

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 6 June 2005

SUBJECT: Mullinax offer to purchase lots, Rocky Gorge Lodge
Subdivision

ATTACHMENT(S): Offer to Purchase Tax-Foreclosed Property, with
attachments

SUMMARY OF REQUEST:

Lloyd A. Mullinax and Mary G. Mullinax (together, "Mullinax") have made an offer to purchase certain parcels of real estate from Henderson County for the total price of \$15,000.00. Mullinax has deposited with the County as required by the General Statutes the sum of \$750.00, plus an additional \$120.00 to cover the cost of publication of his offer (if acceptance is proposed by the Board). This is the identical property which was the subject of a similar offer (for a lesser amount) made by Mullinax in 2003.

The real estate was the subject of a tax foreclosure in 1937. As was pointed out regarding to the prior offer to the Board, and as Mullinax noted in this offer:

*. . . there may have been procedural irregularities in the
foreclosure and subsequent sale of said properties*

If the Board is so inclined, the following motion is proposed:

I move that the Board propose to accept the offer of Lloyd A. Mullinax and Mary G. Mullinax in the Board's agenda packet, subject to an upset bid. The Clerk is directed to cause legal notice thereof to be published one (1) time in the Times-News Hendersonville, NC. In the event that an increased bid is filed, the Clerk is directed to re-advertise as required by law, and to repeat this procedure until ten (10) days have elapsed from the date of last publication without a qualifying upset bid having been received. At the end of such procedure, the Chairman is authorized to execute a document accepting the highest such upset bid (or, if there are none, the Mullinax bid), and to close such transaction by quitclaiming Henderson County's interest upon payment in full by the winning bidder.

**NORTH CAROLINA
COUNTY OF HENDERSON**

**OFFER TO PURCHASE
TAX FORECLOSED PROPERTY**

THE PROPERTY DESCRIBED BELOW, having been foreclosed and bid in by Henderson County for nonpayment of taxes, the undersigned hereby offer to purchase said property from the County for the sum of Fifteen thousand and no/100 Dollars (\$15,000) cash plus the signing of a Release releasing Henderson County, its officers, employees, insurers, and assigns from any liability associated with the tax collection process, the advertisement and/or sale of tax lien or tax certificate process, the foreclosure process, and the sale processes associated with the below described property, both the cash and signing of the release being in consideration of the purchase of the property.

IT IS UNDERSTOOD AND AGREED that the County must advertise the property for sale and that the quitclaim deed to the purchaser will convey only such interest, if any, as the County may have in the property by virtue of unpaid taxes, and there will be no refund of the purchase price in the event of a failure of title. I am aware that there may have been procedural irregularities in the foreclosure and subsequent sale of said properties as shown in the in the attached Exhibit A, consisting of:

- (1) Superior Court Summons for Relief issued July 6, 1937 by Geo. W. Fletcher, Clerk Superior Court, Henderson County, Complaint and Affidavit verified by T.L. Durham, Chairman of the Board of Commissioners on July 6, 1937, and Order entered on September 8, 1937 by Geo. W. Fletcher, Clerk Superior Court, Henderson County, all in the Non-resident 1934 Tax Suits in Henderson County Superior Court, Case No. 157D, captioned Henderson County Vs. Wilmont Smith and Wife;
- (2) Judgment in Henderson County Superior Court Case No. 157D, entered on January 31, 1938 by Geo. W. Fletcher, Clerk Superior Court;
- (3) Report of Commissioners in Henderson County Superior Court Case No. 157-D, reported March 10, 1938 by M. F. Toms, Commissioner;
- (4) Decree of Confirmation in Henderson County Superior Court Case No. 157-D, signed March 28, 1938 by Geo. W. Fletcher, Clerk Superior Court;
- (5) Deed made and entered into May 20, 1998 by and Between Gladson Capps and J. Yorke Pharr III, recorded in Deed Book 954 at Page 34 of the Henderson County Registry; and
- (6) Memorandum from Darlene B. Burgess to Don Elkins dated June 7, 1993 with the following deeds attached:
 - a. Deed from C.E. Bonesteel and wife, May K. Bonesteel recorded in deed Book 163 at page 613 of the Henderson County Registry;
 - b. Deed from M. F. Toms, Commissioner and Henderson County, recorded in Deed Book 227 at Page 134 of the Henderson County Registry;
 - c. Deed from Wilmont Smith and wife, Fannie H. Smith to George T. Bentley in Deed Book 152, Page 214 of the Henderson County Registry;
 - d. Deed from Wilmont Smith and wife, Fannie H. Smith to Elzie J. Bentley, recorded in Deed Book 176 at Page 266 of the Henderson County Registry; and
 - e. Deed from Elzie J. Bentley and G. T. Bentley to J. B. Patterson, recorded in Deed Book 178 at Page 243 of the Henderson County Registry;

and I understand that there may be other irregularities not yet discovered and agree to accept the property if approved by the Board of Commissioners subject to such irregularities, whether known or unknown.

I understand that the Board of Commissioners may reject this Offer to Purchase at any time, even after a proposed acceptance and advertisement for upset bids.

Said property is in Henderson County, and consists of property foreclosed in the name of Wilmont Smith and wife, Mrs. Wilmont Smith, described as being the following lots of Rocky Gorge Lodge Subdivision (recorded in Plat Book 1, Page 151 of the Henderson County Registry):

- Block 1: Lots 1, 2, 3, 4, 5, 6, and 7
- Block 2: Lots 1, 2, 3, 4, 5, and Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22
- Block 3: Lot 5 and Lots 24, 25, 26, and 27
- Block 5: Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15
- Block 6: Lots 1, 2, 3, 4, 5, 6, 7, and 12
- Block 9: Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32
- Block 14: Lots 1, 2, 3, 4, 5, 6, 7, and 8
- Block 15: Lots 7, 8, 9, 10, 11, 12, 13, and Lots 38, 44, 45, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 74, and 75

And further said property includes property foreclosed in the name of Mrs. George F. Scott, described as being the following lots of Rocky Gorge Lodge Subdivision (recorded in Plat Book 1, Page 151 of the Henderson County Registry): Block 15: Lots 72 and 73 (ref. Deed Book 415, Page 243 of the Henderson County Registry).

If the Board of Commissioners offers proposed acceptance of this Offer to Purchase, I will deposit with the Clerk to the Board of Commissioners a bid deposit in the amount of \$ Seven hundred and fifty & no/100 Dollars (\$ 750⁰⁰), said bid deposit being five percent (5%) of the cash price portion of the consideration of the purchase or \$150.00, whichever is greater. I will also pay to the Clerk the amount of One Hundred Twenty Dollars (\$120.00) to cover the cost of advertising this Offer to Purchase for upset bids in the Times News.

