8.

FILED in CLEVELAND County, N
on Apr 23 2003 at 10:57:19 AM
by: BONNIE E. REECE
REGISTER OF DEEDS
BOOK 1369 PAGE 1380

Issued Apr 23 2003
$6,000.00
State of CLEVELAND
North Carolina County
Real Estate Excise Tax
ID. 5139

RECORDING FEE $35.00 REVENUE 6,000.00

7711

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 20___
by _____

Mail after recording to **John V. Schweppe, Jr.**
This instrument was prepared by **John V. Schweppe, Jr.**

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made ____ **day of April , 2003** by and between

GRANTOR	GRANTEE
THE WHITFIELD COMPANY, **A South Carolina Partnership**	**NORTH CAROLINA** **DEPARTMENT OF TRANSPORTATION** **330 South Lafayette Street** **Shelby, NC 28150**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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 or parcel of land situated in the City of , Township, **Cleveland** County, North Carolina and more particularly described as follows:

See Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

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The property hereinabove described was acquired by Grantor by instrument recorded in Book , Page .

A map showing the above described property is recorded in ,

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.

THE WHITFIELD COMPANY,
A South Carolina Partnership

_____
(Corporate Name)

By: _____

President

ATTEST:

_____

Secretary (Corporate Seal)

USE BLACK INK ONLY

BY: William F. Whitfield (SEAL)
William F. Whitfield, General Partner

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

SEAL-STAMP

USE BLACK INK

SOUTH CAROLINA, Charleston County

I, Linda Squires Moulder, a Notary Public of Charleston County, South Carolina, certify that William F. Whitfield, General Partner of The Whitfield Company, A South Carolina Partnership, Grantor(s), personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 11th day of April, 2003.

My commission expires: My Commission Expires June 26, 2008

Linda Squires Moulder Notary Public

SEAL-STAMP

USE BLACK INK ONLY

NORTH CAROLINA, Cleveland County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is _____ Secretary of , a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by him/her as its _____ Secretary. Witness my hand and official stamp or seal, this __ day of ___, ____.

My commission expires:

_____ Notary Public

The foregoing Certificate(s) of Linda Squires Moulder a np

is/~~are~~ 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 Bonnie E. Reece / Regina Crocker REGISTER OF DEEDS FOR CLEVELAND COUNTY
Deputy/~~Assistant~~ Register of Deeds.

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Exhibit "A"

Lying on the waters of Sandy Run Creek, and Main Broad River, in Cleveland County, N.C. Township No. 2. The beginning corner being located N. 54-05'-20" W.- 1890.66 feet from the center line of the North end of the bridge on Highway N. C. 150 crossing the Broad River.

