Reading a deed and determining its stated intent



North Carolina

Land Records Management Program

North Carolina Department of the Secretary of State

North Carolina Department of the Secretary of State

Elaine F. Marshall, Secretary of State

Presented by: John B. Bridgers

Land Records Consultant

<u> Jbridgers@sosnc.com</u>

919-814-5400

Reading a Deed And determining its intent



How did we get where we are, today?

Our whole mess started, in



That was the year that



King Charles II was restored to the throne.

- As a reward, in 1663,
- he granted the territory of Carolina to 8 noblemen, the Lords Proprietors, for their help in his regaining the throne.



- On March 1, 1669,
- To govern their new land, the Lords Proprietors adopted what was called

THE FUNDAMENTAL CONSTITUTION OF CAROLINA

 Attempt to create a representative form of government in the colony in which many men could participate

Fundamental Constitution of Carolina (continued)

 No person above the age of 17 years shall have any estate or possession in Carolina or protection of the law who has not subscribed before the precinct register.

Fundamental Constitution of Carolina (continued)

 "— A true copy of these fundamental constitutions shall be kept in a great book by the register of every precinct, to be subscribed before the said register."

Fundamental Constitution of Carolina (continued)

- The whole province shall be divided into counties
- Each county shall consist of:
 - Eight signiories (Feudal territory held by a lord)
 - Eight baronies
 - Four precincts
 - -Each precinct was to consist of six colonies.



http://historical-county.newberry.org/website/North_Carolina/viewer.htm

Albermarle County was divided into four precincts

Currituck

Perquimans

Chowan

Pasquotank

MEANWHILE:







Back in Merry Olde England

English Parliament,



Eight years after the adoption of the Fundamental Constitution of Carolina,

Enacted the Statute of Frauds, In 1677,

Statute of Frauds:

- Certain <u>contracts</u> were judicially unenforceable,
- if there were not in writing
- <u>AND</u>
- not signed by the party or parties.

- Included in this list of
 - "certain contracts" are the sale or transfer of an interest in land.

- NCGS 22-2 Contract for sale of land; leases.
 - -All contracts:
 - —To Sell or convey
 - Any lands
 - Tenements
 - Or any interest in or concerning them
 - And all leases and contracts for leasing land for more than 3 years

GS 22-2 Contract for sale of land; leases.
 (continued)

—Shall be void

Unless put into writing

—And signed by the party

In North Carolina a valid deed must have:

- 1. A competent grantor
- 2. A grantee capable of holding title
- 3. A sufficient description of the property
- 4. Operative words of conveyance
- 5. Proper execution by the grantor
- 6. Proper delivery
- 7. Acceptance by the grantee that is adequate in law

 Without all seven components in place, the deed is not valid and does not convey any interest or title.

1. A COMPETENT GRANTOR

 Any natural person or persons (except one who lacks mental capacity) may convey land.

 Corporations & partnerships also have the right to convey real property



2. A GRANTEE CAPABLE OF HOLDING TITLE

 Non-human animals and inanimate objects are not capable of holding title.





IDIOT!!!

You can't deed your house to me.



3. A SUFFICIENT DESCRIPTION OF THE PROPERTY

 To be effective, a deed must describe the property. Information or a description is necessary to clearly and precisely single out the parcel as being identified as unique in entire world.



Exactly what is a deed Description?

 The embodiment of the intent of the Grantor to define what is being transferred to the Grantee.

- That Grantor can transfer no more than that to which he has title.
 - -(legally)

The description is a
"finding aid"
to locate on the Earth,
that intent.



25

 What is a <u>legally</u> sufficient description and what a mapper thinks is a sufficient description is not always the same. A valid and legal deed could say,

"all the remaining land from that parcel recorded in Deed Book 175 page 802."

What about?

 "... A lot shown on plat recorded in Plat Book <u>10</u> at Page <u>268</u>"

Sufficient description

 Although there are various reasons to declare a deed to be void, the lack of a sufficient description is generally the main reason.

 The general rule of thumb is that a legal description does not have to be perfect or even accurate, but it must identify the property to a degree that the corners can be located on the ground. While, we in the computerized GIS world, like for all our deed descriptions to close, perfectly,

 A description: beginning at a rock, to a tree, to a post, to a stream, to a stump, to a stake, and back to the rock is legal and perfectly valid if the rock, tree, post etc. can be identified. The deed description is not there to make it easy for the parcel to be mapped, plotted, or drawn.

• It is there to uniquely identify the parcel in the entire world.

4. OPERATIVE WORDS OF CONVEYANCE

Depending on:

the <u>jurisdiction</u>,
the <u>interest being conveyed</u>,
and <u>warranties</u> given by the grantor,
these can include:

- Grant and convey
- Grant, bargain, and sell
- Warrant and convey
- Sell and convey
- Grant, bargain, and sell, convey, and confirm

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	Date	Doc ID: 010892780008 Type: CRP Recorded: 11/18/2013 at 10:59:27 AM Fee Amt: 6186.00 Page 1 of 6 Hevenue Tax: \$130.00 Onsion County, NG Rebecca L. Polland Req. of Doeds BK 4084 Pc524-529	
	NORTH CAROLINA GENERAL WARRANTY DEED		
	Excise Tax: \$130.00		
	Parcel Identifier No. 005179 Verified by By:	County on the day of, 20	
	Mail/Box to: Dan Rizzo, Attorney, Post Office Box 2676, Surf Cit		
	This instrument was prepared by: Dan Rizzo, Attorney, Post Office	_	
	Brief description for the Index:		_
	THIS DEED made this 8th day of November	2013 by and between	_
	GRANTOR Hulon T. Brown and wife, Bonnie C. Brown Richard A. Shearer and wife, Betty J. Shearer and Margaret M. Cox, Widow and Donna Dowdy, Single and	GRANTEE Charles A. Hester, Jr. and wife, Allison H. Hester 509 Hillandalc Drivo Charlotte, NC 28270	
WITNESSETH that the		by the Creates, the receipt of which is	horabu aakraaydadaad haa aad
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 North Topsail		Township, Onslow	-
- ,		Township,	County, North Carolina
and more particularly described as follows:			
	and more particularly described as follows:	LOWINING, COURTY, NOTUS CAPORINA	
	See Exhibit "A" attached hereto and made a part hereof.		
	The property hereinabove described was acquired by Grantor by in		
	All or a portion of the property herein conveyed includes or X		
	A map showing the above described property is recorded in Plat B NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010		

Printed by Agreement with the NC Bar Association

5. PROPER EXECUTION BY THE GRANTOR

Means that the Grantor must sign the deed and the signature must be properly notarized.

