

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 15, 2018

SUBJECT: Continuation of Public Hearing for Proposed Right of Way Closure

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS:

- (1) Staff Memo
- (2) Petition and documentation for ROW closure from Mr. Thomas Plott
- (3) Map of area
- (4) Order of Closure
- (5) PowerPoint

SUMMARY OF REQUEST:

Staff received a petition from Mr. Thomas Plott, requesting the closure of a platted Right of Way (ROW) located off Muirfield Ct. in the Rugby Highlands Subdivision. The petitioner is requesting a 60-foot ROW shared by the petitioner and a neighbor to be closed and property resurveyed to show closure. The Board approved a Resolution of Intention to close the ROW and to hold a public hearing on this ROW closure at its May 16, 2018 meeting. On July 18, 2018 after hearing public comments, the Board voted to continue the hearing to the August 15th meeting due to concerns raised by and adjacent property owner.

PUBLIC NOTICE:

The July 18, 2018 hearing was advertised in the Times News on June 21st, 2018, June 28th, 2018 and July 5th, 2018, and the property was posted on June 26th, 2018. Notices of the hearing were sent via certified mail on June 21st, 2018 to the adjacent property owners.

BOARD ACTION REQUESTED:

Board of Commissioner action is required to close a right of way.

Suggested Motion:

I move that the Board approve the closure of the un-opened right of way off Muirfield Ct. and sign the Order of Closure.



Planning Department

100 North King Street
Hendersonville, NC 28792

MEMORANDUM

TO: Autumn Radcliff, Planning Director
FROM: Curtis Griffin, Property Addressing Coordinator
DATE: August 2, 2018
SUBJECT: Deed Research for Public Hearing on Right of Way Closure

On July 18, 2018, the Board of Commissioners held a public hearing on a Right of Way (ROW) closure request for an unopened ROW off Muirfield Ct. The adjacent property owners were represented by their attorneys and questions about an adjacent parcel and notification were raised.

Public Notice. The July 18th, 2018 public hearing was noticed in the Hendersonville Times News on June 21st, 2018, June 28th, 2018 and July 5th, 2018, and the property was posted on June 26th, 2018. Notices of the hearing were sent via certified mail on June 21st, 2018 to the four adjacent property owners per the mailing address provided on the parcel information in the Tax Department. The Planning Department received the certified mail receipt for three of the four letters. Since the public hearing, the property owner of the returned mailing receipt for the parcel we had not received, contacted staff about the ROW closure request.

ROW Deed Research. Staff researched the deed history of the Clark property (a questionable land locked parcel to the north) and obtained all the deeds for the property dating back to 1892. The 1916 deed referenced an existing ROW. The Henderson County Land Records mapped the ROW referenced in the deed along the subject property from Broyles Road. The width of the ROW is unknown. The exact location is unclear, but the ROW does run parallel along Honey Sweet Drive to such a degree that staff believes that this is the approximate location of the original ROW to the Clark property (see attached deeds and Land Records map).

No reference in the deed was found allowing the Clark property to utilize the ROW requesting to be closed. The deeds clearly show that a ROW was granted to the property via Broyles Road and it appears that this is how the existing home is currently being accessed.

STATE OF NORTH CAROLINA }
HENDERSON COUNTY

THIS INDENTURE, Made this 30th day of June, in the year of our Lord One Thousand Nine Hundred and sixteen, between Uranah Johnson, of the County of Henderson and State of North Carolina, of the first part, and The Board of Education, of the County of Henderson and State of North Carolina, of the second part, WITNESSETH:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Thirty-seven and 50/100 DOLLARS, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has bargained and sold, conveyed and confirmed, and by these presents do bargain, sell, convey and confirm unto the said party of the second part, its heirs and assigns forever, all the following described piece or parcel of land lying and being in the Township of Hendersonville, County of Henderson, and State of North Carolina, and known and designated as follows, viz.:

Adjoining lands of Mrs Winnie Duncan and others, beginning on a stake on the South side of the road leading to John Dausier with a poplar and white oak as pointers, in the Daniel line and runs with the Daniel line S. 15 W. 16 3/4 poles to a stake in Mrs Duncan's line; thence with her line N. 76 W. 14 3/4 poles to a stake on the South side of said road; thence N. 58 E. with road 22 3/4 poles to beginning, containing 3/4 acres more or less. Also a right of way over the remain land with the Duncan line to the public road.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto in anywise appertaining unto the said party of the second part.

And the said Uranah Johnson party of the first part, do bargain, sell, convey and confirm unto the said party of the second part, its heirs and assigns, as follows:

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

IN TESTIMONY WHEREOF, That said party of the first part has hereunto set her hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of Uranah Johnson (SEAL)

W. C. Jordan (SEAL)

(SEAL)

(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 execution 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. 191

Clerk Superior Court.

THE STATE OF NORTH CAROLINA,

Henderson County. } I,

W. C. Jordan

, Justice of the Peace

(Notary Public) in and for the above County and State, do hereby certify that Uranah Johnson

~~and~~ , ~~his wife~~ personally appeared before me this day and acknowledged her the due execution by ~~them~~ of the annexed Deed of Conveyance; ~~and the said~~

~~being by me privately examined, separate and apart from her said husband, touching her voluntary execution 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 official seal, this 30th day of June , 191 6

(L.S.)

My commission expires Sept. 23rd 1917.

W. C. Jordan (SEAL) Justice of the Peace. Notary Public

THE STATE OF NORTH CAROLINA,

Henderson County. }

The foregoing certificate of W. C. Jordan

, 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 22nd day of September , 191 6

J. L. Pace Deputy

Clerk Superior Court.

OFFICE OF REGISTER OF DEEDS—Henderson County, North Carolina.

Filed for registration on the 22nd day of September , 1916 , at 11 o'clock A M., and registered in the office of the Register of Deeds for Henderson County, N. C., this 23rd day of September A. D. 1916 , at 10 o'clock A M., in Book 94 , page 51

A. O. Jones

Register of Deeds.

J. P. Johnson and wife Mrs W. Duncan

State of North Carolina County
 This Deed made this 29th day of February in the year
 of our Lord One thousand eight hundred and twenty
 five by J. P. Johnson and wife Julia R. Johnson of the
 County of Henderson and State of North Carolina of the
 first part, to Mrs W. Duncan of the County of Henderson
 and State of N. Carolina of the second part: Witness
 this 29th day of said J. P. Johnson and J. R. Johnson
 in consideration of the sum of seven hundred and fifty
 Dollars to him paid by Mrs W. Duncan, the receipt
 whereof is hereunto acknowledged, have bargained and sold
 and by these presents doth bargain, sell, and convey to
 said Mrs W. Duncan and her heirs, all the right, title,
 interest and estate of the party of the first part in and to a
 certain parcel of land in Henderson County, State of
 N. Carolina adjoining the lands of John Smith the
 Ormby and others and this bounded as follows viz.

Beginning on a white oak. The corner of the church land
runs West with Smith line 73 1/2 poles to a stake. Thence
North with Ormby line 77 poles to a stake. Thence
East 80 poles to a stake. Thence S 80° East 27 poles to a
stake. Thence South 76° East 70 poles to a stake in Rockhole
line. Thence S 4 1/2° East 39 poles to a red oak on top of a
mountain. Thence S 84° East 90 poles to a black gum
 Thence to the beginning containing eighty four acres
 or less.

To Have and to hold the above said tract of land and
 all the privileges and appurtenances thereto belonging
 to the said Mrs W. Duncan and her heirs and assigns
 to them and their heirs and assigns forever.

And the said J. P. Johnson and J. R. Johnson covenant
 that they are seized of said premises in fee, and have
 right to convey the same in fee simple: That the same
 are free and clear from all incumbrances and that
 they will warrant and defend the said title to the
 same against the lawful claims of all persons whom
 soever. In Testimony Whereof the said J. P. Johnson and
 J. R. Johnson his wife have hereunto set their hands and
 seals this day and year first above written.

934
 1892
 H.W.
 rec

To have and hold the afore said tract of land and all the premises and appurtenances thereto belonging to the said James B. Ward his heirs and assigns to their only use and behoof forever.

And the said R. F. Levi & the sd. Levi covenant that they are seized of said premises in fee and have right to convey the same in fee simple; That the same are free and clear from all incumbrances, and that they will warrant and defend the same title to the same against the lawful claims of all persons whatsoever.

In Testimony Whereof The said R. F. Levi & Wife H. D. Levi have hereunto set their hands and seals this day and year first above written

Attest.