Beginning on a concrete monument a common corner of the tract being described and Duke Power Company, and being on the North bank of the Main Broad River, and runs thence with the common line of Duke Power Company S.49-57'-35" W.- 11.41 feet to the edge of the water of the Broad River, and runs thence with the edge of the water of Broad River in a North Westerly direction and up stream the following twenty-three courses and distances; N.80-19'-37" W.-201.07 feet; N. 85-43'-17" W.-148.72 feet; S. 85-19'-54" W.-200.52 feet; S.77-42'-45" W.- 300.10 feet; N.69-52'-13"W. - 243.41 feet; N.64-28'-30" W. - 475.48 feet; N.55-53'-30" W.- 266.33 feet; N. 34-45'-47" W.- 623.49 feet; N. 14-55'-55" W.- 922.03 feet; N.11-12'-28" W.- 274.91 feet; N.4-12'-58" W.- 171.14 feet; N. 18-47'-50" W.- 532.34 feet; N. 33-20' W. - 358.88 feet; N. 48-14'-16" W.- 563.05 feet; N. 57-05'-18" W.- 624.70 feet; N. 62-13'-44" W.- 903.21 feet; N. 73-40'-44" W.- 412.59 feet; N. 80-49'-17" W. - 419.29 feet; N. 82-29' W. - 351.71 feet; N. 78-01' W.- 428.52 feet; N. 85-18'-50" W.- 479.92 feet; S. 81-47' W.- 275.31 feet to where the center line of Sandy Run Creek intersects the edge of the water of Broad River; thence running with the center line of Sandy Run Creek, a common line of the tract being described and Cone Mills, and others, the following seventy-four courses and distances; N. 47-50' W.- 317.83 feet; N.0-12'-23" W. - 324.81 feet; N. 17-37'-40" W.- 559.33 feet; N. 1-14'-46" E.- 216.38 feet; N. 7-30' E.- 200.00 feet; N. 60-44'-05" W.- 270.14 feet; N. 79-36'-36" W.-536.95 feet; S. 79-50' W.- 395.09 feet; N. 66-24'-10" W.- 247.21 feet; N. 26-10'- 40" W.- 483.56 feet; N. 57-06'-40" W.- 449.14 feet; N. 70-45'-32" W.- 83.13 feet; N.56-10'-07" W.- 67.06 feet; N. 5-01'-23" E.- 34.08 feet; N. 63-50'-50" E.- 255.34 feet; N. 74-18'-12" E.- 438.58 feet; N. 82-42'-33" E. - 412.45 feet; N. 77-31'-55" E.- 362.21 feet; N. 65-22-58" E.-244.63 feet; S 75-27'-50" E.-61.86 feet; S 39-08'-26" E.-215.65 feet; S. 44-05'-48" E.- 266.77 feet; S. 32-10'-30" E.- 199.87 feet; S. 64-58'-50" E.- 332.08 feet; S. 33-38'-30" E.- 173.25 feet; N. 88-20' E.- 196.87 feet; N 84-32' E.- 148.50 feet; N 10-40' E.- 352.56 feet; N. 33-25'-40" W.-465.26 feet;

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N. 12-41'-20" W.- 118.91 feet; N 29-14'-30" W.- 152.35 feet; N. 43-27'-30" W.- 286.66 feet; N. 38-05' W.- 402.69 feet; N 11-01'-30" W.-230.06 feet (This point is 24 feet northeast from the centerline of the highway bridge over Sandy Run Creek; State Road No. S.R. 1195); N. 22-04'-20" E.- 176.83 feet; N. 15-02'-20" W.-189.69 feet; N. 64-52'-40" W.- 486.02 feet; N. 67-15'-40" W.- 470.70 feet; N 71-35'-50" W.-456.87 feet; S. 83-15'-40" W.- 457.44 feet; N. 50-51'-40" W- 64.91 feet; N. 20-04' W.- 93.17 feet; N. 21-13' E- 428.74 feet; N. 65-15'-20" E.- 381.18 feet; N. 88-23'-30" E.-185.02 feet; N. 68-27'-10" E.-125.13 feet; N. 74-03'-40" E.- 516.16 feet; N. 81-29'-40" E.-349.32 feet; N. 89-55'-10" E.- 334.59 feet; N. 45-18'-50" E.-310.82 feet; N. 37-25'-20" E.-152.97 feet; N. 38-33'-10" W.- 303.95 feet; N. 18-48' E.- 150.00 feet; N. 53-32'-50" E.- 105.41 feet; N. 74-20'-10" E.- 381.21 feet; N. 60-08'-10" E.- 194.23 feet; N. 35-01'-30" E.- 131.29 feet; N. 24-13'-40" E.- 182.26 feet; N. 5-10'-40" E.- 293.68 feet; N. 37-58'-50" W.- 297.88 feet; N. 54-37'-50" W.- 326.07 feet; N. 59-50'-30" W.- 180.63 feet; N. 48-08'-10" W.- 153.40 feet; N. 53-23'-20" W.- 233.42 feet; N. 74-12'-56" W.- 109.17 feet; N.-1-27'-30" E.- 89.40 feet; N. 32-48'-50" E.- 92.45 feet; N. 49-46'-30" E.- 291.59 feet; S. 87-12'-20" E.- 222.53 feet; N. 73-38'-50" E.- 281.64 feet; N. 70-23'-30" E.- 237.79 feet; N. 89-13'-20" E.- 226.04 feet; N. 48-59'-40" E.- 270.54 feet; S. 63-20' E.- 27.00 feet; Thence leaving aforesaid Sandy Run Creek S. 14-05' E.- 16.25 feet to an iron pipe found on the bank of the creek; Thence S. 14-05' E.- 82.75 feet to an iron pipe found, being a common corner of the tract being described and the H. Gene Washburn property; Thence with a common line between the Washburn property and the tract being described the following courses and distances: S. 46-11'-50" E.- 487.26 feet to a steel reinforcing bar (found); S. 33-24' E.- 99.59 feet to an iron pipe (found); S. 10-13'-20" W.- 83.73 feet to an iron pipe (found); S. 64-14'-50" E.- 788.21 feet to an iron pipe (found); S. 73-46'-30" E.- 264.00 feet to a 3/4" galvanized iron pipe (set); S. 84-17'-20" E.- 198.00 feet to an iron pipe (found); N. 20-36'-30" E.- 654.57 feet to an iron pipe (found), being a common corner of the tract being described with H. Gene Washburn and J.T. Martin, Thence with a common line between the tract being described and J. T. Martin, two courses and distances: S. 77-39'-50" E.- 494.96 feet to an iron pipe found, S. 13-09'-37" E.- 729.09 feet to an iron pipe found, being a common corner of the tract