PROPER EXECUTION BY THE GRANTOR

Even if a deed lists a person as a grantor but that person:

- 1) does not sign the deed or
- 2) signs the deed but the signature is not notarized or
- 3) the signature is not properly notarized,

The grantee does not receive any rights in, to, or from the property from that person.

Prepared by H. Clifton Hester, Attorney STATE OF NORTH CAROLINA COUNTY OF BLADEN 0393 0153
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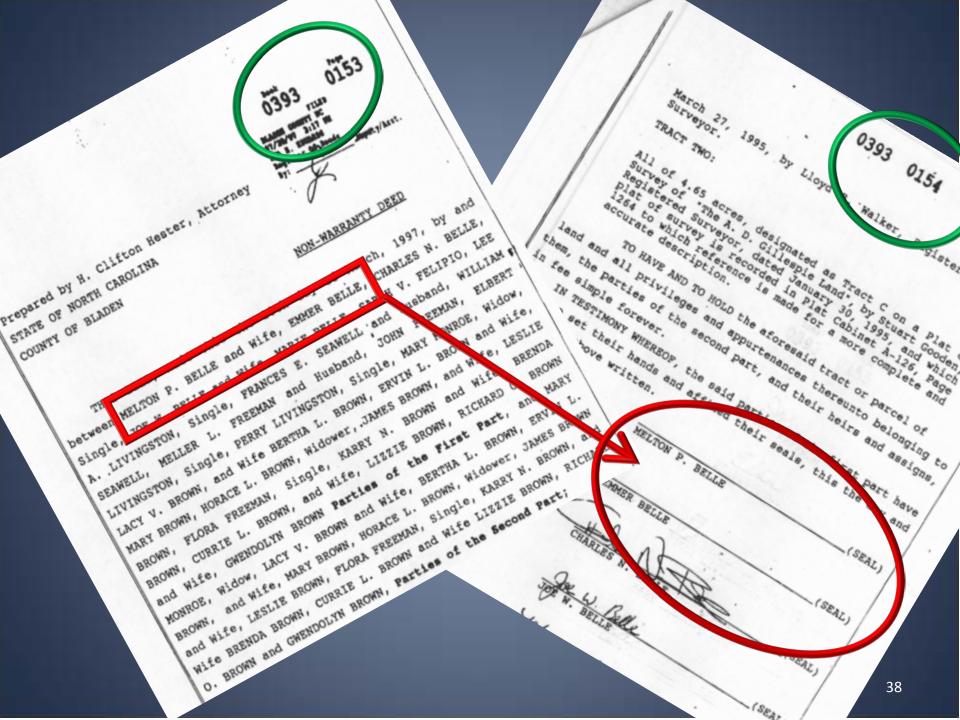
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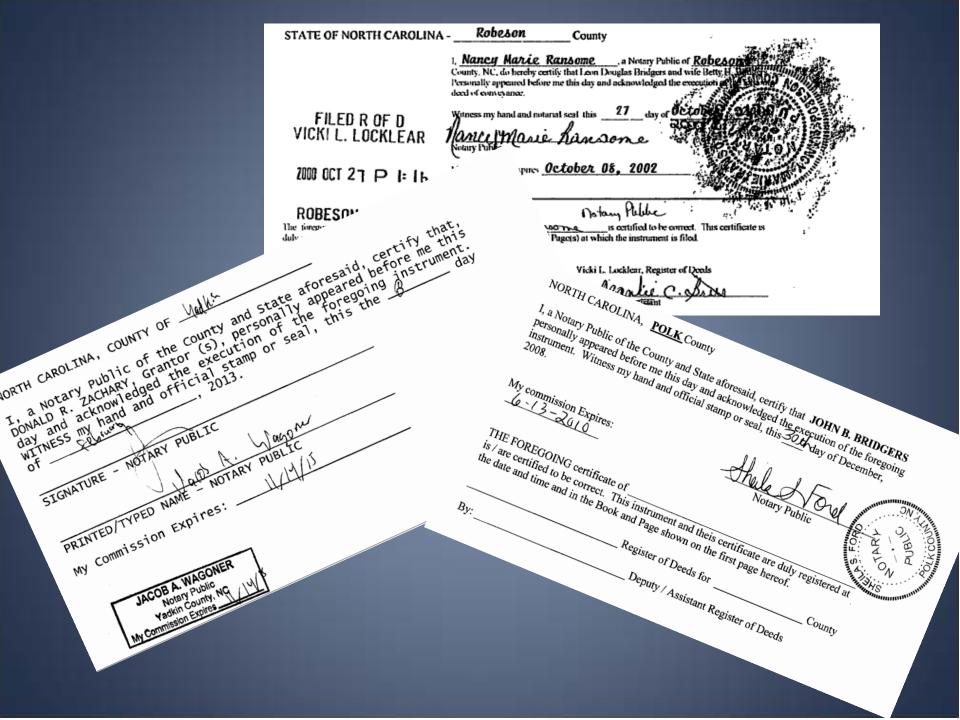
Marie Compty Decembe

NON-WARRANTY DEED

THIS DEED, made this the 10th day of March, 1997, by and between MELTON P. BELLE and Wife, EMMER BELLE, CHARLES N. BELLE, Single, JOE W. BELLE and Wife, MARIE BELLE, SARAH V. FELIPIO, LEE A. LIVINGSTON, Single, FRANCES E. SEAWELL and Husband, WILLIAM SEAWELL, MELLER L. FREEMAN and Husband, JOHN FREEMAN, ELBERT LIVINGSTON, Single, PERRY LIVINGSTON, Single, MARY MONROE, Widow, LACY V. BROWN, and Wife BERTHA L. BROWN, ERVIN L. BROWN and Wife, MARY BROWN, HORACE L. BROWN, Widower, JAMES BROWN, and Wife, LESLIE BROWN, FLORA FREEMAN, Single, KARRY N. BROWN and Wife, BRENDA BROWN, CURRIE L. BROWN, and Wife, LIZZIE BROWN, RICHARD O. BROWN and Wife, GWENDOLYN BROWN Parties of the First Part, and MARY MONROE, Widow, LACY V. BROWN and Wife, BERTHA L. BROWN, ERVIN L. BROWN, and Wife, MARY BROWN, HORACE L. BROWN, Widower, JAMES BROWN and Wife, LESLIE BROWN, FLORA FREEMAN, Single, KARRY N. BROWN, and Wife BRENDA BROWN, CURRIE L. BROWN and Wife LIZZIE BROWN, RICHARD O. BROWN and GWENDOLYN BROWN, Parties of the Second Part;