J. M. Ward.
Mary D. Ward.

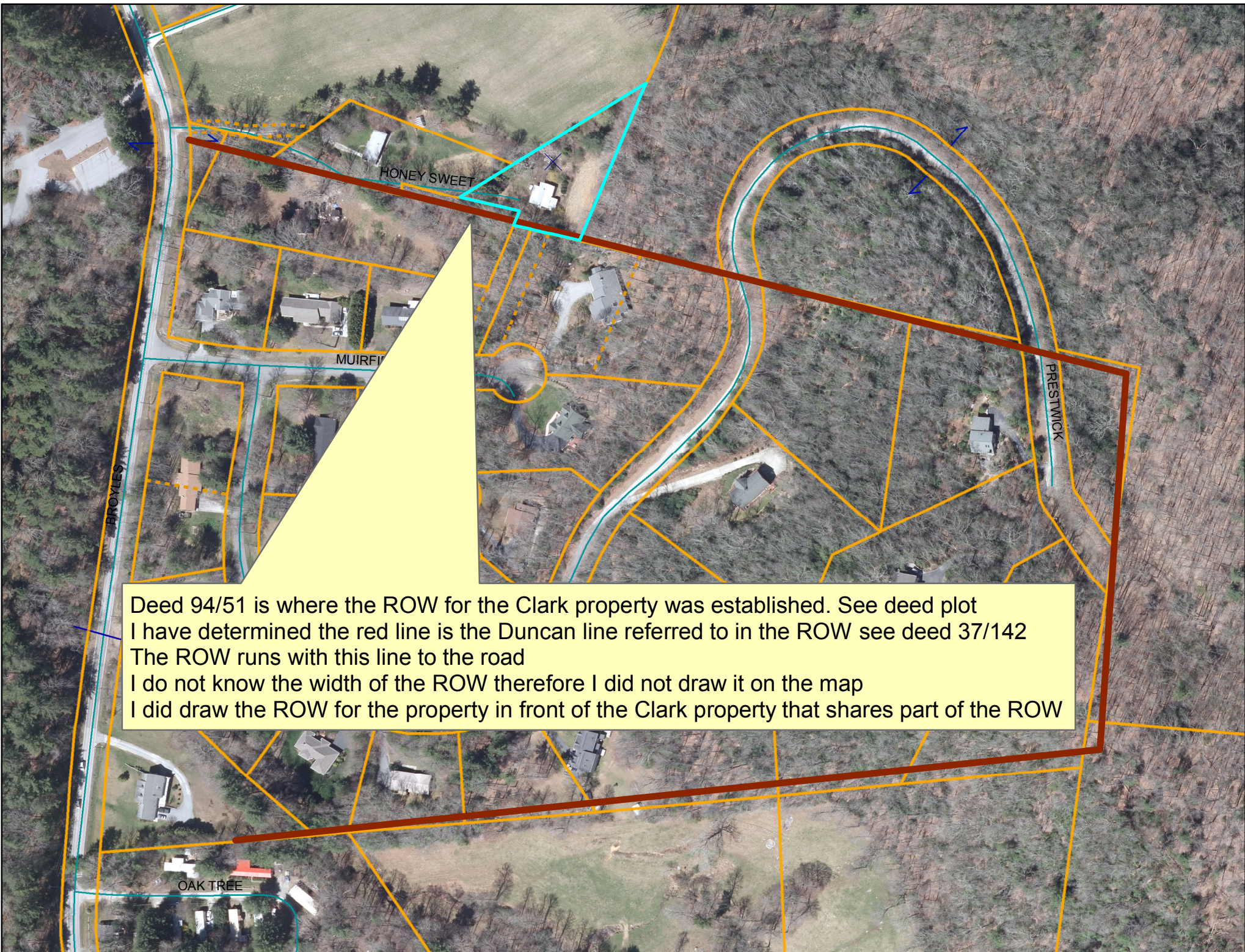
R. F. Levi Seal
H. D. Levi Seal

State of North Carolina }
Henderson County }

D. J. M. Ward Justice of the Peace, do hereby certify that R. F. Levi and H. D. Levi his wife personally appeared before me this day and acknowledged the due execution of the within deed of conveyance and the said H. D. Levi being by me privately examined separately and apart from her said husband touching her voluntary execution of the same this state that she owned the same jointly and voluntarily without fear or compulsion of her said husband or any other person, and that she did so still voluntarily and assentively

Witness my hand and private seal this 29 day of August A. D. 1891 J. M. Ward J. P. Seal

State of North Carolina Henderson County
The foregoing certificate of J. M. Ward a Justice of the Peace Henderson County is duly acknowledged in due form and according to law. There fore let the foregoing deed of conveyance with these certificates be registered.
At the Court of said County on the 15th day of August 1891 W. M. Price



Deed 94/51 is where the ROW for the Clark property was established. See deed plot I have determined the red line is the Duncan line referred to in the ROW see deed 37/142 The ROW runs with this line to the road I do not know the width of the ROW therefore I did not draw it on the map I did draw the ROW for the property in front of the Clark property that shares part of the ROW

Hogan & Brewer, PLLC
Attorneys at Law
229 NORTH MAIN STREET
HENDERSONVILLE, NORTH CAROLINA 28792
TELEPHONE: 828-697-2422 FAX: 828-696-8320

Email brewerlaw@bellsouth.net

February 21, 2018

Charles Russell Burrell, County Attorney
Henderson County
1 Historic Courthouse Square, Suite #5
Hendersonville, NC 28792


Re: Petition to close portion of 60 ft right of way off Muirfield Court

Dear Mr. Burrell:

On behalf of my client, Thomas E. Plott, we hereby Petition Henderson County to permanently close the portion of the 60 foot wide unopened right of way shown on the attached survey, which is recorded in Slide 11083, and as shown on the of Rugby Highlands which is recorded in Plat Book A at Slide 25A in the office of the Register of Deeds for Henderson County. Mr. Plott is the owner of the property lying to the west of said right of way, shown on the survey as .87 acres. John Baxter Flowers III and wife, Eleanor Simons Flowers are the owners of the 2.10 acre tract shown on said survey lying to the east of said right of way, a copy of their deed is enclosed and are in full agreement with the closing of said right of way. Owners of the remaining two tracts adjoining to the northwest and north of said right of way are William Albert Smith and wife, Elizabeth R. Smith (PIN#9640609532), and The Emily L. Daykin-Clark and Stephen Clark Trust (PIN# 9640608992), as shown on the attached survey, copies of both deeds are enclosed, and neither of said properties use said right of way to gain access to their respective properties.

A legal description for the portion of said right of way which is the subject of this Petition is also attached. Please let me know if you need anything further and I will be happy to submit it immediately. Thank you so much for your assistance in this matter.

Sincerely,


Sherri L. Brewer, Attorney
enclosures

“Exhibit A”

The centerline of the 60 foot wide unopened right of way which is the subject of the petition to close said right of way is shown on the plat recorded in Slide 11083 and more particularly described as follows: BEGINNING at an iron pin standing North 76 deg. 52 min. 17 sec. 30.43 feet from the northernmost corner of Lot 4 of Rugby Highlands Subdivision as shown on a plat thereof recorded in Plat Cabinet A at Slide 25-A in the office of the Register of Deeds for Henderson County, said iron pin being located in the centerline of the 60 foot wide unopened right of way lying to the west of said Lot 4 and extends 30.43 feet on either side of the following line: South 22 deg. 45 min. 54 sec. West 232.96 feet.

Heather Reynolds

From: "Russ Burrell" <rburrell@hendersoncountync.org>
Date: Thursday, February 22, 2018 4:00 PM
To: <brewerlaw@bellsouth.net>
Subject: Rugby Highlands road

Good afternoon –

Thank you for the petition on behalf of your client, Thomas E. Plott, which I received today. I see a couple of issues that will need clarification before going to the Board of Commissioners:

1) I think that the Board will ask for a letter from DOT stating that the area to be closed (I would love it if they would describe it with reference to your plat slide 11083; despite an overwhelming lack of evidence I'll call North Turnberry Court) was never accepted into the "control or supervision of the Department of Transportation".

2) The foregoing presumes, of course, that "North Turnberry Court" is in fact dedicated as an easement by recordation of plat. The Rugby Highlands plat which you were kind enough to provide does not really make it clear what it is. From the plat, it **looks** like just another lot, albeit one that is out of character for the subdivision. Why the GIS system shows it as a stub road I do not know. Its appearance makes me think this was one of those things common for developers of the period who wanted to reserve a possible right to access the subdivision roads if they ever bought adjoining tracts to add, or not add, to the subdivision. (For example, if the owner had purchased the tract north of the subdivision later, and wanted to access it through the subdivision roads.) A good example I can recall is Cinnamon Woods accessing the highway across the subdivision roads of Butt Mountain Estates, after the developer of Cinnamon Woods bought the residual property of the developer of Butt Mountain Estates.

3) Looking at the surrounding properties on GIS, I tried (and failed) to quickly locate a legal right-of-way for ingress/egress to the Daykin-Clark/Clark Trust property across the Cash property. The plat referenced in their deed (Slide 8271) is, well, less than helpful on the issue. It only references "Honey Sweet Path" as a "gravel drive", and shows it departing from the apparent boundaries of a "20' Right-of-Way per D.B. 734, pg. 881". As you know, N.C. Gen. Stat. §153A-241 requires the Board of Commissioners, to be able to close the street, to find that "no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property." If there is no legally established right to the "Honey Sweet Path" for the Daykin-Clark/Clark Trust property, I don't think the Board can find that. **All of the foregoing, of course, presumes that the Daykin-Clark/Clark Trust property has a legal right to use the unopened road.** If there was never such a conveyance, and if the road was not accepted by the DOT, I don't recollect any way that they would gain such a legal right. In other words, (i) if this was a right of way, and (ii) if there was never an acceptance of the implied dedication by recordation of this right of way by DOT, and (iii) if there was not some sort of conveyance of a right to the owners of the Daykin-Clark/Clark Trust tract, no problems.

Oh the joys of 40-50 year old (and older) developments.



2/22/2018

Hogan & Brewer, PLLC
Attorneys at Law
229 NORTH MAIN STREET
HENDERSONVILLE, NORTH CAROLINA 28792
TELEPHONE: 828-697-2422 FAX: 828-696-8320

Email brewerlaw@bellsouth.net

April 17, 2018

Charles Russell Burrell, County Attorney
Henderson County
1 Historic Courthouse Square, Suite #5
Hendersonville, NC 28792

Re: Petition to close portion of 60 ft right of way off Muirfield Court

Dear Mr. Burrell:

In response to your email of February 22nd on the above matter, a copy of which is enclosed for your reference, enclosed are the following:

- 1) Letter from NC DOT stating the 60 foot right of way shown on the plat of the subdivision (which is the subject of the petition) is not in the DOT system.
- 2) The original recorded plat of the subdivision recorded in Plat Book A at Slide 25A in the office of the Register of Deeds for Henderson County, does show the strip as a 60 foot wide right of way. The print on the attached copy is small, but does state "60' r/w.
- 3) Enclosed are copies of the deeds in the chain of title to the Smith property lying to the North of the Plott property, labelled "Smith"; the Cash property lying North of the Smith property, labelled "Cash"; and the Clark property lying to the north of the 60 foot right of way, labelled as "Clark".

When Broyles Road was improved the small strip between Smith and Broyles Road is owned by the State of NC, attached is the tax listing shown as REID 9904759. Cash and Clark both gain access to Broyles Road over Honey Sweet Path.

Please let me know if you need anything further on this matter.

Sincerely,



Sherri L. Brewer, Attorney
enclosures



RUGBY HIGHLANDS

HAILE & HAILE REALTORS, DEVELOPERS
 HENDERSONVILLE TWP.
 HENDERSON COUNTY, N.C.

DEED REC. I. D.N. 362, PL. 178

NOTE: ALL STALLS AND TRACKS ARE PUBLIC ROADS.

DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROPOSED SHOWINGS AND CONSTRUCTION
 STANDARDS SPECIFICATIONS
 APPROVED: *J.C. [Signature]*
 DATE: 7-6-77

I, ROBERT E. PARKER, CERTIFY THAT THIS PLAN WAS DRAWN BY ME FROM AN ACTUAL PLAT SURVEY MADE UNDER MY SUPERVISION; THAT THE CORNER OF COURSE OF THE LOTS AND TRACTS AS CALCULATED BY LATITUDE AND LONGITUDE IS 111,111.111; THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH ALL LAWS AS ENACTED, HERETOBY AND SHALL BEAL THIS 10th DAY OF JULY, 1977.
 Robert E. Parker, 1977
 SURVEYOR

I, SANDRA C. LAUNTER, A HENRY PUBLIC ADMINISTRATION COUNTY, STATE OF NORTH CAROLINA, DO HEREBY CERTIFY THAT ROBERT E. PARKER, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGE THE EXECUTION OF THE FOREGOING INSTRUMENT, WITHIN MY HAND AND SEAL THIS 10th DAY OF JULY, 1977.
 Sandra C. Launter, 1977
 COUNTY COMMISSIONER

HENDERSON COUNTY
 NORTH CAROLINA
 "THE FOREGOING CERTIFICATE OF ROBERT E. PARKER, SURVEYOR, AND SANDRA C. LAUNTER, COUNTY COMMISSIONER, IS HEREBY FILED FOR RECORD AND RECORD IN THIS OFFICE IN PLAT NUMBER A-1, PLAT 25A, THIS 6th DAY OF JULY, 1977, AT 2:25 P.M. FILED BY
 [Signature]
 CLYDE W. McMINN, CLERK

ROBERT E. PARKER
 REALTOR AND DEVELOPER
 P.O. BOX 2100 - HWY. 280
 HORSE SHOES, N.C. - 28741



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

April 17, 2018

Ms. Sherri Brewer, Attorney
Hogan and Brewer, PLLC
229 N Main Street
Hendersonville, NC 28792

Ms. Brewer:


Research into your request has shown that the plat for Rugby Highlands subdivision, recorded in Henderson County as Plat Cabinet A, Slide 25A, on July 6, 1979, shows a 60' Right of Way running to the north and east off of Muirfield Court. This Right of Way is located between the lots labeled as 3 and 4 on the plat approved by the North Carolina Department of Transportation (NCDOT) on July 6, 1979.

