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FILED Oct 04, 2022 04:23:51 pm FILED
BOOK 01721 CHEROKEE
PAGE 1509 THRU 1512 COUNTY NC
INSTRUMENT # 06376 DAPHNE DOCKERY
RECORDING \$26.00 REGISTER
EXCISE TAX \$163.00 OF DEEDS KMW

CHEROKEE COUNTY TAX CERTIFICATION
There are no delinquent taxes on the parcel
number noted on this deed.
Date: 10-4-2022 By: AS
Tax Collections Officer

WARRANTY DEED

DEED STAMPS: \$163.00

This instrument was prepared by David E. Cowan of the law firm of Cowan & Cowan, P.A. Title to the lands and/or interest in lands described herein is not certified unless a separate, written title opinion has been given to, or title insurance obtained for, the Grantees herein by said law firm.

Based upon information furnished by the Grantor(s) or their agents, the accuracy of which is not guaranteed by Cowan & Cowan, P.A., the mailing address of the Grantors is as stated after their name, and the property described in this deed ☐ includes ☒ does not include, the primary residence of a Grantor.

Pin Number: 551203146129000 & 459206484300000

State of North Carolina
County Of Cherokee

Title File No. 22-946

This Indenture made the 23rd day of September, 2022, by and between:

MICHAEL LEE FOUNTAIN and wife, BRITTANY FOUNTAIN, and
DEBBIE ANN FOUNTAIN, an unmarried person; and
MICHAEL LEE FOUNTAIN, Administrator of the Estate of Betty Jean Stiles,
deceased, 22-E-154
528 Medina Court
Ellijay, GA 30540

hereinafter called Grantors, and BOBBY SNEED and wife, LINDA SNEED
2118 Old Peachtree Rd.
Marble, NC 28905

hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

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 and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns, (subject to the terms, conditions, covenants, restrictions, exceptions and reservations hereinafter stated, if any), the following particularly described real estate, located in Cherokee County, North Carolina to-wit:

Being our ½ undivided interest in and to the following described tract:

Being 23.46 acres as shown on a plat of survey by Lane S. Bishop, R.L.S., entitled "Survey for Samuel W. McAfee" and dated January 26, 2006, and from said plat being more particularly described as follows:

BEGINNING on an iron pin found in a ridge line the southwest corner of the herein described tract; thence N 23-19-39 E 79.56 feet to a point in a stream; thence with the centerline of said stream N 87-58-06 E 92.81 feet and S 73-04-31 E 98.75 feet; thence leaving said stream N 47-54-35 E 165.07 feet to an iron pipe found;

thence N 56-09-40 E 86.00 feet to an iron pipe found; thence N 46-12-59 E 80.96 feet to a point in the centerline of a stream; thence with said centerline the following nine courses and distances: N 63-46-30 E 31.38 feet, N 72-03-11 E 33.22 feet, N 74-14-21 E 158.77 feet, N 79-39-30 E 32.41 feet, N 67-42-02 E 56.20 feet, N 84-54-08 E 11.55 feet, N 58-07-38 E 15.04 feet, N 68-45-24 E 43.42 feet and N 81-01-43 E 26.82 feet; thence leaving said stream S 02-11-49 W 527.47 feet to an iron pin found; thence with a ridge line S 84-29-22 E 149.15 feet to an iron pin found; thence S 04-59-04 W 645.85 feet to an iron pin found; thence N 87-01-37 W 1,249.37 feet to the point and place of BEGINNING, containing 23.46 acres, more or less.

The above description is drawn from the above-described plat and any discrepancies shall be resolved in favor of the plat as recorded.

ALSO CONVEYED unto the Grantee, his heirs, successors and assigns, are the following right of ways and easements:

(a) That certain perpetual right of way and easement over roads leading to the Calvin Sneed property as conveyed in the Deed from Lee Sneed and wife to Calvin Sneed and wife dated September 18, 1975, and recorded in Book 359, Page 32, Cherokee County Registry.

(b) That certain easement and road right of way described and conveyed in that certain Easement Deed from Lee Sneed at al to Calvin Sneed and wife dated June 7, 1985, and recorded in Book 501, Page 6, Cherokee County Registry.

(c) An easement and right of way for purposes of utilities and for ingress, egress and regress, over and across the remaining lands of Calvin Sneed and wife, said easement being 12 feet in width, 6 feet on either side of the centerline of the existing private driveway of Calvin Sneed and wife running in front of their house and continuing along the existing road leading to the property herein conveyed.

ALSO HEREIN CONVEYED is that certain right-of-way and easement as recorded in Deed Book 611, Page 111, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO the reservation of Lee Sneed, his heirs and assigns to obtain water from two springs situate on the above-described tract as set forth in Deed Book 348, Page 120, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO the rights of others in and to the use of the existing road which crosses the above-described property as reserved in Deed Book 348, Page 120, Cherokee County Registry.

FOR SOURCE OF TITLE reference Book 1296, Page 742, Cherokee County Registry, and Cherokee County Estate File #22-E-154.