THIS DEED, made this the 10th day of March, 1997, by and between MELTON P. BELLE and Wife, EMMER BELLE, CHARLES N. BELLE, Single, JOE W. BELLE and Wife, MARIE BELLE, SARAH V. FELIPIO, LEE A. LIVINGSTON, Single, FRANCES E. SEAWELL and Husband, WILLIAM SEAWELL, MELLER L. FREEMAN and Husband, JOHN FREEMAN, ELBERT LIVINGSTON, Single, PERRY LIVINGSTON, Single, MARY MONROE, Widow. LACY V. BROWN, and Wife BERTHA L. BROWN, ERVIN L. BROWN and Wife, MARY BROWN, HORACE L. BROWN, Widower, JAMES BROWN, and Wife, LESLIE BROWN, FLORA FREEMAN, Single, KARRY N. BROWN and Wife, BRENDA BROWN, CURRIE L. BROWN, and Wife, LIZZIE BROWN, RICHARD O. BROWN and Wife, GWENDOLYN BROWN Parties of the First Part, and MARY MONROE, Widow, LACY V. BROWN and Wife, BERTHA L. BROWN, ERVIN L. BROWN, and Wife, MARY BROWN, HORACE L. BROWN, Widower, JAMES BROWN and Wife, LESLIE BROWN, FLORA FREEMAN, Single, KARRY N. BROWN, and Wife BRENDA BROWN, CURRIE L. BROWN and Wife LIZZIE BROWN, RICHARD O. BROWN and GWENDOLYN BROWN, Parties of the Second Part;





6. PROPER DELIVERY

- There is no particular prescribed act or ceremony required for delivery. A deed can be handed, mailed, or shipped to the Grantee.
- But delivery of the deed from the Grantor to the Grantee is essential and it must be "PROPER" delivery.
- A statement must be made by the Grantor in the deed to indicate his or her intention to transfer the title.

7. ACCEPTANCE

 The deed must be accepted by the Grantee for proper transfer to occur.

 Again, there is no fixed ceremony or principal to affect acceptance.

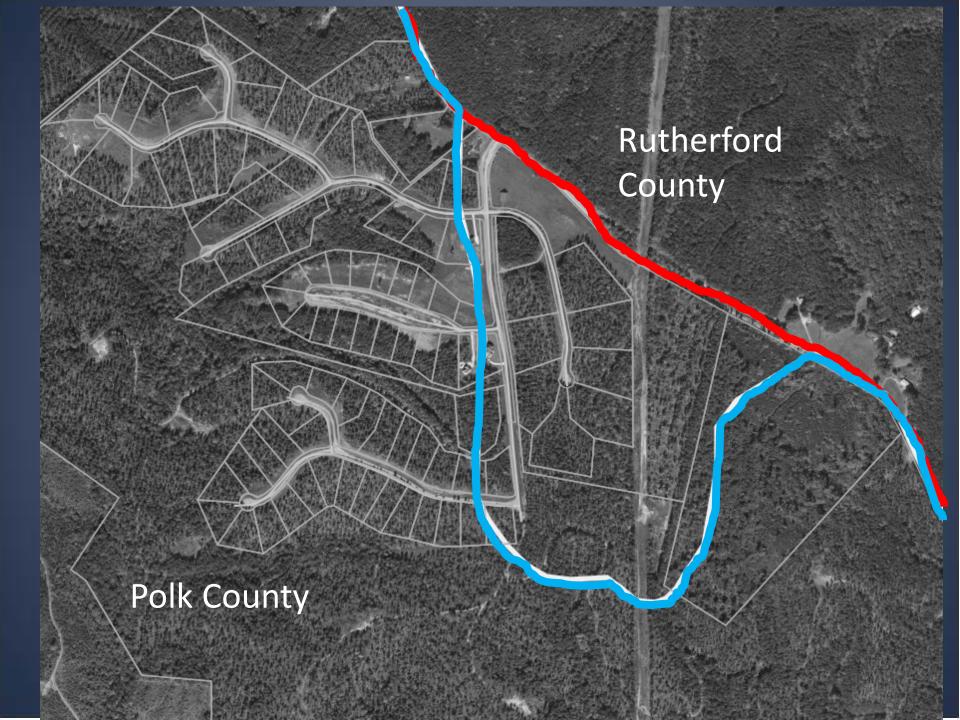
 Generally a deed is "accepted" when the grantee retains it or obtains a mortgage on the property.

GS 47-18 The Conner Act Conveyances, contracts to convey

No

- (i) conveyance of land, or
- (ii) contract to convey, or
- (iii) option to convey, or
- (iv) lease of land for more than three years

Shall be valid to pass any property interest as against lien creditors or purchaser for a valuable consideration but from the time of registration in the county where any portion of the land lies.



January 1, 1958



December 31, 1957



- (1) Warranty Deed or General Warranty Deed
 - The grantor warrants or guarantees:
 - To be the lawful owner of the property
 - No-one else is needed to participate in the execution of the deed to transfer the rights to the property
 - There are no liens or mortgages on the property except as stated within the deed
 - That he will defend the title against claims that are contrary to the warranties being made.

- (2) Special Warranty Deed
 - Limited "guarantee" against
 - Any liens or mortgages
 - Prior transfers or conveyances
 - Right in or to the land including easements
 - Only during the time owned by the grantor

• (3) Non-warranty Deed

Quit Claim Deed

The grantor is giving up all rights to the land if he has any rights.

Usually used in circumstances when the title is unclear. Often used to clear up any defects in the title.

The grantee assumes any burden of proof of ownership.

(4) Commissioners Deed

- Often used to settle a land dispute between family members ,
 - To settle an estate
 - Following divorce proceeding.
 - Commissioners are appointed by the court to make an equitable partition of a parcel or parcels and the commissioners then execute a deed or deeds.
 - Sometimes commissioners are appointed to sell the property and to divide the proceeds.

(5) Sheriff's Deed

 Following a sale by the sheriff upon a court order for the failure to pay a judgment or for a tax foreclosure.

 The sheriff conducts a sale and the deed is recorded in the register of deeds office.

(6) Trustees Deed

- A trustee is a person that has a legal duty to manage the assets in the best interests of the beneficiary.
- Often used in the case of a foreclosure
 - Following a default on a mortgage a substitute trustee is recorded in the register of deeds office.
 - That substitute trustee then sells the property acting in the best interests of the beneficiary (the bank) and records the trustee deed transferring title.
- Revocable and Non-revocable Trusts

Trustee's Deeds

 GS 32-27. Powers which may be incorporated by reference in a trust instrument.

