

914-125

This instrument was prepared by Charles W. McHan, Jr. of the law firm of Hyde, Hoover & Lindsay. 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.

State of North Carolina
County Of Cherokee

CHEROKEE COUNTY NC 11/09/2000
\$243.00
STATE OF NORTH CAROLINA
Real Estate Excise Tax

This Indenture, made the 2nd day of November, 2000 by and between:

GLENN L. ROBERTS, unmarried

hereinafter called Grantors, and RAYMOND DANIEL ZOTKOVICH and wife, TERYL LEIGH ZOTKOVICH

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 containing 1.42 acres, more or less, designated as Lot 2 of the Glenn L. Roberts property, being a part of the old H. L. Hibberts estate property, Shoal Creek Township, Cherokee County, North Carolina, and being more particularly described according to a plat of survey dated March 29, 1999, by Donald L. Cordell, R.L.S., and from said plat being more particularly described on Schedule "A" attached hereto and incorporated by reference herein.

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.

_____ (SEAL)

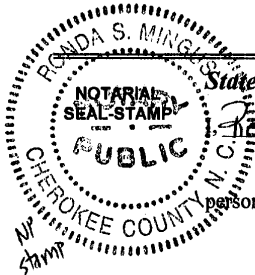
Glenn L. Roberts (SEAL)
Glenn L. Roberts

_____ (SEAL)

_____ (SEAL)

CHEROKEE COUNTY, NORTH CAROLINA
PIN: 660070012512
BY: *Charles W. McHan, Jr.*

CHEROKEE COUNTY NC
The foregoing certificate(s) of
Ronda S. Minaus
is certified to be correct. Filed for
registration on 11/09/2000 10:54 AM
Book 0914 Page 0125
By: *Daphne Polkery*
RALPH A. KEPHART Deputy/Assistant
Register Of Deeds



State of North Carolina, County of Cherokee

Ronda S. Mingus, a Notary Public of Said State and County, do hereby certify that
(Notary's Name Printed Above)
GLENN L. ROBERTS, unmarried
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this 8th day of November, 2000

My commission expires: My Commission Expires April 2, 2005 Ronda S. Mingus, Notary Public.

NOTARIAL SEAL-STAMP

State of _____, County of _____

I, _____, a Notary Public of Said State and County, do hereby certify that
(Notary's Name Printed Above)

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this _____ day of _____, 20 _____

My commission expires: _____, Notary Public.

NOTARIAL SEAL-STAMP

State of _____, County of _____

I, _____, a Notary Public of Said State and County, do hereby certify that
(Notary's Name Printed Above)

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this _____ day of _____, 20 _____

My commission expires: _____, Notary Public.

Prepared By

Hyde, Hoover & Lindsay
Attorneys at Law
58 Valley River Ave.
P.O. Box 580
Murphy, North Carolina 28906
PHONE: (828) 837-6393

DEED STAMPS: \$ 243.-

SCHEDULE 'A'

All that certain tract or parcel of land containing 1.42 acres, more or less, designated as Lot 2 of the Glenn L. Roberts property, being a part of the old H. L. Hibberts estate property, Shoal Creek Township, Cherokee County, North Carolina, and being more particularly described according to a plat of survey dated March 29, 1999, by Donald L. Cordell, R.L.S., and from said plat described as follows:

BEGINNING on a 1/2" rebar set, the Southwest corner of the herein described lot, the Southeast corner of Lot 1 and being a point in the North boundary line of the adjoining lands of Robinson, said BEGINNING corner being situate N 70-37 E 224.48 feet from a steel rod found which is the Southwest corner of the Glenn L. Roberts Subdivision and of Lot 1 of said subdivision, and runs thence from said BEGINNING corner, and with a line common to Lot 1 and with the centerline of a forty (40) foot right of way and easement within which is situate an access road N 05-10-44 E 200.0 feet to a point in said right of way centerline; thence continuing with the centerline of said right of way and running with a line common to Lot 3 N 05-10-44 E 150.0 feet to a point in said right of way centerline; thence turning and leaving said right of way and running with a line common to Lot 4 S 84-49-16 E 20.0 feet to a 1/2" rebar set and S 84-49-16 E 183.95 feet to a 1/2" rebar set; thence running with a line common to lands owned now or formerly by Stiles S 05-14-05 W 173.18 feet to a 1/2" rebar found and S 04-29-57 W 83.40 feet to a 1" open pipe found; thence running with a line common to adjoining lands of Robinson S 70-39-13 W 225.07 feet to the BEGINNING.

ALSO HEREIN CONVEYED is a non-exclusive, perpetual right of way and easement forty (40) feet in width over and across the existing access road which is situate within in said forty (40) foot right of way and easement, the South margin of said right of way forming the South boundary line of the above described lot and the centerline of said right of way forming the West boundary line of the above described lot and over and across the existing right of way and easement as described in Deed Book 412, Page 82, Cherokee County Registry, for the purposes of ingress, egress and regress and utilities thereon from the above described lot to the public road.

EXCEPTING AND RESERVING FROM THIS CONVEYANCE is a non-exclusive, perpetual right of way and easement forty (40) feet in width and within which is situate an existing access road, the South margin of said right of way forming the South boundary line of the above described lot and the centerline of said right of way forming the West boundary line of the above described lot so as to provide ingress, egress and regress and utilities thereon from the remaining appurtenant lands of Grantor and those lands of Grantor as described in Deed Book 656, Page 3, Cherokee County Registry to the public road.

THIS CONVEYANCE IS SUBJECT TO the rights of the lands of Farrell as described in Deed Book 532, Page 82, in and to the use of the existing access road which traverses the above described lot.

THIS CONVEYANCE IS SUBJECT TO the right of way and easement in favor of Blue Ridge Mountain EMC for the distribution of electric power as set forth in Deed Book 508, Page 91, and Deed Book 867, Page 163, Cherokee County Registry.

THIS CONVEYANCE IS SUBJECT TO the Restrictive Covenants and Conditions governing Hibberts Mountain Subdivision as recorded in Deed Book 793, Page 22, Cherokee County Registry.

THIS PROPERTY IS CONVEYED TOGETHER WITH the non-exclusive right to use water for domestic purposes from the subdivision well, located on Lot 4 of Glenn L. Roberts Subdivision, as long as the Grantees herein pays the prescribed amount due for use of said water to the developers, their heirs and assigns. The Grantor except and reserve the sole right and the sole option to convey and turn over the well and water delivery system to the Glenn L. Roberts Homeowner's Association or to the home/property owners in Glenn L. Roberts Subdivision.

FOR SOURCE OF TITLE reference Deed Book 658, Page 170, Cherokee County, NC Registry.

