B1447 P108

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE. NEDRA W. MOLES, REGISTER WB

DATE: 12/3/10 TIME: 10:17 AM

EXCISE TAX STAMP: —

BOOK: 1447 PAGE: 108

**Prepared By And Return To:** PYM

**Paul D. Monson**
**Sidley Austin LLP**
**One South Dearborn Street**
**Chicago, Illinois 60603**

**STATE OF** North Carolina

**COUNTY OF** Henderson

## RELEASE

**THIS RELEASE**, made this 2 day of December, 2010, by and between JPMorgan Chase Bank, National Association, **Beneficiary**, and Chicago Title Insurance Company, **Trustee**, Parties of the First Part, and Meritor Heavy Vehicle Systems, LLC, a Delaware limited liability company, Party of the Second Part.

**WITNESSETH:**

**WHEREAS**, the Party of the Second Part, as Grantor, on September 15, 2006 , executed to Lawyers Title Insurance Corporation, c/o John McLean State Counsel, Trustee, Trustee, a Deed of Trust which is recorded in Deed of Trust Book 1831 at Page 614, in the Office of the Register of Deeds for Henderson County, North Carolina, to secure certain indebtedness therein described, due and payable to JPMorgan Chase Bank, National Association; and

**WHEREAS**, Chicago Title Insurance Company has been appointed Substitute Trustee; and

**WHEREAS**, the Party of the Second Part has requested that the Parties of the First Part release from the lien of said Deed of Trust a portion of the lands conveyed as hereinafter described, and JPMorgan Chase Bank, National Association, as holder of the Note and Deed of Trust, has agreed to do so and has requested the Trustee to join in said release;

**NOW, THEREFORE**, the Parties of the First Part, for and in consideration of the sum of Five and No/100 Dollars ($5.00) to each of them paid by the Party of the Second Part, the

receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release and forever quitclaim unto the Party of the Second Part, its successors and assigns, only that portion of the land described on Exhibit A attached hereto and incorporated herein by this reference.

**TO HAVE AND TO HOLD** as to only said lands and premises described on Exhibit A, together with all privileges and appurtenances thereunto belonging to them, to the said Party of the Second Part, its successors and assigns, free and discharged from the lien of the Deed of Trust recorded in Deed of Trust Book 1831 at Page 614, Henderson County Registry.

**BUT IT IS UNDERSTOOD AND AGREED** that this release shall apply only to so much of said lands as are herein expressly described and conveyed, and that as to the remainder of said lands, said Deed of Trust shall be and remain in full force and effect.

**BUT IT IS FURTHER UNDERSTOOD AND AGREED** that the undersigned, specifically does not release the unpaid balance of the indebtedness previously secured by said Deed of Trust, the same remaining due and payable according to its terms. Except as otherwise expressly released by a separate document, as to all other real property described in any other mortgage, deed of trust, security agreement or other loan document granted by the Party of the Second Part and delivered to or for the benefit of the undersigned, the liens, grants and security interests thereof shall remain in full force and effect, unaffected by this release.

**IN WITNESS WHEREOF,** the Parties of the First Part have signed this Deed in the ordinary course of business pursuant to authorization from its board of directors, as of the day and year first above written.

**BENEFICIARY:**

**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

By: Robert P. Kellas

Name: Robert P. Kellas
Its: Executive Director

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| SEAL-STAMP | STATE OF New York<br>COUNTY OF New York |
|---|---|
| MARGARITA TORRES<br>Notary Public, State of New York<br>Qualified in Bronx County<br>No. 01TO6041062<br>My Commission Expires May 1, 2014 | I, a Notary Public of said County and State, certify that Robert P. Kellas personally came before me this day and acknowledged that he/she is the Executive Director of JPMorgan Chase Bank, National Association, and that he/she, as Vice President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.<br><br>**WITNESS** my hand and official stamp or seal, this 28th day of Sept., 2010.<br><br>Margarita Torres<br>Notary Public My commission expires:<br><br>My commission expires:<br>5/1/2014 |

**TRUSTEE:**
**CHICAGO TITLE INSURANCE COMPANY**

By: _____
Name: LOUIS COHEN
Its: _____

| SEAL-STAMP | **STATE OF** ILLINOIS<br>**COUNTY OF** COOK<br><br>I, a Notary Public of said County and State, certify that HE personally came before me this day and acknowledged that he/she is the _____ of Chicago Title Insurance Company, a Nebraska corporation, and that he/she, as _____, being authorized to do so, executed the foregoing instrument on behalf of the corporation.<br><br>**WITNESS** my hand and official stamp or seal, this 29th day of NOVEMBER, 2010.<br><br>_____<br>Notary Public My commission expires:<br><br>My commission expires:<br>_____ |
|---|---|
| OFFICIAL SEAL<br>ANGELA KOETTERS<br>Notary Public - State of Illinois<br>My Commission Expires Mar 1, 2014 | |
| | |

**EXHIBIT A**

Said property located on a tributary to Cane Creek off Rockwell Road (NCSR 2025), Hoopers Creek Township, Henderson County, North Carolina being a portion of the property recorded in Deed Book 911, Page 574 (PIN 9652-23-8196) and being more particularly described as follows:

COMMENCING from North Carolina Geodetic Survey Monument "Cranston Azimuth Mark" having NGS NAD 83 (2007) coordinates North 624,084.91422 feet, East 954,994.03474 feet THENCE North 29 degrees 15 minutes 35 seconds East for a distance of 1861.43 feet (Grid Distance = 1861.02 feet, Combined Factor = 0.999781964) to North Carolina Geodetic Survey Monument "Cranston" having NGS NAD 83 (2007) coordinates North 625,708.85616 feet, East 955,903.84376 feet THENCE South 87 degrees 19 minutes 55 seconds West for a distance of 2432.59 feet to a 5/8" Rebar Found with Aluminum Cap (the common corner with The Town of Fletcher property, PIN 9652-45-2928, Deed Book 1056, Page 702 and having coordinates of North 625595.62 feet, East 953473.89 feet) the **TRUE POINT OF BEGINNING**

THENCE from the **TRUE POINT OF BEGINNING** and with the line of the Town of Fletcher property, South 05 degrees 15 minutes 00 seconds West for a distance of 105.56 feet to an Concrete Monument Set; THENCE leaving the line of the Town of Fletcher property along a new severance line North 78 degrees 23 minutes 40 seconds West for a distance of 1459.24 feet to a point on the bank of Cane Creek passing a point on a new easement at 13.08 feet and a Concrete Monument Set at 1397.35 feet (Concrete Monument being in the line of a proposed 30 feet wide easement for a proposed Greenway); THENCE with the south margin of Cane Creek being the boundary of Meritor Heavy Vehicle Systems, LLC (PIN 9652-23-8196, Deed Book 911, Page 574) the following two calls, North 72 degrees 13 minutes 55 seconds East for a distance of 199.13 feet to a point on the bank of Cane Creek; THENCE North 47 degrees 36 minutes 35 seconds East for a distance of 37.38 feet to a point on the bank of Cane Creek, the common corner with the Town of Fletcher property (PIN 9652-45-2928, Deed Book 1056, Page 702); THENCE with the line of the Town of Fletcher property the following seven calls, South 77 degrees 20 minutes 50 seconds East for a distance of 59.75 feet to a Concrete Monument Found passing a point on a proposed 30 foot wide easement for a proposed Greenway at 36.84 feet; THENCE South 77 degrees 20 minutes 50 seconds East for a distance of 229.00 feet to a 5/8" Rebar Found with Aluminum Cap passing a 5/8" rebar found at 11.08 feet and a Rebar Found with Aluminum Cap at 49.57 feet; THENCE South 77 degrees 20 minutes 50 seconds East for a distance of 229.00 feet to a Rebar Found with Aluminum Cap; THENCE South 77 degrees 20 minutes 50 seconds East for a distance of 229.00 feet to a Rebar Found with Aluminum Cap; THENCE South 77 degrees 20 minutes 50 seconds East for a distance of 229.00 feet to a Rebar Found with Aluminum Cap; THENCE South 77 degrees 20 minutes 40 seconds East for a distance of 257.89 feet to a Concrete Monument Found; THENCE South 77 degrees 01 minutes 25 seconds East for a distance of 18.65 feet to a Rebar Found with

Aluminum Cap, the **POINT OF BEGINNING** and being all of a certain tract of land as shown of a plat of survey prepared for the State of North Carolina by Joel Johnson Land

Surveying, Inc., dated March 30, 2010, drawing file # 10-015P, and recorded as Slide 8026 in the Henderson County Register of Deeds.

Said property is a portion of Meritor Heavy Vehicle Systems, LLC (PIN 9652-23-8196, Deed Book 911, Page 574) and contains 3.61 acres more or less.

TOGETHER WITH a 13.00 feet ingress/egress easement solely for use by the State of North Carolina which extends from said property south to the Right-of-Way of Rockwell Road (NCSR 2025), being bounded by the property line with the Town of Fletcher property on the East and a line offset 13.00 feet from the property line on the West and runs generally along an existing soil road as shown on plat of survey and contains 0.15 acres more-or-less.

SUBJECT TO a proposed 30.00 feet wide easement for a proposed Greenway as shown on plats of survey by both G. Marcus Brittain, PLS (showing 95.25 acres, dated 1/8/2001, Slide 3630) and McAbee & Associates, PA (showing 156.858 acres, dated 11/1/2007, drawing # G-07-2260), being more particularly described as follows:

**BEGINNING** at the western Concrete Monument Set in the new severance line of said property; THENCE North 78 degrees 23 minutes 40 seconds West for a distance of 61.89 feet to a point on the Bank of Cane Creek; THENCE North 72 degrees 13 minutes 55 seconds East for a distance of 199.13 feet to a point on the bank of Cane Creek; THENCE North 47 degrees 36 minutes 35 seconds East for a distance of 37.38 feet to a point on the bank of Cane Creek, common corner with the Town of Fletcher property (PIN 9652-45-2928, Deed Book 1056, Page 702); THENCE leaving the bank of Cane Creek and with the line of the Town of Fletcher, South 77 degrees 20 minutes 50 seconds East for a distance of 36.84 feet to a point; THENCE leaving the line of the Town of Fletcher, South 47 degrees 36 minutes 05 seconds West for a distance of 65.41 feet to a point; THENCE South 72 degrees 13 minutes 30 seconds West for a distance of 151.48 feet to the **POINT OF BEGINNING,** containing 0.16 acres more-or-less;