This the 20 day of MAY, 2005.

Lloyd A. Mullinax (Seal)
Signature
Print Name: Lloyd A. Mullinax

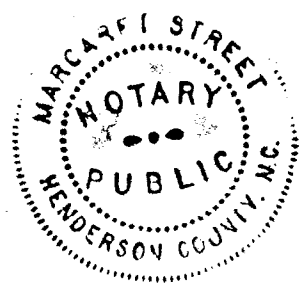
Mary G. Mullinax (Seal)
Signature
Print Name: MARY G. MULLINAX

Address:
6463 Longlake DR.
Port Orange, Fl. 32128-7188

Sworn to and subscribed before me this the 20th day of May, 2005.
(Official Seal)

Margaret Street
Notary Public

My Commission Expires: Sept. 17, 2007



LLOYD A. MULLINAX OR MARY G. MULLINAX
6463 LONGLAKE DR. PH. 386-322-0672
PORT ORANGE, FL 32128-7188

70-7443/711
1000206447


2442

DATE May 20, 2005

PAY TO THE ORDER OF Henderson County

\$ 870.⁰⁰

Eight hundred and seventy ⁰⁰/₁₀₀

DOLLARS  Security Features Included. Details on Back.



Bank.

Bloomington, IL 61710 • (877) 734-2265

MEMO _____

Mary G. Mullinax NP

⑆071174431⑆1000206447⑆ 2442

SUPERIOR COURT - SUMMONS

In Accordance with Chapter 66, Public Laws 1937, and Amendments

STATE OF NORTH CAROLINA,
-HENDERSON COUNTY.

HENDERSON COUNTY
VS.

Wilmont Smith and wife, Mrs. Wilmont Smith

IN THE SUPERIOR COURT

SUMMONS FOR RELIEF

TO THE SHERIFF OF HENDERSON COUNTY--GREETING:

YOU ARE HEREBY COMMANDED TO SUMMONS Wilmont Smith and wife, Mrs. Wilmont Smith

the defendants above named, if they be found within your County, to be and appear at the office of the Clerk of the Superior Court for the County of Henderson, at the Court House in Hendersonville, not later than THIRTY DAYS from date of service of this Summons, and answer the Complaint, a copy of which is hereto attached, and let the said defendants take notice that if they fail to answer the said Complaint within the time required by law, the plaintiff will apply to the Court for the relief demanded in this Complaint.

Herein fail not, and of this Summons make due return.

Given under my hand and seal of said Court, this 6 day of July, 1937.

(Signed): GEO. W. FLETCHER, Clerk Superior Court, Henderson County.

STATE OF NORTH CAROLINA,
HENDERSON COUNTY.

HENDERSON COUNTY
VS.

Wilmont Smith and wife, Mrs. Wilmont Smith

IN THE SUPERIOR COURT

COMPLAINT AND AFFIDAVIT

The plaintiff, through its Board of County Commissioners, complaining of the defendants, alleges:

FIRST, That plaintiff is now, and was at the times hereinafter complained of, a Governmental unit of the State of North Carolina, being one of the several counties of said State.

SECOND, That prior to, and on the 1st day of April, 1934, at tax listing time for said year, as prescribed by law, the defendant or defendants, were the owners of, or lien holders against, or otherwise claimed an interest in and to the following described property located in said County, to-wit:

100 lots Rocky Gorge

and the lands described in the office of the Register of Deeds for Henderson County, as follows:

Book 163 Page 613

reference to which is hereby made.

THIRD, That said lands were listed for County Taxes for the year 1934 at the rate fixed by plaintiff's Board of Commissioners and were incorporated in the tax list of said County, which list was duly placed in the hands of the County Tax Collector for the purpose of collection, as required by law.

FOURTH, That the defendants and all other persons claiming an interest in said lands neglected, failed and defaulted in the payment of said taxes within the time allowed by law, whereupon, the plaintiff through its Tax Collector, advertised said lands for sale, as required by law, and at said sale, there being no other bidders, said land was bid in by plaintiff, for the amount of the tax and cost of sale, as set forth in the Tax Certificate hereinafter mentioned; that said Tax Collector made, executed and delivered to plaintiff, in accordance with the Statutes governing same, a Certificate of Sale, in which it is recited, among other things, that the property was listed for taxes for the year 1934, in the manner and form prescribed by law, and that said property "was on the 2nd day of September, 1935, duly sold by me in the manner provided by law for the delinquent taxes for the year 1934

amounting to \$_____ including penalty thereon and the cost allowed by law, when and where Henderson County purchased said real estate, at the price of said amount, it being the highest and best bidder for the same. And I further certify that unless redemption is made of said real estate in the manner provided by law, the said purchaser whose name is herein given, his heirs or assigns, shall have the right of foreclosure of this certificate of sale by civil action, after the expiration of the time allowed by law.

"IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of September, A. D., 1935.

"J. H. BALLENGEE, Tax Collector".

FIFTH, That plaintiff is still the holder and owner of said certificate and the taxes shown by said certificate have not been paid, nor has the property sold as evidenced by said certificate and as otherwise hereinbefore described been redeemed from said sale within the time allowed by law; and the amount as shown by said certificate in Paragraph Four hereof is due and unpaid, together with interest and penalties allowed by law; that plaintiff is entitled to recover said taxes, together with all cost allowed by law, including penalty and interest thereon, and to have said lands condemned and a Commissioner appointed by the Court to sell said lands for the collection of said taxes, penalty, interest and cost.

SIXTH, That the defendants are non-residents of the State of North Carolina, and cannot, after due diligence, be found within said State, and are necessary parties to this action because of the matters and things alleged herein.

WHEREFORE, plaintiff prays the Court:

1. That an order be made for Service of Summons by Publication on all defendants and interested parties, as provided by law (other than those personally served with Summons) requiring them to appear and defend this action and set up any interest they may have in the subject matter of this suit, that same may be settled and foreclosed herein.
2. That plaintiff have judgment against defendants for all taxes, penalties, interest and costs, allowed by law, and that same be declared a specific lien on the above described property.
3. That said lands be condemned, that a decree be entered for foreclosure of said land, and that a Commissioner be appointed by the Court to advertise and sell said lands, as provided by law.
4. For such other and further relief as to the Court may seem just and equitable.