Muirfield Court is part of the NCDOT Secondary Road system and is designated as SR 2085. The Right of Way shown on the plat has not, to NCDOT's knowledge, ever been developed. The Right of Way has not been added to the system, and therefore has not been maintained by NCDOT beyond the platted Right of Way limits for Muirfield Court (SR 2085).

NCDOT would request, if there is currently a storm water drainage pattern established from Muirfield Court (SR 2085) through the Right of Way in question, that all applicable NC General Statutes and regulations pertaining to storm water management be followed.

If my office may be of further assistance, please feel free to ask.

Sincerely,


Steve Cannon, PE
District Engineer

SLC/rhd

Enclosure
CC: File

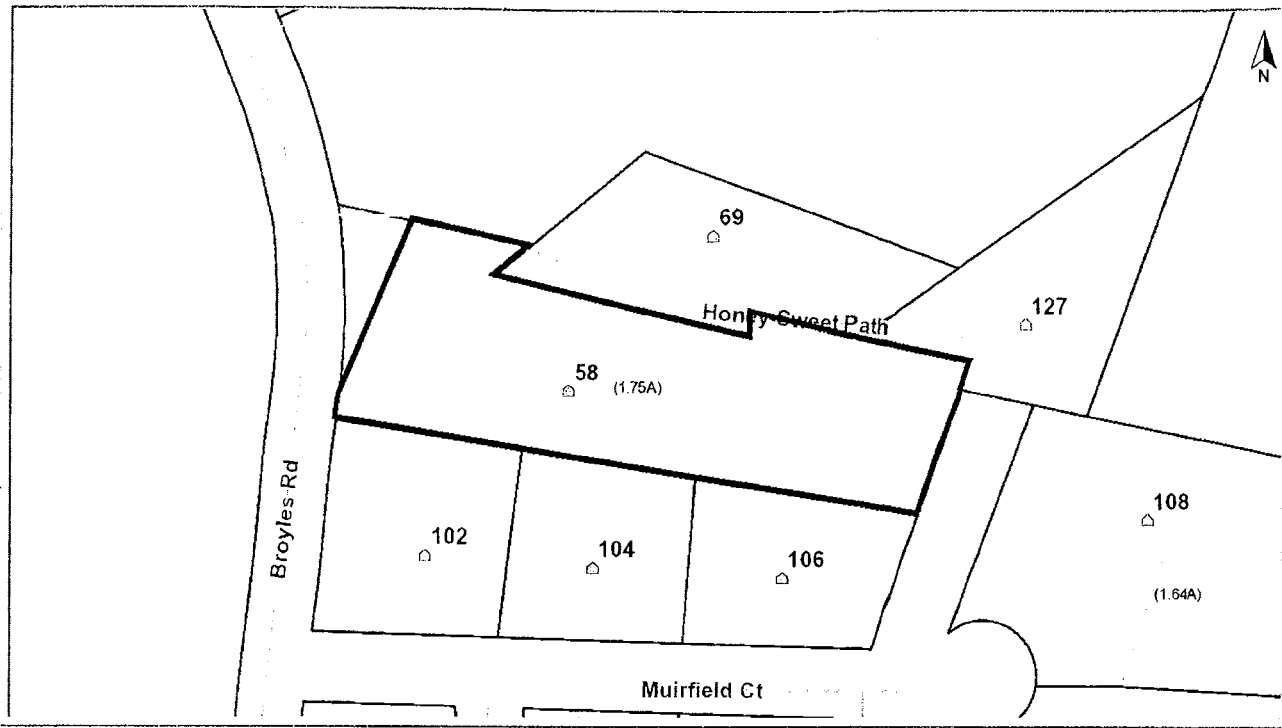
Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 14/DISTRICT 1
4142 HAYWOOD ROAD
MILLS RIVER, NC 28759

Telephone: (828) 891-7911
Fax: (828) 891-5026
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
4142 HAYWOOD ROAD
MILLS RIVER, NC 28759

SMITH



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	107884	Pin:	9640605817
Listed to:	SMITH, WILLIAM ALBERT; SMITH, ELIZABETH R	Neighborhood:	ETOWAH/HORSESHOE
Mailing Address:	662 CHERRY ST	Township:	Hendersonville
Mailing City, State, Zip:	HENDERSONVILLE, NC 28792	Municipality:	
Physical Address:	58 HONEY SWEET PATH	Tax District:	ETOWAH - HORSE SHOE FIRE
Deed:	001197/00383	Plat:	Not Available
Date Recorded:	2004-09-07 00:02:00.0	Elementary School District:	ETOWAH
Revenue Stamps:	0E-8	Middle School District:	RUGBY MIDDLE
County Zoning:	R2	High School District:	WEST HIGH
Property Description:	SR1309 ON BROYLES RD	Soil:	Tate fine sandy loam, 7 to 15 percent slopes
Map Sheet:	9640.04	Voting Precinct:	Pisgah View
Assessed Acreage:	1.88000000	Commissioner District	3
Building Value:	\$62,800.00	Agricultural District	None Found
Land Value:	\$38,600.00	North Carolina House District	117
Value To Be Billed:	\$101,400.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
 Geographic Information Systems (GIS)
 200 North Grove Street
 Hendersonville, NC 28792
 P: (828) 698-5124
 F: (828) 698-5122

WARNING: THIS IS NOT A SURVEY.

All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.

Excise Tax \$ Recording Time, Book and Page
Tax Lot No. Parcel Identifier No.
Verified by _____ County on the _____ day of _____, 20____
by _____

DEED PREPARATION ONLY - NO TITLE SEARCH

→ Mail after recording to Samuel H. Fritschner, 120 West Allen Street, Hendersonville, NC 28792
This instrument was prepared by Samuel H. Fritschner

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made 2nd day of September, 2004, by and between

GRANTOR	GRANTEE
WILLIAM ALBERT SMITH and wife, ELIZABETH R. SMITH	WILLIAM ALBERT SMITH and wife, ELIZABETH R. SMITH Address: 662 Cherry Street Hendersonville, NC 28739

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

Being all of that real property as described in that Deed recorded in Deed Book 547 at Page 445, Henderson County Registry, reference to which is hereby made for a more complete description.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property herein above described is subject to the following exceptions:

- Subject to Henderson County Ad Valorem taxes.
- Subject to Restrictions and Easements of Record
- Subject to rights of way of record.

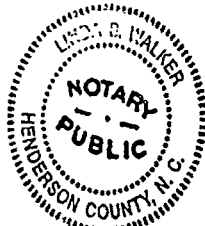
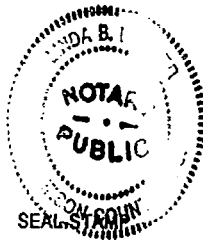
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

William Albert Smith (SEAL)
William Albert Smith

Elizabeth R. Smith (SEAL)
Elizabeth R. Smith

_____ (SEAL)

_____ (SEAL)



State of North Carolina County of Henderson

I, Linda B. Walker a Notary Public of the county and State aforesaid, certify that William Albert Smith and Elizabeth R. Smith personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 7th day of September, 2004.

My commission expires: 8/21/2005

Linda B. Walker Notary Public

STATE OF NORTH CAROLINA; COUNTY OF HENDERSON

The foregoing certificate(s) of Linda B. Walker Notary Public/Notaries Public is/ ~~are~~ certified to be correct. This instrument presented for registration and recorded in this office this 7 day of Sept, 2004, at 12:03 P. M. in Book 1197, page 383.
Nelson W. Proles, Register of Deeds by: Doris N. Supt (Assistant Deputy)

OK
A.S.

This Deed, Made this 3rd day of NOVEMBER, in the year of our Lord, one thousand nine hundred and SEVENTY-SIX, between

WILLIE S. JONES and wife, HELLEN J. JONES
of the County of HENDERSON, and State of NORTH CAROLINA, of the first part, and

WILLIAM ALBERT SMITH
of the County of HENDERSON, and State of NORTH CAROLINA, of the second part,
WITNESSETH:

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of (\$ 10.00)
TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS----- DOLLARS,
in hand paid by the said part 2nd of the second part, the receipt whereof is hereby acknowledged, he, Y^e Bargained and Sold, Con-
veyed and Confirmed, and by these presents do----- Bargain and Sell and Convey and Confirm, unto the said part 2nd of the second part,
his
heirs and assigns forever, all the following described piece... or parcel... of land lying and being in the Town-
ship of HENDERSONVILLE County of Henderson, and State of North Carolina, and known and designated as follows, viz:

Lying on the east side of the road: BEGINNING on a stake in the Public Road in John Rogers line, and runs with his line and the line of the Colored School House tract, South 80° East 32 poles to a stake; thence South 21° West 10 poles to a stake; thence North 80° West 32 poles to a stake in the Public Road; thence with said road, North 21° East 10 poles to the point and place of BEGINNING, containing 2 acres, more or less.

BEING the same land described in that certain deed dated November 8, 1929, by J. C. Rogers and wife, Mary Belle Rogers, to Charles Jones and E11 Bryson, Trustees, as shown by record in the Henderson County Registry in Deed Book 187, at page 103; ALSO BEING the identical property conveyed by Charles Jones and E11 Bryson, the only surviving trustees of Pleasant Isle Baptist Church of Horse Shoe, North Carolina, to the grantors herein by deed dated April 12, 1946, duly recorded in the Registry for Henderson County, North Carolina, in Deed Book 264, at page 11.

RESERVING, HOWEVER, unto the grantors herein, for and during their natural life time, a life estate in the property herein conveyed.

TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said part Y of the second part, his heirs and assigns forever.

And the said part ies of the first part do covenant with the said part Y of the second part, his heirs and assigns, as follows: FIRST, that the said part ies of the first part are the owners, and lawfully seized of said land and premises. SECOND, That they have good right and full power to convey the same. THIRD, That the same are free from all incumbrances whatsoever. And, FOURTH, That the said part Y of the second part, his heirs and assigns, shall quietly enjoy and possess the same, and that the said part ies of the first part, their heirs, executors and administrators, will forever warrant and defend the title to the same against all lawful claims.

