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STATE OF NORTH CAROLINA REAL ESTATE EXCISE TAX $5.00

Filed For Registration On
8th day of August A.D., 1994
at 12:50 o'clock P M., and registered in the office of Register of Deeds, Graham County, N.C. in Book 160 Page 556
Wanda Brooms
Register of Deeds
By Michele Cur, Dep
Assistant

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. .....
Verified by ..... County on the ..... day of ....., 19 .....
by .....

Mail after recording to .....

This instrument was prepared by Law Office of Donna K. Cody

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 8th day of August, 19 94, by and between

GRANTOR	GRANTEE
HERVE CODY and wife, CLAUDENE CODY; and AARON DIRK CODY and wife, MARSHA CODY	DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina P.O. Box 37 Sylva, North Carolina 28779

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 n/a, Cheoah Township, Graham County, North Carolina and more particularly described as follows:

BEING 231.39 acres, more or less

See Attachment "A" for a more particular and accurate description of said real property

N. C. Bar Assoc. Form No. 3 © 1976, Revised © 1977 — James Williams & Co., Inc., Box 127, Yadkinville, N. C. 27055
Printed by Agreement with the N. C. Bar Assoc. – 1981

Attachment "A"

All that certain tract or parcel of land lying in or being in Cheoah Township, Graham County, North Carolina, being a portion of the United States of America Tract 972, on the watershed of Tulula Creek, a tributary of the Santeetlah Lake Reservoir, and being more particularly described as follows:

All bearings are referred to the true meridian, unless indicated otherwise, by solar observation and all distances are expressed in horizontal feet. All witness trees are base blazed and scribed "BT" unless indicated otherwise.

BEGINNING AT CORNER 1, a new corner (designated as corner 1a' of the United States of America Tract 972), being in the line between corners 1 and 1a of USA Tract 972 and common to the Robert E. Hutto Parcel, in Tulula Gap, set a railroad spike in the existing centerline of U.S. Highway 129, intersecting a circular curve, curving to the left, witnessed by: 1) a N.C.G.S. control monument named "TOPTON RESET" bears N.36°45'25"E., 595.15 feet; 2) a drill hole bears S.59°37'W., 22.21 feet; 3) a drill hole bears N.51°26'W., 51.97 feet; 4) a drill hole bears N.80°19'E., 27.74 feet.

Thence, leaving the Robert E. Hutto Parcel with new lines of severance through USA Tract 972, following the existing centerline of U. S. Highway 129, the following six (6) calls:

(1) NORTHWESTERLY, 572.21 feet along a portion of the arc of a circular curve, having a radius of 459.18 feet, curving to the left, to point of tangency. The chord of said circular curve (portion) runs N.72°49'20"W., 535.90 feet.

(2) S.71°29'01"W., 692.03 feet to a point of circular curve.

(3) SOUTHWESTERLY, 843.03 feet along the arc of a circular curve having a radius of 1,241.97 feet, curving to the left, to a point of tangency. The chord of said cicular curve runs S.52°02'09"W., 826.93 feet.

(4) S.31°43'57"W., 163.52 feet to a point of circular curve.

(5) SOUTHWESTERLY, 680.68 feet along the arc of a circular curve having a radius of 757.49 feet, curving to the right to point of tangency. The chord of said circular curve runs S.57°28'39"W., 658.01 feet.

(6) S.80°17'50"W., 3,051.76 feet to CORNER 2, a new corner (designated as corner 5A of U.S.A. Tract 972), common to the Bonita Lynn and Jack Desser Parcels (also common with Exception Number 2 of USA Tract 972), also being in the line between corners 5 and 6 of the above-mentioned exception, set a railroad spike in the centerline of U.S. Highway 129, witnessed by: 1) a railroad spike set in old U.S. Highway 129 (now abandoned) bears S.52°24'34"E., 201.29 feet; 2) corner 6 of Exception Number 2 of USA Tract 972 bears S.52°24'34"E., 221.38 feet; 3) an "X" stamped on top of "I" beam for highway guard rail bears S.38°03'50"W., 27.95 feet; 4) an "X" stamped on top of "I" beam for highway guard rail bears S.76°09'34"W., 49.13 feet; 5) an "X" stamped on top of "I" beam for highway guard rail bears N.13°08'34"W., 19.66 feet.

