

2006008673
TRANSYLVANIA CO, NC FEE \$20.00
STATE OF NC REAL ESTATE EXT
\$364.00
PRESENTED & RECORDED:
10-18-2006 10:09:37 AM
CINDY M OWNBEY
REGISTER OF DEEDS
BY: D REE MCCALL
DEPUTY REGISTER OF DEEDS
BK:DOC 374
PG:802-804

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$364.00

KS

Parcel Identifier No. _____ Verified by _____ County on the 18 day of Oct, 2006

By: _____

Mail/Box to: **BRIAN PHILIPS, ATTORNEY**

This instrument was prepared by:

SHELTON JONES, ATTORNEY, STRAUS PARK, 5 PARK PLACE, BREVARD, NC 28712

Brief description for the Index: _____

THIS DEED made this _____ day of **October**, 2006, by and between

GRANTOR

MARY AKERS CATHEY, a widow

GRANTEE

THOMAS J. MCMAHON and wife

BONNIE J. MCMAHON

124 Hazel Court, Brevard, NC 28712

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

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 or parcel of land situated in the City of _____, **Brevard Township**, Transylvania County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book **DOC 303**, Page **424-427**.

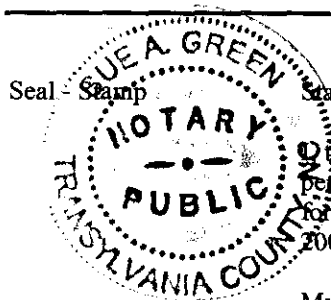
A map showing the above described property is recorded in **BOOK** ___, **PAGE** ___.

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 fee and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.


 (SEAL)
MARY AKERS CATHEY



Seal - Stamp State of North Carolina - County of Transylvania

The undersigned Notary Public of the County and State aforesaid, certify that **MARY AKERS CATHEY** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 18 day of **October**, 2006.

My Commission Expires: September 3, 2007


Notary Public Sue A. Green

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. _____ Register of Deeds for

By: _____ County _____ Deputy/Assistant - Register of Deeds

EXHIBIT "A"
DEED FROM MARY AKERS CATHEY
TO
THOMAS J. MCMAHON and wife, BONNIE J. MCMAHON

BEGINNING at an iron pin located in the northeast margin of the right of way of Elm Bend Road at the point of intersection of said margin of the right-of-way of said road with the south margin of the fifty foot wide right-of-way of Warren Lane and runs thence, leaving the northeast margin of the right-of-way of Elm Bend Road and along the south margin of the fifty foot wide right-of-way of Warren Lane, N 53 deg. 18 min. E 96.98 ft. to a stake; thence still along the margin of the right of way of Warren Lane, N 00 deg. 18 min. E 24.00 ft. to an iron pin, said iron pin being the northernmost corner of Lot No. 7 of the A.L. Warren property as shown on an unrecorded plat of Lots 6 and 7 (Revised) prepared by P.R. Raxter, RLS, dated June, 1979 and designated as Drawing No. W-2 6 (785), said iron pin being a common corner of Lots Nos. 6 and 7; thence leaving the margin of the fifty foot wide right of way of Warren Lane and along the dividing line between Lots Nos. 6 and 7 the following two (2) calls: S 56 deg. 55 min. 45 sec. E 44.43 ft. to an iron pin and S 89 deg. 42 min. E 66.84 ft. to an iron pin located in the western property line of Lot No. 9, said iron pin being the southeast corner of Lot No. 6 and the easternmost corner of Lot No. 7; thence leaving the dividing line between Lots Nos. 6 and 7 and along the dividing line between Lots Nos. 7 and 9, S 03 deg. 53 min. W 77.54 ft. to an iron pin, said iron pin being a common corner of Lots Nos. 7, 8 and 9; thence leaving the dividing line between Lots Nos. 7 and 9 and along the dividing line between Lots Nos. 7 and 8, S 44 deg. 00 min. W 120.38 ft. to an iron pin located in the northeast margin of the right-of-way of Elm Bend Road, said iron pin being the southernmost corner of Lot No. 7 and the westernmost corner of Lot No. 8; thence leaving the dividing line between Lots Nos. 7 and 8 and along the northeast margin of the right-of-way of Elm Bend Road the following two (2) calls: N 38 deg. 03 min. W 94.67 ft. to a stake and N 47 deg. 35 min. W 47.11 ft. to the BEGINNING. Containing 0.424 acres, more or less, as shown on an unrecorded plat prepared by P.R. Raxter, RLS, dated June, 1979, and designated as Drawing No. W-2 6 (785), and being all of Lot No. 7 of the property of A.L. Warren and shown on the plat hereinabove referred to.

This conveyance is made subject to the rights-of-way of any portions of Warren Lane and Elm Bend Road which may traverse the land hereinabove described, to all rights-of-way for public utilities appearing of record and to the rights-of-way of all utility lines which may presently traverse the property.

This conveyance is made subject to the restrictions contained in a deed recorded in Deed Book 260, Page 444, Transylvania County Registry.

Being all the same property described in a deed from Clementina L. Petersen (widow of William J. Petersen) to Beulah Berkshire Winn and husband George L. Winn dated June 19, 1985, Deed Book 277, Page 76, Transylvania County Registry.

260 444

✓
TRAN-
SYLVANIA
COUNTY

STATE OF
NORTH
CAROLINA



Real Estate
Excise Tax

JUL 26 '83

RE. N. T.