SUBJECT TO the life estate herein reserved unto the grantors for and during their natural lives.

IN TESTIMONY WHEREOF, The said part ies of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

WILLIE S. JONES Willie S. Jones (SEAL)
Hellen J. Jones (SEAL)
HELLEN J. JONES (SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
I, Marilyn G. Ghandour, a Notary Public, in and for the above County and State do hereby certify that WILLIE S. JONES and wife, HELLEN J. JONES

personally appeared before me this day and acknowledged the due execution by them of the foregoing Deed of conveyance. WITNESS my hand and notarial seal, this 3rd day of November, 19 76
My commission expires January 30, 1977

STATE OF , COUNTY OF
I, , a Notary Public, in and for the above County and State, do hereby certify that

personally appeared before me this day and acknowledged the due execution by of the foregoing Deed of conveyance. WITNESS my hand and notarial seal, this day of , A. D. 19
My commission expires

WARRANTY DEED
WILLIE S. JONES and wife,
HELLEN J. JONES
TO
WILLIAM ALBERT SMITH
NORTH CAROLINA, HENDERSON COUNTY

The foregoing certificate(s) of Marilyn G. Ghandour

Notary Public (Notaries-Public) is/are certified to be correct. This instrument presented for registration and recorded in this office this 3 day of Nov at 155 P. M. in Book 547 Page 445
Don H. Elkins
Ray Wallace Simpson
Register of Deeds
(Assistant) Register

LEWIS OFFICES
Don H. Elkins and Robert J. Deutsch
124 South Main Street
Hendersonville, North Carolina 28739
Printed and For Sale By
LEWIS OFFICE COMPANY
Hendersonville, N. C.

THE STATE OF NORTH CAROLINA }
HENDERSON COUNTY.

THIS INDENTURE, Made this 12th day of April, in the year of our Lord one thousand nine hundred and forty six, between Charles Jones and Eli Bryson, the only surviving trustees of Pleasant Isle Baptist Church of Horse Shoe, North Carolina and of the County of Henderson and State of North Carolina, of the first part, and Willie S. Jones and wife Hellen J. Jones, of the County of Henderson and State of North Carolina, of the second part, WITNESSETH:

That Whereas the property herein described was acquired originally for the purpose of erecting a Church thereon for the Pleasant Isle Baptist Colored Congregation membership and Officers and Whereas there has been no church erected on the property and there is no possibility of erecting any church there and all the surviving members of the said Pleasant Isle Baptist Church together with their trustees and officers having duly assembled and having passed proper resolutions directing and authorizing the surviving trustees to sell the property herein described to the Grantees herein and to deposit the funds and use them for any religious or charitable cause the Trustees in their discretion may see fit and whereas the Grantees herein offer the sum of three

hundred dollars cash Three hundred DOLLARS, in hand paid by the said part 1cs 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 Hendersonville, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

and whereas the membership and officers of the Pleasant Isle Baptist Church of Horse Shoe, N.C. do authorize and direct the Trustees herein to accept the offer of the Grantees herein, now therefore this indenture, deed. Witnesseth:

Lying on the East side of the road, Beginning on a stake in the Public road in John Rogers line, and runs with his line and the line of the Colored School House tract south 80 degrees east 32 poles to a stake; then south 21 degrees west, 10 poles to a stake; thence north 80 degrees west 32 poles to a stake in the public road; then with the road, north 21 degrees east 10 poles to the beginning containing 2 acres more or less. This is the same land described in that certain deed made and executed Nov. 8, 1928 by J.C. Rogers and wife, Mary Belle Rogers to Charles Jones and Eli Bryson Trustees, as shown by record in deed book 157 at page 103 in the office of the Register of Deeds for Henderson County, N.C. description hereby incorporated by reference.

To HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereto in anywise appertaining, unto the said part 1cs of the second part, their heirs and assigns forever.

And the said Eli Bryson and Charles Jones Surviving Trustees part les of the first part, do covenant with the said part-- of the second part, their heirs and assigns, as follows: In so far as they are required to do and no further FIRST, That they are the owners 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 les 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 part les 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:

Charles Jones Trust (Seal)
Eli Bryson, Trustee (Seal)

Bruce A. Cox (Seal)
(Seal)
(Seal)
(Seal)

THE STATE OF NORTH CAROLINA }
County of Henderson }

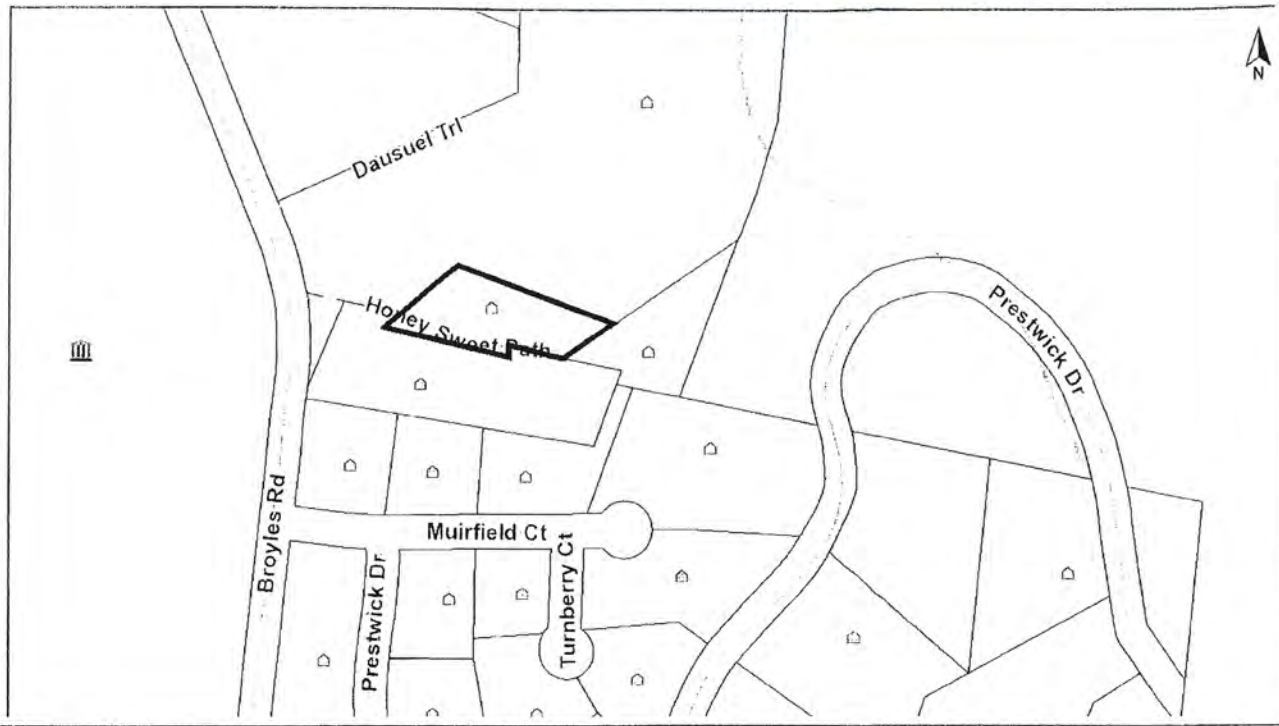
I, Bruce A. Cox, notary public, Justice of the Peace (Notary Public) in and for the above County and State, do hereby certify that Charles Jones and Eli Bryson, Trustees for the Pleasant Isle Baptist Church of Horse Shoe N.C. personally appeared before me this day and acknowledged the due execution by them of the annexed deed of conveyance; and that the said being by me privately examined, separate and apart from her said husband, touching her voluntary execution 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 20th day of April, A.D. 1946. Bruce A. Cox, Notary Public, Henderson Co. N.C. My Commission Expires March 1947.

THE STATE OF NORTH CAROLINA }
Henderson County. }

The foregoing certificate of Bruce A. Cox, 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 20 day of April, 1946. S.R. Cathey, Asst. Clerk Superior Court.

OFFICE OF REGISTER OF DEEDS—HENDERSON COUNTY, N. C.
Filed for registration on the 20 day of April, 1946, at 9:00 o'clock AM, and registered and verified in the office of the Register of Deeds for Henderson County, N. C., this 30 day of April, A.D. 1946, at 12:45 o'clock P. M., in Book 263, page 11.
Frank L. Pittman
Register of Deeds.

Cash



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	102234	Pin:	9640606949
Listed to:	CASH, FLEETWOOD	Neighborhood:	ETOWAH/HORSESHOE
Mailing Address:	69 HONEY SWEET PATH	Township:	Hendersonville
Mailing City, State, Zip:	HENDERSONVILLE, NC 28791	Municipality:	
Physical Address:	69 HONEY SWEET PATH	Tax District:	ETOWAH - HORSE SHOE FIRE
Deed:	000734/00881	Plat:	Not Available
Date Recorded:	1989-03-23 00:02:00.0	Elementary School District:	ETOWAH
Revenue Stamps:		Middle School District:	RUGBY MIDDLE
County Zoning:	R2	High School District:	WEST HIGH
Property Description:	SR1309 BROYLES ROAD	Soil:	Tate fine sandy loam, 7 to 15 percent slopes
Map Sheet:	9640.04	Voting Precinct:	Pisgah View
Assessed Acreage:	0.82000000	Commissioner District:	3
Building Value:	\$58,200.00	Agricultural District:	None Found
Land Value:	\$26,400.00	North Carolina House District:	117
Value To Be Billed:	\$84,600.00	U.S. House District:	11
North Carolina Senate District:	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
F: (828) 698-5122

WARNING: THIS IS NOT A SURVEY.

All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

This Deed, Made this 23rd day of March, in the year of our Lord, one thousand nine hundred and eighty-nine between MARYBELLE CASH

of the County of Henderson, and State of North Carolina, of the first part, and FLEETWOOD CASH

Route 7 Box 25 Hendersonville, North Carolina 28739
of the County of Henderson, and State of North Carolina, of the second part,

WITNESSETH:

WHEREAS, the hereinafter described 0.816 acres parcel of land was conveyed to Fleetwood Cash and wife, Marybelle Cash by Deed from Ophelia Dausuel dated August 23, 1963 and recorded in Deed Book 415 at Page 163, Henderson County Registry.

AND WHEREAS, the parties hereto were divorced by Judgment of Absolute Divorce entered on July 16, 1987 as evidenced by File No. 87-CVD-382 in the Henderson County Clerk of Superior Court's Office.