M. M. REDDEN, Attorney for Plaintiff.

T. L. DURHAM, being duly sworn, deposes and says: That he is Chairman of the Board of County Commissioners for Henderson County, and as such makes verification to this Complaint; that he has read the foregoing Complaint and knows the contents thereof; that the same is true of his own knowledge, except as to matters and things therein stated upon information and belief, and as to those matters and things he believes it to be true.

T. L. Durham
 T. L. DURHAM, Chairman of Board of County Commissioners.

SWORN TO AND SUBSCRIBED before me this 6 day of July, 1937.

GEO. W. FLETCHER

GEO. W. FLETCHER, Clerk Superior Court.

ORDER

In this cause the Court finds that the facts set forth in the Complaint are true and that the defendants are non-residents of the State; It is, therefore,

ORDERED, ADJUDGED, AND DECREED, that the defendants be served with Summons by Publication, as provided by law.

This 8 day of Sept, 1937

GEO. W. FLETCHER

GEO. W. FLETCHER, Clerk Superior Court, Henderson County, N. C.

8-F BOX 17	NON RESIDENT	1934 TAX SUITS	HENDERSON COUNTY SUPERIOR COURT	No. <u>157 D</u>	HENDERSON COUNTY	vs.	WILMONT SMITH AND WIFE	SUMMONS COMPLAINTS, ETC.	SHERIFF'S RETURN	Received <u>7</u> day of <u>July</u> 1937	Served <u>16</u> day of <u>July</u> 1937	<i>Joseph H. make Not found for County</i>	<i>W. P. Davis</i> Sheriff, Henderson County.	<i>W. L. Leary</i> Deputy.
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NORTH CAROLINA
HENDERSON COUNTY

1578

In the Superior Court

Henderson County
PLAINTIFF

vs.

WILMONT SMITH AND WIFE, MRS. WILMONT SMITH

JUDGMENT

DEFENDANTS

Upon consideration of this cause the Court finds as a fact that summons has been duly issued and served on each defendant by publication, as provided by law, by publishing notice thereof once a week for four successive weeks in The Times-News, a daily newspaper published in Henderson County; that time for the defendants to appear and answer or demur to the verified complaint filed in this action has expired and said defendants have failed and neglected to appear and answer or demur thereto; that all the facts set forth in the complaint are true, reference being hereby expressly made to said complaint for the facts found, and that plaintiff is entitled to a decree of foreclosure of the tax sales certificate sued on; it is, in accordance with the findings by the Court, therefore

ORDERED, ADJUDGED AND DECREED, that plaintiff recover on the tax sales certificate in the sum of \$ 21.52, together with interest and penalty allowed by law; that said sum is declared a specific and prior lien on the lands described in the certificate, to-wit:

100 lots Rocky Gorge;

Recorded Henderson County Deed Book 163, Page 615

That said lands are hereby condemned to be sold to satisfy said tax lien and M. F. Toms is appointed a Commissioner of the Court to make sale at public auction, to the highest bidder for cash, after advertising notice of said sale once a week for four successive weeks in some newspaper published in Henderson County; that out of the proceeds arising from said sale the Commissioner shall pay the taxes, interest, penalty and cost of this action, together with any other tax that may be due Henderson County on said property or to the extent that same may be sufficient, and the balance, if any, shall be paid to this Court for distribution according to law.

Done this Monday, the 51st day of January, 1938.

Clerk Superior Court.

1519

HENDERSON COUNTY

Plaintiff

vs.

RIMMONT SMITH AND NEE, MRS. RIMMONT
SMITH

Defendants

JUDGMENT

Printed Name of Jurisdiction, State

1-31-38

Geo. B. Smith
Aug 132

NORTH CAROLINA
HENDERSON COUNTY

In the Superior Court

HENDERSON COUNTY

vs.

WILMONT SMITH AND WIFE, MRS. WILMONT SMITH

REPORT OF
COMMISSIONER

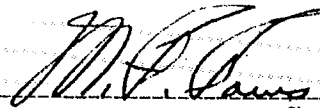
CASE No. 157-D

In this cause the undersigned Commissioner reports that he sold the land described in the Judgment at public auction at the Court House door on the 7th day of March, 1938;

That Henderson County became the last and highest bidder at \$ 27.52 cash, and stands ready to comply with the terms of sale;

That confirmation by the Court is recommended unless a higher or better bid is obtained within the time allowed by law.

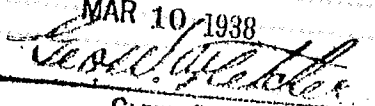
Reported this 10th day of March, 1938.



Commissioner.

FILED

MAR 10 1938



CLERK SUPERIOR COURT
HENDERSON COUNTY, N. C.

NORTH CAROLINA
HENDERSON COUNTY

In the Superior Court

HENDERSON COUNTY

vs.

WILMONT SMITH AND WIFE, MRS. WILMONT SMITH

DECREE OF
CONFIRMATION

CASE No. 157-D

Upon consideration of this cause, the Court finds as a fact that the land described in the petition was sold as provided by law;

That Henderson County became the last and highest bidder at \$ 27.52 cash, and is ready to comply with the terms of sale;

That said land brought a fair and reasonable price under all the circumstances, it is, therefore:

ORDERED, ADJUDGED AND DECREED, That the Commissioner execute and deliver to the purchaser a deed conveying to him (it) said land; That out of the funds shall be paid \$6.00 cost to this Court, and balance to apply on taxes due plaintiff, and any surplus to be paid to this Court for the proper parties; That a writ of possession shall issue to put plaintiff in possession of said land.

In all respects the sale is hereby confirmed.

This 28th day of March, 1938.

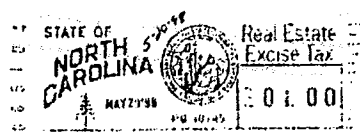


Clerk Superior Court.

