

FILED in Cherokee County, NC  
 on Jul 13 2004 at 10:50:11 AM  
 by: Daphne Dockery  
 Register of Deeds  
**BOOK 1108 PAGE 10**

Issued Jul 13 2004  
 \$8.00  
 State of Cherokee  
 North Carolina County  
 Real Estate Excise Tax

Excise Tax \$ 8.00 Recording Time, Book and Page  
 Tax Lot No. 460070105297 Parcel Identifier No. 455200282116000  
 Verified by Cherokee County on the 13 day of July, 2004  
 by Ran. W. Palmer

Mail after recording to: THE CLOSING PLACE, P.O. Box 940, Murphy, NC 28906

This instrument prepared by: Richard E. Steinbronn, Attorney  
 26 Tennessee Street, Murphy, NC 28906



Brief Description for Index: **.28 acres Northern Portion of Lot #6 Old Hibberts Estate**

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 13 day of July, 2004, by and between  
 Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

GRANTOR	GRANTEE
David F. Elias and his wife Carol K. Elias 154 John Laurel Drive Murphy, NC 28906	Hibberts Mtn. Dev. Inc. 6007 West U.S. 64 Murphy, NC 28906

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot of land situated in the City of Shoal Creek, Shoal Creek Township, Cherokee County County, North Carolina and more particularly described as follows:

A certain tract or parcel of land lying and being in Shoal Creek Township, Cherokee County, North Carolina containing **0.28 acres** more or less and being designated as the **Northern Portion of Lot #6, Old Hibberts Estate** according to plat of survey by Palmer's Surveying, Inc., Felix Edward Palmer, Jr., North Carolina Registered Surveyor No. L-3949 entitled "Portion of Lot 6, Old Hibberts Estate for Glen Roberts" Dated June 22, 2004 and from said plat of survey is more particularly described as follows:

BEGINNING at an iron pin located at the Southwest corner of the property herein conveyed, corner common to Elias (Deed Book 940 Page 61) and Lot 7 of Hibberts Mountain Development (Deed Book 980 Page 172), said beginning corner being located on the West side of an existing 15-foot gravel roadway the centerline of which is also the centerline of a 40-foot ingress/egress and utility right of way easement corridor, 20-feet on each side of the centerline thereof, said beginning point also being located North 05 deg 11' 00" East a distance of 65.60 feet from an iron rod found South 84 deg 49' East a distance of 19.72 feet and South 84 deg 49' 00" East a distance of 187.42 feet from an iron rod found. From said point of beginning, along a line common to Lot 7 North 05 deg 11' 00" East a distance of 34.40 feet to a point being the Northwest corner of the property herein conveyed (said point being located South 05 deg 11' 00" West a distance of 2.25 feet from an iron pin set at or near the West side of the aforementioned right

of way easement corridor and South 05 deg 11' 00" West a distance of 203.80 feet from an existing iron pin); thence South 84 deg 49' 00 East a distance of 24.70 feet to a point in the center of the aforementioned existing gravel roadway; thence continuing South 84 deg 49' 00" East a distance of 179.74 feet to an iron pin found at the Northeast corner of the property herein conveyed, corner common to Lot 7 Hibberts Mountain and now or formerly Hovermale (Deed Book 834 Page 19)(said point also being located South 05 deg 14' 00" West a distance of 106.14 feet from an iron pin found). Thence leaving the line common to Lot 7 and along a line common to now or formerly Hovermale, then Linderman South 05 deg 14' 00" West a distance of 86.32 feet to an iron pin set at the Southeast corner of the property herein conveyed, corner common to Linderman (Deed Book 1056 Page 628) and Elias. Thence leaving the line common to Linderman and along a severance line created by this instrument common to Elias North 70 deg 34' 00" West a distance of 172.45 feet to an iron pin set; thence continuing North 70 deg 34' 00" West a distance of 31.74 feet to a point in the center of the aforementioned existing gravel roadway; thence continuing North 70 deg 34' 00" West a distance of 6.66 feet to the point and place of BEGINNING. Containing 0.28 acres more or less according to the aforementioned survey plat. Should there be any discrepancy between the above metes and bounds description and the aforementioned survey plat, the survey plat shall prevail.

THIS CONVEYANCE MADE TOGETHER WITH AND SUBJECT TO a non-exclusive perpetual right of way and easement 40-feet in width over and across the existing access road situated within the aforementioned 40-foot right of way easement corridor which forms a portion of the above described lot as described in Deed Book 412 Page 82 and Deed Book 656 Page 3, in the Register of Deeds Office, Cherokee County, North Carolina for the purposes of ingress, egress and regress and utilities thereon from the above described lot to the public road .

THIS CONVEYANCE MADE SUBJECT TO the rights of Farrell as described in Deed Book 532 Page 82, in the Register of Deeds Office, Cherokee County, North Carolina in and to the use of the existing access road which traverses the above described lot.

THIS CONVEYANCE MADE SUBJECT TO the right of way and easement in favor of Blue Ridge Mountain EMC as recorded in Deed Book 508 Page 91 and Deed Bok 867 Page 163, in the Register of Deeds Office, Cherokee County, North Carolina.

THIS CONVEYANCE MADE SUBJECT TO Restrictive Covenants and Conditions governing Hibberts Mountain Subdivision as recorded in Deed Book 793 Page 22, in the Register of Deeds Office, Cherokee County, North Carolina.

THIS BEING A PORTION OF THAT SAME PROPERTY CONVEYED UNTO David F. Elias and wife Carol K. Elias by Warranty Deed from Glenn L. Roberts, single dated July 2, 2001 and recorded on July 17, 2001 in Deed Book 940 Page 61, in the Register of Deeds Office, Cherokee County, North Carolina.  
NC4-3459

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the 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.

David F. Elias (SEAL)  
David F. Elias  
Carol K. Elias (SEAL)  
Carol K. Elias

SEAL-STAMP STATE OF NORTH CAROLINA  
COUNTY OF CHEROKEE



SHERIDAN E. SNYDER, a Notary Public of said State and County, do hereby certify that David F. Elias and his wife Carol K. Elias personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 13 day of July, 2004.

My Commission Expires:  
8/7/2005

Sheridan E. Snyder  
Notary Public

The foregoing Certificate(s) of Sheridan E. Snyder

is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: Daphne Dockery REGISTER OF DEEDS FOR Cherokee COUNTY  
Deputy/Assistant-Register of Deeds