AND WHEREAS, the party of the first part is desirous of conveying all of her one-half undivided interest in and to the hereinafter described parcel of land to the party of the second part;

NOW THEREFORE,

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of \$ 10.00 TEN AND NO/100 and other valuable considerations DOLLARS,

in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, has Bargained and Sold, Conveyed and Confirmed, and by these presents do Bargain and Sell and Convey and Confirm, unto the said part Y of the second part, his heirs and assigns forever, all of the following described piece or parcel of land lying and being in the Township of Hendersonville, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

BEGINNING at a stake located at the southeastern corner of that certain tract of land described in that Deed to Ophelia Dausuel as recorded in Deed Book 201 at Page 62, Henderson County Registry and running thence from said beginning point along the southern line of said tract North 75 deg. 59 min. 48 sec. West 234 feet to a stake; thence leaving said line and running North 52 deg. 41 min. 33 sec. East 172 feet to an established iron pin; thence South 69 deg. 27 min. 12 sec. East 300 feet to a stake on the East side of the gravel drive; thence running South 57 deg. 38 min. 45 sec. West crossing said gravel drive twice 110 feet to a planted stone on the southside of the gravel drive; thence North 75 deg. 59 min. 56 sec. West 100.37 feet to a stake; thence South 1 deg. 0 min. West 21 feet to the point and place of beginning containing 0.816 acres. This property is shown on that survey prepared for Fleetwood Cash and Marybelle Cash by J. Glenn Haynes, R.L.S. dated October 14, 1988, and being Job No. B-255.

There is also conveyed by this instrument a non-exclusive road right of way 20 feet in width as a means of ingress, egress and regress between the above described 0.816 acres tract of land and Broyles Road (S.R. 1309) with the center line of said road right of way being described as follows: Beginning at a point in the center of the existing gravel drive in the western line of the above described 0.816 acres tract of land which beginning point is located North 52 deg. 41 min. 33 sec. East 74.52 feet from the southwesternmost corner of the above described 0.816 acres tract of land and running thence from said beginning point the following courses and distances: North 85 deg. 32 min. 23 sec. West 32.01 feet to a point, South 85 deg. 11 min. 32 sec. West 63.70 feet to a point, North 82 deg. 46 min. 10 sec. West 58.40 feet to a point and South 87 deg. 1 min. 42 sec. West 81.06 feet to a point in the center of Broyles Road.

The property conveyed by this Deed is all that property which was conveyed to Fleetwood Cash and wife, Marybelle Cash by Deed from Ophelia Dausuel dated August 23, 1963 and recorded in Deed Book 415 at Page 163, Henderson County Registry.

The above described 0.816 acres parcel of land is bounded on the North and West by the Hulon C. McCraw property as described in Deed Book 656 at Page 523, on the East by the Artie Lynch property as described in Deed Book 292 at Page 268 and on the South by the Helen J. Jones property as described in Deed Book 547 at Page 445.



TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances therunto in any wise appertaining, unto the said part Y of the second part, his heirs and assigns forever.

And the said part Y of the first part do ES covenant with the said part Y of the second part his heirs and assigns, as follows: FIRST, that the said part Y of the first part is the owner and lawfully seized of said land and promises. SECOND, That she has good right and full power to convey the same. THIRD, That the same are free from all Incumbrances whatsoever. And, FOURTH, That the said part Y of the second part, his heirs and assigns, shall quietly enjoy and possess the same, and that the said part Y of the first part, her heirs, executors and administrators, will forever warrant and defend the title to the same against all lawful claims.

Subject to 1989 Henderson County property taxes which are assumed by the party of the second part.

IN TESTIMONY WHEREOF, The said part Y of the first part has her hereunto set her hand and seal day and year first above writton.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Mary Belle Cash (SEAL)
Marybelle Cash (SEAL)
Marybelle Cash (SEAL)

(SEAL)

STATE OF North Carolina COUNTY OF Henderson
Genevieve P. Gates, a Notary Public, in and for the above County and State do hereby certify that MARYBELLE CASH

Personally appeared before me this day and acknowledged the due execution by HER of the foregoing Deed of conveyance. My commission expires 4-28-93 Genevieve P. Gates Notary Public

STATE OF North Carolina COUNTY OF Henderson
Irene P. Spachman, a Notary Public, in and for the above County and State do hereby certify that MARYBELLE CASH

Personally appeared before me this day and acknowledged the due execution by HER of the foregoing Deed of conveyance. My commission expires October 26, 1993 Irene P. Spachman Notary Public

WARRANTY DEED

MARYBELLE CASH TO FLEETWOOD CASH NORTH CAROLINA, HENDERSON COUNTY The foregoing certificate(s) of Genevieve P. Gates, Irene P. Spachman

Notary Public (Notaries Public) is/are certified to be correct. This instrument presented for registration and recorded in this office this 28 day of March 19 89 a/d. 31-2 M in Book 134 Page 881 Bobby N. Maxwell Register of Deeds By: Shuley Hollinger (Deputy)

PREPARED BY STEPP, GROCE & COSGROVE 112 SOUTH MAIN STREET HENDERSONVILLE, N.C. 28739-5093 Printing and Fac-Sim by FLANAGAN PRINTING COMPANY HENDERSONVILLE, N.C.

Jeff Brater

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

ok/ m

183

This Deed, made this 23rd day of August, in the year of our Lord, one thousand nine hundred and sixty-three, between

OPHELIA DAUSUEL

of the County of Henderson, and State of North Carolina, of the first part, and

FLEETWOOD CASH and wife,

MARYBELLE CASH

of the County of Henderson, and State of North Carolina, of the second part,
WITNESSETH:

WITNESSETH, That the said part 1 of the first part, for and in consideration of the sum of (\$ 10.00)
Ten Dollars and Other Valuable Considerations

in hand paid by the said part 2 of the second part, the receipt whereof is hereby acknowledged, has Bargained and Sold, Conveyed and Conferred, and by these presents do Bargain and Sell and Convey and Confirm, unto the said part 1 of the second part,
their

heirs and assigns forever, all the following described piece or parcel of Land being and being in the Township of Hendersonville, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

BEGINNING at a stake located at the Southeastern corner of that certain tract of land described in a deed to the grantor in Deed Book 201 at Page 62, Henderson County Registry and running thence from said beginning point along the southern line of said tract North 80 deg. East 234 feet to an iron pin; thence North 62 deg. East 172 feet to an iron pin; thence South 69 deg. East 300 feet to an iron pin in the boundary line of that property owned by the grantor and described in Deed Book 186 at Page 1, Henderson County Registry; thence with said boundary line South 53 deg. West 110 feet to a stake of a northern margin of an old road; thence with the margin of said road North 71 deg. 30 min. West 128 feet to the point of beginning.

TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said parties of the second part, their heirs and assigns forever.

And the said part V. of the first part do covenant with the said parties of the second part, their heirs and assigns, as follows: FIRST, that the said part V. of the first part is the owner and lawfully seized of said land and premises. SECOND, That he has a good right and full power to convey the same. THIRD, That the same are free from all incumbrances whatsoever. And, FOURTH, That the said parties of the second part, their heirs and assigns, shall quietly enjoy and possess the same, and that the said part V. of the first part, his heirs, executors and administrators, will forever warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, The said part V. of the first part has hereunto set his hand and seal, the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Ophelia Dausuel (SEAL)
OPHELIA DAUSUEL (SEAL)
(SEAL)
(SEAL)

STATE OF North Carolina, COUNTY OF Henderson, in and for the above County and State, do hereby certify that JAMES J. PILGRIM, a Notary Public,

personally appeared before me this day and acknowledged the due execution by him of the foregoing Deed of conveyance. WITNESS my hand and notarial seal this 11th day of August, 1963. My commission expires OCT 16th, 1963. James J. Pilgrim, Notary Public.

STATE OF COUNTY OF in and for the above County and State, do hereby certify that

personally appeared before me this day and acknowledged the due execution by of the foregoing Deed of conveyance. WITNESS my hand and notarial seal, this day of A. D. 19 My commission expires Notary Public.

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON. The foregoing certificate of a Notary Public, of Henderson County and State of North Carolina is adjudged to be correct. Therefore, let the foregoing Deed, with the certificate, be registered. This 11th day of August, 1963. Clerk Superior Court, Henderson County

WARRANTY DEED

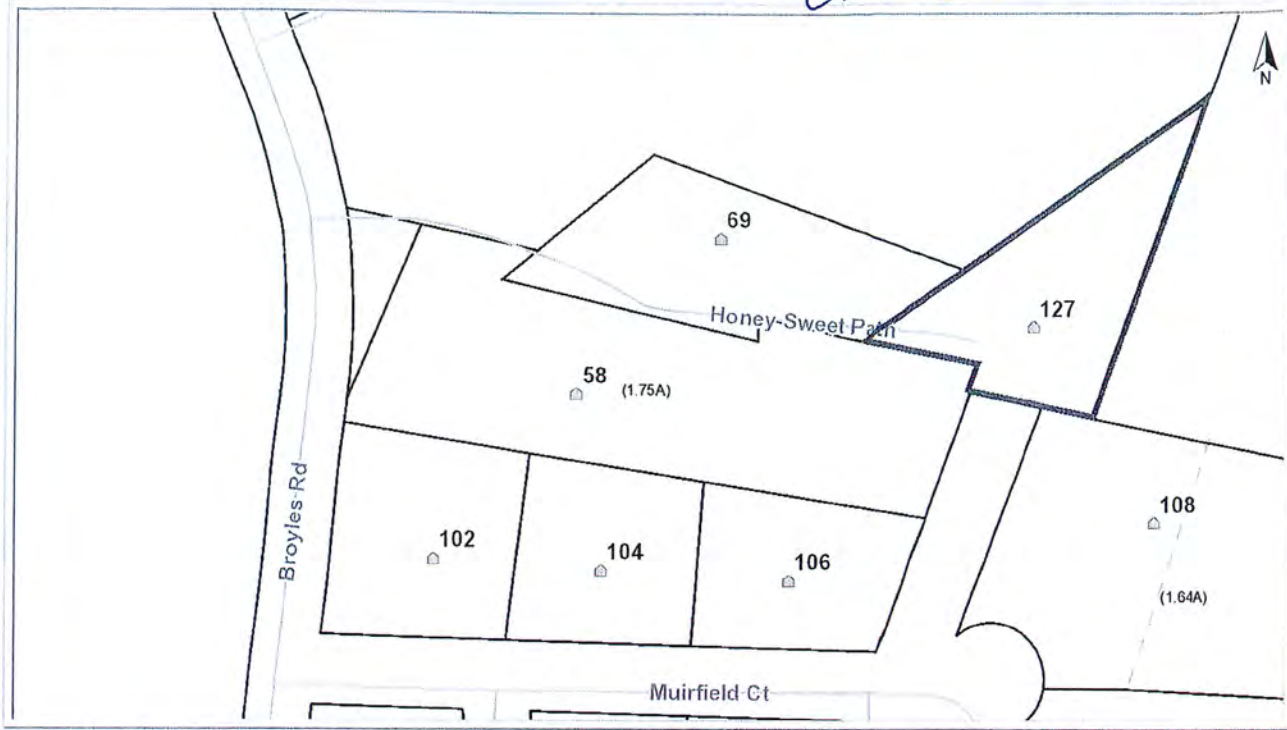
OPHELIA DAUSUEL TO FLEETWOOD CASH and wife, MARVELLE CASH

Consideration \$10.00 and other Date 23 August, 1963

FILED FOR RECORD in the office of the Register of Deeds for Henderson County, North Carolina, on this 14th day of Sept 1963 at 9:20 o'clock A.M. and Recorded and Verified on the 16th day of Sept 1963 at 2:30 o'clock P.M. in Book 415 at Page 1163

Prepared by: Whitmore & Whitmore, Attorneys, Hendersonville, North Carolina. Registrar of Deeds: Henderson County, North Carolina. Filed by: Marshall Whitmore, Registrar of Deeds, Henderson County.

