

Title to the lands described herein is not certified unless a written title opinion, or title insurance is purchased by the Grantees.

**State of North Carolina
County of Cherokee**

This Indenture, made this 20th day of August, 1999 by and between

DAVID SILVER and wife, CAROL ANNE SILVER

hereinafter called Grantors, and

FRANK ZURA and wife, LORRAINE ZURA

hereinafter called Grantees,

Witnesseth: That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns, subject to any conditions, restrictions, reservations, exceptions or limitations which may hereinafter appear, the following particularly described real estate located in Cherokee County, North Carolina, to-wit:

All that certain tract or parcel of land situate and lying in Murphy Township, Cherokee County, North Carolina, designated as Lot 5 of Tract #56, Section #1, Tarheel Properties and being more particularly described on Schedule "A" attached hereto and incorporated by reference herein.

For 4400 4408 5668
BY: J. D. B. B. B.

9703082 CHEROKEE CO.
Aug 20 1999 163.00
1000038377
NORTH CAROLINA

To have and to hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, subject to any conditions, restrictions, reservations, exceptions or limitations which may appear above, unto the Grantees, their heirs and/or successors and assigns forever.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to the said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

In Witness Whereof, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

David Silver (SEAL) Carol Anne Silver (SEAL)
David Silver (SEAL) Carol Anne Silver (SEAL)

Schedule "A"

All that certain tract or parcel of land situate and lying in Murphy Township, Cherokee County, North Carolina, designated as Lot 5 of Tract #56, Section #1 of Tarheel Properties, as shown on plat of survey dated April 3, 1996 by Charles V. Bryson, R.L.S. L-3182, for David J. Silver and wife, Carol Anne Silver, and from said plat of survey being more particularly described as follows:

BEGINNING at a point in the centerline of a right of way of a 60 foot road easement, said point being a corner common to Tract #44 of Tarheel Properties; thence running with the centerline of said easement North 19-03-00 East 127.32 feet to a point in the centerline of said easement; said point being a corner common to Lot 4; thence leaving the centerline of said easement and with a line common to Lot 4, South 59-10-54 East, crossing under power lines, 30.64 feet to an iron rod set near the margin of the aforementioned easement; thence leaving the margin of said easement and continuing with a line common to Lot 4, South 59-10-54 East 130.44 feet to an iron rod set; said iron rod set being a corner common to Lot 3; thence leaving a line common to Lot 4 and running with a line common to Lot 3, South 35-28-42 East 194.56 feet to an iron rod set, said iron rod set being in a line common to Lot 2; thence leaving a line common to Lot 3 and running with a line common to Lot 2, South 14-19-10 East 96.68 feet to an iron rod set, said iron rod set being in a line common to Lot 1; thence leaving a line common to Lot 2 and running with a line common to Lot 1, South 62-49-51 West 72.03 feet to an angle iron found in the center of a hollow; said angle iron found being in a line common to Tract #44 of Tarheel Properties; thence leaving a line common to Lot 1 and running with a line common to Tract #44 and with the centerline of said hollow, North 45-37-35 West 266.05 feet to an Angle iron found in the centerline of said hollow; thence continuing with a line common to Tract #44, North 45-37-35 West, passing south of a well site, 87.40 feet to the point and place of BEGINNING, containing 1.17 acres, more or less.

The above-described property is subject to any and all notes and notations set forth on said plat of survey dated April 3, 1996 by Charles V. Bryson, R.L.S. L-3182, which are hereby incorporated by reference herein and made a part of this deed.

THIS CONVEYANCE IS MADE SUBJECT TO the Restrictive Covenants affecting the above described property dated May 14, 1984, and duly recorded on May 30, 1984 at 10:45 A.M. in the Office of the Register of Deeds for Cherokee County, North Carolina, in Book 482, Page 133.

THIS CONVEYANCE IS ALSO MADE SUBJECT TO a power line easement in favor of the Town of Murphy as recorded in the Office of the Register of Deeds for Cherokee County, North Carolina, in Book 480, page 97.

THERE IS ALSO CONVEYED a perpetual, non-exclusive right of way and easement for the purposes of ingress, egress, and regress and utilities over the existing right of way roads as shown on said plat recorded in Plat Cabinet B, Slide 128, in the Office of the Register of Deeds for Cherokee County, North Carolina, said right to use said roads is for the purposes of using said roads that lead to the hereindescribed tract of land.

SUBJECT TO THE RESERVATION OF a perpetual, non-exclusive right of way and easement for the purposes of ingress, egress and regress and utilities over the existing roads leading to said herein described tract of land as shown on a plat recorded in Plat Cabinet B, Slide 128, in the Office of the Register of Deeds for Cherokee County as described in Deed Book 523, Page 98.