200. Bank 38
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(c)

\$1.00



954/34

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

DEED

THIS DEED, made and entered into this 20th day of May, 1998, by and between Gladeon Capps (herein referred to as the "party of the first part") and J. Yorke Pharr III (herein referred to as the "party of the second part" and having a mailing address of 1102 Oak Hills Ln #8 H. Hills, NC 28757)

WITNESSETH:

The said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Valuable Consideration to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained, sold and conveyed, and by these presents does bargain, sell, and convey unto said party of the second part, his heirs and assigns, those certain tracts or parcels of land lying and being in Green River Township, Henderson County, North Carolina, more particularly described as follows:

Tract 1: Being all of Lots 1, 2, 3, 4, 5, 6 and 7, Block 1, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 2: Being all of Lots 1 through 30, Block 2, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 3: Being all of Lots 5, 6, 7, 8, 9, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30 and 31, Block 3, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 4: Being all of Lots 1 through 20, Block 4, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 5: Being all of Lots 1 through 25, Block 1, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 6: Being all of Lots 1, 2, 3, 4, 5, 6, 7 and 12, Block 6, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 7: Being all of Lots 9, 10, and 11, Block 7, and all of the "Reserved" tract of Block 7, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 8: Being all of Lots 1, 2, and 3 of Block 8, and all of the "Reserved" tract of Block 8, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 9: Being all of Lots 1, 2, 3, 4, 5, 6, 9, 10, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32, Block 9, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 10: Being all of Lots 1, 12, 13, 14, 15, 16, 25, 26, and 27, Block 10, and all of the "Reserved" tract of Block 10, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 11: Being all of Lots 1 through 11, Block 11, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), and all of Lots 17, 18, 19, 20, and 21, Block 11, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 152 (now Plat Cabinet B, Slide 76-A), Henderson County Registry.

Tract 12: Being all of Lots 1, 2, 3, 4, and 10, Block 12, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 13: Being all of Lots 1, 2, 3, 4, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22, Block 13, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

Tract 14: Being all of Lots 1 through 16, Block 14, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

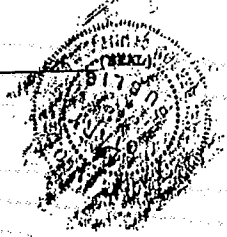
8954 035

Tract 15: Being all of Lots 6 through 25, Lot 27, Lots 35 through 53, Lots 55 through 64, and Lots 72, 73, 74, 75, 76 and 77, Block 15, of Rocky Gorge Lodge Subdivision as shown on that plat recorded in Plat Book 1, Page 151 (now Plat Cabinet B, Slide 76), Henderson County Registry.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land, together with all privileges and appurtenances thereunto belonging to him, the said party of the second part and his heirs and assigns in fee simple forever.

IN TESTIMONY WHEREOF, said party of the first part has hereunto set their hands and seals the day and year first above written.

Gladson Capps
Gladson Capps



STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that Gladson Capps personally appeared before me this day and acknowledged their execution of the foregoing deed. Witness my hand and official stamp or seal, this 20th day of May, 1998.

My Commission Expires: 5/14/99
STATE OF NORTH CAROLINA

Traci J. McCombs
Notary Public

COUNTY OF HENDERSON

The foregoing certificate of Traci J. McCombs, Notary Public, is certified to be correct. This instrument being presented for registration and recorded in this office this 20 day of May, 1998, at 10:00 A m. in Deed Book 954, Page 38 and verified.

HENDERSON COUNTY REGISTER OF DEEDS
Medina W. Miles

by: Linda Hargett Deputy

cr/phen.york

M E M O R A N D U M

TO: Don Elkins
County Attorney

FROM: Darlene B. Burgess
Tax Collector's Paralegal

DATE: June 7, 1993

RE: Property owned by Henderson County
100 lots, Rocky Gorge Lodge Campsite Subdivision

We have received an Offer to Purchase the above-described property from Lloyd Mullinax. I have completed the title bringdown on this property, and have found some problems with the title. My search period was from July 21, 1926 to May 31, 1993, and my notes are attached to this Memo. The results of my title bringdown are as follows:

The property was originally titled in the name of Wilmont Smith by way of a Warranty Deed from C. E. Bonesteel and wife, May K. Bonesteel recorded on July 31, 1926 in Deed Book 163, Page 613. Henderson County foreclosed on the property for taxes and obtained a Deed from M.F. Toms, Commissioner to Henderson County, which Deed was recorded October 7, 1939 in Deed Book 227, Page 134 (Property No. 8).

Prior to the time that Henderson County foreclosed, 92 of the lots were conveyed out by Wilmont Smith and wife, Fannie H. Smith by way of two separate Deeds. Copies of the Deeds are attached to this Memo and are set out as follows:

1. Warranty Deed from Wilmont Smith and wife, Fannie H. Smith to George T. Bentley recorded March 23, 1927 in Deed Book 152, Page 214. This Deed is for 92 lots, described as follows: Block 1: Lots 1, 2, 3, 4, 5, 6, and 7; Block 2: Lots 1, 2, 3, 4, 5, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22; Block 3: Lots 5, 24, 25, 26 and 27; Block 5: Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15; Block 6: Lots 1, 2, 3, 4, 5, 6, 7, and 12; Block 9: Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32; Block 14: Lots 1, 2, 3, 4, 5, 6, 7 and 8; and Block 15: Lots 7, 8, 9, 10, 11, 12, 13, 38, 44, 45, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 74 and 75.
2. Warranty Deed from Wilmont Smith and wife, Fannie H. Smith to Elzie J. Bentley recorded March 23, 1927 in Deed Book 176, Page 266. This Deed is for Lots 76 and 77 of Rocky Gorge Campsite Subdivision. This property was then conveyed to J. B. Patterson by way of a Warranty Deed recorded on May 9, 1927 in Deed Book 178, Page 243.

Memorandum
Page Two
June 7, 1993

The only lots that were included in the 1938 foreclosure that were not previously conveyed by Wilmont Smith and wife in 1927 are Lots 1, 2, 3, 4, and 23 of Block 3 and Lot 78 of Block 15.

Adverse Conveyances (other than outlined above):

Warranty Deed dated February 8, 1951 from Henderson County to Hix Maybin for "100 acres in Green River". This may or may not be part of the subject property. This was the only description contained in the Deed, and no deed references or references to names were made on this Deed.

Deeds of Trust:

None

Special Proceedings:

None.

Judgments:

Judgment against Henderson County in favor of the Employment Security Commission of North Carolina in the amount of \$411.60, plus \$4.00 court costs, plus interest at the rate of 8% from April 29, 1993 until paid. The Judgment is dated April 29, 1993 and is docketed in Book 42, Page 96 (93-M-288).

I also checked the Index to Wills (Formation to 1968) and the Index to Estates (1968 to present) under the names of George T. Bentley, Elzie J. Bentley and J. B. Patterson and found no record of an estate proceedings being filed on any of them. (I did notice on the deeds that the Bentley's and Wilmont Smith and wife were all from Greenville County, South Carolina).

