70 feet and North 24°20' East 36.65 feet to a point in said road centerline, a corner common to Lot 9 and in a line common to Lot 11; thence leaving said road centerline and with a line common to Lot 11, North 71°42' West 16.21 feet to an iron rod set, North 71°42' West 67.68 feet to an iron rod set and North 71°42' West 35.81 feet to the point and place of BEGINNING, containing .97 acres, more or less.

ALSO HEREIN CONVEYED is a non-exclusive, perpetual right of way and easement over and across all subdivision access roads which borders the Western, Southwestern and Eastern boundary line of the above described tract as shown on the aforementioned plat of survey, and over and across the existing access roads known as Wild Turkey Lane, Tarheel West Drive and Talc Mine Road, for the purposes of vehicular, water, sewer, electricity, telephone, telecommunications and television cable ingress, egress, and regress thereon from the above described tract to the public road.

EXCEPTING AND RESERVING from this conveyance is a non-exclusive, perpetual right of way and easement over and across all subdivision access roads which borders the Western, Southwestern and Eastern boundary line of the above described tract as shown on the aforementioned plat of survey, and over and across the existing access roads known as Wild Turkey Lane, Tarheel West Drive and Talc Mine Road, for the purposes of vehicular, water, sewer, electricity, telephone, telecommunications and television cable ingress, egress, and regress thereon from the above described tract to the public road.

THIS CONVEYANCE IS SUBJECT TO the restrictive covenants and conditions and road maintenance pertaining to Tarheel West, Phase II, recorded in Deed Book 722, Page 10, Cherokee County, NC Registry.

THIS CONVEYANCE IS SUBJECT TO that certain power line distribution easement in favor of the Town of Murphy as recorded in Deed Book 480, Page 97, Cherokee County, NC Registry.

ALSO HEREIN CONVEYED is a non-exclusive, perpetual right to use water for domestic purposes only from the subdivision well, located on Lot 5, of Tract 105-3 and 105-4, Tarheel West, Phase Two, for the benefit of 1 water hookup to the above described tract, including the right to go upon said Lot 5 to maintain, repair and lay underground water pipelines leading from said well to said lot as may be necessary from time to time. Grantees, by acceptance of this deed, agrees to pay his pro-rata share of the cost for the use of said water, maintenance and repair of pump and waterlines to the developers, their heirs and assigns.

#### TRACT FOUR

That certain tract or parcel of land containing 0.64 acres, more or less, designated as Lot 12 of Tract 20, Tarheel Properties, in Murphy Township, Cherokee County, North Carolina, and being more particularly described according to a plat of survey dated April 14, 1988, by Phillip G. Allen, R.L.S., and as filed for record in Plat Cabinet A, Slide 49, Cherokee County Registry, reference to said plat of survey being made hereby and incorporated herein for a more particular description of said tract.

Subject to powerline easement in favor of Murphy Power Board recorded in Book 480, Page 97, Cherokee County Registry.

Subject to Restrictive Covenants recorded in Book 556, Page 85, Cherokee County Registry, and recorded herein by reference.

Grantor hereby conveys to Grantees a non-exclusive, perpetual right of way and easement thirty (30) feet in width, fifteen (15) feet each side of the centerline, over and across existing access roads known as Birch Drive and Oak Drive, for purpose of providing vehicular ingress, egress and regress between above Lot and main Tarheel access road (being a 60 foot right of way) and to Cardinal Road, being

a sixty (60) foot access road leading to State Road 1398, and for utilities.

Excepted and reserved in this conveyance is a non-exclusive, perpetual right of way and easement thirty (30) feet in width, fifteen (15) feet each side of the centerline, over and across existing access roads known as Birch Drive and Oak Drive, for purpose of providing vehicular ingress, egress and regress between above Lot and main Tarheel access road (being a 60 foot right of way) and to Cardinal Road, being a sixty (60) foot access road leading to State Road 1398, and for utilities.

Grantor hereby conveys to Grantees, their heirs and assigns, a non-exclusive, perpetual right to use Cardinal Road and other main Tarheel access roads, said main Tarheel access roads being sixty (60) feet in width (30 feet each side of the centerline) for purpose of ingress, egress, regress and utilities leading to State Road 1398.