Tract Two

All that certain tract or parcel of land lying and being 0.21 acre, more or less, situate in the Town of Murphy, Murphy Township, Cherokee County, North Carolina, as depicted on that plat of survey dated January 22, 2002, revised February 1, 2002, by Adams Surveying, L.B. Adams, PLS Incorporated herein by reference, the metes and bounds descriptions as relates thereon being:

Beginning at a concrete monument (found) in the Texana Road and Ferguson Street rights of way, the southernmost corner of the herein described tract, said monument being situate North 42 deg. 45 East a distance of 34.48 feet from a point in the center of the intersection of Texana Road and Ferguson Street; thence with the Texana Road right of way, North 22 deg. 10' West a distance of 72.81 feet to an iron rod (set), the westernmost corner of a 0.22 acre tract owned now or formerly by Helton (Deed Book 804, Page 145); thence running with the common boundary line of the 0.22 acre tract, North 63 deg. 51' East a distance of 121.25 feet to a point in the center of a 15' right of way and North 63 deg. 51' East a distance of 7.52 feet to an iron rod (set), the Northernmost corner of the herein described tract and a point in the common boundary line of that tract owned now or formerly by Cordin (Deed Book 768, Page 88); thence with the "Cordin Tract", South 21 deg. 59' East a distance of 47.56 feet and South 21 deg. 59' East (Crossing under an overhead utility line) a distance of 23.35 feet to an iron rod (found) in the right of way of Ferguson Street; thence with the right of way of Ferguson Street, South 63 deg. 53' West a distance of 36.82 feet to a point in the center of the aforementioned 15' right of way and South 63 deg. 53' West a distance of 91.70 feet to the beginning corner. Together with improvements located thereon; said property being located at 17

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Ferguson Street, Murphy, North Carolina.

Title to these premises is subject to

1) A Non-exclusive, perpetual right of way and easement of vehicular ingress and egress and utilities, including, but not limited to gas, water, sewer, telephone, and telecommunications for the benefit of this tract and the owner thereof, being along and within a corridor, ten (10') feet wide, five (5') feet on each side of the fifteen (15') foot wide corridor specified on the aforesaid survey plat, being tract west of and joining the West boundary line of the "Cordin Tract" as is depicted on the aforesaid survey plat, the situs of the centerline of the easement as the same exists and extends from its intersection with the North right of way margin of Ferguson Street and meanders in a northeasterly direction to the east boundary line of the Cordin Tract-Book 768, Page 88" being as follows:

Beginning on a point located on the North right of way margin of Ferguson Street, being situate South 63 deg 53' West a distance of 36.62 feet from an iron rod (found) at the Southeast corner of the "Helton 0.21 acre tract" at the Southwest corner of the adjoining "Cordin Tract" thence, along and through the "Helton 0.21 acre tract, from said road margin, North 30 deg. 42' East a distance of 36.75 feet to a point in the road centerline; and North 30 deg. 42' East a distance of 9.43 feet to a point in the Western boundary line of the "Cordin Tract" so as to provide vehicular and utility ingress for the benefit of the "Cordin Tract" and the owners thereof as recited or referred to in Deed Book 971, Page 653, Cherokee County, North Carolina Register of Deeds, and that consent judgment between Sam Cordin and wife, Rebecca Renee Cordon; Randall. Ramsey, plaintiffs versus Matthew Scott Helton and wife, Lindsay P. Helton and Barry Helton, defendants as filed in case no. (00-CVD-445), Office of the Clerk of Superior Court of Cherokee County, North Carolina;

2) That non-exclusive, perpetual right and easement fifteen (15') feet wide, part of which touches and concerns the East boundary line of this tract as the same extends from the Southern boundary line of the adjoining 0.22 acre tract through the herein described tract, the metes and bounds of the centerline thereof being:

Beginning at a point located South 63 deg. 51' West a distance of 7.52 feet from an iron rod (set) at the Northeast corner of the herein described tract and the Southeast corner of the 0.22 acre tract, and runs thence along the centerline of the easement corridor South 21 deg. 59' East a distance of 52.73' feet to a point and South 30 deg. 42' West a distance of 36.75 feet to a point in the North right of way margin of Ferguson Street, so as to provide vehicular, telephone, telecommunications, water, sewer, and electric ingress and egress for the benefit of the 0.22 acre tract and the owners thereof;

3) The right of way of Ferguson Street;

4) The right of way of Texana Road, NCSR 1363;

and

5) The easement for the distribution of electric energy through the power line that traverses the Southeast corner of this tract as depicted on the aforesaid survey.

FOR SOURCE OF TITLE reference Book 1539, Page 933, Cherokee County Registry.

To Have and to Hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever, (subject to the terms, conditions, covenants, restrictions, exceptions and reservations hereinabove stated, if any).

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 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 each 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.

Michael Lee Fountain (SEAL)
Michael Lee Fountain

Brittany Fountain (SEAL)
Brittany Fountain

Debbie Ann Fountain (SEAL)
Debbie Ann Fountain

Michael Lee Fountain (SEAL)
MICHAEL LEE FOUNTAIN, Administrator

State of NC, County of Cherokee

I, B Marie Maslo, a Notary Public for said County and State, do hereby certify that **Michael Lee Fountain, Brittany Fountain, Debbie Ann Fountain, and Michael Lee Fountain, Administrator**, being personally known to me, personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by him/her/them for the purposes stated therein.

WITNESS my hand and official seal, this the 4th day of October, 2022.
B Marie Maslo (Notary Seal)

My commission expires May 26, 2027
Notary Public

Prepared By
Cowan & Cowan, P.A.
Attorneys at Law
P.O. Box 579
Murphy, North Carolina
PHONE: (828) 837-2332

