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Filed for registration on the 15 day of April  
2003 at 12:50 clock P m. and registered and  
verified on the 15 day of April 2003

in book no: 157 of page 480

Cindy M. Conway  
By: Cheresa D. Milton Deputy  
Register of Deeds, Transylvania County

REAL ESTATE EXCISE  
TAX PAID: \$ 72.00 p.c.s

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$72.00

Parcel Identifier No. \_\_\_\_\_ Verified by Transylvania County on the 15 day of April, 2003  
By: DW

Mail/Box to: RAMSEY, HILL, SMART, RAMSEY & PRATT, P.A., 1 N. Gaston St., Brevard, NC 28712

This instrument was prepared by: GAYLE E. RAMSEY

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 11 day of April, 2003, by and between

GRANTOR	GRANTEE
NILSA VARGAS LOBDELL as Trustee of the trusts established under the terms of the Last Will and Testament of David Lobdell (Deceased)	JIM J. HEFFEL and wife, CHERIE A. HEFFEL  2250 Asheville Highway Pisgah Forest, NC 28768

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 n/a, Boyd Township, Transylvania County, North Carolina and more particularly described as follows:

BEING ALL OF THE SAME 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 Book \_\_\_\_\_ page \_\_\_\_\_.

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

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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, other than the following exceptions:

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

Nilsa Vargas Lobdell (SEAL)  
Nilsa Vargas Lobdell as Trustee of the trusts  
established under the terms of the Last Will  
and Testament of David Lobdell (Deceased)

Jim J. Heffel (SEAL)  
Jim J. Heffel

Cherie A. Heffel (SEAL)  
Cherie A. Heffel

STATE OF NORTH CAROLINA, County of Transylvania

I, the undersigned Notary Public of the County and State aforesaid, certify that NILSA VARGAS LOBDELL as Trustee of the trusts established under the terms of the Last Will and Testament of David Lobdell (Deceased) 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 11<sup>th</sup> day of April, 2003.



Suzanne Gore  
Notary Public

STATE OF NORTH CAROLINA, County of Transylvania

I, the undersigned Notary Public of the County and State aforesaid, certify that JIM J. HEFFEL and wife, CHERIE A. HEFFEL, 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 14<sup>th</sup> day of April, 2003.



Suzanne Gore  
Notary Public

The foregoing Certificate(s) of Suzanne Gore 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.

By: Andy M. Overberg Register of Deeds for Transylvania County  
By: Jessica D. Patton Deputy/Assistant - Register of Deeds

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**EXHIBIT "A" TO A DEED FROM LOBDELL TO HEFFEL**

Being all of that certain tract of land containing 7.565 acres, more or less, as shown on a plat entitled, "Plat of Recombination Survey for Jim J. Heffel and wife, Cherie A. Heffel," prepared by Robert E. Parker, PLS, and recorded in the office of the Register of Deeds for Transylvania County in Plat File 10, Slide 122.

There is also conveyed hereby the non-exclusive right to use water from the spring located above Tinsley Road on other lands belonging to Lobdell and a right of way to said spring for the construction, operation and maintenance of waterlines running from said spring to the land hereinabove described.

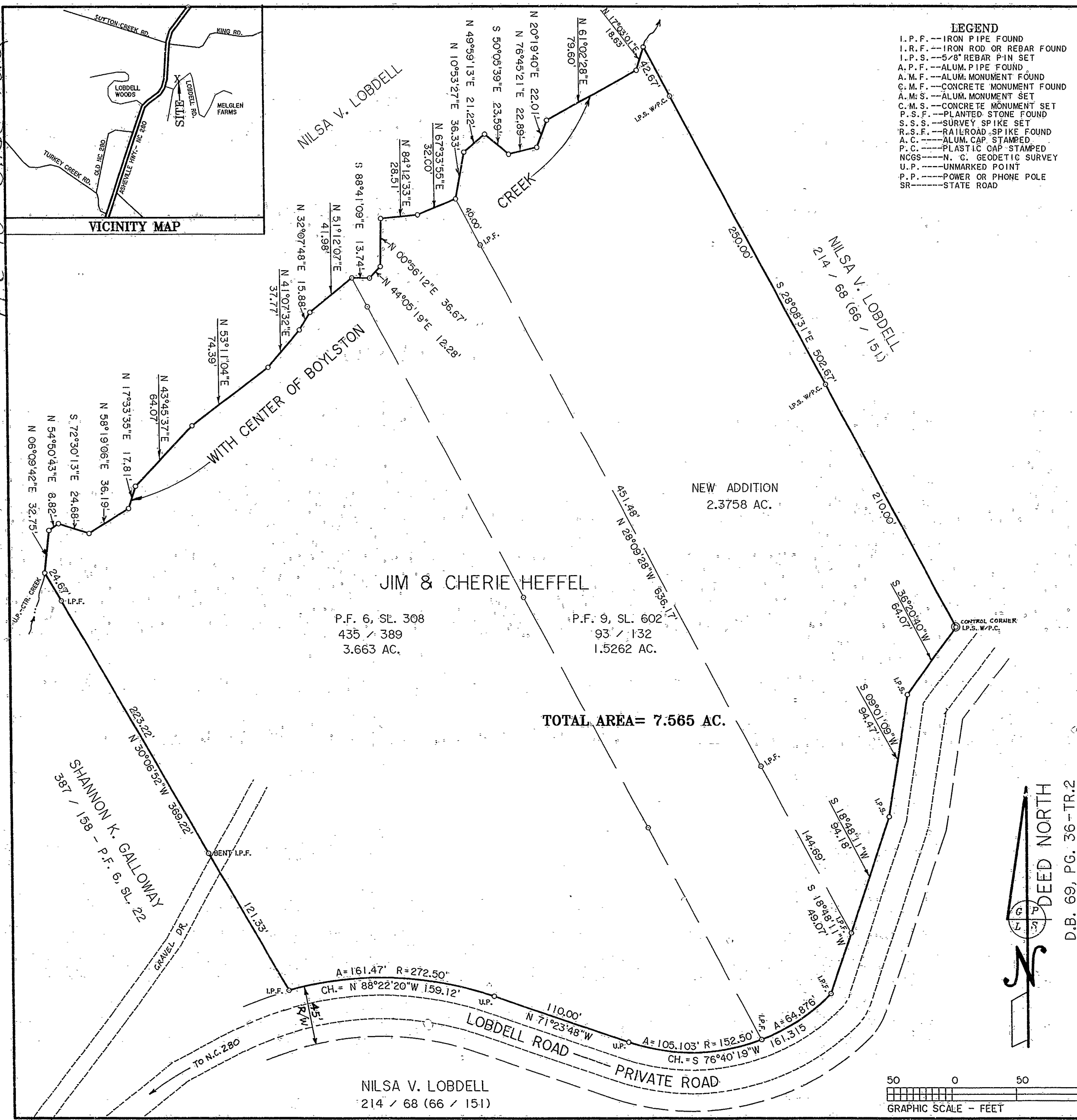
There is also conveyed hereby a right of way to the public road (N.C. Highway 280) over and along Lobdell Road, with it being understood and agreed that the Grantee shall pay a prorata share of the cost of repairing and maintaining Lobdell Road in common with the other users thereof.