Thence, leaving the centerline of U.S. Highway 129 and the Jack Desser Parcel, with the boundary of the Bonita Lynn and Larry George Parcels, being the northeastern boundary of Exception Number 2 of USA Tract 972 (reversed), the following one (1) call:

(1) N.52°24'34"W., 1,060.17 feet to CORNER 3, which is common to the Maxine Barton Parcel and the Larry George Parcel (being corner 5 of Exception Number 2 of USA Tract 972), at corner of barbed-wire fence, on the north side of the old Robbinsville-Topton Road, found a 1-1/2" iron pipe, witnessed by: 1) a power pole bears S.49°12'E., 46.9 feet.

Thence, leaving the boundary of the Larry George Parcel with the meanders of the north side of the above-mentioned road, along the boundaries of Maxine Barton, Dean George, Polly Herrington, Evelyne Guge, and the Ralph E. Guge Heirs, the following eighteen (18) calls:

(1) S.81°08'09"W., 159.44 feet to a point.

(2) S.72°58'25"W., 42.34 feet to a point.

(3) S.60°39'49"W., 72.10 feet to a point.

(4) S.49°57'58"W., 125.37 feet to a point.

continued...

(5) S.65°16'28"W., 19.67 feet to a point.

(6) S.84°03'08"W., 120.16 feet to a point.

(7) S.89°40'00"W., 61.22 feet to a point.

(8) N.82°45'35"W., 35.59 feet to a point.

(9) N.79°10'36"W., 56.84 feet to a point.

(10) N.75°17'15"W., 99.81 feet to a point.

(11) N.74°42'08"W., 197.17 feet to a point.

(12) S.88°07'35"W., 76.48 feet to a point.

(13) S.62°19'15"W., 89.69 feet to a point.

(14) S.72°19'23"W., 33.61 feet to a point.

(15) N.76°29'03"W., 122.94 feet to a point.

(16) S.82°03'16"W., 122.44 feet to a point.

(17) S.67°48'32"W., 126.41 feet to a point.

(18) S.86°55'21"W., 25.95 feet to CORNER 4, which is identical to corner 7 of Tract N-613 (Bemis Hardwood Lumber Company) and the Ralph E. Guge Heirs Parcel, found a 2" x 30" aluminum pipe with a 3" round aluminum survey stamped, "18-3, 972, 812, 1976", witnessed by: 1) a 6" sourwood bears S.70°E., (magnetic) 3.3 feet; 2) a 4" white oak bears N.25°E., (magnetic) 12.2 feet; 3) a 5" white oak bears N.77°E., (magnetic) 15.0 feet.

Thence, leaving the north side of the old Robbinsville-Topton Road and the Ralph E. Guge Heirs Parcel, with the boundary of Tract N-613 (reversed), the following one (1) call:

(1) N.03°12'44"W., 758.88 feet to CORNER 5, a new corner, in the northern right-of-way of Nantahala Power and Light Company's 161 k.v. transmission line, and also being in the line between corners 6 and 7 of Tract N-613 (Bemis Hardwood Lumber Company), set a 2" x 30" aluminum pipe with a 3" round aluminum survey marker stamped, "5, TR N-724, TR 972, 2178, 1984," witnessed by: 1) a 6" scarlet oak bears S.61°02'E., 19.0 feet; 2) an 8" scarlet oak bears N.04°44'E., 6.0 feet; 3) a 5" scarlet oak bears N.34°E., 19.2 feet; 4) a 3" sourwood bears N.20°W., 11.7 feet. Corner 6 of Tract N-613 bears N.03°12'44"W., 1,049.45 feet.

Thence, with the northern right-of-way of the above-mentioned transmission line, the following two (2) calls:

(1) S.59°18'58"E., 327.71 feet to CORNER 6, a new corner, set a 2" x 30" aluminum pipe with a 3" round aluminum survey marker stamped, "6, TR N-724, TR 972, 2178, 1984", witnessed by: 1) a 6" sourwood bears N.12°19'W., 34.0 feet; 2) a 10" white oak bears N.14°28'E., 18.1 feet; 3) an 11" shortleaf pine bears N.51°09'E., 32.0 feet.