86.50

Filed for registration on the 25 day of July
1983 at 1:30 o'clock P.M. and registered and
verified on the 25 day of July 1983
In Book No. 260 of page 444

Fred H. H. H. H.
Register of Deeds, Transylvania County

7-25-83
rs

Revenue - \$86.50
Excise Tax

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to RAMSEY, SMART, RAMSEY & PRATT, P. A.
Post Office Box 949, Brevard, North Carolina 28712
This instrument was prepared by Gayle E. Ramsey
Brief description for the Index _____

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 20th day of July, 1983, by and between

GRANTOR

GENE R. SWOPE and wife,
KAREL S. SWOPE,

GRANTEE

WILLIAM J. PETERSEN and wife,
CLEMENTINA L. PETERSEN,

37033

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

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 or parcel of land situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

Being all of the land described on the page which is attached hereto, designated as Exhibit "A" and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....

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.

.....
(Corporate Name)

BY:

.....
President

ATTEST:

.....
Secretary (Corporate Seal)

USE BLACK INK ONLY

Gene R. Swope (SEAL)

Karel S. Swope (SEAL)

SEAL-STAMP

NORTH CAROLINA, TRANSYLVANIA County.

I, a Notary Public of the County and State aforesaid, certify that GENE R. SWOPE and wife, KAREL S. SWOPE, Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 25th day of July 1983.

My commission expires: July 7, 1985 Nancy W. Deaver Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that Secretary of

..... a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by as its Secretary.

Witness my hand and official stamp or seal, this day of, 19.....

My commission expires: Notary Public

The foregoing Certificate(s) of Nancy W. Deaver, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Fred H. Israel REGISTER OF DEEDS FOR TRANSYLVANIA COUNTY

By Deputy/Assistant - Register of Deeds

BEGINNING at an iron pin located in the northeast margin of the right-of-way of Elm Bend Road at the point of intersection of said margin of the right-of-way of said road with the south margin of the fifty foot wide right-of-way of Warren Lane and runs thence, leaving the northeast margin of the right-of-way of Elm Bend Road and along the south margin of the fifty foot wide right-of-way of Warren Lane, North 53 deg. 18 min. East 96.98 feet to a stake; thence still along the margin of the right-of-way of Warren Lane, North 00 deg. 18 min. East 24.00 feet to an iron pin, said iron pin being the northernmost corner of Lot No. 7 of the A. L. Warren property as shown on an unrecorded plat of Lots 6 and 7 (Revised) prepared by P. R. Raxter, RLS, dated June, 1979, and designated as Drawing No. W-2 6 (785), said iron pin being a common corner of Lots Nos. 6 and 7; thence leaving the margin of the fifty foot wide right-of-way of Warren Lane and along the dividing line between Lots Nos. 6 and 7 the following two (2) calls: South 56 deg. 55 min. 45 sec. East 44.43 feet to an iron pin and South 89 deg. 42 min. East 66.84 feet to an iron pin located in the western property line of Lot No. 9, said iron pin being the southeast corner of Lot No. 6 and the easternmost corner of Lot No. 7; thence leaving the dividing line between Lots Nos. 6 and 7 and along the dividing line between Lots Nos. 7 and 9, South 03 deg. 53 min. West 77.54 feet to an iron pin, said iron pin being a common corner of Lots Nos. 7, 8 and 9; thence leaving the dividing line between Lots Nos. 7 and 9 and along the dividing line between Lots Nos. 7 and 8, South 44 deg. 00 min. West 120.38 feet to an iron pin located in the northeast margin of the right-of-way of Elm Bend Road, said iron pin being the southernmost corner of Lot No. 7 and the westernmost corner of Lot No. 8; thence leaving the dividing line between Lots Nos. 7 and 8 and along the northeast margin of the right-of-way of Elm Bend Road the following two (2) calls: North 38 deg. 03 min. West 94.67 feet to a stake and North 47 deg. 35 min. West 47.11 feet to the BEGINNING. Containing 0.424 acres, more or less, as shown on an unrecorded plat prepared by P. R. Raxter, RLS, dated June, 1979, and designated as Drawing No. W-2 6 (785), and being all of Lot No. 7 of the property of A. L. Warren as shown on the plat hereinabove referred to.

This conveyance is made subject to the rights-of-way of any portions of Warren Lane and Elm Bend Road which may traverse the land hereinabove described, to all rights-of-way for public utilities appearing of record and to the rights-of-way of all utility lines which may presently traverse the property.

There is also conveyed hereby and herewith the refrigerator and all kitchen appliances which are presently located within the house which is situated on the lot hereinabove described.

This conveyance is also made subject to the following restrictions:

1. No structures may be built or placed on the property other than those structures which are already located on the property, however, additions may be made to the house which is presently located on the lot provided that any such additions are physically attached to and incorporated in the existing house.
2. No structures of a temporary character, mobile home, trailer, recreational vehicle, tent, shack, garage, carport, shed or other out buildings shall be used at any time as a residence either temporarily or permanently.

Being all of the same land described in a deed from Alonzo L. Warren and wife, Doris Tweed Warren, to Gene R. Swope and wife, Karel S. Swope, dated February 19, 1982, and recorded in Book 252, page 982, Records of Deeds for Transylvania County, North Carolina.