Excepted and reserved in this conveyance is a non-exclusive, perpetual right to use Cardinal Road and other main Tarheel access roads, said main Tarheel access roads being sixty (60) feet in width (30 feet each side of the centerline) for purpose of ingress, egress, regress and utilities leading to State Road 1398.

#### TRACT FIVE

That certain tract or parcel of land containing 0.91 acres, more or less, designated as Lot 13 of Tract 20, Tarheel Properties, in Murphy Township, Cherokee County, North Carolina, and being more particularly described according to a plat of survey dated April 14, 1988, by Phillip G. Allen, R.L.S., and as filed for record in Plat Cabinet A, Slide 49, Cherokee County Registry, reference to said plat of survey being made hereby and incorporated herein for a more particular description of said tract.

Subject to powerline easement in favor of Murphy Power Board recorded in Book 480, Page 97, Cherokee County Registry.

Subject to Restrictive Covenants recorded in Book 556, Page 85, Cherokee County Registry, and recorded herein by reference.

Grantor hereby conveys to Grantees a non-exclusive, perpetual right of way and easement thirty (30) feet in width, fifteen (15) feet each side of the centerline, over and across existing access roads known as Birch Drive and Oak Drive, for purpose of providing vehicular ingress, egress and regress between above Lot and main Tarheel access road (being a 60 foot right of way) and to Cardinal Road, being a sixty (60) foot access road leading to State Road 1398, and for utilities.

Excepted and reserved in this conveyance is a non-exclusive, perpetual right of way and easement thirty (30) feet in width, fifteen (15) feet each side of the centerline, over and across existing access roads known as Birch Drive and Oak Drive, for purpose of providing vehicular ingress, egress and regress between above Lot and main Tarheel access road (being a 60 foot right of way) and to Cardinal Road, being a sixty (60) foot access road leading to State Road 1398, and for utilities.

Grantor hereby conveys to Grantees, their heirs and assigns, a non-exclusive, perpetual right to use Cardinal Road and other main Tarheel access roads, said main Tarheel access roads being sixty (60) feet in width (30 feet each side of the centerline) for purpose of ingress, egress, regress and utilities leading to State Road 1398.

Excepted and reserved in this conveyance is a non-exclusive, perpetual right to use Cardinal Road and other main Tarheel access roads, said main Tarheel access roads being sixty (60) feet in width (30 feet each side of the centerline) for purpose of ingress, egress, regress and utilities leading to State Road 1398.

**To Have and to Hold** the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever, (subject to the terms, conditions, covenants, restrictions, exceptions and reservations hereinabove stated, if any).

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 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**, 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.

Samuel Ray McHan (SEAL)  
Samuel Ray McHan

\_\_\_\_\_ (SEAL)

State of NORTH CAROLINA, County of CHEROKEE

I, Glenda M. Gardner, a Notary Public of Said State and County, do  
(Notary's Name Printed Above)

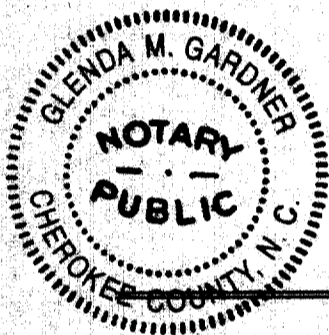
hereby certify that SAMUEL RAY McHAN, either being personally known to me or proven by satisfactory evidence (said evidence being \_\_\_\_\_), personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by he/she/them for the purposes stated herein.

Witness my hand and Notarial Seal, this 14<sup>th</sup> day of March, 2007

My Commission Expires: 6-25-2010

Glenda M. Gardner  
Signature of Notary Public

Glenda M. Gardner  
Printed or Typed Name of Notary Public



Hyde, Hoover & Lindsay  
Attorneys at Law

84 Valley River Ave.  
P.O. Box 580  
Murphy, North Carolina 28906  
PHONE: (828) 837-6393

DEED STAMPS: \$ \_\_\_\_\_