Clark



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	108375	Pin:	9640608992
Listed to:	CLARK, EMILY L DAYKIN; CLARK, STEPHEN; EMILY L DAYKIN-CLARK TRUST	Neighborhood:	MOUNTAIN HOME
Mailing Address:	4934 MONTESSA STREET	Township:	Hendersonville
Mailing City, State, Zip:	SAN DIEGO, CA 92124	Municipality:	
Physical Address:	127 HONEY SWEET PATH	Tax District:	ETOWAH - HORSE SHOE FIRE
Deed:	001462/00230	Plat:	SLD 8271
Date Recorded:	2011-05-25 00:01:00.0	Elementary School District:	ETOWAH
Revenue Stamps:		Middle School District:	RUGBY MIDDLE
County Zoning:	R2	High School District:	WEST HIGH
Property Description:	SR1309 BROYLES RD OFF BMSLD-8271	Soil:	Tate fine sandy loam, 7 to 15 percent slopes
Map Sheet:	9640.04	Voting Precinct:	Pisgah View
Assessed Acreage:	0.74000000	Commissioner District:	3
Building Value:	\$5,100.00	Agricultural District:	None Found
Land Value:	\$24,900.00	North Carolina House District:	117
Value To Be Billed:	\$30,000.00	U.S. House District:	11
North Carolina Senate District:	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
F: (828) 698-5122

WARNING: THIS IS NOT A SURVEY.

All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE. NEDRA W. MOLES, REGISTER
DATE: 5-25-11 TIME: 3:30 P.M.
EXCISE TAX STAMP: _____
BOOK: 1462 PAGE: 230

AFFIDAVIT OF CORRECTION OF TYPOGRAPHICAL OR OTHER MINOR ERROR
[N.C.G.S. 47-36.1]

Prepared by and Return to: Jack A. Lyda, The Morris Law Firm

Each undersigned Affiant, jointly and severally, being first duly sworn, hereby swears or affirms that the North Carolina General Warranty Deed (name or type of original instrument being corrected) recorded on March 17, 2011 (date) in Book 1456, Page 001, Henderson County Registry, by and between Clarence Lynch and wife, Janice Lynch, Carrie L. Clark and husband, Elijah Clark and Artie W. Lynch, Jr. and wife, Alice Lynch and Eddie Moss, Widow of Francis L. Moss "Grantors" and Emily L. Daykin-Clark and husband, Stephen Clark as Trustees of The Emily L. Daykin-Clark Trust, under Declaration of Trust dated June 5, 2002 [original parties] contained the following *typographical or other minor* error:

The original plat provided for description listed the Plat Slide number as 8231 as it states on the Exhibit "A" in Deed recorded in Book 1456, Page 001. A second plat provided for description changed the Plat Slide number to 8271.

Affiant makes this Affidavit for the purpose of correcting the above-described instrument as follows:

We are correcting the description of the above referenced Deed with the Plat Slide number of Plat Slide 8271.

Affiant is knowledgeable of the agreement and the intention of the parties in this regard. Affiant is the (check one)

- Drafter of original instrument being corrected
- Closing attorney for transaction involving instrument being corrected
- Attorney for grantor/mortgagor named above in instrument being corrected
- Owner of the property described in instrument being corrected
- Other (Explain: _____)

A copy of the original instrument (in part or in whole) () is / () is not attached.

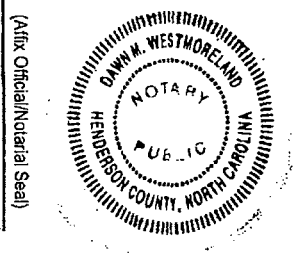
Signature of Affiant
Print or Type Name: _____

Signature of Affiant
Print or Type Name: Jack A. Lyda

State of North Carolina County of Henderson

Signed and sworn to (or affirmed) before me, this the 23rd day of May, 2011.

My Commission Expires: 10-02/2011
Dawn M. Westmoreland
Notary Public



October 3, 2008

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE, NEDRA W. MOLES, REGISTER

DATE: 3-17-11 TIME: 11:38 AM

EXCISE TAX STAMP: 766.

BOOK: 1456 PAGE: 001

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$66.00

Parcel Identifier No. 01-08375 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: WAYMON L. MORRIS, P.A. - 308 Martin Luther King Jr. Blvd, Hendersonville, NC 28792

This instrument was prepared by: WAYMON L. MORRIS, P.A.

Brief description for the Index: ¼ acre-Honeysweet Path

THIS DEED made this 17th day of March 2011, by and between

GRANTOR	GRANTEE
<p>CLARENCE LYNCH and wife, JANICE LYNCH, CARRIE L. CLARK and husband, ELIJAH CLARK and ARTIE W. LYNCH, JR. and wife, ALICE LYNCH and EDDIE MOSS, Widow of FRANCIS L. MOSS</p>	<p>EMILY L. DAYKIN-CLARK and husband STEPHEN CLARK as Trustees of THE EMILY L. DAYKIN-CLARK AND STEPHEN CLARK TRUST, under Declaration of Trust dated June 5, 2002</p>
<p>Address: 127 Honeysweet Path Hendersonville, NC 28791</p>	<p>Address: 4934 Montessa Street San Diego, CA 92124</p>

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

BEING all of that property described on the Exhibit "A" attached hereto.

The property being transferred by this Deed does ____ or does not **XX** include the primary residence of either Grantor. (Per N.C.G.S. §105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Book 292, page 268, Henderson County, North Carolina Register of Deeds Office.

A map showing the above described property is recorded in Plat Slide _____, Henderson County, North Carolina Register of Deeds Office.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

Henderson County ad valorem taxes for 2012, and subsequent years, which are a lien, but not yet due and payable, easements, rights of way and restrictions of record.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

B1462 P233

B1456 P003

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

(Entity Name)

Clarence Lynch (SEAL)
CLARENCE LYNCH

By: _____

Janice Lynch (SEAL)
JANICE LYNCH

Title: _____

By: _____

(SEAL)

Title: _____

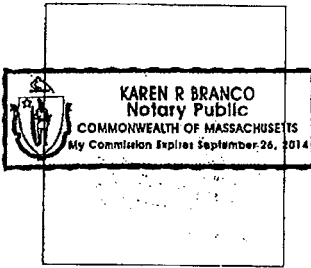
By: _____

(SEAL)

Title: _____

SEAL-STAMP

State of MA - County of Middlesex



I, Karen Branco, the undersigned Notary Public of the County and State aforesaid, certify that CLARENCE LYNCH and wife, JANICE LYNCH, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 3 day of March 2011.

My Commission Expires: 9-26-14

Karen Branco

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. _____ Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

B1462 P234

B1456 P004

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

(Entity Name)

Eddie T. Moss Jr. (SEAL)
EDDIE MOSS

By: _____

(SEAL)

Title:

By: _____

(SEAL)

Title:

By: _____

(SEAL)

Title:

SEAL-STAMP



State of MA - County of Plymouth

I, ROSEMARY A. McNEILL, the undersigned Notary Public of the County and State aforesaid, certify that **EDDIE MOSS**, Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 5th day of March 2011.

My Commission Expires:
10-17-2011

Rosemary A. McNeill

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. _____ Register of Deeds for _____ County
By: _____ Deputy/Assistant Register of Deeds

B1462 P235

B1456 P005

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

(Entity Name)

Carrie L. Clark (SEAL)
CARRIE L. CLARK

By: _____
Title: _____

Eljah Clark (SEAL)
ELIJAH CLARK

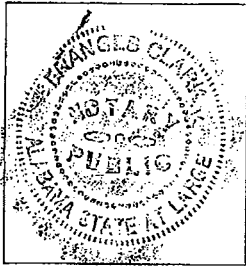
By: _____
Title: _____

(SEAL)

By: _____
Title: _____

(SEAL)

SEAL-STAMP



State of Alabama - County of Jefferson

I, Frances Clark, the undersigned Notary Public of the County and State aforesaid, certify that CARRIE L. CLARK and husband, ELIJAH CLARK, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 4th day of March 2011.

My Commission Expires January 18, 2012
My Commission Expires _____

Frances Clark

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. _____ Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

B1462 P236

B1456 P006

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

(Entity Name)

Artie W. Lynch Jr. (SEAL)
ARTIE W. LYNCH, JR.

By: _____

Alice L. Lynch (SEAL)
ALICE LYNCH

Title: _____

By: _____

(SEAL)

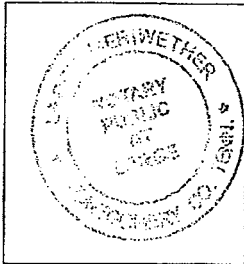
Title: _____

By: _____

(SEAL)

Title: _____

SEAL-STAMP



State of ~~Tennessee~~ county of Montgomery

I, Larry Meriwether the undersigned Notary Public of the County and State aforesaid, certify that ARTIE W. LYNCH, JR. and wife, ALICE LYNCH, Grantors, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 7 day of March 2011.

My Commission Expires:
March 13 2012

[Signature]

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown
on the first page hereof. _____ Register of Deeds for _____ County
By: _____ Deputy/Assistant / Register of Deeds

EXHIBIT "A"

BEING all of that property containing 0.47 acres, more or less, as shown on a Plat entitled "Plat of Survey for Emily L. Daykin-Clark & Stephen Clark Trust" prepared by Freeland-Clinkscales & Associates, Inc, dated March 7, 2011 and bearing Drawing No: H31055 and recorded in the Office of the Register of Deeds for Henderson County, North Carolina at Plat Slide 8231; reference being made to said recorded Plat for a full and complete metes and bounds description of said tract, pursuant to North Carolina General Statutes Section 47-30(g).

TOGETHER WITH AND SUBJECT TO easements, rights of way and restrictions of record.

BEING the same property as conveyed in a deed to Lola Lynch and husband, Artie Lynch recorded March 15, 1950 in Deed Book 292, Page 268, Henderson County Registry.

THE STATE OF NORTH CAROLINA }
HENDERSON COUNTY.

