

2005015719  
 TRANSYLVANIA CO, NC FEE \$23.00  
 NO TAXABLE CONSIDERATION  
 PRESENTED & RECORDED:  
 10-20-2005 11:08:56 AM  
 CINDY M OWNBEY  
 REGISTER OF DEEDS  
 BY: D REE MCCALL  
 DEPUTY REGISTER OF DEEDS  
 BK: DOC 314  
 PG: 295-298

Please mail after recording to: Don Jordan

10/20/05 *DW*

This instrument was prepared by: Law Office of Clark H. Campbell

USM149239

Brief Description for the Index -

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED, made this 13th day of October 2005, by and between **UNITED STATES OF AMERICA**, by and through the United States Marshal Service, hereinafter referred to as "Grantor", party of the first part; and **Alice Faye Smith and Kenneth W. Smith**, hereinafter referred to as "Grantee", party of the second part.

*Wife - husband*

Tax address: \_\_\_\_\_

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, subject to the matters described herein, grant, bargain, sell and convey unto the Grantee in fee simple, and with SPECIAL WARRANTY, all that certain lot or parcel of land situated in the City of Lake Toxaway, Transylvania County, North Carolina and more particularly described below Grantor, in fee simple and with SPECIAL WARRANTY OF TITLE, all that certain lot or parcel of land, together with the improvements thereon and appurtenances thereunto, as described below. Grantor covenants to specially warrant the title to the property hereby conveyed against any claim or action arising from the federal case styled "UNITED STATES OF AMERICA v. Marc Dolon Gee, Criminal Action Number 1:04CR86-4 decided in the United States District Court for

Western District, Asheville Division, the resultant Decree of Forfeiture, dated June 10, 2005, being recorded on August 9, 2005 among the land records of Transylvania County, North Carolina in Book 301 at Page 585. Said property being situate in the County of Transylvania, North Carolina, having an address of 3.16 Acres, Lake Toxaway, NC. 28747 and being more particularly described as follows, to-wit:

See attached

This conveyance is made subject to the conditions, restrictions, easements and rights-of-way found in the Deeds and other documents forming the chain of title.

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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

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

Easements, Rights of Way, Conditions, Covenants and Restrictions of record; and any lien for current year's real estate ad valorem taxes, and any taxes and assessments not yet due and payable.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name in the ordinary course of business by its duly authorized officer, the day and year first above written.

WITNESS the following Signatures and Seals:

UNITED STATES OF AMERICA

*Kelly M. Nossit*

*Acting U.S. Marshal* (SEAL)

By and Through: United States Marshals Service

By: *Kelly M. Nossit*

STATUTORY AUTHORITY: 28 CFR 0.156

STATE OF North Carolina :  
COUNTY OF Lincoln :

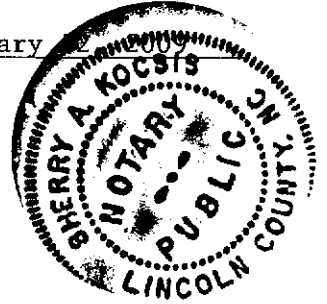
I hereby certify that on this 13th day of October 2005, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Kelly M. Nesbit, acting U.S. Marshal of the United States Marshals Service, on behalf of the United States of America, whose name is subscribed to the within instrument, and acknowledged the foregoing deed to be his/her act under authority of the Grantor.

*Sherry A. Kocsis*  
\_\_\_\_\_

Sherry A. Kocsis

Notary Public

My Commission Expires: January



## EXHIBIT "A"

BEGINNING on an existing iron pin in the center of S.R. 1315 and said pin also being the South East corner of the Henderson tract recorded in Deed Book 287, Page 188, Transylvania County Registry, thence running with said road, South 16 deg. 14 min. West 84.09 feet to an existing iron pin, thence South 18 deg. 59 min. West 33.05 feet to a point, thence South 32 deg. 05 min. East 49.96 feet, thence South 12 deg. 30 min. East 90.60 feet, thence South 17 deg. West 84.71 feet, thence South 15 deg. 02 min. East 61.83 feet to a point, said point being the North East corner of the Sprague tract recorded in Deed Book 341, Page 391, Transylvania County Registry, thence with the Sprague line and leaving the S.R. 1315, South 52 deg. 30 min. 46 sec. West 20.93 feet to an existing iron pin, thence South 52 deg. 30 min. 46 sec. West 241.49 feet to a planted stone in the Eastern corner of the Wilson tract recorded in Deed Book 173, Page 700, Transylvania County Registry, thence with said line, North 11 deg. 31 min. 49 sec. West 284.28 feet to an existing iron pin, thence North 13 deg. 06 min. 05 sec. West 464.10 feet to a concrete monument an stone, thence leaving Wilson tract line and running with the line of the Henderson tract recorded in Deed Book 287, Page 188, Transylvania County Registry, South 45 deg. 39 min. 30 sec. East 261.78 feet to an existing iron pin, thence South 88 deg. 36 min. East 179.93 feet to the point and place of BEGINNING.

This conveyance is a consolidation of 2 contiguous tracts referred to in Deed Book 249, Page 455 and Book 215, Page 214, Transylvania County Registry. Total acreage of the 2 tracts being 3.16 acres. Surveyed by Clarence A. Jenkins, RLS, dated November 27, 1991, job no. 91-247, of which is refence herein.

Herein conveyed a right-of-way 16 feet in width along the existing driveway to its conection with S.R. 1315, with the maintenance of said driveway to be pro-rated by all parties using the same and evidenced by a road maintenance agreement recorded in Deed Book 247, Page 435, Transylvania County Registry.