- Basically says that a trustee can do anything he or she wants with the property.
 - The Trustee has the title to the property
 - But remember the trustee has the legal duty to manage the assets in the best interests of the beneficiary.

Other types of "Deeds"

- Deeds of Trust
- Deeds of Easement
- Deeds of Recombination

- Not true "deeds" in sense that they do not transfer any title to the property but are "subsequent instruments" applying a condition or conditions to the property.

What does all this mean in Land Records /

Mapping?

 Care must be taken when reading deeds, to carefully ascertain from the "four corners" the intent and no more and to follow the hierarchy of the deed.

GS 105 – 302. In whose name real property is to be listed

"(a) Taxable real property shall be listed in the name of the owner. . ."

GS 105 – 302. In whose name real property is to be listed

"(c) (10) Real property owned by a husband and wife as tenants by the entirety shall be listed on a single abstract in the names of both tenants, and the nature of their ownership shall be indicated thereon.

Estate by the Entirety

- Et ux Latin meaning "and wife"
- Et vir Latin meaning "and husband"
 - Use of "Et ux" or Et vir" will immediately indicate you anyone looking at the record that it is estate by the entirety property
 - When used correctly there is no need to go track down a deed to find out how it was spelled out in the deed.

"The Cardinal Rule for interpretation of deeds & other written instruments is:

- The expressed intention of the parties
- Gathered from all parts of the instrument
- Giving each word its due force
- And read in the light of the existing conditions and circumstances
- It is the intention actually expressed, not merely guessed. This rule controls all others"

Judge Sanderson of California stated,

"The only rule of much value – is to place ourselves, as nearly as possible, in the seats which were occupied by the parties at the

time the instrument was executed; then taking it by the four corners, read it"

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A map showing TO HAVE AND the Grantee in :

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South 42 degrees 40 minutes 12 seconds East 307.14 feet to an existing iron pipe; thence South 65 degrees 38 minutes 26 seconds West 222.52 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 45.00 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 217.40 feet to an existing iron pipe; thence South 67 degrees 35 minutes 28 seconds West 50 feet to an iron pipe; thence South 66 degrees 39 minutes 47 seconds West 238.69 feet to an existing iron pipe; thence South 66 degrees 37 minutes 05 seconds West passing over an iron pipe in the east right of way line of U.S. Highway 21 at a distance of 210.66 feet, for a total distance of 240.69 feet to the beginning point in the centerline of U.S. Highway 21 and containing 36.160 acres, more or less. This being a portion of that property described in Deed Book 444, page 343.

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South 42 degrees 40 minutes 12 seconds East 307.14 feet to an existing iron pipe; thence South 65 degrees 38 minutes 26 seconds West 222.52 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 45.00 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 217.40 feet to an existing iron pipe; thence South 67 degrees 35 minutes 28 seconds West 50 feet to an iron pipe; thence South 66 degrees 39 minutes 47 seconds West 238.69 feet to an existing iron pipe; thence South 66 degrees 37 minutes 05 seconds West passing over an iron pipe in the east right of way line of U.S. Highway 21 at a distance of 210.66 feet, for a total distance of 240.69 feet to the beginning point in the centerline of U.S. Highway 21 and containing 36.160 acres, more or less. This being a portion of that property described in Deed Book 444, page 343.

RB466 P0826

South 42 degrees 40 minutes 12 seconds East 307.14 feet to an existing iron pipe; thence South 65 degrees 38 minutes 26 seconds West 222.52 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 45.00 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 217.40 feet to an existing iron pipe; thence South 67 degrees 35 minutes 28 seconds West 50 feet to an iron pipe; thence South 66 degrees 39 minutes 47 seconds West 238.69 feet to an existing iron pipe; thence South 66 degrees 37 minutes 05 seconds West passing over an iron pipe in the east right of way line of U.S. Highway 21 at a distance of 210.66 feet, for a total distance of 240.69 feet to the beginning point in the centerline of U.S. Highway 21 and containing 36.160 acres, more or less. This being a portion of that property described in Deed Book 444, page 343.

LESS AND EXCEPTED: Well Lot

BEGINNING at a point in the centerline of Eaglecrest Drive, said point being located North 66 degrees 18 minutes 35 seconds East 735.98 feet from a point in the centerline intersection of Eaglecrest Drive (a private street 50 ft. in width) and U.S. Highway 21, the southwest corner for Clyde Sizemore (DB 402/118); and running thence North 66 degrees 18 minutes 33 seconds East 20.01 feet; thence South 22 degrees 15 minutes 55 seconds East 70.73 feet; thence South 66 degrees 18 minutes 41 seconds West 20.00 feet; thence North 22 degrees 16 minutes 25 seconds West 70.73 feet to the point of beginning and containing 1,394 sq.ft. more or less. This lot is known as the well lot.

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ALSO co private pin; thence North 50 degrees 48 minutes 55 seconds West 100.00 feet to an iron pin in the east right of way line of a private street; thence with the right of way line of the private street North 39 degrees 11 minutes 05 seconds East 100.00 feet to a new iron pin and containing 0.230 acres, more or less.

LESS AND EXCEPTED: Tract CC

BEGINNING at a new iron pin in the line of Dale Wooten, which iron is located South 34 degrees 04 minutes 30 seconds East 52.21 feet from an existing iron pipe, the northwest corner for Dale Wooten in the line of Harold D. Mabe (DB 107/385) and running thence with the Dale Wooten line South 34 degrees 04 minutes 30 seconds East 104.43 feet to a new iron pin; thence South 39 degrees 11 minutes 05 seconds West 100.00 feet to a new iron pin; thence North 34 degrees 04 minutes 30 seconds West 104.43 feet to an iron pin in the east right of way line of a 50 ft. private street; thence with the right of way line of said street North 39 degrees 11 minutes 05 seconds East 100.00 feet to the point of beginning and containing 0.230 acres, more or less.

