

STATE OF NORTH CAROLINA)

WARRANTY DEED

COUNTY OF JACKSON)

THIS DEED, made, executed and delivered, this 20th day of June, 1985, by and between ALVIN N. KINKAID and RACHEL KINKAID CAGLE, Trustees of the NASON E. KINKAID TRUST, of 3050 N. W. 91st Street, Miami, FL 33147, parties of the first part, and DAN KOLT, single, of 623 N. E. 2nd Street, Hallandale, FL 33009, party of the second part;

WITNESSETH: THAT the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have given, granted, bargained, sold and conveyed and by these presents to hereby give, grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, subject to the exceptions, reservations and restrictions, if any, and together with any rights of way, if any, hereinafter stated, all of that certain piece, parcel or tract of land, situate, lying and being in Savannah Township, Jackson County, North Carolina, and bounded and more particularly described as follows:

BEGINNING at a stone U.S. Forest Service marker on north side of a hollow and runs S. 35-20 E. 51.00' to a stake on south side of road; thence S. 20-07 E. 102.97' to a stake; thence S. 26-09 E. 168.89' to a stake in road; thence with road S. 87-01 W. 49.45' to a stake; thence S. 33-49 W. 112.25' to a stake; thence S. 68-56 W. 50.95' to a stake; thence N. 88-38 W. 181.70' to a stake; thence S. 71-00 W. 91.43' to a stake; thence N. 58-35 W. 30.80' to a stake; thence N. 22-13 W. 224.70' to a stake in U.S. Forest Service line; thence with said line N. 62-47 E. 449.12' to the point of BEGINNING, containing 3.21 Acres.

Grantors reserve for themselves, their heirs and assigns, a water right to a spring located on lands herein conveyed.

Grantors further convey to Grantee a water right to the spring on the land herein conveyed. Said water right is limited to five (5) residences.

Grantors further convey to Grantee, his heirs and assigns, a 30 foot road right of way from the property herein conveyed over the existing access right of way road which runs the Southwestern boundary of the property herein conveyed to NC State Road 1307. Said road right of way to be used for the purposes of ingress, egress and regress by Grantee, his heirs and assigns. Grantee, his heirs and assigns, shall have the right to construct and maintain said right of way. Grantors also reserve the right to use this said road right of way for themselves, their heirs and assigns for the purposes of ingress, egress and regress over, through and across said right of way from the public road to other lands owned by Grantors.

Grantors further convey to Grantees, their heirs and assigns a 15' road right-of-way over existing road from Western boundary line of property herein conveyed, for approx. 100' to a road turn-around; thence a Northerly direction approx. 175' to intersection of U.S. Forest Service Road.

Grantee, his heirs and assigns, accept this Deed subject to the following conditions:

The maintenance of the private roadways leading to the State Road shall be shared equally between the parties using same.

Any building started shall be completed within one (1) year on the exterior, and any home constructed shall contain at least 1000 square feet of living space, excluding porches, breezeways and garages. There shall be one single family unit constructed per building site, and any home constructed shall not have a metal or tin roof.

No mobile home or trailer of any kind and description shall be placed on said property.

No animals are to be allowed on any building site in Betty's Creek Property except household pets.

The Grantors or the Grantee of this and any other Deeds in said Betty's Creek Property may maintain a nuisance action against any site owner in the event any of the above conditions are not met.

EXCEPTING AND RESERVING unto Grantors, their heirs and assigns, the right of way over, through and across all building sites in Betty's Creek Property for utility easements, including power lines, sewer lines, water lines and gas lines.

BEING a portion of the lands conveyed to parties of the first part in that Deed dated January 25, 1983, and recorded in Book 552 at Page 300 by Watson S. Rankin, et ux.

TO HAVE AND TO HOLD the aforesaid and above described lands and premises, together with all privileges and appurtenances thereto belonging, together with rights of way, if any hereinabove set forth, and subject to exceptions, reservations and restrictions, if any herein above set forth, to the said party of the second part, his heirs and assigns, to his only use and behoof forever.

AND the said parties of the first part do covenant to and with the said party of second part, his heirs and assigns, that they are seized of said lands and premises in fee, and have a good and lawful right and power to convey the same in fee simple; that said lands and premises are free and clear from all liens and encumbrances, and that the said parties of the first part, their heirs and assigns, executors and administrators, will, have, and by these presents do hereby forever warrant and will forever defend the said title to the same unto the said party of the second part, his heirs and assigns, executors and administrators, against all lawful claims, whatsoever, of all persons whomsoever, together with rights of way, if any herein above set forth, and subject to any exceptions, reservations and restrictions if any herein above set forth.

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

Alvin N. Kinkaid (SEAL)
ALVIN N. KINKAID

Rachel Kinkaid Cagle (SEAL)
RACHEL KINKAID CAGLE

STATE OF NORTH CAROLINA)

COUNTY OF JACKSON)

I, Shere Case Ball, a Notary Public, do hereby certify that ALVIN N. KINKAID and RACHEL KINKAID CAGLE, Trustees of the NASON E. KINKAID TRUST, personally appeared before me and acknowledged the due execution by them of the foregoing Warranty Deed for the purposes therein stated.

WITNESS my hand and Notarial Seal, this the 20th day of June, 1985.

My Commission Expires:

9/16/89

Shere Case Ball
Notary Public

STATE OF NORTH CAROLINA)

COUNTY OF JACKSON)

The foregoing Certificate of Shere Case Ball, a Notary Public, is certified to be correct. This instrument was presented for registration and duly registered in Deed Book 602 at Page _____ at 4:48 o'clock P.M.

WITNESS my hand and Official Seal, this the 9th day of July, 1985.

Conrad Bunker
Register of Deeds