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being described , J. T. Martin, and Albert Glenn; Thence with a common line between the tract being described and Albert Glenn the following four courses and distances: S. 32-29'-30" W.- 686.28 feet to an iron pipe (found); S. 65-50'-16" E.- 110.57 feet to an iron pipe (found); S. 73-55'-30" E.- 322.31 feet to an iron pipe (found); N. 17-40'-08" E.- 556.25 feet to an iron pipe (found); the same being a common corner of the tract being described, J. T. Martin and Albert Glenn; Thence running a common line with the tract being described and the Glenn parcel 2 in part, S. 79-44'-50" E.- 735.72 feet to an iron pipe (found), a common corner of the tract being described, the Glenn parcel no. 2, and the William Marsh property; Thence with a common line of the tract being described, the William Marsh, the Blackwell, and the Wilson properties S. 17-29'-36" W.- 1633.64 feet to an iron pipe (found), a common corner of the tract being described with Graham Hamrick, in the line of Blackwell and Wilson; Thence with a common line with Graham Hamrick the following three courses and distances: N. 72-01'-20" W.- 615.11 feet to a 48" Maple tree, N. 21-44'-40" W.- 353.54 feet to an iron pipe (found), N. 17-28'-34" E.- 227.62 feet to a steel pin in the centerline of Secondary Road 1195, being a common corner of the tract being described and the Graham Hamrick and the Cline B. Hamrick properties; Thence running with the centerline of S.R. 1195 N. 86-10'-47" E.- 383.96 feet to a steel pin in the centerline of the aforesaid road S.R. 1195, being a common corner of the tract being described and the Cline B. Hamrick property; Thence leaving said road and running a common line with Cline B. Hamrick the following three courses and distances: N. 8-30' E.- 264.24 feet to an iron pipe set; N. 82-30' W.- 470.00 feet to an iron pipe (set); S. 11-35'-17" W.- 382.92 feet to a steel pin in the centerline of S.R. 1195, being Cline B. Hamrick's southwest corner; Thence following the centerline of aforesaid S.R. 1195 the following three courses and distances: S. 66-25' W.- 50.00 feet, S. 58-50' W.- 50.00 feet, S. 50-16' W.- 50.00 feet to a steel pin in the centerline of S.R. 1195; Thence leaving said road and running the following five courses and distances with the 25.12 acre tract belonging to Gardner Webb College: N. 18-50'-20" W.- 39.59 feet to a 3/4" galvanized iron pipe (set), N. 65-41'-50" W.- 1388.08 feet to a 3/4" galvanized iron pipe (set), S. 83-22'-50" W.- 680.70 feet to a 3/4" galvanized iron pipe (set), S. 23-17'-10" E.- 765.81 feet to a 3/4" galvanized iron pipe (set),