Please let me know if there is anything further I need to do on this.

cc: County Manager
Clerk to the Board

613

107561

THIS INDENTURE, Made and entered into this the 21st day of July, A. D., 1926, by and between C. E. Bonesteel, and May K. Bonesteel, his wife, of Buncombe County, North Carolina, parties of the first part, and Wilnot Smith, of Greenville County, South Carolina, party of the second part:

WITNESSETH: That for and in consideration of the sum of Ten Dollars and other valuable and sufficient considerations, including the conditions and stipulations hereinafter contained, the said parties of first part have bargained, sold and conveyed, and by these presents do bargain, sell and convey unto the said party of the second part, his heirs and assigns forever, the following described land and premises, situate, lying and being in Henderson County, State of North Carolina, bounded and more particularly described as follows:

Being Lots One, Two, three, four, five, six, and seven, Block One; Lots one, two, three, four, five, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, Block Two; Lots one, two, three, four, five, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven, Block Three; Lots six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen, Block Five; Lots one, two, three, four, five, six, seven and eight, Block Six; Lots twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one and thirty-two, Block Nine; Lots one, two, three, four, five, six, seven and eight, Block Fourteen; Lots seven, eight, nine, ten, eleven, twelve, thirteen, thirty-eight, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven and seventy-eight, Block Fifteen,

Comprising One hundred lots as shown and delineated upon a plat of Rocky Gorge Lodge, Camp Site subdivision made for May K. Bonesteel, by J. B. Patterson, Surveyor, in May, 1926. Said Plat and survey made by surface measurements and duly recorded in the Office of the Register of Deeds for Henderson County, N.C. in Book of Plats No. One, page 151. Reference being made to Plat for more particular description of said lots. The distance and measurements as shown on Plat herein referred to of the above mentioned lots may vary, being more or less, owing to contour of the lands.

The above described property being a portion of lands described in deed dated January 12, 1925, from E. M. Mullinax and wife, Chloe Mullinax to May K. Bonesteel, and duly recorded in the Office of the Register of Deeds for Henderson County, N. C. in Book 130, page 124.

TO HAVE AND TO HOLD the above described land and premises, together with all the rights and appurtenances thereto belonging, unto the said party of the second part, his heirs and assigns forever, subject to the restrictions, conditions and stipulations hereinafter set out, to-wit:

The said party of the second part for himself and heirs, executors, administrators and assigns does hereby covenant and agree with the parties of the first part, their heirs and assigns, as follows:

1. That the party of the second part, his heirs and assigns, shall not sell, convey, lease or otherwise dispose of the above described lands, to any negro or any person of negro descent, for a period of thirty-five years from May 1, 1926.
2. That the parties of the first part for themselves, their heirs and assigns, and for the benefit particularly of all persons owing and to own lots in the above boundary or sub-division, reserve the right to the use for domestic purposes, of water from the springs and brooks located upon the above described land, together with the right to go upon said land for the purpose of making use of such water, such right, however, to be exercised with due regard to the rights of others, any path or roadway for such purpose to be used, and always with as little damage as is consistent with the rights reserved, and such use and reservation not to deprive the owner of the joint and equal use thereof, the purpose and intent of such reservation being that all persons owning property in said subdivision shall have equal and joint right to the use of water thereon.
3. That the foregoing covenants shall be covenants running with the land and shall be kept by the party of the second part, his heirs and assigns forever.

And the said parties of the first part for themselves, their heirs and assigns, represent to and covenant with the said party of the second part, his heirs and assigns, that they are lawfully seized in fee simple of the said land and premises, and have the right and power to so convey the same subject to the conditions and stipulations herein contained; that the said land and premises are free from all liens and encumbrances; and that they will, their heirs, executors, administrators or assigns shall, forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto their hands and seals, this the day and year first above written.

C. E. Bonesteel (SEAL)

May K. Bonesteel (SEAL)

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

I, W. E. Varnon, a Notary Public in and for the said State and County do hereby certify that C. E. Bonesteel, and May K. Bonesteel, his wife, personally appeared before me this day and acknowledged the due execution by them of the foregoing Deed of Conveyance; and, thereupon, the said May K. Bonesteel being privately examined, separate and apart from her said husband, touching her voluntary execution of the same, does state that she signed said instrument free and voluntarily, and without fear, compulsion or undue influence on the part said husband, or any other person, and that she does still voluntarily assent

Witness, my hand and Notarial Seal, this the 21st, day of July, 1926.

(SEAL) My commission expires: June 30, 1927.

W. E. Varnon, Notary Public
of Buncombe County, N.C.

State of North Carolina,
County of Henderson.

The foregoing certificate of W. E. Varnon, a Notary Public of Buncombe County, State of North Carolina, duly authenticated by his Notarial seal, is adjudged that the foregoing instrument has been duly executed, acknowledged and proven. Therefore, let the said instrument, together with the certificate, be

This the 31st day of July 1926.

Natalie Jones, Deputy
Clerk of Superior Court, Henderson
County.

Filed for record on this 31 day of July 1926, at 3 o'clock P.M. and recorded in book 163 folio 613, this 2nd day of Aug. 1926, at 11 o'clock A.M.

W. J. White
REGISTER OF DEEDS

STATE OF NEW YORK
COUNTY OF NEW YORK

THIS IS TO CERTIFY, that on the 28 day of August, 1939, before me William Zelin, a Notary Public, personally came Geo. F. Robinson, Assistant Secretary of Realty Purchase Corporation, with whom I am personally acquainted, who, being by me duly sworn says, that Harold W. Newman Jr., is the Vice-President, and that he, the said Geo. F. Robinson is the Assistant Secretary of Realty Purchase Corporation; the corporation described in and which executed the foregoing deed; that he knows the common seal of said Corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the corporation was subscribed thereto by said Vice President and that said Vice-President and Assistant Secretary subscribed their names thereto, and said common seal was affixed, all by order of the Board of Directors of said corporation, and that said instrument is the act and deed of said corporation.

Witness my hand and notarial seal, this the 28 day of August, 1939.

William Zelin, Notary Public
N. Y. Co. Clk's No. 55, Reg. No.
1-2-75

(seal) My commission expires March 30, 1941.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

The foregoing certificate of William Zelin, a Notary Public of New York County, New York, duly authenticated by his Notarial seal thereto attached, is adjudged to be correct, in due form and according to law.

Therefore, let said deed with the certificates be registered.

This the 11 day of Oct. 1939.

Edith R. Hesterly, Deputy
Clerk of the Superior Court.

