FILED

JUL 03 2007

SECRETARY OF STATE

ID. 9681

Issued Nov 23 2005
$1,274.00
State of North Carolina
POLK County
Real Estate Excise Tax

(1)

FILED in POLK County, NC
on Nov 23 2005 at 02:12:17 PM
by: SHEILA W. WHITMIRE
REGISTER OF DEEDS
BOOK 334 PAGE 1338

75-10.1

Excise Tax - $1,274.00

Tax Lot No. P25-260
Verified by Polk County
By Tax Administrator

ALL TAXES PAID
2C 9X/05

This instrument was prepared by William H. Miller, Attorney, 84 Pacolet St., Tryon, NC 28782
Mail after recording to R. Anderson Haynes, Attorney

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 21st day of November, 2005, by and between

GRANTOR	GRANTEE
ROBERT M. TOBEY and DONNA S. MARTIN, his wife	STATE OF NORTH CAROLINA c/o State Property Office 1321 Mail Service Center Raleigh, NC 27699-1321

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, Columbus Township, Polk County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

This being a portion of the identical property conveyed to Robert M. Tobey and Donna S. Martin, his wife, by deed recorded in Book 268 at Page 424, Polk County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in _____
_____.

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 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:

1. subject to all rights of way for public utilities;
2. subject to all rights of way for public streets, roadways, and/or easements;
3. subject to applicable zoning ordinances, if any;

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.

_____(SEAL)
ROBERT M. TOBEY

_____(SEAL)
DONNA S. MARTIN

SEAL-STAMP

NORTH CAROLINA, POLK COUNTY.
I, a Notary Public of the County and State aforesaid, certify that Robert M. Tobey and Donna S. Martin, his wife, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of November, 2005.

My Commission Expires:
7/5/07

_____
Notary Public

The foregoing Certificate(s) of _____
Is/are certified to be correct. This instrument and this certificate are duly registered at the date and time in the Book and Page shown on the first page hereof.

_____ REGISTER OF DEEDS FOR POLK COUNTY

By _____Deputy/Assistant-Register of Deeds

EXHIBIT "A"

TRACT ONE: BEING all that certain tract or parcel of land containing 318.36 acres as shown and delineated upon a plat entitled, "Virlin & Patricia N. Whitt," Tryon Township, Polk County, No. Car., dated April 23, 1987, prepared by Sam T. Marlowe & Associates, Registered Land Surveyor, Columbus, No. Car., which plat is duly recorded in Map Slide A-378 at Page 763, in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded plat for a full and complete metes and bounds description of said tract, pursuant to North Carolina General Statutes, Section 47-30(g).

There is also conveyed by this deed all of Grantor's right, title and interest in and to that certain sixty (60) foot wide right of way shown on the plat hereinabove referred to leading into the northeastern portion of said 318.36 acre tract of land.

The above described property is conveyed SUBJECT TO that certain Right of Way and Spring Agreement dated June 24, 1974 and recorded in Book 161 at Page 640, Polk County Registry.

The above described property is conveyed SUBJECT TO the continuing, perpetual, and exclusive right of Virlin Whitt, his heirs and assigns, and Virlin Whitt, Trustee of Terremont, a Pure Trust, to use the existing spring, currently used by him or it, located on the subject property for domestic purposes on his/its property. Additionally, there is granted a right-of-way and easement over and across the above described property for purposes of maintaining, repairing, and/or replacing the existing infrastructure conveying water from said spring to the property of Virlin Whitt, his heirs and assigns, and Virlin Whitt, Trustee of Terremont, a Pure Trust. Grantee, its successors and assigns, shall not purposefully interfere with the water supply provided by said spring, either by acting to stanch its flow or by intentionally infusing contaminants into its stream. Absent such purposeful interference, nothing in this paragraph shall obligate Grantee, its successors and assigns, in the event said spring shall produce less water or no water or become contaminated.