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see pins below
Signature: *[Signature]*
NOT TO BE FILLED (ON THIS PARCEL ONLY)

FILED
SWAIN COUNTY NC
DIANA WILLIAMSON KIRKLAND
REGISTER OF DEEDS
FILED Nov 05, 2012
AT 03:56:39 pm
BOOK 00406
START PAGE 0948
END PAGE 0953
INSTRUMENT # 02014

EXCISE TAX \$354.00

Prepared by: Gary H. Miller
10 East Main Street
Sylva, North Carolina 28779

Brief description for index: Lot Nos. 5-A, 6-A, and 7-A, Section A, West Town Acres, Swain County, North Carolina
Parcel I.D. nos.: 6663-0888-3025; 6663-0888-3164; and 6663-0888-4214
Excise Tax: \$354.00

COMMISSIONER'S DEED

THIS COMMISSIONER'S DEED made this 5th day of November, 2012 by GARY H. MILLER, in his capacity as Commissioner, whose mailing address is PO Box 2667, Bryson City, North Carolina, 28713, and ELIZABETH J. BRIGHAM, in her capacity as the Personal Representative of the Estate of Lois M. Groth, Swain County, North Carolina proceeding number 12 E 32 (together, "Grantor"), and LESLIE F. BARR whose mailing address is PO Box 1558, Whittier, North Carolina, 28789 ("Grantee"). The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

RECITALS

WHEREAS, in a certain special proceeding entitled "BRYSON CITY PRESBYTERIAN CHURCH (U.S.A), Inc., a North Carolina Non-Profit Corporation, Petitioner, vs. BLACK MOUNTAIN HOME FOR CHILDREN, YOUTH & FAMILIES, INC.;

SANDRA LOOK and husband, ROBERT LOOK; CHILDFUND INTERNATIONAL USA; DAVID TESMER and wife, SUE TESMER; Children of Tim Tesmer to wit: Maria Tesmer, single; Children of Tony Tesmer to wit: Ethon Tesmer, single, Peyton Tesmer, single, and, Ashton Tesmer, single, Respondents" brought and pending before the Clerk of Superior Court of Swain County, North Carolina, proceeding no. 12 SP 29 (the "Partition Proceeding"), an order signed and entered the 16th day of July, 2012 (the "Order") was made by said court appointing said Grantor as Commissioner and authorizing the sale at private sale to Grantee, subject to the confirmation of the court, certain lands as hereinafter described; and

WHEREAS, said Grantor, acting as Commissioner as aforesaid, and as directed by said Order, at 11:00 o'clock, a.m. on the 8th day of August, 2012, sold said hereinafter described property to Grantee, subject to the confirmation of the court, for ONE HUNDRED SEVENTY SEVEN and NO/100 DOLLARS (\$177,000.00) (the "Purchase Price"), cash, in accordance with the terms and conditions of that certain Offer to Purchase and Contract attached as Exhibit "D" to the Amended Petition in the Partition Proceeding (the "Purchase Agreement") ; and

WHEREAS, said Grantor reported said sale to the court on the 8th day of August, 2012, and the same remained open for 10 days and no upset bid was filed; and

WHEREAS, on the 24th day of August, 2012, the court entered an order approving and confirming said sale (the "Confirmation Order") and directing said Grantor as Commissioner to make, execute, and deliver to said Grantee a good and sufficient deed for said land upon the payment to him of the Purchase Price; and

WHEREAS, the Confirmation Order remained open for fifteen (15) days pursuant to NCGS 46-28.1 and the ten (10) day period to appeal the Confirmation Order pursuant to NCGS 46-28.1(f) has expired;

WHEREAS, the Purchase Price has been paid in full; and,

WHEREAS, Elizabeth J. Brigham appears herein solely in her capacity as the Personal Representative of the Estate of Lois M. Groth in order to convey the Property (hereinafter defined) free and clear of the creditors of said estate (See Swain County, North Carolina proceeding 12 E 32).

