

Issued Jun 21 2005
\$214.00
State of POLK
North Carolina County
Real Estate Excise Tax

FILED in POLK County, NC
on Jun 21 2005 at 10:44:26 AM
by: SHEILA W. WHITMIRE
REGISTER OF DEEDS
BOOK 328 PAGE 1724

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ ~~214.00~~ 214.00

Tax Lot No. _____ Parcel Identifier No. _____

Mail after recording to Van Winkle, Buck, Wall, Starnes, & Davis, P.A. Attorney's Initials MMT
422 South Main Street, Hendersonville, North Carolina 28792-5304

This instrument was prepared by Van Winkle, Buck, Wall, Starnes, & Davis, P.A.

Brief description for the Index: Tract Polk County (Document Preparation Only)

THIS DEED made this 04 day of June, 2005, by and between:

GRANTOR

BARBARA B. JOHNSON, Widow
(aka Barbara A. Johnson)
(Life Tenant); and,
CARL JAMES JOHNSON, III,
(a 1/4 undivided interest)
and wife,
AMY LUNDY JOHNSON
SHIRLEY JEAN THOMPSON,
(a 1/4 undivided interest)
and husband
GENE THOMPSON; AND
RUTH ANN WHITE, UNMARRIED
(a 1/4 undivided interest); AND
MICHAEL PATRICK MEINERS,
UNMARRIED
(a 1/4 undivided interest)

GRANTEE

CARL JAMES JOHNSON, III,
and wife,
AMY LUNDY JOHNSON

Whose mailing address is:
255 Robin Lane
Saluda, NC 28773

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

**SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE.**

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 198, at Page 1099, Henderson County Registry.

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 Grantee in fee simple.

And Grantor covenants with 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 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:

Easements, covenants, conditions and restrictions of record; 2005 ad valorem taxes; and utilities physically located on the property

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed by its duly authorized representative the day and year first above written.

Barbara B. Johnson, Widow (aka Barbara A. Johnson) (Life Tenant)
By and through her attorney in fact Shirley Jean Thompson (Seal)
Barbara B. Johnson, Widow (aka Barbara A. Johnson) (Life Tenant) By and through her attorney in fact Shirley Jean Thompson

SEE ATTACHED (Seal)
Carl James Johnson, III

SEE ATTACHED (Seal)
Shirley Jean Thompson

SEE ATTACHED (Seal)
Amy Lundy Johnson

SEE ATTACHED (Seal)
Gene Thompson

SEE ATTACHED (Seal)
Ruth Ann White, Unmarried

SEE ATTACHED (Seal)
Michael Patrick Meiners, Unmarried

SEAL-STAMP

STATE OF MISSOURI COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that SHIRLEY JEAN THOMPSON AND HUSBAND, GENE THOMPSON, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Sworn to and subscribed to before me. Witness my hand and official stamp or seal, this _____ day of _____ May _____, 2005.

My commission expires: _____

See attached

Notary Public

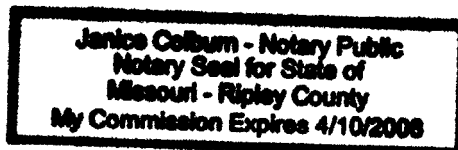
SEAL-STAMP

STATE OF MISSOURI COUNTY OF Ripley

I, Janice Colburn Notary Public for said County and State, do hereby certify that SHIRLEY JEAN THOMPSON, Attorney in Fact for BARBARA B. JOHNSON (AKA BARBARA A. JOHNSON), personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of the said BARBARA B. JOHNSON (AKA BARBARA A. JOHNSON), and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds in the County of Henderson, State of North Carolina, on the 22 day of June, 2005 in Deed Book 1230 at Page 222 Henderson County Registry and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney. I do further certify that the said SHIRLEY JEAN THOMPSON acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said BARBARA B. JOHNSON (AKA BARBARA A. JOHNSON). Witness my hand and official seal and sworn to and subscribed by me this the 14 day of June, 2005 and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney.