Filed for record in the office of the Register of Deeds for Henderson County, North Carolina on this 11th day of Oct. 1939 at 9:30 o'clock A. M. and recorded and verified on October 11th, 1939 at 11:00 o'clock A. M. in book 227 at page 133.

J. C. Costner
Register of Deeds.

NORTH CAROLINA
HENDERSON COUNTY

THIS DEED OF CONVEYANCE made and entered into, this the ___ day of June, 1938, between M. F. TOMS, COMMISSIONER, party of the first part, and HENDERSON COUNTY, a Governmental unit of the State of North Carolina, party of the second part

WITNESSETH:

Whereas, M. F. Toms was duly appointed Commissioner to sell all the lands hereinafter described, by the Clerk of Superior Court of Henderson County, in each action entitled below, as will appear by reference to the decrees entered in the respective causes, and as Commissioner, pursuant to the orders of the Court, said Commissioner did, on the 7th day of March, 1938, at twelve o'clock noon, at the Courthouse door, in the City of Hendersonville, N. C. after due advertisement according to law, and in accordance with the decree of the Court, offer the respective tracts of land for sale at public auction, in order to satisfy the judgments obtained in said causes, at which time and place Henderson County, through its Board of Commissioners, became the last and highest bidder for all said lands described in the complaint for each action, and as set forth hereafter in the respective causes hereafter mentioned, and whereas, on the date of said sales the said Commissioner reported each of said sales to the Clerk of Superior Court of said County, and after waiting more than twenty days and no higher or better bid having been offered, as aforesaid, the respective properties hereafter described, and the Clerk of Superior Court, in and for each respect, confirmed each of said sales and ordered this Commissioner to execute a deed to Henderson County for all the lands hereafter described, and the said lands not having been redeemed from said sales and Henderson County having paid the purchase price as provided by law; and

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That the said party of the first part, for and in consideration of the respective amounts hereafter set forth, in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has bargained and sold, conveyed

(L.S.)

164564

and confirmed, and by these presents, does bargain and sell, convey and confirm unto the party of the second part, and its successors and assigns forever, all the following described pieces or parcels of land, lying and being in Henderson County, State of North Carolina, and known and designated as follows;

	CONSIDERATION	STYLE OF ACTION	DESCRIPTION
No. 1	9.04	Henderson County vs. C. W. Andrea and wife, Mrs. C. W. Andrea	5 lots Rocky Gorge; Recorded Henderson County Deed Book 166, Page 233.
No. 2	9.85	Henderson County vs. Thomas B. Butler and wife, Mrs. Thomas B. Butler	68 acres Guice land; Recorded Henderson County Deed Book 161, Page 186
No. 3	8.46	Henderson County vs. First Trust and Savings Bank, Due West, S. C.	3 lots Rocky Gorge; Recorded Henderson County Map Book 152
No. 4	9.04	Henderson County vs. W. A. Harwin and wife, Mrs. W. A. Harwin	7 lots Green River; Recorded Henderson County Deed Book 179, Page 49
No. 5	9.91	Henderson County vs. C. F. Putman and wife, Mrs. C. F. Putman	5 lots Rocky Gorge; 3 lots (Harling lots); Recorded Henderson County Deed Book 170, Page 562; and Book 170, Page 561
No. 6	8.41	Henderson County vs. Mrs. W. E. Lesesene and husband Lesesene	4 acres Mountain Page; Recorded Henderson County Deed Book 104, Page 131
No. 7	12.55	Henderson County vs. Mrs. James Horwood Cleveland and husband Cleveland	100 acres mountain land Recorded Henderson County Deed Book 95, Page 576
No. 8	27.52	Henderson County vs. Wilmont Smith and wife, Mrs. Wilmont Smith	100 lots Rocky Gorge Recorded Henderson County Deed Book 163, Page 613
No. 9	15.65	Henderson County vs. W. B. Gardiner, Jr. and wife Mrs. W. B. Gardiner, Jr.	63 acres 1 house on Creek; Recorded Henderson County Deed Book 121, Page 157
No. 10	8.05	Henderson County vs. P. Giles and wife, Mrs. P. Giles, and Wm. Emery Fowler and wife, Mrs. Emery Fowler	2 acres Big Willow Recorded Henderson County Deed Book 113, Page 97
No. 11	21.73	Henderson County vs. R. E. Hanna and wife, Mrs. R. E. Hanna	102 acres Oak Grove 51 acres Mud Creek Recorded Henderson County Deed Book 112, Page 112 and Page 113
No. 12	12.07	Henderson County vs. Dessia Dixon and husband	50 acres Recorded Henderson County Deed Book 112, Page 112

STATE OF NORTH CAROLINA,
County of

This Indenture, Made this the 16th day of March, A. D., 1927

by and between
Wilmot Smith and Wife Fannie H. Smith

parties of the first part, and

George J. Bentley

party of the second part

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of \$1000.00 Dollars in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold, conveyed and confirmed, and by these presents do give, grant, bargain, sell, convey and confirm unto the said party of the second part his heirs and assigns forever all that

a certain piece, parcel or lot of land, situate, lying and being in Henderson County,
State of North Carolina

Being lots 1, 2, 3, 4, 5, 6, and 7 Block One; lots 1, 2, 3, 4, 5, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 Block Two; lots 5, 24, 25, 26, and 27 Block Three; lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Block Five; lots 1, 2, 3, 4, 5, 6, 7, and 12 Block Six; lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 Block Nine; lots 1, 2, 3, 4, 5, 6, 7, and 8 Block Fourteen; lots 7, 8, 9, 10, 11, 12, 13, 38, 44, 45, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 74, and 75, Block fifteen; comprising ninety-two lots as shown and delineated on a plat of Rooky Gorge Lodge, Camp Site subdivision made for May K. Bonesteel by J. B. Patterson, surveyed May, 1926. Said plat and survey made by surface measurements and duly recorded in the office of the Register of Deeds for Henderson county, N. C. in book of plats No. 1, page 151. Reference being made to plat for more particular description of said lots. The distances and measurements as shown on plat herein referred to of the above mentioned lots may vary, being more or less, owing to contour of the lands. The above described property is a portion of lands described in deed dated 21st day of July A. D., 1926, from G. E. Bonesteel and wife, May K. Bonesteel, to Wilmot Smith, and duly recorded in the office of the Register of Deeds for Henderson county, N. C., in book 130, page 124.

