

1426
0643

FILED
CHEROKEE COUNTY NC
DAPHNE DOCKERY
REGISTER OF DEEDS
FILED Dec 13, 2011
AT 02:02:43 pm
BOOK 01426
START PAGE 0643
END PAGE 0645
INSTRUMENT # 05815
EXCISE TAX \$60.00

CHEROKEE COUNTY TAX CERTIFICATION
There are no delinquent taxes due that are a lien
against the Parcel Numbers(s) set forth in this deed.

Cherokee County Tax Collector

Date: 12/13/11 By: DUS

WARRANTY DEED

DEED STAMPS: \$60.00

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 [X] does not include, the primary residence of a Grantor.

State of North Carolina
County Of Cherokee

Title File No. 11-590

PIV: 443900651854000 and 443900650428000

This Indenture made the 1st day of December, 2011, by and between:

Vance Mountain Associates, LLC,
A Georgia Limited Liability Company
11 Lumpkin Street, Suite 200
Lawrenceville, GA 30046

hereinafter called Grantors, and **Rickey E. Hicks and wife, Susan K. Hicks**
3 Twisted Cay Ln.
Hilton Head Island, SC 29926

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:

All that certain tract or parcel of land being designated as a combination of Lots 28 & 29 of the Sanctuary at Vance Mountain, containing 2.33 acres, more or less, in Notla Township, Cherokee County, North Carolina, and being more particularly described according to a Plat of Survey, dated October 18, 2011, prepared by Jeffrey B. Weatherly, North Carolina Professional Land Surveyor #L-2088, entitled "Survey for The Sanctuary at Vance Mountain Lots 21, 22, 24, 25, 26, 27, 28 and 29", said Plat of Survey being recorded in Plat Cabinet G, Slide 42, Cherokee County Registry, and from said Plat of Survey as follows:

BEGINNING at an iron rod, said iron rod being the Southeast corner of the herein described tract, thence running with the boundary common to other lands of the Grantor N 87-56-30 W 92.01 feet to an iron rod found, and S 76-22-45 W 68.38 feet to an iron rod, a corner common with Lot 27; thence leaving the boundary line common with Vance Mountain Associates, LLC, and running with the boundary line common with Lot 27 the following two (2) courses and distances: N 28-30-45 E 645.17 feet to an iron rod and N 28-30-45 E 23.80 feet to a point in the centerline of a 40' wide subdivision access road known as Sanctuary Drive, a corner common with Lot 67; thence leaving the boundary line common with Lot 27 and running with the centerline of said subdivision access road the following four (4) courses and distances: with the boundary line common with Lot 67 S 51-12-15 E 62.62 feet to a point, a corner common with the southernmost corner of Lot 67 and the westernmost corner of Lot 68 owned now or formerly by Branch Bank (Deed Book 416 at Page 360), and leaving the boundary common to Lot 67 and running with the boundary common with Lot 68 S 32-33-00 E 64.13 feet to a point, thence S 31-08-30 E 89.20 feet, and S 34-19-30 E 22.84 feet to a corner common to Lot 30, thence leaving the centerline of Sanctuary Drive and running with the boundary common to Lot 30 the following two courses and distances: S 38-08-30 W 21.11 feet to an iron rod found, and S 38-08-30 W 229.04 feet to an iron rod found, said iron rod being a corner common to Lot 30 and Lot 31, thence leaving the boundary common to Lot 30 and running with the boundary common to Lot 31 the following two (2) courses and distances: S 38-05-15 W 99.80 feet to an iron rod found, thence S 38-03-00 W 31.80 feet to an iron rod found, said iron rod being a corner common to Lot 32, thence leaving the boundary common to Lot 31 and running with the boundary common to Lot 32 S 38-05-45 W 109.53 feet to an iron rod found, said iron rod being the Southeast corner of the herein described tract, containing 2.33 acres, more or less.

THIS PROPERTY IS CONVEYED TOGETHER WITH AND SUBJECT TO a non-exclusive, perpetual right-of-way and easement, having a width of forty (40') feet, twenty (20') feet on each side of the centerline thereof, a portion of the centerline forming the north boundary of the herein described tract for purposes of ingress, egress, regress, and utilities from the property herein-conveyed on, over, across and through the remaining appurtenant lands of Grantor to the public road.

THIS CONVEYANCE MADE SUBJECT TO electric power line distribution easement in favor of Blue Ridge Mountain EMC recorded in Deed Book 1120, Page 179, in the Register of Deeds Office, Cherokee County, North Carolina.

ALSO HEREIN CONVEYED is the right of way easement as recorded in Deed Book 1107, Page 317, Cherokee County Registry.

THIS CONVEYANCE MADE SUBJECT TO the non-exclusive right of ingress, egress and utility service along an existing roadway which begins at the property herein-conveyed, crosses the lands of Orton to its intersection with N.C.S.R. #1112, as recorded in Deed Book 1107, Page 317, in the Register of Deeds Office, Cherokee County, North Carolina.

THIS CONVEYANCE MADE SUBJECT TO Restrictive Covenants and Conditions for The Sanctuary at Vance Mountain as more particularly described by instrument recorded in Deed Book 1126, Page 7, and amended in Deed Book 1133, Page 254, Deed Book 1244, Page 400 and Deed Book 1422, Page 657, in the Register of Deeds Office, Cherokee County, North Carolina, and specifically subject to set-back requirements as defined in the aforementioned Covenants and Conditions and as shown on the aforementioned survey plat which is incorporated herein by reference for more complete description.

THIS BEING A PORTION OF THAT SAME PROPERTY CONVEYED UNTO Vance Mountain Associates, LLC, a Georgia Limited Liability Company, by Warranty Deed from Thomas Wheeler Harris and wife, Gwen Hughes Harris, dated October 28, 2004, and recorded November 4, 2004, in Deed Book 1126, Page 1, in the Register of Deeds Office, Cherokee County, North Carolina.

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.

Vance Mountain Associates, LLC

By: Thomas Wheeler Harris

Thomas Wheeler Harris, Member-Manager

STATE OF Georgia
COUNTY OF Quitman

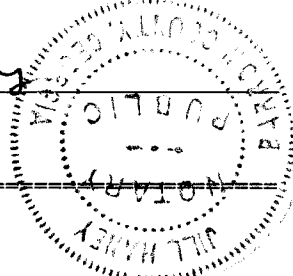
I, Jill Haney, a Notary Public of said state and county, do hereby certify that Thomas Wheeler Harris being personally known to me, personally appeared before me this day and acknowledged that he is Member/Manager of Vance Mountain Associates, LLC, a Georgia Limited Liability Company, and that by authority duly given and as the act of Vance Mountain Associates, LLC, the foregoing instrument was signed in its name.

WITNESS my hand and Notarial Seal this 5 day of Dec, 2011.

My Commission expires:

JILL HANEY
NOTARY PUBLIC, BARROW COUNTY, GEORGIA
MY COMMISSION EXPIRES FEBRUARY 9, 2013

Jill Haney
Notary Public



Prepared By
Cowan & Cowan, P.A.
Attorneys at Law
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Murphy, North Carolina
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