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S. 85-43'-40" E.- 1437.87 feet to a steel pin in the centerline of S.R. 1195, being the southeast corner of the Gardner Webb 25.12 acre tract; Thence running with the centerline of S.R. 1195 the following five courses and distances: S. 37-20' W.- 61.25 feet, S. 46-35' W.- 152.38 feet, S. 54-52'-10" W.- 153.94 feet, S. 49-45'-30" W.- 169.61 feet, S. 49-29' W.- 130.50 feet to a steel pin in the centerline of S.R. 1195, being a common corner of the tract being described and a tract owned by Jolly and Hamrick; Thence running a common line with Jolly and Hamrick the following two courses and distances: S. 12-28'-58" E.- 158.37 feet to a concrete monument, a common corner, S. 33-07'-40" E.- 1604.59 feet to a 14" White Oak , a common corner of Jolly and Hamrick and Charlie Lemmon in the line of the tract being described; Thence with the same course, a common line with Charlie Lemmon's property, S. 33-07'-40" E.- 1074.09 feet to a 12" Maple on the bank of the creek; Thence the same course S. 33-07'-40" E.- 10.85 feet to the centerline of the creek, this point being the northeast corner of the Sandra O'Neil Guffy property; Thence running with the meanders of the creek and a common line with Sandra O'Neil Guffy's property the following twenty-eight courses and distances: N. 86-47'-50" W.- 73.26 feet; S. 52-06'-10" W.- 67.24 feet; S. 72-10'-20" W.- 228.93 feet; S. 69-16'-20" W.- 134.46 feet; S. 85-16'-20" W.- 90.38 feet; S. 24-34'-30" W.- 204.29 feet; N. 75-33'-10" W.-102.55 feet; S. 7-18' W.- 75.91 feet; N. 40-53'-10" W.- 66.96 feet; S. 1-10'-30" W.- 24.22 feet; S. 24-42'-20" W.- 49.68 feet; N. 39-57'-20" W.- 124.42 feet; N. 62-17'-40" W.- 46.59 feet; S. 11-54'-40" W.- 52.35 feet; S. 15-14'-40" E.- 49.83 feet; S. 75-35' W.- 46.56 feet; N. 75-29' W.- 52.82 feet; N. 17-46'-20" W.- 84.00 feet; N. 70-58'-30" W.- 64.55 feet; S. 5-21'-50" E.- 40.35 feet; S. 14-33'-10" W.- 83.29 feet; S. 85-52'-10" W.- 124.29 feet; S. 81-49'-20" W.- 95.16 feet; S. 83-56'-10" W.- 86.63 feet; S. 10-23'-30" W.- 30.47 feet; S. 47-59' E.- 35.75 feet; S. 25-10'-40" W.- 24.26 feet; S. 80-11'-20" W.- 25.66 feet to a 3/4" galvanized iron pipe (set) in the centerline of the creek, being a common corner of the tract being described and Sandra O'Neil Guffy's northwest corner; Thence running a common line with Sandra O'Neil Guffy S. 5-40' W.- 621.76 feet to an iron pipe and rock (found); Thence, still with Sandra O'Neil Guffy's property S. 85-36'-10" E.- 1330.73 feet to an iron pipe found, being Guffy's southeast corner and J. Durham Ledbetter's southwest corner in the line of the tract being described; Thence a common line with J.D. Ledbetter the following two courses and distances: S. 87-39' E.- 569.41 feet to an iron pipe (found) in a rock pile; S. 35-25'-30" E.- 658.28 feet to an iron pipe and rock (found), a common corner