My Commission Expires 4-10-08

Janice Colburn
Notary Public



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

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SEE ATTACHED (Seal)
Barbara B. Johnson, Widow (aka Barbara A. Johnson) (Life Tenant) By and through her attorney in fact Shirley Jean Thompson

Carl James Johnson III (Seal)
Carl James Johnson, III

SEE ATTACHED (Seal)
Shirley Jean Thompson

Amy Lundy Johnson (Seal)
Amy Lundy Johnson

SEE ATTACHED (Seal)
Gene Thompson

SEE ATTACHED (Seal)
Ruth Ann White, Unmarried

SEE ATTACHED (Seal)
Michael Patrick Meiners, Unmarried

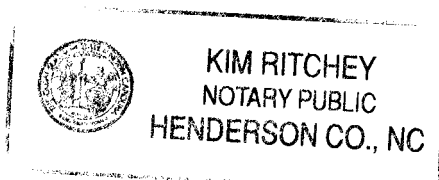
SEAL-STAMP

STATE OF NORTH CAROLINA COUNTY OF HENDERSON
I, Kim Ritchey, a Notary Public of the County and State aforesaid, certify that CARL JAMES JOHNSON, III AND WIFE, AMY LUNDY JOHNSON, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Sworn to and subscribed to before me. Witness my hand and official stamp or seal, this 10th day of May, 2005.

My commission expires: 8/13/07

[Signature]
Notary Public

(Please use this area if additional space is needed to show entire notarial seal)



(NOTARY - PLEASE MAKE SURE YOUR ENTIRE NOTARY SEAL IS SHOWING AND THAT NOTHING GOES WITHIN THE 1/2" MARGIN OF THE EDGE OF THE PAGE)

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Barbara B. Johnson by Shirley Jean Thompson Attorney-in-Fact (Seal)
Barbara B. Johnson, Widow (aka Barbara A. Johnson) (Life Tenant) By and through her attorney in fact Shirley Jean Thompson

SEE ATTACHED (Seal) Shirley Jean Thompson (Seal)
Carl James Johnson, III Shirley Jean Thompson

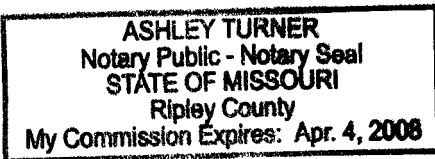
SEE ATTACHED (Seal) Gene Thompson (Seal)
Amy Lundy Johnson Gene Thompson

SEE ATTACHED (Seal) SEE ATTACHED (Seal)
Ruth Ann White, Unmarried Michael Patrick Meiners, Unmarried

SEAL-STAMP

STATE OF MISSOURI COUNTY OF Ripley
I, Ashley Turner, a Notary Public of the County and State aforesaid, certify that SHIRLEY JEAN THOMPSON AND HUSBAND, GENE THOMPSON, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Sworn to and subscribed to before me. Witness my hand and official stamp or seal, this 8th day of May June, 2005.

My commission expires: Apr 4, 2008 Ashley Turner
Notary Public



SEAL-STAMP

STATE OF MISSOURI COUNTY OF _____
I, _____, a Notary Public for said County and State, do hereby certify that SHIRLEY JEAN THOMPSON, Attorney in Fact for BARBARA B. JOHNSON (AKA BARBARA A. JOHNSON), personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of the said BARBARA B. JOHNSON (AKA BARBARA A. JOHNSON), and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds in the County of Henderson, State of North Carolina, on the ___ day of June, 2004 in Deed Book ___ at Page ___, Henderson County Registry and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney. I do further certify that the said SHIRLEY JEAN THOMPSON acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said BARBARA B. JOHNSON (AKA BARBARA A. JOHNSON). Witness my hand and official seal and sworn to and subscribed by me this the ___ day of June, 2005 and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney.

My Commission Expires _____

SEE ATTACHED
Notary Public

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Barbara B. Johnson, Widow (aka Barbara A. Johnson) (Life Tenant) By and through her attorney in fact Shirley Jean Thompson

SEE ATTACHED (Seal)
Carl James Johnson, III

SEE ATTACHED (Seal)
Shirley Jean Thompson

SEE ATTACHED (Seal)
Amy Johnson

SEE ATTACHED (Seal)
Gene Thompson

Ruth Ann White (Seal)
Ruth Ann White, Unmarried

SEE ATTACHED (Seal)
Michael Patrick Meiners, Unmarried

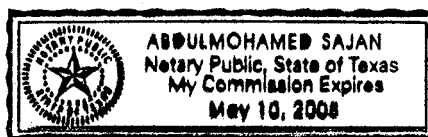
SEAL-STAMP

STATE OF TEXAS COUNTY OF DALLAS
I, ABDULMOHAMED SAJAN, a Notary Public of the County and State aforesaid, certify that RUTH ANN. WHITE, UNMARRIED ~~she~~ personally appeared before me this day and acknowledged the execution of the foregoing instrument. Sworn to and subscribed to before me. Witness my hand and official stamp or seal, this 8th day of June, 2005.