(2) N.79°49'48"E., 3,474.76 feet to CORNER 7, a new corner (designated as corner 1B of U.S.A. Tract 972), set a 2"x30" aluminum pipe in the northern right-of-way of Nantahala Power and Light company's 161 k.v. transmission line, with a 3" round aluminum survey marker stamped "7,TRN-724,1B,TR 972, 2178, 1985", witnessed by: 1) a 6" serviceberry bears N.84°10'W., 38.4 feet; 2) a 16" scarlet oak bears N.51°19"W., 22.9 feet, 3) an 8" white oak bears N.28°14'E., 26.5 feet (with three hacks), and common to Exception Number 3 of USA Tract 972 (now Verlus A. Mason Parcel), also being in the line between corners 1 and 2 of the above-mentioned exception. Corner 2 of Exception Number 3 of USA Tract 972 bears N.06°20'55"E., 1,105.48 feet.

Thence, leaving the northern right-of-way of Nantahala Power and Light Company's 161 k.v. transmission line with a portion of the boundary of Exception Number 3 of USA Tract 972 (now Verlus A. Mason Parcel), the following one (1) call:

(1) S.06°20'55"W., 1,490.14 feet to CORNER 8, a new corner (designated as corner 1A of the above-mentioned exception), being in the line between corners 1 and 2 of same exception, a railroad spike set in the centerline of U.S. Highway 129, witnessed by: 1) a 12" white pine bears S.38°19'W., 67.1 feet; 2) a 10" white oak bears N.29°38'W., 56.8 feet; 3) a 2" x 30" aluminum pipe, set as a reference monument, bears S.06°20'55"W., 138.15 feet.

continued...

Thence, with one line of severance through Exception Number 3 of USA Tract 972 (now Verlus A. Mason Parcel), and with the centerline of U. S. Highway 129, the following one (1) call:

(1) N.80°17'50"E., 254.72 feet to CORNER 9, a new corner (designated as corner 3B of the above-mentioned exception) set a railroad spike in the centerline of U. S. Highway 129, witnessed by: 1) a 13" white oak bears S.53°30'E., 102.9 feet; 2) a drill hole in stone bears N.65°55'33" E., 121.88 feet; 3) a railroad spike set in old U. S. Highway 129 (now abandoned), bears S.03°20'21"W., 108.98 feet.

Thence, with a portion of the eastern boundary of Exception Number 3 of USA Tract 972 (now Verlus A. Mason Parcel), the following one (1) call:

(1) N.03°20'21"E., 1,472.16 feet to CORNER 10, a new corner (designated as 3B of U.S.A. Tract 972), set a 2"x30" aluminum pipe in the northern right-of-way of Nantahala Power and Light Company's 161 k.v. transmission line, with a 3" round aluminum survey marker stamped "10, TR N-724, 3A, TR 972, 2178, 1985," witnessed by: 1) an 8" white oak bears N.12°27'E., 28.6 feet; 2) a 12" white oak bears N.43°07'E., 41.3 feet; 3) a 9" maple bears N.44°00'W., 39.9 feet (with three hacks), being in the line between corners 3 and 4 of the above-mentioned exception. Corner 3 of Exception Number 3 of USA Tract 972 bears N.03°20'21"E., 1,060.54 feet.

Thence, leaving the boundary of the Verlus A. Mason Parcel, with the northern right-of-way of the above-mentioned transmission line, the following one (1) call:

(1) N.79°49'48"E., 1,675.60 feet to CORNER 11, a new corner, where the northern 100-foot right-of-way of Nantahala Power and Light Company's transmission line intersects the centerline of the Graham County Railroad, set a "p-k" nail in the centerline of the above-mentioned railroad ("p-k" nail set in crosstie), witnessed by: 1) a 9" black cherry bears N.67°18'E., 55.1 feet; 2) a 23" white oak bears N.06°16'W., 25.6 feet; 3) an 11" scarlet oak bears N.65°45'W., 34.0 feet; 4) a 2" x 30" aluminum pipe, set as a reference monument, bears S.79°49'48"W., 28.77 feet.

Thence, leaving the northern right-of-way of Nantahala Power and Light Company's 161 k.v. transmission line with the centerline of the Graham County Railroad, the following six (6) calls:

(1) N.51°11'39"E., 142.33 feet to a point of circular curve.

(2) NORTHEASTERLY, 311.40 feet along the arc of a circular curve having a radius of 668.89 feet, curving to the left, to a point of tangency. the chord of said circular curve runs N.38°27'45"E., 308.60 feet.