ALSO HEREIN CONVEYED is a non-exclusive right to use a sixty (60) foot access road, the same being thirty (30) feet on each side on the centerline, w which leads from the Southwest corner of Tract No. 43 as shown on the plat recorded in Plat Cabinet B, Slide 128, for the purposes of ingress, egress and regress and utilities. This right of way and easement leads to what is known as the Talc Mine Road and includes a non-

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exclusive easement over said Talc Mine Road which connects with North Carolina State Road No. 1408 (Cool Springs Road) said Talc Mine Road right of way is sixty (60) feet in width, thirty (30) feet each side of the centerline.

SUBJECT TO THE RESERVATION OF an easement and right of way sixty (60) feet in width, thirty (30) feet each side of the centerline of the access road which leads from the Southwest Corner of Tract No. 43 as shown on the plat recorded in Plat Cabinet B, Slide 128, which easement leads to what is known as the Talc Mine Road and also reserved is a non-exclusive easement over said Talc Mine Road which connects with North Carolina State Road No. 1408 (Cool Springs Road) said Talc Mine Road right of way is sixty (60) feet each side of the centerline as described in Book 523, page 98, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO the reservation of a non-exclusive, perpetual right of way and easement to obtain water from the well situate on the Lot 5, Tract #56, Section #1, Tarheel properties, together with the right to lay and maintain the existing water line leading from said well and the pump and utility lines connected thereto in favor of Lots 44-1 through 44-10 of Tract 44, Section 1, Tarheel Properties, as described on that certain plat of survey by Felix E. Palmer, R.L.S., dated February 19, 1987, and as filed for recordation in Plat Cabinet A, Slide 96, Cherokee County Registry, and as further dedicated to said Lots 44-1 through 44-10 by the recordation of said plat of survey in Plat Cabinet A, Slide 96, Cherokee County Registry.

ALSO CONVEYED is the non-exclusive perpetual right of way and easement to obtain water from the well situate on Lot 5, Tract #56, Section #1 of Tarheel Properties, together with the right to lay and maintain water lines leading from the said well situate on Lot 5 to the herein above described property; said water lines shall be installed along the property lines of Lots in said Tract #56.

SUBJECT TO the rights of other lot owners in Tract #56, Section #1 of Tarheel Properties to obtain water from the well situate on Lot 5, Tract #56, Section #1 of Tarheel Properties, as described in document recorded in Deed Book 799, page 73, Cherokee county registry.

Being the same lands described in deed from Christopher L. Dickey and wife, Pamela H. Dickey to David J. Silver and wife, Carol Anne Silver, recorded in Book 754, page 75, Cherokee County Registry.

State of North Carolina, County of Cherokee

Glenda M. Gardner, a Notary Public of said State and County, do hereby certify that
DAVID SILVER and wife, CAROL ANNE SILVER
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this 20th day of August, 1999
My commission expires: 6-23-2000 Glenda M. Gardner, Notary Public.

State of _____ County _____

I, _____, a Notary Public of said State and County, do hereby certify that
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this _____ day of _____, 19_____
My commission expires: _____, Notary Public.

State of _____ County _____

I, _____, a Notary Public of said State and County, do hereby certify that
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this _____ day of _____, 19_____
My commission expires: _____, Notary Public.

REAL-STAMP

STATE OF _____

COUNTY OF _____

I, a Notary Public of the County and State aforesaid, certify that
personally came before me this day and acknowledged that _____ he is _____ Secretary of
_____ a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in his name by the
President, tested with its corporate seal and attested by _____ as its Secretary.
Witness my hand and official stamp or seal, this _____ day of _____, 19_____
My commission expires: _____, Notary Public.

State of North Carolina, County of Cherokee

Each of the foregoing certificates, namely of Glenda M. Gardner

a Notary or Notaries Public of the State and County designated, each duly attested by Notarial Seal, is certified to be correct.

This 20 day of Aug

A.D. 1999

Ralph A. Kopsch
Register of Deeds, Cherokee County, N.C.

By: Deborah Dockery Ant
Deputy

State of North Carolina County of Cherokee	David Silver and wife Carol Anne Silver To Frank Zura and wife, Lorraine Zura	Deed Revenue Stamp \$500	Filed for registration on the <u>20</u> day of <u>Aug</u> , 19 <u>99</u> at <u>11:24</u> o'clock <u>A</u> .M., and registered in the Office of the Register of Deeds for Cherokee County, North Carolina in Book No. <u>874</u> Page <u>45</u> <u>Ralph A. Kopsch</u> Register of Deeds <u>Deborah Dockery</u> <u>Ant</u>	Prepared By: HYDE, HUBBARD & LINDSAY 212 Valley View Avenue P.O. Box 580 Murphy, North Carolina 28946
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