THIS INDENTURE, Made this 15th day of March, in the year of our Lord one thousand nine hundred and fifty, between Wilbur Ledbetter and wife Cannie Ledbetter of the County of Henderson and State of North Carolina, of the first part, and Lola Lynch and husband, Artie Lynch of the County of Henderson and State of North Carolina of the second part, WITNESSETH:

Stamps: \$2.10

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten dollars and other valuable considerations 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 Hendersonville, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

Adjoining the lands of Mrs. Winnie Duncan and others: Beginning on a stake on the south side of the road leading to John Dausier's with a poplar and white oak as pointers in the Daniel line and runs with the Daniel line South 15 deg. West 16 3/4 poles to a stake in Mrs. Duncan's line; thence with her line North 76 deg. West 14 3/4 poles to a stake on the south side of said road; thence North 58 deg. East with the road 22 3/4 poles to the beginning, containing 3/4 of an acre, more or less and being the same land conveyed by Uranah Johnson to the County Board of Education of Henderson County by deed dated June 30, 1916, and of record in Book 94 page 51 of the Records of Deeds for Henderson County, North Carolina.

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 Wilbur Ledbetter and wife, Cannie Ledbetter parties of the first part, do covenant with the said parties of the second part, their heirs and assigns as follows:

FIRST, that they are the owners 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 said 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:

Wilbur Ledbetter (Seal)
 Cannie Ledbetter (Seal)
 (Seal)
 (Seal)
 (Seal)

THE STATE OF NORTH CAROLINA }
 County of Henderson

I, Valreen M. Lyday, (Notary Public) in and for the above County and State, do hereby certify Wilbur Ledbetter and wife, Cannie Ledbetter personally appeared before me this day and acknowledged the due execution by them of the annexed deed of conveyance.

Witness my hand and notarial seal, this 15th day of Mar. A.D. 19 50

My Commission Expires Feb. 1, 1951 (seal) Valreen M. Lyday, Notary Public.
 Henderson Co., N. C.

THE STATE OF NORTH CAROLINA }
 Henderson County.

The foregoing certificate of Valreen M. Lyday, (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 15 day of Mar 19 50

Edith R. Hesterly, Deputy Clerk Superior Court.

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

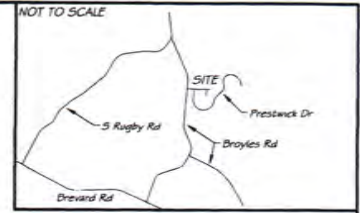
Filed for registration on the 15 day of Mar, 1950, at 12:45 o'clock P M., and registered and verified in the office of the Register of Deeds for Henderson County, N. C., this 27 day of Mar, A.D. 19 50, at 9:00 o'clock A M., in Book 292, page 268

E. R. Hesterly, Jr.
 Register of Deeds.

Slide 11083

State of North Carolina, County of Henderson
 filed for registration on the 10 day of Feb, 2018
 at 2:41 o'clock P.M and recorded in
 slide 11083 in the office of the
 Register of Deeds of Henderson County.
William Lee King
 Register of Deeds
 By: Sully Browning Deputy

State of North Carolina
 County of Henderson
 I, Tom O'Call Review Officer of Henderson County,
 certify that the map or plat to which this certification is affixed
 meets all statutory requirements for recording.
Tom O'Call
 Review Officer
 Date 2-26-2018



Vicinity Map

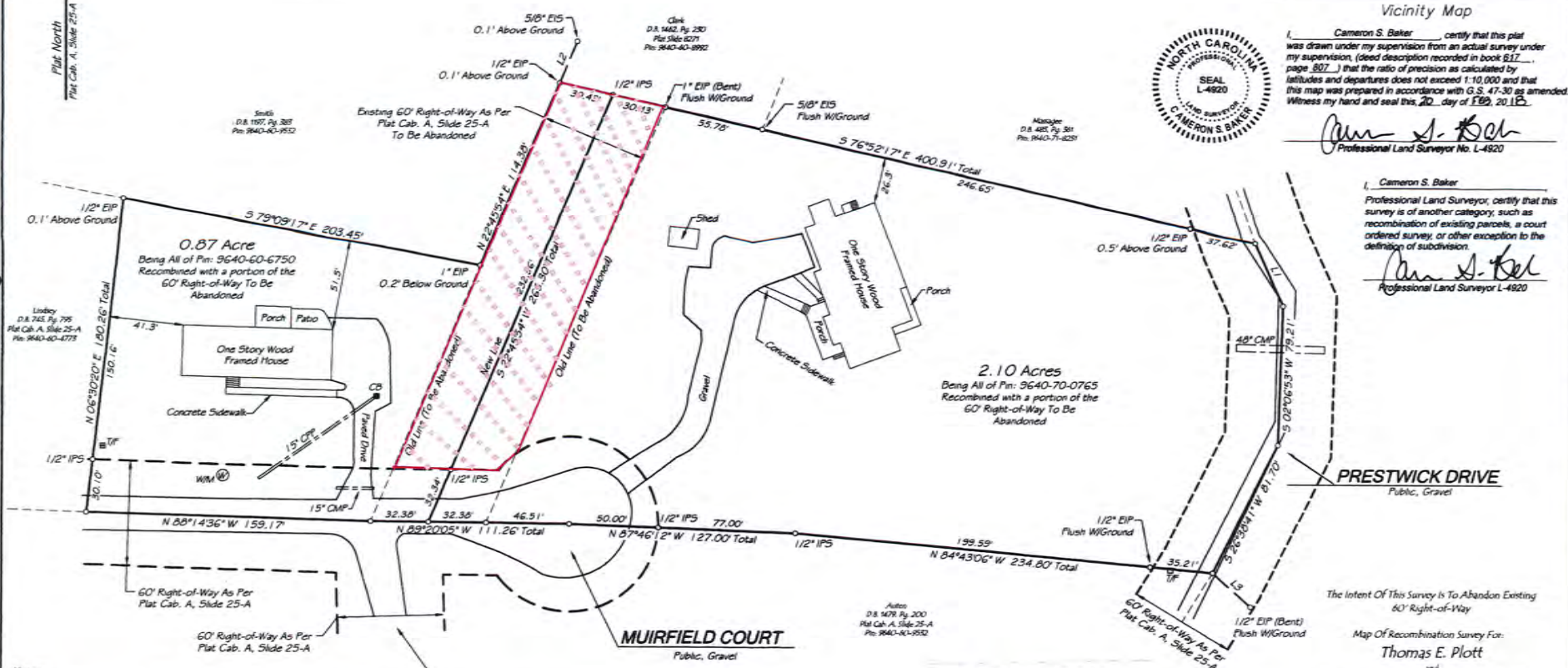
I, Cameron S. Baker certify that this plat was drawn under my supervision from an actual survey under my supervision, (deed description recorded in book 817, page 807) that the ratio of precision as calculated by latitudes and departures does not exceed 1:10,000 and that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 20 day of Feb, 2018.



Cameron S. Baker
 Professional Land Surveyor No. L-4920

I, Cameron S. Baker
 Professional Land Surveyor, certify that this survey is of another category, such as recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

Cameron S. Baker
 Professional Land Surveyor L-4920

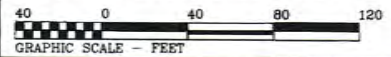


- Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
 2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
 3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
 4. The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.
 5. All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
 6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
 7. Property is currently zoned R-2 as per Henderson County GIS.
 8. Property is located in Zone X (Minimal Flood Hazard) as per FRIS Map Panel 9640, Map # 37009640001 effective date 1/10/2008.
 9. Property is not located within a 1/2 mile of a Farmland Preservation District.
 10. Property is located in the Upper French Broad River WS-IV Water Supply Watershed.

L2-L3 Are Tie Lines

Line	Bearing	Distance
L1	S 23°41'16" E	39.07'
L2	N 22°32'34" E	26.13'
L3	S 47°17'44" E	28.81'

BOOK 2018 PAGE 11083 (1)
 478918
 This document presented and filed:
 02/20/2018 02:48:56 PM
 WILLIAM LEE KING, HENDERSON COUNTY, NC



- Legend:
- EIP = Existing Iron Pipe
 - EIS = Existing Iron Stake
 - IPS = Iron Pin Set
 - o = Unmarked Point, Unless Otherwise Noted
 - ROW = Right Of Way
 - WM = Water Meter
 - CB = Catch Basin
 - CPP = Corrugated Plastic Pipe
 - CMP = Corrugated Metal Pipe
 - TF = Electrical Transformer

Hendersonville Township Henderson County, NC

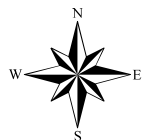
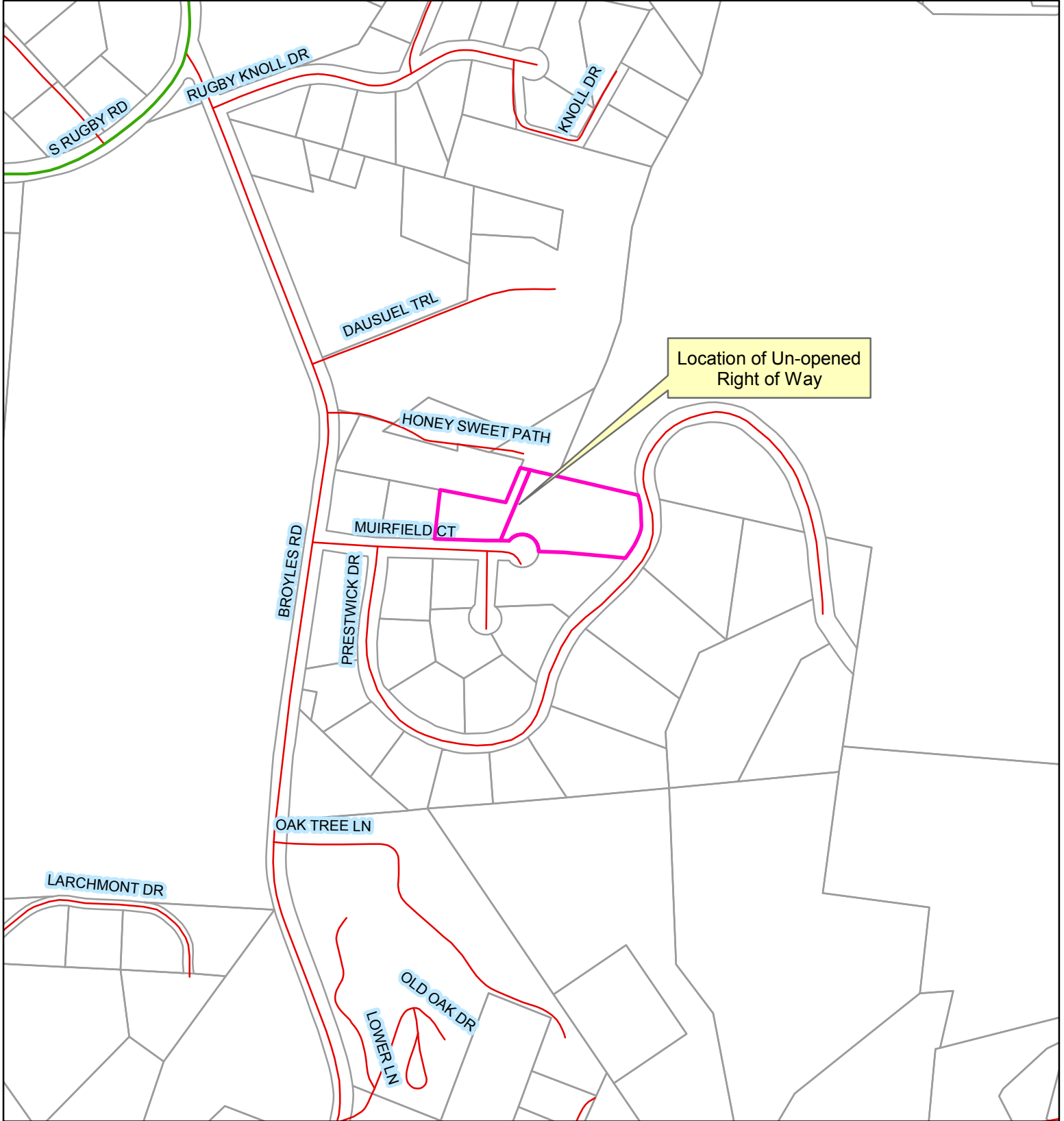
ASSOCIATED LAND SURVEYORS & PLANNERS PC.
 P.O. BOX 578 • HORSE SHOE, NC 28742
 (828) 890-3507 NC BUSINESS LICENSE NO. C-2774

