2004002702
MCDOWELL CO, NC FEE $20.00
STATE OF NC REAL ESTATE EXTX
$483.00
PRESENTED & RECORDED:
04-15-2004 12:29:13 PM
Patricia A. Reel
REGISTER OF DEEDS
BY: PATRICIA A REEL
BK:CRP 776
PG:989-991

FILED
APR 04 2005
SECRETARY OF STATE

(Excise Tax) $483.00
DB+P

NORTH CAROLINA SPECIAL WARRANTY DEED

Mail after recording to: Attorney
This instrument was prepared by: **DAMERON, BURGIN AND PARKER, P.A., Attorneys at Law, Marion, NC/**

THIS DEED made this 14 day of April, 2004, by and between RUTHERFORD HILLS, L.P. A GEORGIA LIMITED PARTNERSHIP AUTHORIZED TO DO BUSINESS IN NORTH CAROLINA, **GRANTOR and THE STATE OF NORTH CAROLINA, GRANTEE**:

The designation of 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 Dysartsville Township, McDowell County, North Carolina and more particularly described as follows: See Attachment A.

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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: The year 2004 ad valorem real property taxes, which Grantee by acceptance of this Deed agrees to pay when due; other exceptions listed in the attached legal description.

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.

Rutherford Hills, L. P. a Georgia Limited Partnership authorized to do business in North Carolina

BY: _____ (SEAL)
Robert L. Head, Jr., Managing Partner

APPROVED BY CRA WATERSHED PROTECTION

APPROVED TO RECORD
TAX DEPARTMENT
An 4/14/04

3/20

Attachment A

SITUATE, lying and being in DYSARTSVILLE Township, McDowell County, North Carolina and GOLDEN VALLEY Township, McDowell County, North Carolina, and being all of the 752.49 acres and parcel shown on that certain plat entitled "Property Survey for Foothills Conservancy of North Carolina Golden Valley TWP; Rutherford Co., NC; Dysartsville TWP; McDowell Co., NC" as shown on plat of record in Plat Book 9 Page 88-89 McDowell County Registry and Plat Book 25 Pages 51-52, Rutherford County, reference to which said plat is hereby made for all purposes, and which recorded plats are hereby incorporated by reference as if fully set forth herein.

SUBJECT TO the Mineral Reservations reserved by Champion Realty Corporation, its successors and assigns as contained in Deed recorded in Book 806, Page 259, Rutherford County Registry and Book 699, Page 169, McDowell County Registry; Right of way of NC Highway 226 and SR #1700 to their full legal widths; and Exceptions 1 through 13 listed in the Deed recorded at Deed Book 806, Page 259, Rutherford County, and Deed Book 699, page 169, McDowell.

AND EXCEPTING THEREFROM HOWEVER rights in and to that certain roadway which is more fully described and shown on the above referenced recorded plat and shown as extending in a South Westerly direction from NC HWY #226 and described by the metes and bounds calls as D1-D9. The intention of this clause is to clarify that the Grantee herein claims no right to use the roadway defined by the metes and bounds D1-D9.

RESERVING UNTO THE GRANTOR HEREIN, HOWEVER, the perpetual right and easement in and to the use of a certain roadway which is currently in use, visible, in existence and on the ground, and which roadway provides a means of egress, regress and ingress from the NC HWY #226 to the property retained by Grantor herein and which roadway is shown and described on the above referenced recorded plat and hereinafter. The Roadway's point of Beginning and centerline of the first metes and bounds are described as D9 through D1; the roadway continues through the above referenced property to a point where the centerline of the Roadway is described in metes and bounds and identified as points R1 through R39. As the roadway is identified as points R1 through R 39, one half of the roadway is located on the property herein conveyed and one- half of the roadway width is located on the property retained by Grantor herein. The intention of Grantor and Grantee in this conveyance and with respect to this roadway, is that Grantee shall be granted the perpetual right to use the aforementioned roadway as it may extend onto the tract retained by Grantor herein; and the intention is that the Grantor shall be granted the perpetual right to use the aforementioned roadway as it may extend onto the tract acquired by this conveyance by Grantee herein, with the exception HOWEVER, of the roadway points identified as D1-D9 (to which Grantee claims no interest). The easements granted herein are appurtenant to the titles of the lands affected and shall run with the title to the lands.

AND BEING a portion of the lands described in Deed Book 806, Page 259, Rutherford County Public Registry and being all of the lands described in Deed Book 699, Page 169, McDowell County Public Registry.

STATE OF NC
COUNTY OF McDowell

CRP 776 991

I, Margaret A. Lorenz a notary public for the County and State aforesaid, certify that Robert L. Head, Jr. Managing Partner of Rutherford Hills, L. P., a Georgia Limited Partnership authorized to do business in North Carolina, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and seal this 14 day of April, 2004.

Margaret A. Lorenz
Notary Public

MARGARET A. LORENZ NOTARY PUBLIC McDOWELL COUNTY, N. C.

My Commission Expires: 6-18-2005

The foregoing certificate(s) of _____ 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.

_____ REGISTER OF DEEDS FOR _____ COUNTY
By: _____ Deputy/Assistant-Register of Deeds.

F:\RE\FORM\DEEDFORM\SPECIAL.WAR