TO HAVE AND TO HOLD the above described land and premises, with all the appurtenances thereto belonging, or in any wise appertaining, unto the said party of the second part his heirs and assigns, to the only use and behoof of himself and his said heirs and assigns forever.
And the said parties of the first part do hereby covenant to and with the said party of the second part his heirs and assigns, that the said parties of the first part are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the said party of the second part in fee simple, and done so by these presents, and that the said land and premises are free from any and all encumbrances, and that they

will and their heirs, executors, and administrators shall forever warrant and defend the title to

STATE OF NORTH CAROLINA
HENDERSON COUNTY

THIS INDENTURE, Made this 16 day of March, in the year of our Lord one thousand nine hundred and twenty six, between Wilmore Smith and Fannie H. Smith of the County of Transylvania and State of North Carolina, of the first part, and Algie J. Bentley of the County of Swain and State of North Carolina, of the second part, WITNESSETH:

WITNESSETH, That the said part one of the first part, for and in consideration of the sum of Five Dollars and other valuable Consideration DOLLARS, in hand paid by the said part two of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, conveyed and confirmed, and by these presents do bargain, sell, convey, and confirm unto the said part two of the second part, him heirs and assigns forever, all the following described piece or parcel of land, lying and being in the Township of _____ County of _____ Henderson and State of North Carolina, and known and designated as follows, viz: Lots Nos. 76 and 77 as shown and delineated on a plat of Rocky Gorge Lodge, Camp Site made for May K. Bonesteel by J. B. Patterson, surveyor, May, 1926. Said plat was made by surface measurements and duly recorded in the office of the Register of Deeds for Henderson county, N. C., in book of plats No. 1, page 151. Reference being made to the more particular description of said lots. The distances and measurements as shown herein referred to of the above mentioned lots may vary, being more or less, owing to the error of the lands. The above described property is a portion of land described in deed No. 150, dated the 14th day of July, A. D., 1926, from C. E. Bonesteel and wife, May K. Bonesteel, to Smith and duly recorded in the office of the Register of Deeds for Henderson county, N. C. page 124.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereto in anywise appertaining, unto the said part two of the second part him heirs and assigns forever. And the said _____ of the first part, do covenant with the said part two of the second part, him heirs and assigns, as follows:

FIRST, That they the owner S and lawfully seized of said premises. SECOND, that they have a good right to convey the same. THIRD, that the same are free from all encumbrances whatever. And, FOURTH, that the part two of the second part, him heirs and assigns, shall quietly enjoy and possess the same, and that they will warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, the said part one of the first part has hereunto set his hand S and seal S, the day and year first written above.
Signed, sealed, and delivered in the presence of
J. W. Brock Wilmore Smith (SEAL)
J. B. Patterson Fannie H. Smith (SEAL)
(SEAL)
(SEAL)

STATE OF NORTH CAROLINA
HENDERSON COUNTY

THIS INDENTURE, Made this 5 day of May, in the year of our Lord one thousand nine hundred and 27, between *Alige J. Bentley* of the County of *Swain* and State of *South Carolina*, of the first part, and *J. B. Patterson* of the County of *Henderson* and State of *North Carolina*, of the second part, WITNESSETH:

WITNESSETH, That the said *parties* of the first part, for and in consideration of the sum of *Five Hundred and no/100* DOLLARS, in hand paid by the said *parties* of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, conveyed and confirmed, and by these presents do bargain, sell, convey, and confirm unto the said *parties* of the second part, *their* heirs and assigns forever, all the following described piece or parcel of land, lying and being in the Township of *Swain* County of *Henderson*, and State of North Carolina, and known and designated as follows, viz:

Being lots Nos. 76 and 77 as shown and delineated on a plat of Rokee Gorge Lodge camp site subdivision made for May K. Bonesteel by J. B. Patterson surveyor May 1926 said plat and survey made by surface measurements and duly recorded in the office of the Register of Deeds for Henderson county, N. C., in book of plats No. 1, page 151, reference being made to plat for more particular description of said lots, the distance and measurements as shown on plat therein referred to of the above mentioned lots may vary being more or less owing to the contour of the land. The above described property is a portion of land described in a deed dated the 21 day of July A. D., 1926, from O. K. Bonesteel and wife, May K. Bonesteel to Wilmot Smith and duly recorded in the office of the Register of Deeds for Henderson county, N. C., in book 130, at page 124.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereto in anywise appertaining, unto the said *parties* of the second part, *their* heirs and assigns forever.

And the said *parties* of the first part, do covenant with the said *parties* of the second part, *their* heirs and assigns, as follows:

FIRST, That *they* the owner and lawfully seized of said premises. SECOND, that *they* have good right to convey the same. THIRD, that the same are free from all encumbrances whatever. And, FOURTH, that the *parties* of the second part, *their* heirs and assigns, shall quietly enjoy and possess the same, and that *they* will warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, the said *parties* of the first part have hereunto set *their* hands and seals, the day and year first written above.

Signed, sealed, and delivered in the presence of

J. M. Higgins
D. Miller

H. J. Bentley (SEAL)
Alige J. Bentley (SEAL)

THE STATE OF NORTH CAROLINA
COUNTY

I, _____, Clerk of the Superior Court in and for the above
County and State, do hereby certify that
and _____ his wife, personally appeared before me this day and acknowledged
the due execution by them of the annexed deed; and the said
being by me privately examined, separate and apart from her said husband, touching her voluntary execu-
tion of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion
of her said husband or any other person, and that she doth still voluntarily assent thereto. Let the same,
with this certificate, be registered.

Witness my hand and seal, this _____ day of _____, A. D. 1927

Clerk Superior Court.

THE STATE OF NORTH CAROLINA
COUNTY

Gunnville
C. C. Hudson a Justice of the Peace (Notary Public) in and for the above
County and State, do hereby certify that *Calvin J. Bentley*
and *H. T. Bentley*, his wife, personally appeared before me this day and acknowledged
the due execution by them of the annexed deed of conveyance; and that the said *Calvin J. Bentley*
being by me privately examined, separate and apart from her said husband, touching her voluntary execu-
tion of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of
her said husband or any other person, and that she doth still voluntarily assent thereto.

Witness my hand and seal, this *5th* day of *May*, A. D. 1927

(Seal)

C. C. Hudson (SEAL)
Justice of the Peace

The Commission expires at the death of the Notary Public.

THE STATE OF NORTH CAROLINA
COUNTY

The foregoing certificate of *C. C. Hudson*, a Justice of the Peace (Notary Public)
of *Henderson* County and State of *North Carolina*, is adjudged to be correct,
in due form, and according to law. Therefore, let the foregoing deed, with these certificates,
be registered.