SCALE: 1 Inch = 40 Feet DATE: February 20, 2018
 JOB NO.: S-18-007 DRAWN BY: ASH CDS 7.0



Figure 1 VIEW OF AREA OF UN-OPENED ROW

Public Hearing on Proposed Closure of Un-opened Right of Way



1 inch = 400 feet



Map Created by Curtis Griffin
Henderson County Planning Department
Property Addressing Division
7/2/2018

**Henderson County
North Carolina**

Before the Board of Commissioners

**ORDER CLOSING THE UNOPENED
RIGHT-OF-WAY FOR MR. THOMAS PLOTT**

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular August 15, 2018, meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing of the remaining unopened right-of-way off Muirfield Court, and was heard by the Board after public hearing. The Board of Commissioners makes the following findings:

1. This matter first came before the Board of Commissioners on at the Board's regular meeting on May 16, 2018, on the petition of Thomas Plott to close the unopen portion of a 60 foot ROW in the Horse Shoe area of Henderson County.

2. At the Board's May 16, 2018 meeting, the Board adopted a resolution "declaring its intent to close" the said unopened right of way.

3. A notice of this Board's July 18 hearing was published once a week for three successive weeks before the hearing in the *Hendersonville Times News* a copy of the resolution was sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement.

4. Before the Board on July 18, 2018 and August 15, 2018, the Board heard "all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights" are required by N.C. Gen. Stat. §153A-241.

5. After such hearing, the Board is satisfied and finds:

A. That closing the right of way or easement is not contrary to the public interest;
and,

B. That no individual owning property in the vicinity of the right of way or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property.

WHEREFORE IT IS ORDERED that the unopened right of way located of Muirfield Ct. of Henderson County as shown on the attached map is hereby closed. It is further ordered that a

certified copy of this Order shall be filed in the office of the register of deeds of the county.

Adopted by the Board by motion duly made, this the 15th day of August, 2018.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: _____
Chairman

Attest:

Clerk to the Board

Continuation of Public Hearing for Proposed Right of Way Closure Located of Muirfield Ct.

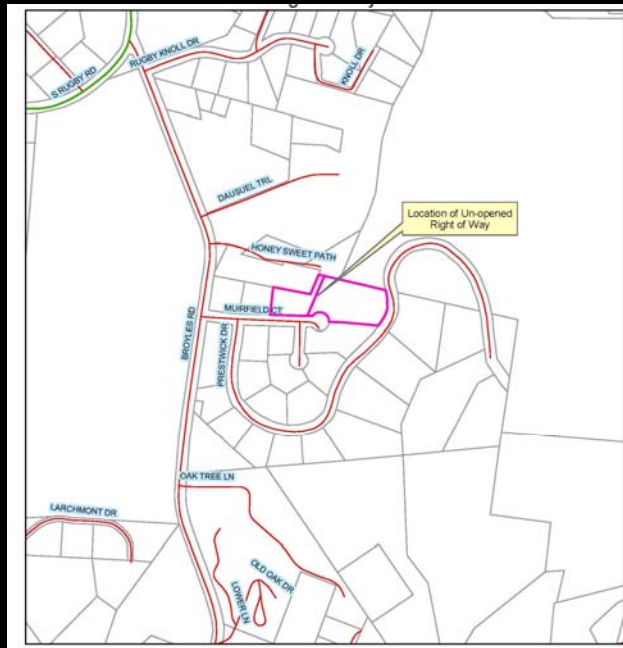
**Henderson County Board of Commissioners
August 15, 2018**

Henderson County Planning Department

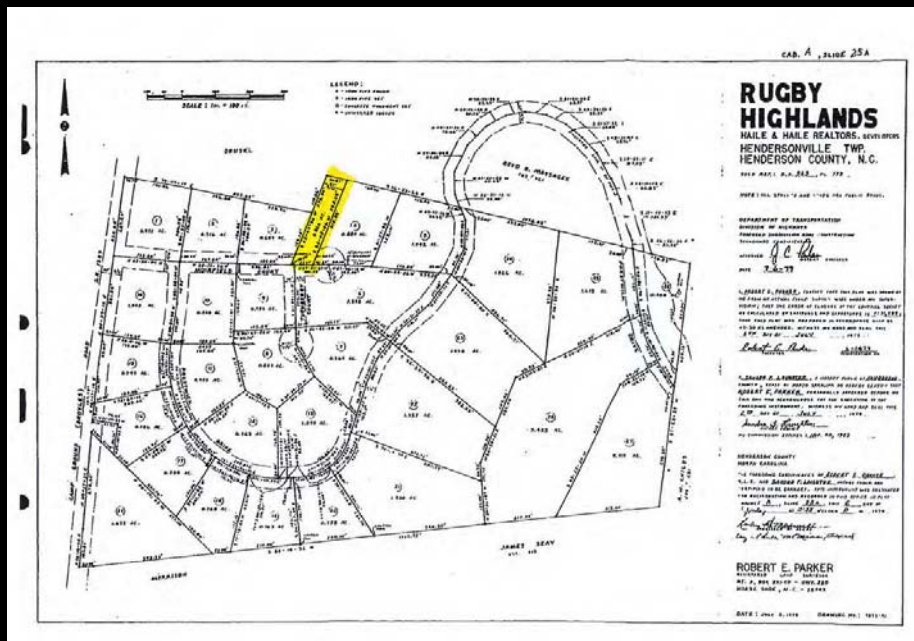
Application Summary

- Request submitted by Mr. Thomas Plott to close an unopened ROW off Muirfield Ct. the Rugby Highlands Subdivision
- On May 16th, BOC approved resolution of intention to close ROW
- Public hearing was held on July 18th at which time the Board continued the hearing to the August 15th meeting
- July 18 hearing was properly advertised, posted and letters were sent certified mail

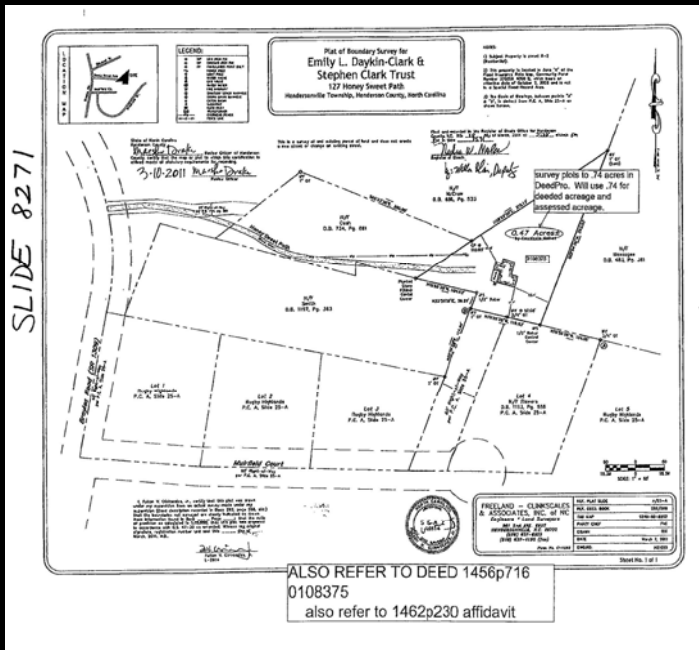
Henderson County Planning Department



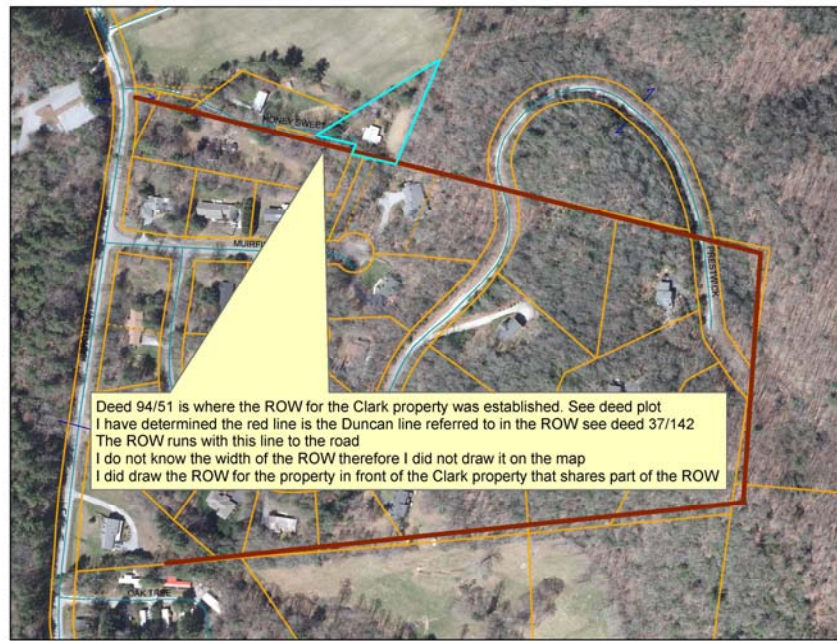
Henderson County Planning Department



Henderson County Planning Department



Henderson County Planning Department



Henderson County Planning Department



Henderson County Planning Department

Questions