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- 🔁 Yadkin Deed 466 823 to ABC Service, LLC
- 芃 Yadkin Deed 466 827 to Lula Wooten
- 🔁 Yadkin Deed 466 831 to EZ Supply
- Yadkin Deed 466 836 to ABC Service
- 🄁 Yadkin Deed 466 841 to Lula Wooten
- 🔁 Yadkin Deed 467 484 to ABC (8-14AM)
- 🄁 Yadkin Deed 467 490 to Lula Wooten
- 🔁 Yadkin Deed 467 497 to ABC Service, LLC
- Yadkin Deed 467 504 to Ruth Wooten
- 🔁 Yadkin Deed 467 511 to EZ Supply, LLC
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- 🔁 Yadkin Deed 467 696 EZ Supply, LLC
- 🄁 Yadkin Deed 467 720 to Lula Wooten
- 芃 Yadkin Deed 467 736 to ABC Services, L...

April 6, 1999

April 13, 1999

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BEGINNING at a new iron pin in the east right of way line of a 50 ft. private street, said iron pin being located South 39 degrees 11 minutes 05 seconds West 412.67 feet from a new iron pin in the line of Dale Wooten, which iron pin is located South 34 degrees 04 minutes 30 seconds East 52.21 feet from an iron pipe, Dale Wooten's northwest corner in the line of Harold D. Mahe (DB 107/385) and running thence from the beginning iron South 50 degrees 48 minutes 55 seconds East 100.00 feet to a new iron pin; thence South 39 degrees 11 minutes 05 seconds West 100.00 feet to a new iron pin; thence North 50 degrees 48 minutes 55 seconds West 100.00 feet to an iron pin in the east right of way line of a private street; thence with the right of way line of the private street North 39 degrees 11 minutes 05 seconds East 100.00 feet to a new iron pin and containing 0.230 acres, more or less.

REFERENCE: Book 467, Page 681 TRACT BB

BEGINNING at a new iron pin in the east right of way line of a 50 ft. private street, said iron pin being located South 39 degrees 11 minutes 05 seconds West 219.85 feet from a new iron pin in the line of Dale Wooten, which iron pin is located South 34 degrees 04 minutes 30 seconds East 52.21 feet from an iron pipe, Dale Wooten's northwest corner in the line of Harold D. Mabe (DB 107/385) and running thence from the beginning iron South 50 degrees 48 minutes 55 seconds East 100.00 feet to a new iron pin; thence South 39 degrees 11 minutes 05 seconds West 100.00 feet to a new iron pin; thence North 50 degrees 48 minutes 55 seconds West 100.00 feet to an iron pin in the east right of way line of a private street; thence with the right of way line of the private street North 39 degrees 11 minutes 05 seconds East 100.00 feet to a new iron pin and containing 0.230 acres, more or less.

REFERENCE: Book 467, Page 696

TRACT CO

BEGINNING at a new iron pin in the line of Dale Wooten, which iron is located South 34 degrees 04 minutes 30 seconds East 52.21 feet from an existing iron pipe, the northwest corner for Dale Wooten in the line of Harold D. Mabe (DB 107/385) and running thence with the Dale Wooten line South 34 degrees 04 minutes 30 seconds East 104.43 feet to a new iron pin; thence South 39 degrees 11 minutes 05 seconds West 100.00 feet to a new iron pin; thence North 34 degrees 04 minutes 30 seconds West 104.43 feet to an iron pin in the east right of way line of a 50 ft. private street; thence with the right of way line of said street North 39 degrees 11 minutes 05 seconds East 100.00 feet to the point of beginning and containing 0.230 acres, more or less.

REFERENCE: Book 467, Page 720

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Dac ID: 004985590002 Type: CRP Recorded: 01/21/2014 at 10:41:23 W Fee Ant: 86.00 Page 1 Pe Polk, NC Shella Whitmire Register of Deeds EK 404 Po 1818-1819

INSTRUMENT OF COMBINATION

Prepared by: Phillip R. Feagan Feagan Law Firm, PLLC P.O. Box 309 Celumbus, NC 28722

STATE OF NORTH CAROLINA

COUNTY OF POLK

This Instrument of Combination is made the 20th day of January, 2014, by GARRY SMITHWICK and Wife, CARAMIA SMITHWICK.

Mailing Address: 318 Pearson Falls Road, Saluda, NC 28773

WITNESS:

THAT WHEREAS, GARRY SMITHWICK and Wife, CARAMIA SMITHWICK, own certain real property located in Polk County, North Carolina, which was acquired by the following Deed:

Deed from GARY G. ORTON and Wife, DONICE H. ORTON, to GARRY SMITHWICK and Wife, CARAMIA SMITHWICK, recorded in Book 402 at Page 870 (Lots 4 and 5, Miller Mountain Subdivision, P33-20 and P33-21), of the Polk County Registry.

AND WHEREAS, GARY G. ORTON and Wife, DONICE H. ORTON, wish to combine these properties into a single tract of land that will be described by one common boundary line for the purpose of complying with applicable provisions of the Polik County Zoning and Subdivision Ordinances and North Carolina General Statutes Section 161-14.1, to create one (1) tax purcel to be shown on the tax maps for Polik County, North Carolina; and

WHEREAS, this is a limited, special purpose instrument executed for the reason stated, is not a conveyance and does not change nor modify in any manner the ownership interests in the described property; and

WHEREAS, by execution and recordation of this Instrument of Combination, the described properties (Lots 4 and 5 of Miller Mountain Subdivision) are combined and contain a total of 6.53 acres and shall be described as follows:

BEING Lot Number 4 of Miller Mountain Subdivision, and being further described as all of that certain tract or parcel of land containing 3.30 acres, more or less, as shown and delineated upon a plate intilled, "shon A. & Cynthia F. Federspiel, Tryon & Saluda Twps., Polk Co., No. Car.", dated December 8, 2000, prepared by Butler Associates, Registered Land Surveyor (L-3033), Tryon, N.C., bearing plat number 6190B, which plat is duly recorded in Card File D at Page 1022, in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded plat for a full and

complete metes and bounds description of said Lot, pursuant to North Carolina General Statutes, Section 47-30(g); and

BEING Lot Number 5, containing 3.23 acres, more or less, as shown and delineated upon a plat entitled, "Miller Mountain Subdivision, Section II, Jack Story – Owner/Developer", Tryon Township, Polk County, North Carolina, dated November 3, 1986, and prepared by Waggoner & Rhodes, Reg. Land Surveyor (L-2874), Hendersonville, North Carolina, which plat is duly recorded in Card File A, Page 141 in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded plat for a full and complete metes and bounds description of said Lot, pursuant to North Carolina General Statutes, Section 47-30(g).

IN WITNESS WHEREOF, GARRY SMITHWICK and Wife, CARAMIA SMITHWICK, have set their hands and seals the day and year first above written.