NOW, THEREFORE, said Grantor Gary H. Miller, acting in his capacity as Commissioner as aforesaid, under authority of said Order and Confirmation Order of the court and said Grantor Elizabeth J. Brigham, acting in her capacity as the Personal Representative of the Estate of Lois M. Groth, in consideration of the Purchase Price of ONE HUNDRED SEVENTY SEVEN and NO/100 DOLLARS (\$177,000.00), has bargained and sold and by these presents does grant, bargain, sell, and convey unto said Grantee and his heirs and assigns a certain tract or parcel of land lying and being in Swain County, North Carolina and more particularly described as follows (collectively, the "Property");

TRACT ONE:

The property comprising Tract One is all of the property conveyed in a deed from J. Robert Varner and wife, Clarine C. Varner to Lois M. Groth, single, recorded in the Swain County Registry in Deed Book 179 at page 222 (the "First Groth Deed").

Tract One is described in the First Groth Deed as follows:

Being and comprehending Lot No. 6-A of Section A of West Town Acres as shown on plat thereof, prepared by James T. Herron, RLS, dated September 28, 1987, recorded in Plat Cabinet 2, Slide 714A, Public Registry of Swain County, reference to which is hereby made for a more complete and accurate metes and bounds description of said lands. The description as thereon set forth is made the description herein, by this reference, for the same purpose and to the same extent as though fully set forth herein.

Tract One is conveyed TOGETHER WITH and SUBJECT TO those restrictive covenants governing West Town Acres as recorded in Book 158, at page 410, Public Registry of Swain County, North Carolina, reference to which is hereby made for a more complete description of the same.

Tract One is conveyed SUBJECT TO the terms and conditions of that certain road maintenance agreement pertaining to West Ridge Drive as recorded in Book 158, at Page 414, Public Registry of Swain County, reference to which is hereby made.

Tract One is conveyed SUBJECT TO rights of way, if any, as shown on recorded plat of West Town Acres as hereinabove referred to.

Tract One is part of the lands described by deed from C.W. DeHart et ux et al to J. Robert Varner et ux, dated May 24, 1965, recorded May 31, 1965, in Book 87, at page 181, Public Registry of Swain County.

TRACT TWO:

The property comprising Tract Two is all of the property conveyed in a deed from J. Robert Varner and wife, Clarine C. Varner to Lois M. Groth, single, dated February 28, 1995, recorded in the Swain County Registry in Deed Book 190 at page 509 (the "Second Groth Deed").

The property comprising Tract Two is described in the Second Groth Deed as follows:

BEING and comprehending Lot No. 7-A of Section A of West Town Acres as shown on plat thereof, prepared by James T. Herron, RLS, dated September 28, 1987, recorded in Plat Cabinet 2, Slide 714A, Public Registry of Swain County, reference to which is hereby made for a more complete and accurate metes and bounds description of said lands. The description as thereon set forth is made the description herein, by this reference, for the same purpose and to the same extent as though fully set forth herein.

Tract Two is conveyed TOGETHER WITH and SUBJECT TO those

restrictive covenants governing West Town Acres as recorded in Book 158, at page 410, Public Registry of Swain County, North Carolina, reference to which is hereby made for a more complete description of the same.

Tract Two is conveyed SUBJECT TO the terms and conditions of that certain road maintenance agreement pertaining to West Ridge Drive as recorded in Book 158, at Page 414, Public Registry of Swain County, reference to which is hereby made.

Tract Two is conveyed SUBJECT TO rights of way, if any, as shown on recorded plat of West Town Acres as hereinabove referred to.

Tract Two is part of the lands described by deed from C.W. DeHart et ux et al to J. Robert Varner et ux, dated May 24, 1965, recorded May 31, 1965, in Book 87, at page 181, Public Registry of Swain County.

For source of title for Tract Two see deed book 87, page 161, Swain County Registry.

TRACT THREE:

The property comprising Tract Three is all of the property conveyed in a deed from J. Robert Varner and wife, Clarine C. Varner to Lois M. Groth, dated October 3, 1997, recorded in the Swain County Registry in Deed Book 208 at page 829 (the "Third Groth Deed").