(3) N.30°53'53"E., 300.01 feet to a point of circular curve.

(4) NORTHEASTERLY, 450.34 feet along the arc of a circular curve having a radius of 591.21 feet, curving to the right, to a point of tangency. The chord of said circular curve runs N.48°11'36"E., 439.53 feet.

(5) N.70°00'45"E., 799.55 feet to a point of circular curve.

(6) SOUTHEASTERLY, 1,168.95 feet along a portion of curve, having a radius of 1,155.85 feet, curving to the right, to CORNER 12, a new corner designated as corner 43a of USA Tract 972, common to the Nantahala Acres Subdivision and the K. H. Ables Parcel (formerly the J. N. Moody Estate), where the centerline of Graham County Railroad intersects the boundary line between corners 43 and 44 of USA Tract 972. The chord of said portion of circular curve runs S.81°00'53"E., 1,119.65 feet. Set a "p-k" nail in the centerline of the above-mentioned railroad ("p-k" nail set in crosstie), witnessed by: 1) a 10" red maple bears S.55°54'W., 55.4 feet; 2) a 12" black locust bears N.89°27'W., 70.7 feet; 3) a 6" sourwood bears N.28°10'W., 42.5 feet; 4) a 2" x 30" aluminum pipe, set as a reference monument, bears N.00°50'07"E., 82.81 feet. Corner 43 of USA Tract 972 bears N.00°50'07"E., 499.15 feet.

Thence, leaving the centerline of the Graham County Railroad with the boundary of USA Tract 972 and the K. H. Ables and Robert E. Hutto Parcels (formerly the J. N. Moody Parcel), the following seven (7) calls:

(1) S.00°50'07"W., 682.40 feet to CORNER 13, which is identical to corner 44 of USA Tract 972 and corner 3 of Tract 972I (dropped), found a 6" x 8" x 24" stone in a mound of stones, witnessed by: 1) a 7" pine bears S.36°E. (magnetic), 42.0 feet; 2) a 6" red maple bears SOUTH (magnetic), 50.5 feet; 3) a 5" serviceberry bears S.19°E (magnetic), 65.0 feet.

continued...

(2) S.01°24'16"W., 458.61 feet to CORNER 14, which is identical to corner 1 of USA Tract 972 on top of the divide between Tulula Creek and the Nantahala River, found a 2" x 30" aluminum pipe set in a black oak stump with a 3" round aluminum survey marker stamped "1, 972, 1973", witnessed by: 1) an 8" birch bears N.21°W. (magnetic), 10.5 feet; 2) a 6" hickory bears N.04°E. (magnetic), 7.5 feet; 3) a power pole for transmission line bears S.19°24'W., 42.6 feet.

Thence, southeasterly with the top of the above-mentioned divide as it meanders:

(3) S.09°51'03"W., 103.02 feet to a point.

(4) S.68°11'03"W., 63.30 feet to a point.

(5) S.49°16'55"W., 143.66 feet to a point.

(6) S.67°05'17"W., 42.18 feet to a point.

(7) S.63°35'55"W., 70.56 feet to CORNER 1, THE PLACE OF BEGINNING, containing 232.39 acres, be the same more or less, according to a survey and plat prepared under the direct supervision of Charles V. Powell, R.L.S., N.C., L-2178. A plat of the above-described tract bears date of December 17, 1934.

EXCEPTING and RESERVING from this conveyance that certain portion of the above described tract of real property, being a 1.00 acre, more or less, tract of real property, and being more particularly described on a plat of survey by Alan C. Carver, RLS L-2969, dated July 1994, and titled "A Portion of the Property of A. DIRK CODY, et. als.", and reference to said plat of survey being made for a more particular and accurate description of said real property, and said tract or parcel of real property being more particularly described from said plat of survey as follows:

BEGINNING on a point at a corner common to Verlus Mason (Bk.89 P.416), said point being a tie and bearing N 03-20-21 E 67.72 feet from an existing spike in the centerline of US 129 and runs thence from said BEGINNING POINT, with a line common to Verlus Mason (Bk.89 P.416),

N 03-20-21 E 190.55 feet, to a point at a corner common to A. Dirk Cody and Herve Cody (Bk.125 P.428, Bk.139 P.680); thence, with a line common to A. Dirk Cody and Herve Cody (Bk.125 P.428, Bk.139 P.680), the following two (2) courses and distances:

N 80-24-45 E 184.22 feet, to a point;

S 26-58-26 E 194.61 feet, to a set re-bar in the 129 right of way; thence, with the 129 right of way,

S 80-24-45 W 285.00 feet, to the place and point of BEGINNING, containing 1.00 acre, more or less, by double meridian distance.