This, the *9th* day of *May*, 1927

S. M. King
Clerk Superior Court

OFFICE OF REGISTER OF DEEDS—HENDERSON COUNTY, N. C.

Filed for registration on the *9* of *May*, 1927, at *8:30* o'clock
A. M., and registered in the office of the Register of Deeds for Henderson County, N. C., this *1st*
day of *June*, A. D. 1927, at *9:45* o'clock A. M., in Book *178*, page *243*

H. T. Bentley
Register of Deeds.



These lots were included in Henderson County's 1938 tax foreclosure, but were conveyed to third parties prior to the tax foreclosure. Lots 72 and 73 were conveyed to Elsie Bentley, then to J.B. Patterson. The rest of these lots were conveyed to George Bentley prior to the tax foreclosure. It is now determined that Henderson County can accept an Offer to Purchase on these lots outlined in yellow. The PIN numbers associated with the various lots are listed on the map, and the lots that each PIN number covers are outlined in red.

- Block 1: Lots 1,2,3,4,5,6, and 7
- Block 2: Lots 1,2,3,4,5 and Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22
- Block 3: Lot 5 and Lots 24, 25, 26 and 27
- Block 5: Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15
- Block 6: Lots 1,2,3,4,5,6,7 and 12
- Block 9: Lots 20,21,22,23,24,25,26,27,28,29,30,31 and 32
- Block 14: Lots 1,2,3,4,5,6,7 and 8
- Block 15: Lots 7,8,9,10,11,12,13,38,44,45,46,47,48,49,55,56, 57,58,59,60,61,62,63,64,72,73,74, and 75



These lots were included in Henderson County's 1938 tax foreclosure, and were not conveyed to third parties prior to the foreclosure. Lloyd Mullinax has previously submitted an Offer to Purchase these lots, which was accepted by Henderson County several years ago. These lots, outlined in orange, are currently in Mr. Mullinax's name, therefore Henderson County no longer has an interest in these lots.

- Block 3: Lots 1,2,3,4, and 23
- Block 15: Lot 78

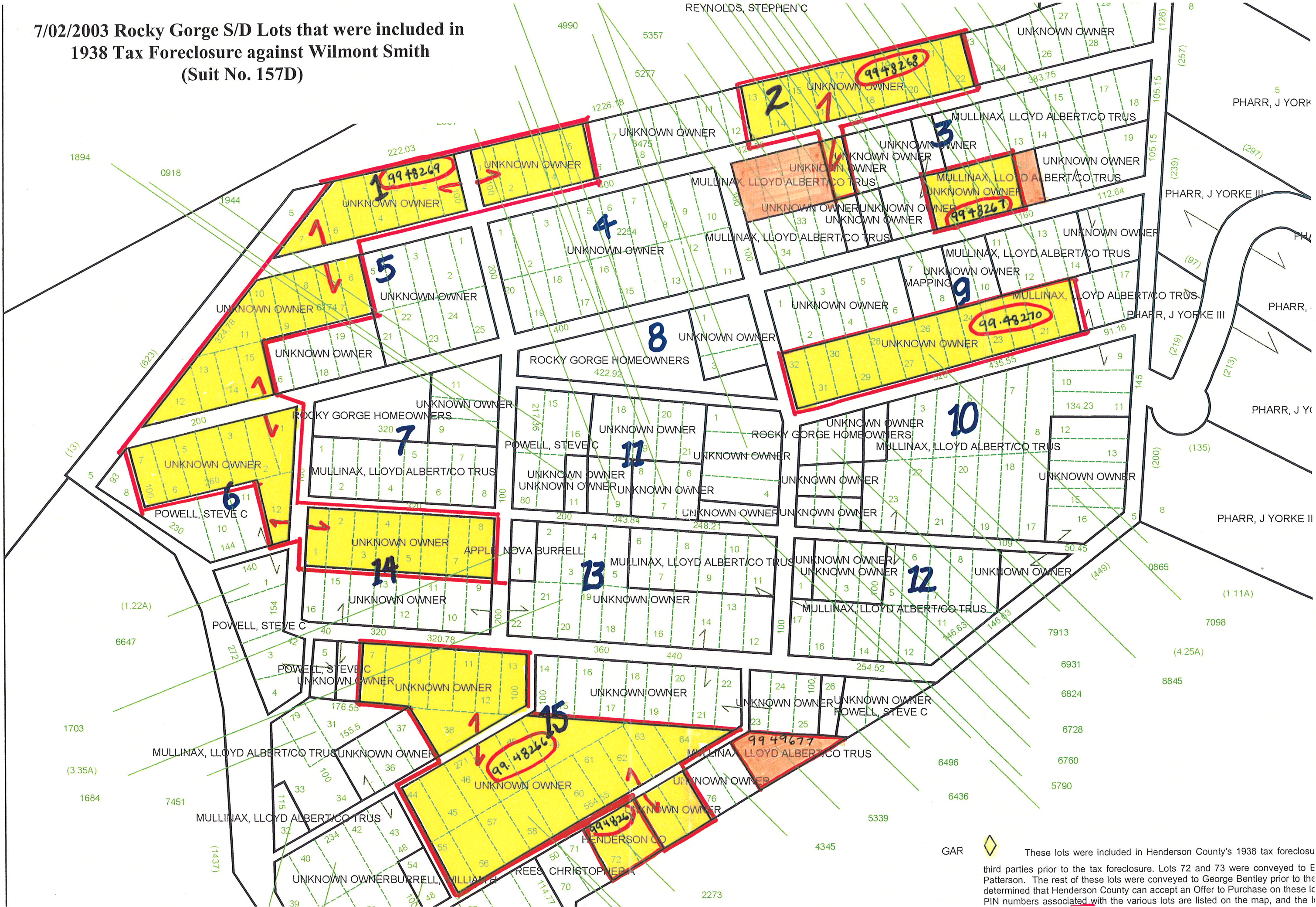



**Henderson County
Land Records GIS**

June 30th 2003

**7/02/2003 Rocky Gorge S/D Lots that were included in
1938 Tax Foreclosure against Wilmont Smith
(Suit No. 157D)**

REYNOLDS, STEPHEN C



GAR  These lots were included in Henderson County's 1938 tax foreclosure third parties prior to the tax foreclosure. Lots 72 and 73 were conveyed to E Patterson. The rest of these lots were conveyed to George Bentley prior to the determined that Henderson County can accept an Offer to Purchase on these lots. The PIN numbers associated with the various lots are listed on the map, and the lot