SMITH VIOLE (SEA

CARAMIA SMITHWICK

STATE OF NORTH CAROLINA

COUNTY OF POLK

I. Shoron K. Cantrell. a Notary Public, certify that GARRY SMITHWICK and Wife, CARAMIA SMITHWICK, personally appeared before me this day and acknowledged the execution of the foregoing Instrument of Combination.

Witness my hand and notarial seal-stamp.

This the 20th day of January, 2014.

(SEAL)

Notary Public

Printed Name

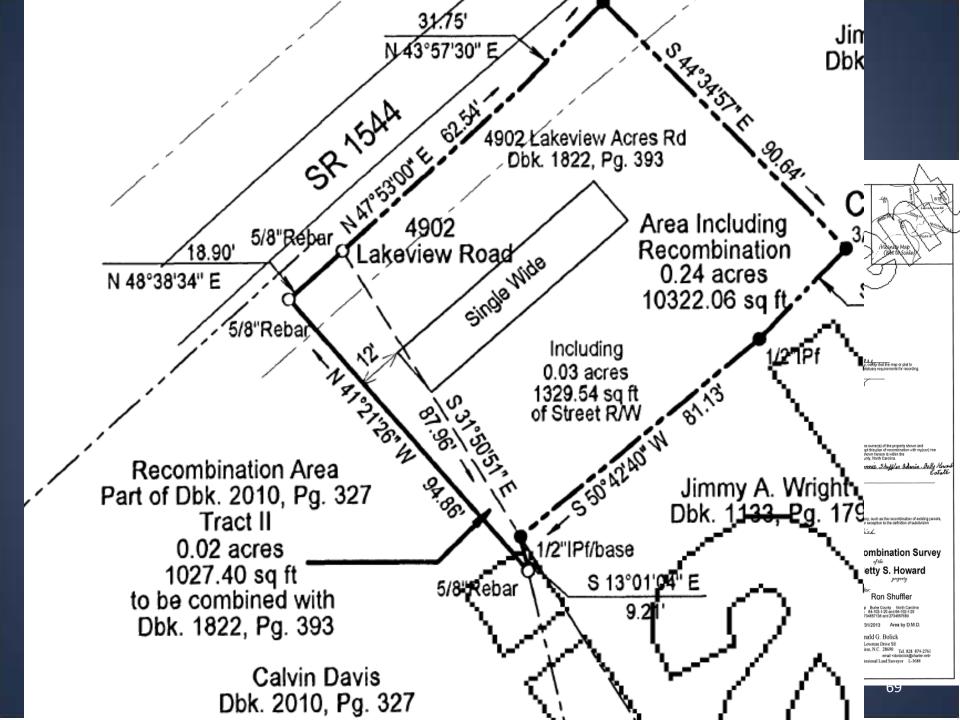
My Commission Expires: 09-28-20\8

In North Carolina, we transfer ownership by the <u>recorded</u> <u>muniment</u> or "Document of Title"



NOTE:

A plat is NOT a a "Document of Title"



WITNESSETH that Grantors, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto Grantees, in fee simple, all that certain lot or parcel of land situated in Drexel Township, Burke County, North Carolina and more particularly described as follows:

BEING all of Lot If, containing 0.02 acres or 1027.40 square feet, as shown on plat of survey entitled. A Recombination Survey of the Betty S. Howard Property," dated May 31, 2013, prepared by Donald G. Boliek, and recorded in Plat Book 43, page 102, Burke County Registry.

BACK REFERENCE: Part of Book 2010, page 327, Burke County Registry.

TAX PIN NO: Part of 2734857136 TAX MAP NO.: Part of 64 102-1-19

NOTE: The Grantees are heirs at law of Betty Shuffler Howard who died intestate on August 30, 2012. This property is being conveyed to the Grantees in the same ownership interests as the Grantees own in the adjoining parcel that the Grantees inherited from Betty Shuffler Howard. See Estate file 12 E 637 in the office of the Clerk of Superior Court for Burke County, North Carolina. This parcel is being combined with the Grantees' existing parcel as described in that deed recorded in Book 1822, page 393, Burke County Registry (Tax PIN 2734857680; Tax Map No.: 64-102-1-20).

And the Grantors covenant with the Grantees, that Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, the title is marketable and free and clear of all encumbrances, and that Grantors will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

SUBJECT TO all recorded easements, rights of way, and restrictions if any, and SUBJECT TO the lien of 2013 ad valorem taxes.

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

(seal)



THIS DEED made this 20th day of June, 2013, by and between

GRANTOR:

CALVIN DAVIS, widower

3525 Amanda Northern Road Carroll, OH 43112

TYRA DARLENE WAGNER, aka Tyra Wagner, and husband, WESLEY ALLAN WAGNER

4507 Stringtown Rd. Lancaster, OH 43130 GRANTEE:

ROBERT, JOE SHUFFLER, a 1/8th undivided interest; PAUL HERBERT SHUFFLER, a 1/8th undivided interest; CHRISTINE BROWNING SHUFFLER a 1/24th undivided interest; QOE-EDDJE SHUFFLER, a 1/60th undivided interest, DERAE NELL SHUFFLER, a 1/60th undivided interest; ELIZABETH SHUFFLER LAMB, a 1/60th undivided interest; HOLLY LYNN SHUFFLER, a 1/60th undivided interest; DUSTIN ALLEN SHOFFLER\a 1/60th undivided interest; NANCY SUE SHOFFLER RANDALL, a 1/8th undivided interest; VICKIE STAMEY SHUFFLER, a 1/24th undivided interest; MICHAEL WILLTAM-SHUFFLER, a 1/36th undivided interest; RAMONA SHUFFLER BERRY, a 1/36th undivided interest; GARY RAY SHUFFLER, a 1/36th undivided interest; GEORGE SAUNDERS SHUEFLER a 1/8th undivided interest; MENDEL THOMAS ROBERTS, JR., a 1/24th undivided interest; PHILIP KENT ROBERTS, a 1/24th undivided interest; MENDE BETH ROBERTS SMITH, 1/24th undivided interest; JAMES/RONNIE SHUFFLER, a 1/8th interest

NORPH CAROLINA GENERAL WARRANTY DE

Revenue Stamps: \$54.00

GRANTOR:

Prepared by/mail to: MARC MITCHELL, P.A., PO DRAWER 69, VALDESE, NC

THIS DEED made this oth day of February, 2014, by and between

ROBERT JOE SHUFFLER and wife, SUE
BARNES SHUFFLER;
PAUL HERBERT SHUFFLER, not married;
CHRISTINE SHUFFLER, widow, individually and as administratrix of the Estate of Billy Ray
Shuffler; NANCY SUE SHUFFLER RANDALL, widow; GEORGE SAUNDERS SHUFFLER and wife, SUE BENFIELD SHUFFLER;

JAMES RONNIE SHUFFLER and wife, LAURA T. SHUFFLER;

MICHAEL WILLIAM SHUFFLER, widower; RAMONA SHUFFLER BERRY and husband, MICHAEL BERRY;

GARY RAY SHUFFLER, not married; VIVIAN "VICKIE" STAMEY SHUFFLER, widow, individually and as administratrix of the Estate of John William Shuffler; MENDEL THOMAS ROBERTS, JR. and wife, SHARON S. ROBERTS; PHILIP KENT ROBERTS and wife, LESLIE M. ROBERTS; and MENDE BETH ROBERTS, not married; JOSHUA DALE WILLS.