My commission expires: 05/10/2008

Abdul
Notary Public

(Please use this area if additional space is needed to show entire notarial seal)



(NOTARY - PLEASE MAKE SURE YOUR ENTIRE NOTARY SEAL IS SHOWING AND THAT NOTHING GOES WITHIN THE 1/2" MARGIN OF THE EDGE OF THE PAGE)

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Barbara B. Johnson, Widow (aka Barbara A. Johnson) (Life Tenant) By and through her attorney in fact Shirley Jean Thompson

SEE ATTACHED (Seal)
Carl James Johnson, III

SEE ATTACHED (Seal)
Shirley Jean Thompson

SEE ATTACHED (Seal)
Amy Lundy Johnson

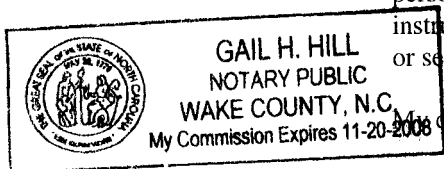
SEE ATTACHED (Seal)
Gene Thompson

SEE ATTACHED (Seal)
Ruth Ann White, Unmarried

Michael Patrick Meiners (Seal)
Michael Patrick Meiners, Unmarried

SEAL-STAMP

STATE OF NORTH CAROLINA COUNTY OF WAKE
I, Gail H. Hill, a Notary Public of the County and State aforesaid, certify that MICHAEL PATRICK MEINERS, UNMARRIED, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Sworn to and subscribed to before me. Witness my hand and official stamp or seal, this 9 day of June, 2005.



My Commission Expires: 11-20-2008 Gail H. Hill
Notary Public

(Please use this area if additional space is needed to show entire notarial seal)

Kim Ritchey, Janise Colburn, Ashley Turner, Abdulmohamed Sajan
NORTH CAROLINA, FOLK COUNTY
The undersigned of _____
Notary Public/Notary Public is/are certified to do so.
This instrument was filed for registration on the _____ day

of June, 2005 at 10:44 o'clock

A M, and recorded in this office in Book 328,

Page 1724 Shale W Whitmore By Shale J Ford asst
Register of Deeds

(NOTARY - PLEASE MAKE SURE YOUR ENTIRE NOTARY SEAL IS SHOWING AND THAT NOTHING GOES WITHIN THE 1/2" MARGIN OF THE EDGE OF THE PAGE)

EXHIBIT A

WHEREAS, by deed recorded May 11, 1988, in Deed Book 198, at Page 1099, Polk County Registry, Barbara B. Johnson and husband, Carl J. Johnson, reserved unto themselves life estates and conveyed the remainder interest in the subject property to Carl James Johnson, III (a ¼ undivided interest), Shirley Jean Thompson (a ¼ undivided interest), Ruth Ann White (a ¼ undivided interest) and Michael Patrick Meiners (a ¼ undivided interest); and

WHEREAS, Carl J. Johnson (a/k/a Carl J. Johnson, Jr.) died May 26, 1993, in St. Clair County, Illinois, as evidenced by a copy of his death certificate attached hereto and incorporated herein; and

WHEREAS, it is the intention of the grantors herein to convey all of their right, title and interest in and to the subject property (life estate and remainder interests) to the grantees herein in order that title may be vested in the grantees herein in fee simple absolute.

NOW, THEREFORE, THIS COVEYANCE:

TRACT ONE:

BEGINNING at an iron pin, said beginning point being the terminus of the eighth call in that certain deed dated August 13, 1945, from John W. Anderson, Widower, to Richard H. Anderson and wife, recorded in Deed Book 85, at Page 317, Polk County Registry, said beginning point also being the terminus of the second call in the description of Tract III in a certain deed dated December 31, 1945, from Bright R. McGee et vir, et al, to Thomas R. Baumgartner et ux, recorded in Deed Book 84, at Page 120, Polk County Registry; and running from said beginning point thence with the line of the property now or formerly belonging to I. F. Belser, North 58 degrees 19 minutes West (passing through an iron pin at 397.8 feet and a second iron pin at 997.8 feet) 1,697.8 feet to an iron pin at or near the northern margin of a road; thence with the line of the property now or formerly belonging to C. D. Johnson, North 63 degrees 23 minutes East 870 feet to an iron pin; thence North 26 degrees 53 minutes East (passing through an iron pin at 530 feet) 667 feet to an iron pin at or near the center of a road; thence North 10 degrees 36 minutes West 247 feet to an iron pin in the western margin of a road; thence North 00 degrees 11 minutes West 16.5 feet to an iron pin in the center line of a road; thence with the center line of said road, South 46 degrees 32 minutes East 200 feet to an iron pin; thence North 63 degrees 41 minutes East 130 feet to an iron pin at or near the southern margin of the Howard Gap Road; thence South 04 degrees 02 minutes East (passing through an iron pin at 20 feet and a second iron pin at 1,320 feet) 2,038.5 feet **TO THE POINT OF BEGINNING**, containing 28.59 acres, more or less, as shown and delineated as parcel one, "To C. J. & Barbara Johnson", on a plat entitled "Property Belonging to Thos. R. & Frances Baumgartner, Saluda Township, Polk County, N. Carolina", dated May 1, 1973, prepared by the Office of Howard B. Frankenfield, Jr., Forest Engineer and Surveyor, and reference is hereby made to such plat. This property is a portion of the property conveyed by Bright R. McGee et vir, et al, to Thomas R. Baumgartner et ux, by deed dated December 31, 1945, and recorded in Deed Book 84, at Page 120, Polk County. This property is conveyed subject to the following covenants and restrictions:

1. Grantees shall use access road as shown on the above referenced plat leading from the Howard Gap Road over and across a portion of the above described property together with the owners of parcels two and three as delineated on such above referenced plat.
2. Grantees shall bear their prorata share of the necessary upkeep and maintenance of such access road.
3. Grantees, together with the owners of parcels two and three, shall have the right to obtain water from that certain spring situated on parcel three and pump house situated on parcel two as the same are shown and delineated on the above referenced plat.

THIS is the same property described in a deed dated December 22, 1975, from Thomas R. Baumgartner and Frances Baumgartner, his wife, to Barbara B. Johnson and Carl J. Johnson, her husband, recorded in Book 163, at Page 1290, of the Office of the Register of Deeds of Polk County, North Carolina.

TRACT TWO:

BEGINNING at an existing iron pin, the southeastern terminus of the call reading “thence with the center line of Old Howard Gap Road, South 45 degrees East 178 feet to an iron pin in said old road” as set forth in the deed from Dan Johnson and wife, to C. D. Johnson and wife, recorded in Deed Book 160, at Page 1818, of the Polk County, North Carolina Registry; thence from said beginning point, North 21 degrees 11 minutes 15 seconds East 103.99 feet to a point in the center line of State Route 1122 (the new Howard Gap Road); thence with the center line of the new Howard Gap Road, South 79 degrees 37 minutes 37 seconds East 60.04 feet and South 87 degrees 07 minutes 53 seconds East 64.62 feet; thence a new line, South 62 degrees 46 minutes 42 seconds West 181.25 feet crossing a private drive **TO THE POINT AND PLACE OF BEGINNING**, containing 0.14 acre, more or less, as shown on the survey prepared by Sam T. Marlowe & Associates for Carl J. and Barbara Johnson, dated May 1, 1985 (Job. No. 1769C). The foregoing survey has been recorded in Slide A-230, Page 497, in the Office of the Register of Deeds for Polk County, North Carolina, reference to which is hereby made for greater certainty of description.

THIS is the same property described in a deed dated September 16, 1985, from C. D. Johnson and wife, Willie Johnson, to Barbara B. Johnson and husband, Carl J. Johnson, recorded in Deed Book 188, at Page 1424, of the Office of the Register of Deeds of Polk County, North Carolina.

TRACT THREE:

ALL of the property quitclaimed in the deed recorded in Deed Book 188, at Page 1424, of the Office of the Register of Deeds of Polk County, North Carolina, by the Grantor therein to the Grantee therein, which property is described therein as follows:

That property located to the east of the following described boundary:

BEGINNING at a point in the center line of State Route 1122 (the new Howard Gap Road), the northernmost corner of the 0.14-acre tract designated as Tract Two above; thence from said beginning point, South 21 degrees 11 minutes 15 seconds West 103.99 feet to the beginning corner of the 0.14-acre tract designated as Tract Two above; thence South 52 degrees 48 minutes 41 seconds West 69.01 feet; thence South 54 degrees 17 minutes 07 seconds West 63.47 feet; thence South 11 degrees 02 minutes 38 seconds East 37.74 feet; thence South 26 degrees 26 minutes 42 seconds West 136.76 feet.

THERE IS EXCEPTED from Tracts One, Two and Three above all of that property conveyed in a deed dated September 16, 1985, from Barbara B. Johnson and husband, Carl J. Johnson, to C. D. Johnson and wife, Willie Johnson, recorded in Deed Book 188, at Page 1426, of the Office of the Register of Deeds of Polk County, North Carolina.

BEING that identical property as described in deed recorded in Deed Book 198 at Page 1099, Polk County Registry.