Tract Three is described in the Third Groth Deed as follows:

BEING and comprehending Lot No. 5-A of Section A of West Town Acres as shown on plat thereof, prepared by James T. Herron, RLS, dated September 28, 1987, recorded in Plat Cabinet 2, Slide 714A, Public Registry of Swain County, reference to which is hereby made for a more complete and accurate metes and bounds description of said lands. The description as thereon set forth is made the description herein, by this reference, for the same purpose and to the same extent as though fully set forth herein.

Tract Three is conveyed TOGETHER WITH and SUBJECT TO those restrictive covenants governing West Town Acres as recorded in Book 158, at page 410, Public Registry of Swain County, North Carolina, reference to which is hereby made for a more complete description of the same.

Tract Three is conveyed SUBJECT TO the terms and conditions of that certain road maintenance agreement pertaining to West Ridge Drive as recorded in Book 158, at Page 414, Public Registry of Swain County, reference to which is hereby made.

Tract Three is conveyed SUBJECT TO rights of way, if any, as shown on recorded plat of West Town Acres as hereinabove referred to.

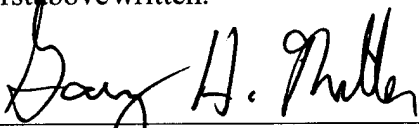
Tract Three is part of the lands described by deed from C.W. DeHart et ux et al to J. Robert Varner et ux, dated May 24, 1965, recorded May 31, 1965, in Book 87, at page 181, Public Registry of Swain County.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereto belonging to the Grantee and her heirs and assigns in as completely and fully as said Grantor as Commissioner is authorized and empowered to convey to her.

As set forth in the Notice of Sale in the Partition Proceeding, the Property is sold **AS IS, WHERE IS** subject to all deeds of trust, liens, encumbrances, servitudes, easements, rights of way, covenants, conditions and restrictions, encroachments, licenses, notices of lis pendens or pendency, charges, zoning laws, ordinances, regulations, building codes and other governmental laws, rules and orders affecting the Property, whether or not the same are of public record, but free and clear of all outstanding ad valorem taxes, if any, which shall be paid by the Commissioner from the gross proceeds of the sale and before the distribution of the net proceeds of the sale to the petitioners and respondents in the Partition Proceeding.

Absolutely no warranties are made as to the acreage, condition, value or title of the Property. Neither the Commissioner nor parties to the Partition Proceeding make any representation or warranty relating to the title or any physical, environmental, health or safety conditions existing in, on, at or relating to the Property, and any and all responsibilities or liabilities arising out of or in any way relating to any such condition are expressly disclaimed.

IN WITNESS WHEREOF, the Grantor, acting as Commissioner as aforesaid, has hereunto set his hand and seal, the day and year first above written.

 (SEAL)
GARY H. MILLER, in his capacity as Commissioner

 (SEAL)
ELIZABETH J. BRIGHAM, in her capacity as
the Personal Representative of the Estate of
Lois M. Groth

SWAIN COUNTY

STATE OF NORTH CAROLINA

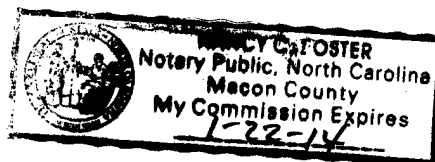
I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Gary H. Miller, acting in his capacity as court appointed Commissioner

Witness my hand and official seal, this 5th day of November, 2012.

Nancy C. Foster
Notary Signature

Nancy C. Foster
Notary Printed Name

1-22-14
Date Commission Expires



SWAIN COUNTY

STATE OF NORTH CAROLINA

I certify that the following person personally appeared before me this day, acknowledging to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Elizabeth J. Brigham, acting in her capacity as the Personal Representative of the Estate of Lois M. Groth.

Witness my hand and official seal, this 5th day of November, 2012.

William L. Richards
Notary Signature

William L. Richards
Notary Printed Name

Date Commission Expires