P.O. Box 853 Valdese, NC 28690

not married

GRANTEE:

DARRELL B. FINNEY

813 Praley Street SW Valdese, NC 28690

2)

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

TRACTI BITGINNING on an iron pipe found, said iron pip being located 11.30 feet south of the pavement of 8R 1544 (Lakeview Acres Road), and runs the following two (2) courses and distances: (1) North 47° 53' East 62.42 feet to an iron pipe set and (2) South 43° 57' 48" West 32.83 feet to an iron pipe set and (3) South 50° 45' West 81.10 feet to an iron pipe set; thence with the George Shuffler property east line North 32° West 87.92 feet to the point of BEGINNING and containing 0.213 acres property east. The above described real property taken from surveys entitled "Will G. Shuffler to Betty Howard" prepared by Piedmont Surveying Co. dated September 1977 and Survey for Betty S. Howard" prepared by Herman D. Bolick.

Back reference: Book 1822, page 393, Burke County Registry.

TRACT II: BEING all of Lot II, containing 0.02 acres or 1027.40 square feet, as shown on plat of survey entitled "A Recombination Survey of the Betty S. Howard Property," dated May 31, 2013, prepared by Donald G. Bøliok, and recorded in Plat Book 43, page 102, Burke County Registry.

Back reference: Book 2095, page 987, Burke County Registry.

BACK REFERENCE: Estate File No. 12 E 637 in the office of the Clerk of Superior Court of Burke County. See also Estate File No. 13 E 806 and 13 E 256 in the office of the Clerk of Superior Court for Burke County. See also special proceeding file 13 SP 476 in the office of the Clerk of Superior Court for Burke County.

TAX PIN NO.: 2734857680 TAX MAP NO.: 64-102-1-20

All or a portion of the property herein conveyed _ primary residence of a Grantor. includes or X does not include the

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 Grantors covenant with the Grantee, that Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, the title is marketable and free and clear of all encumbrances, and that Grantors will warrant and defend the title against the lawful elaims of all persons whomsoever, other than the following exceptions:

SUBJECT TO all recorded easements, rights of way, and restrictions, if any. SUBJECT TO the lien of 2014 ad valorem taxes.

SIGNATURES ON THE FOLLOWING PAGES

June, 2013, by and between

GRANTEE:

ROBERT, JOE SHUFFLER, a 1/8th undivided interest; PAUL HERBERT SHUFFLER, a 1/8th undivided interest; CHRISTINE BROWNING SHUFFLER, a 1/24th undivided interest; TOE-EDDJE SHUFFLER, a 1/60th undivided interest. DERAE NELL SHUFFLER, a 1/60th undivided interest; ELIZABETH SHUFFLER LAMB, a 1/60th undivided interest; HOLLY LYNN SHUFFLER, a/1/60th undivided interest; DUSTIN ALLEN SHOFFLER, a 1/60th undivided interest; NANCY SÚE SHOFFLER RANDALL, a 1/8th undivided interest; VICKIE STAMEY SHUFFLER, a 1/24th undivided interest; MICHAEL WILLIAM SHUFFLER, a 1/36th undivided interest; RAMONA SHUFFLER BERRY, a 1/36th undivided interest; GARY RAY SHUFFLER, a 1/36th undivided interest; GEORGE SAUNDERS SHUFFLER, a 1/8th undivided interest; MENDEL THOMAS ROBERTS, JR., a 1/24th undivided interest; PHILIP KENT ROBERTS, a 1/24th undivided interest; MENDE BETH ROBERTS SMITH, 1/24th undivided interest; JAMES RONNIE SHUFFLER, a 1/8th interest

Wagner, ER 2014001320 B2126 - P542 Page 1 of 9

FOR REGISTRATION REGISTER OF DE Elizabeth T. Cooper February 21, 2014 D4:56:48 F Book 2126 Page 542-550 FEE: \$26.00 NC REVENUE STAMP: \$54.00 INSTRUMENT # 2014001320



INSTRUMENT # 2014001320

NORTH CAROLINA GENERAL WARRANTY DEED

Revenue Stamps: \$54.00

Prepared by/mail to: MARC MITCHELL, P.A., PO DRAWER 69, VALDESE, NC 28690

THIS DEED made this oth day of February, 2014, by and between

GRANTOR: ROBERT JOE SHUFFLER and wife, SUE BARNES SHUFFLER: PAUL HERBERT SHUFFLER, not married CHRISTINE SHUFFLER, widow, individually and as administratrix of the Estate of Billy Ray Shuffler; NANCY SUE SHUFFLER RANDALL, widow; GEORGE SAUNDERS SHUFFLER and wife, SUE BENFIELD SHUFFLER: JAMES RONNIE SHUFFLER and wife, LAURA T. SHUFFLER: MICHAEL WILLIAM SHUFFLER, widower: RAMONA SHUFFLER BERRY and husband, MICHAEL BERRY: GARY RAY SHUFFLER, not married; VIVIAN "VICKIE" STAMEY SHUFFLER. widow, individually and as administratrix of the Estate of John William Shuffler; MENDEL THOMAS ROBERTS, JR. and wife, SHARON S. ROBERTS; PHILIP KENT ROBERTS and wife, LESLIE M. ROBERTS; and MENDE BETH ROBERTS, not married; JOSHUA DALE WILLS,

P.O. Box 853 Valdese, NC 28690

not married

GRANTEE:

DARRELL B. FINNEY

813 Praley Street SW Valdese NC 28690



GRANTEE:		
-		
ROBERT JOE SHUFFLER, a 1/8th undivided		
interest; PAUL HERBERT SHUFFLER, a 1/8th	Deed 2095 / 987	%
undivided interest; CHRISTINE BROWNING	Robert Joe Shuffler	0.12500000
SHUFFLER, a 1/24 th undivided interest;	Paul Herbert Shuffler	0.12500000
QOE-EDDJE SHUFFLER, a 1/60th undivided	Christine Browning Shuffler	0.04166667
interest, DERAE NELL SHUFFLER, a 1/60th	Joe Eddie Shuffler	0.01666667
undivided interest; ELIZABETH SHUFFLER	Derea Nell Shuffler	0.01666667
LAMB, a 1/60 th undivided interest; HOLLY LYNN	Elizabeth Shuffler Lamb	0.01666667
SHUFFLER, a 1/60 th undivided interest; DUSTIN	Holly Lynn Shuffler	0.01666667
ALLEN SHUFFLER, a 1/60th undivided interest;	Dustin Allen Shuffler	0.01666667
NANCY SUE SHOFFILER RANDALL, a 1/8 th	Nancy Sue Shuffler Randall	0.12500000
undivided interest; VICKIE STAMEY	Vickie Stamey Shuffler	0.04166667
SHUFFLER, a 1/24 th undivided interest;	Michael William Shuffler	0.02777778
MICHAEL WILLIAM SHUFFLER, a 1/36 th	Ramona Shuffler Berry	0.02777778
undivided interest; RAMONA SHUFFLER	Gary Ray Shuffler	0.02777778
BERRY, a 1/36 th undivided interest; GARY RAY	George Saunders Shuffler	0.12500000
SHUFFLER, a 1/36 th undivided interest;	Mendel Thomas Roberts, Jr	0.04166667
GEORGE SAUNDERS SHUFFLER, a 1/8th	Philip Kent Roberts	0.04166667
undivided interest; MENDEL THOMAS	Mende Beth Roberts Smith	0.04166667
ROBERTS, JR., a 1/24 th undivided interest;	James Ronnie Shuffler	0.12500000
PHILIP KENT ROBERTS, a 1/24th undivided		
interest; MENDE BETH ROBERTS SMITH, a		1.00000000
1/24 th undivided interest; JAMES RONNIE		
SHUFFLER, a 1/8 th interest		
Do D		74

GRANTEE: Deed 2095 / 987 ROBERT JOE SHUFFLER, a 1/8th undivided interest; PAUL HERBERT SHUFFLER, a 1/8th undivided interest; CHRISTINE BROWNING SHUTFFUER a 1/24th undivided interest; JOE-EDDJE SHUFFLER, a 1/60" undivided interest: DERAE NELL SHUFFLER, a 1/60th undivided interest; ELIZABETH SHUFFLER LAMB a 1/60th undivided interest; HOLLY LYNI SHUFFLER, a 1/60th undivided interest; DUSTIN ALLEN SHEFFLER's 1/60th undivided interest NANCY SUE SHUFFLER RANDALL, a 1/8th undivided interest; VICKIE STAMEY SHUFFLER, a 1/24th undivided interest; MICHAEL WILLIAM-SHUFFLER, a 1/36th undivided interest; RAMONA SHUFFLER BERRY, a 1/36th undivided interest; GARY RAY SHUFFLER, a 1/36th andivided interest; GEORGE SAUNDERS SHUFFLER, a 1/8th undivided interest; MFNDET THOMAS RORFRTS IR a 1/24th andivided interest; PHILIP KENT ROBERTS, a 1/24th undivided interest; MENDE BETH ROBERTS SMITH. 1/24th undivided interest; JAMES/RONNIE SHUFFLER, a 1/8th interest P.O. Box 853, Valdese, NC 28690

BARNES SHUFFLER;
PAUL HERBERT SHUFFLER, not married;
CHRISTINE SHUFFLER, widow, individually and

Shuffler; NANCY SUE SHUFFLER RANDALL, widow; GEORGE SAUNDERS SHUFFLER and wife, SUE BENFIELD SHUFFLER;
JAMES RONNIE SHUFFLER and wife.

MICHAEL WILLIAM SHUFFLER, widower; RAMONA SHUFFLER BERRY and husband MICHAEL BERRY;

GARY RAY SHUFFLER, not married;

LAURA T. SHUFFLER;

as administratrix of the Estate of Billy Ray

GRANTOR Deed 2126 / 542

VIVIAN "VICKIE" STAMEY SHUFFLER widow, individually and as administratrix of the Estate of John William Shuffler; MENDEL THOMAS ROBERTS_IR. and wife, SHARON S. ROBERTS; PHILIP KENT ROBERTS and wife,

THOMAS ROBERTS_IR. and wife, SHARON S. ROBERTS; PHILIP KENT ROBERTS and wife, LESLIE M. ROBERTS; and MENDE BETH ROBERTS, not married; JOSHUA DALE WILLS,

ROBERTS, not married; JOSHUA DALE WI not married

P.O. Box 853

Valdese, NC 28690

Deed 2095 / 987	%	Deed 2126 / 542
Robert Joe Shuffler	0.12500000	Robert Joe Shuffler et ux Sue
Paul Herbert Shuffler	0.12500000	Paul Herbert Shuffler - not married
Christine Browning Shuffler	0.04166667	Christine Shuffler - widow
Joe Eddie Shuffler	0.01666667	
Derea Nell Shuffler	0.01666667	
Elizabeth Shuffler Lamb	0.01666667	
Holly Lynn Shuffler	0.01666667	
Dustin Allen Shuffler	0.01666667	
Nancy Sue Shuffler Randall	0.12500000	Nancy Sue Suffler Randall - widow
Vickie Stamey Shuffler	0.04166667	Vickie Stamey Shuffler - widow
Michael William Shuffler	0.02777778	Michael William Shuffler - widower
Ramona Shuffler Berry	0.02777778	Ramona Shuffler Berry et vir Michael
Gary Ray Shuffler	0.02777778	Gary Ray Shuffler - not married
George Saunders Shuffler	0.12500000	George Saunders Shuffler et vir Sue
Mendel Thomas Roberts, Jr	0.04166667	Mendel Thomas Roberts, Jr. et ux Sharon
Philip Kent Roberts	0.04166667	Philip Kent Roberts et ux Leslie
Mende Beth Roberts Smith	0.04166667	Mende Beth Roberts - not married
James Ronnie Shuffler	0.12500000	James Ronnie Shuffler et ux Laura
		Joshua Dale Wills - not married
	1.00000000	

 By careful analysis of the deed description, the components of the deed, more accurate Land Records can be maintained in the County Cadastre leading to a peace and harmony across the county!