TOTAL ACREAGE CONVEYED BEING 231.39 ACRES, MORE OR LESS, AFTER DEDUCTING THIS EXCEPTION.

CONDITION OF CONVEYANCE

It has been represented to the Grantors and is a condition of and a part of the consideration for the conveyance of this real property that it shall be maintained in its natural state as a part of the wetlands bank and/or as a study lab for the University of North Carolina, and that the wildlife on said real property, and the environmental quality of said real property shall continue to be protected, and no hunting shall be allowed on said real property. This condition shall exist and continue for a period of Twenty-one (21) years from the date of this conveyance, and shall be binding upon the Grantees, their successors, and assigns.

RIGHT OF FIRST REFUSAL

At such time as the Grantee, or its successors and assigns, shall receive a valid offer for the real property conveyed herein, they shall give written notice to the Grantors, or their heirs, of the terms of the offer. Upon the Grantors receiving written notice

continued

of the terms of the offer, they shall have sixty (60) days from the date they receive notice of the offer to enter into a binding contract to purchase the real property upon the same terms and conditions as the third party's offer. If at the end of the sixty (60) days Grantors have not entered into a binding contract with Grantee for the purchase of this real property on the same terms and conditions as the third party offer, then the Grantee may convey said real property to the third party free and clear of any claims by way of this Right of First Refusal. This right of first refusal shall become effective immediately upon the recording of this deed, and shall continue for a period of twenty (20) years from the date of recording, and shall be binding upon the Grantors, Grantee, and their heirs, successors, and assigns in title, and the terms "Grantors" and "Grantee" shall include both the Grantors, the Grantee and their heirs, successors, and assigns.

The above-described tract is subject to six (6) recorded easements, three of which belong to Nantahala Power and Light Company. The remaining three easements are a railroad, telephone line, U.S. Highway 129 (with a variable right-of-way) and a right-of-way to Robert E. Hutto from the Forest Service for a road located near the east boundary of subject tract. See plat of subject tract dated December 17, 1984, for approximate location of the above easements.

Also, a special use permit issued by the Forest Service in April of 1965 to Walter George for water rights (see approximate location on plat).

The above described land being a portion of United States Tract 972 recorded in Deed Book 46, Page 257, Graham County Registry.

SUBJECT to easements for existing roads, highways and public utilities.

THE PARTY OF THE FIRST PART reserves an easement for the Bartram Trail. Said easement beginning at the intersection of State Road 1200 and North Carolina Highway 129, thence following State Road 1200 northward to its intersection with old Highway 129, abandoned. Thence northward with old Highway 129 and an existing gravel road to the point it crosses the northern boundary of Tract N-724.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 139 at Page 680 and Book 125 at Page 428, Graham County Registry.

A map showing the above described property is recorded in Plat Book ..... page .....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging 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:

Easements as set forth on the Attachment "A"
Right of first refusal
Condition of conveyance

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.

USE BLACK INK ONLY

..... (Corporate Name)

By: .....

..... President

ATTEST:

..... Secretary (Corporate Seal)

AARON DIRK CODY (SEAL)

MARSHA CODY (SEAL)

HERVE CODY (SEAL)

CLAUDENE CODY (SEAL)

SEAL-STAMP

MARTHA J. MENARD NOTARY PUBLIC GRAHAM COUNTY, N. C.

Use Black Ink

NORTH CAROLINA, Graham County.

I, a Notary Public of the County and State aforesaid, certify that HERVE CODY and wife, CLAUDENE CODY; and AARON DIRK CODY and wife, MARSHA CODY Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 8th day of August, 19 94

My commission expires: August 31, 1998 Martha J. Menard Notary Public

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, ... County.

I, a Notary Public of the County and State aforesaid, certify that .....,

personally came before me this day and acknowledged that ..... he 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 ..... as its ..... Secretary.

Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of Martha J. Menard

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.

Wanda Brooms REGISTER OF DEEDS FOR Graham COUNTY

By Michele Cox, Deputy Deputy/Assistant - Register of Deeds

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