With the exception of that 3.663 acre portion of the land hereinabove described which was previously conveyed to the Grantee in a deed recorded in Book 435, page 389, Records of Deeds for Transylvania County, this conveyance is made subject to the following restrictions:

1. No lot shall be used except for residential purposes.
2. No dwelling shall be permitted on the property unless the same shall have a minimum of 700 square feet of heated living area.
3. No structure of a temporary character such as a trailer, tent, shack or other out building shall be used at any time as a residence.
4. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that cats, dogs, rabbits, chickens or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes and provided further that they are not kept in excessive numbers so as to constitute a nuisance to neighbors.
5. The property shall not be used or maintained for a garbage dumping ground for rubbish. No motor vehicles not in running condition are permitted on the property except while the same are under repair. In such event no more than two vehicles under repair are permitted on the premises.
6. The restrictions limiting the use of the Property for residential purposes shall not be construed as to prohibit a home occupation being located on the property. Home occupation is defined as any use conducted entirely within a dwelling and carried on by the occupants thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes, which does not change the character thereof and where no person not a resident of the premises is employed.
7. No firearms may be discharged on the property nor shall any hunting of any type be permitted on the property.

The covenants of title hereinafter set forth shall only be applicable to that portion of the land hereinabove described containing 2.3758 acres, more or less, which is designated as "New Addition" on said plat.

The covenants of title hereinafter set forth shall not be applicable to the individuals herein designated as Grantee who join the execution of this deed for the purpose of sole subjecting the lands acquired by them in a deed recorded in the office of the Register of Deeds for Transylvania County in Document Book 93, page 132, to the restrictive covenants which are set out in this deed.



**I. ROBERT E. PARKER, PROFESSIONAL LAND SURVEYOR.**

CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN

THAT THE RATIO OF PRECISION AS CALCULATED IS 1:8,000

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 28th DAY OF MARCH A.D., 2003.

*Robert E. Parker*  
SURVEYOR

LICENSE NO. L-1479

**ROBERT E. PARKER**  
PROFESSIONAL LAND SURVEYOR  
SEAL  
L-1479  
NORTH CAROLINA

I, ROBERT E. PARKER, P.L.S., CERTIFY THAT THIS PLAT IS A RECOMBINATION SURVEY AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET AND IS EXEMPT FROM THE SUBDIVISION ORDINANCE OF TRANSYLVANIA COUNTY.

*Robert E. Parker*  
SURVEYOR

COUNTY OF TRANSYLVANIA  
STATE OF NORTH CAROLINA

PRESENTED FOR REGISTRATION AND RECORDED IN PLAT FILE 10 SLIDE 122

THIS 15 DAY OF April, 2003 AT 9:00 O'CLOCK A.M.

*Cindy M. Owsen*  
REGISTER OF DEEDS

*By Cheresa D. Morton*  
Deputy

STATUTORY CLASSIFICATION: G.S. 47-30 (1)(1)(d)

State of North Carolina County of Transylvania:

I, *Trish Hamill*, Review Officer of Transylvania County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

*Trish Hamill*  
Review Officer

*4/15/03*  
Date

**PLAT OF RECOMBINATION SURVEY**  
**FOR**  
**JIM J. HEFFEL**  
**AND WIFE,**  
**CHERIE A. HEFFEL**  
**BOYD TOWNSHIP--TRANSYLVANIA COUNTY**  
**NORTH CAROLINA**

BEING A RECOMBINATION OF A PORTION OF THE NILSA V. LOBDELL LANDS DESCRIBED IN D.B. 66, PG. 151 WITH THE PROPERTY OF JIM AND CHERIE HEFFEL'S EXISTING TRACTS DESCRIBED IN D.B. 435, PG. 308 AND D.B. 93, PG. 132.

**GENE PARKER**  
**LAND SURVEYS**

43 TARKILN MTN. DRIVE  
HORSE SHOE, N.C. 28742--(828) 891-8373

DATE: MARCH 26, 2003  
TAX P.I.N. #: 9508-55-7890

SCALE: 1" = 50'

DRAWING NO.: 96004C-B1