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of J.D. Ledbetter and Sherwood Acres and being in the line of the tract being described; Thence with a common line with Sherwood Acres, Lytle and Carl Blanton, the following four courses and distances: S. 35-05'-10" E.- 1234.87 feet to an iron pipe (found), S. 35-28'-10" E.- 322.22 feet to an iron pipe (found); S. 36-18' E.- 891.86 feet to an iron pipe (found), Carl Blanton's southwest corner; S. 83-54'-40" E.- 592.75 feet to an iron pipe at the base of a 16" White Oak, being Carl Blanton's southeast corner and being in the western propertyline of a second tract belonging to Carl Blanton; Thence with a common line with Carl Blanton's second tract S 6-49' W.- 542.01 feet to an iron pipe at a fence corner; Thence running a common line with Carl Blanton and Karen Blanton S. 82-59'-20" E.- 1092.68 feet to an iron pipe (found) at a fence corner; Thence with various owners as shown in plat book 11 page 92 of the Cleveland County Registry the following seven courses and distances: S. 9-45' W.- 399.77 feet to an iron pipe (found); S. 9-32' W.- 60.30 feet to an iron pipe (found); S. 9-42'- 30" W.- 399.15 feet to an iron pipe (found); S. 9-35' W.- 60.17 feet to an iron pipe (found); S. 9-40'-50" W.- 199.30 feet to an iron pipe (found); S. 9-55'-30" W.- 199.77 feet to an iron pipe (found); S. 9-38'-50" W.- 203.23 feet to a concrete monument, being a common corner of the tract being described and the Duke Power Co. property, formerly the Western Carolina Power Co. property; Thence running a common line with Duke Power Co. the following two courses and distances: S. 11-13' W.- 1051.78 feet to an iron pipe and rock; S. 49-57'-35" W.- 606.86 feet to a concrete monument, being the point of beginning and containing 1070.59 acres as surveyed by Mallonee Surveying Incorporated of Morganton, North Carolina.

LESS AND ACCEPT: That 70.00 acre tract reserved and retained by the Grantor, The Whitfield Company, together with the easement for a 10 foot walking trail and access road, all as shown on that plat by TGS Engineers Inc., dated March 31, 2003, recorded in Book of Plats 25, Page 125, Cleveland County Registry, reference being made to said plat for further description of the 70.00 acre tract access road and walking easement.

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EXHIBIT B

Mineral Reservation

All mineral substances presently owned by Seller are hereby conveyed to Purchaser herein, together with the full and exclusive executory rights to lease such substances; SUBJECT, HOWEVER, and there is hereby reserved to Seller, its successors and assigns, and excepted from this conveyance, the following:

1. An undivided five (5%) percent royalty interest in oil, gas and associated hydrocarbons.

2. An undivided five (5%) percent royalty interest in lead, zinc, copper, coal, lignite, sulphur, phosphate, iron ore, sodium, salt, leucoxene, ilmenite, zircon, monzonite, uranium, thorium, molybdenum, vanadium, titanium and other fissionable materials, gold, silver, bauxite, limestone, geothermal energy and all other mineral substances and ore deposits of any kind or character, whether solid, liquid or gaseous, and without limitation by enumeration of the minerals expressly mentioned above (but not including sand, clay and gravel) produced from said lands. In the event Purchaser, its successors and assigns, elects to develop and produce any mineral substances described in this paragraph, there is further hereby reserved to Seller, its successors and assigns, an undivided five (5%) percent of the proceeds of said development, exclusive of all expenses incurred by Purchaser, its successors or assigns in said development.

This conveyance is subject to all outstanding oil, gas and other mineral and/or royalty rights, interests and leases shown of record on any of said lands.

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