Reading a deed and determining its stated intent

North Carolina Department of the Secretary of State
Elaine F. Marshall, Secretary of State

Presented by: John B. Bridgers
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Reading a Deed And determining its intent

How did we get where we are, today?
Our whole mess started, in 1660.
That was the year that King Charles II was restored to the throne.
• As a reward, in 1663,
• he granted the territory of Carolina to 8 noblemen, the Lords Proprietors, for their help in his regaining the throne.
On March 1, 1669,

To govern their new land, the Lords Proprietors adopted what was called

THE FUNDAMENTAL CONSTITUTION OF CAROLINA

Attempt to create a representative form of government in the colony in which many men could participate
Fundamental Constitution of Carolina (continued)

- No person above the age of 17 years shall have any estate or possession in Carolina or protection of the law who has not subscribed before the precinct register.
Fundamental Constitution of Carolina (continued)

• “– A true copy of these fundamental constitutions shall be kept in a great book by the register of every precinct, to be subscribed before the said register.”
The whole province shall be divided into counties.

Each county shall consist of:

- Eight signiories (Feudal territory held by a lord)
- Eight baronies
- Four precincts

Each precinct was to consist of six colonies.
Albermarle County was divided into four precincts:

Currituck
Perquimans
Chowan
Pasquotank
MEANWHILE:

Back in Merry Olde England
English Parliament,

Eight years after the adoption of the Fundamental Constitution of Carolina,

Enacted the Statute of Frauds, In 1677,
Statute of Frauds:

- Certain contracts were judicially unenforceable,
- if there were not in writing
- AND
- not signed by the party or parties.
• Included in this list of “certain contracts” are the sale or transfer of an interest in land.
• NCGS 22-2 Contract for sale of land; leases.
  – All contracts:
  – To Sell or convey
    • Any lands
    • Tenements
    • Or any interest in or concerning them
  – And all leases and contracts for leasing land for more than 3 years
• GS 22-2 Contract for sale of land; leases. (continued)

  – Shall be void

  – Unless put into writing

  – And signed by the party
In North Carolina a valid deed must have:

1. A competent grantor
2. A grantee capable of holding title
3. A sufficient description of the property
4. Operative words of conveyance
5. Proper execution by the grantor
6. Proper delivery
7. Acceptance by the grantee that is adequate in law

Webster’s Real Estate Law 4th ed. 18
Without all seven components in place, the deed is not valid and does not convey any interest or title.
1. A COMPETENT GRANTOR

- Any natural person or persons (except one who lacks mental capacity) may convey land.
- Corporations & partnerships also have the right to convey real property
2. A GRANTEE CAPABLE OF HOLDING TITLE

- Non-human animals and inanimate objects are not capable of holding title.
IDIOT!!!
You can’t deed your house to me.
3. A SUFFICIENT DESCRIPTION OF THE PROPERTY

• To be effective, a deed must describe the property. Information or a description is necessary to clearly and precisely single out the parcel as being identified as unique in entire world.

I can see my land from here!
Exactly what is a deed Description?

• The embodiment of the intent of the Grantor to define what is being transferred to the Grantee.

• That the Grantor can transfer no more than that to which he has title.

  — (legally)
• The description is a "finding aid" to locate on the Earth, that intent.
• What is a legally sufficient description and what a mapper thinks is a sufficient description is not always the same.
A valid and legal deed could say, “all the remaining land from that parcel recorded in Deed Book 175 page 802.”
What about?

• “. . . A lot shown on plat recorded in Plat Book 10 at Page 268”
Sufficient description

• Although there are various reasons to declare a deed to be void, the lack of a sufficient description is generally the main reason.

• The general rule of thumb is that a legal description does not have to be perfect or even accurate, but it must identify the property to a degree that the corners can be located on the ground.
• While, we in the computerized GIS world, like for all our deed descriptions to close, perfectly,

• A description: beginning at a rock, to a tree, to a post, to a stream, to a stump, to a stake, and back to the rock is legal and perfectly valid if the rock, tree, post etc. can be identified.
• The deed description is not there to make it easy for the parcel to be mapped, plotted, or drawn.

• It is there to uniquely identify the parcel in the entire world.
4. OPERATIVE WORDS OF CONVEYANCE

Depending on:

- the jurisdiction,
- the interest being conveyed,
- and warranties given by the grantor,

these can include:

- Grant and convey
- Grant, bargain, and sell
- Warrant and convey
- Sell and convey
- Grant, bargain, and sell, convey, and confirm
NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $130.00
Parcel Identifier No. 005179 Verified by County on the day of 20
By:

Mail/Box to: Dan Rizzo, Attorney, Post Office Box 2676, Surf City, NC 28445

This instrument was prepared by: Dan Rizzo, Attorney, Post Office Box 2676, Surf City, NC 28445

Brief description for the Index:

THIS DEED made this 8th day of November 2013, by and between

GRANTOR
Hulon T. Brown and wife, Bonnie C. Brown
Richard A. Sherrier and wife,
Betty J. Sherrier and
Margaret M. Cox, Widow and
Donna Dowdy, Single and
Linda Shiver and Husband, Joe Shiver

GRANTEES
Charles A. Hester, Jr. and wife,
Allison H. Hester
509 Hildandale Drive
Charlotte, NC 28270

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 North Topsail Beach, Stump Sound Township, Onslow County, North Carolina and more particularly described as follows:

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 630 page 305

All or a portion of the property herein conveyed includes or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book page
5. PROPER EXECUTION BY THE GRANTOR

Means that the Grantor must sign the deed and the signature must be properly notarized.
PROPER EXECUTION BY THE GRANTOR

Even if a deed lists a person as a grantor but that person:

1) does not sign the deed or

2) signs the deed but the signature is not notarized or

3) the signature is not properly notarized,

The grantee does not receive any rights in, to, or from the property from that person.
Prepared by H. Clifton Hester, Attorney
STATE OF NORTH CAROLINA
COUNTY OF BLADEN

NON-WARRANTY DEED

THIS DEED, made this the 10th day of March, 1997, by and
between MELTON P. BELLE and Wife, EMMER BELLE, CHARLES N. BELLE,
Single, JOE W. BELLE and Wife, MARIE BELLE, SARAH V. FELIPIO, LEE A.
LIVINGSTON, Single, FRANCES E. SEAWELL and Husband, WILLIAM
SEAWELL, MELLER L. FREEMAN and Husband, JOHN FREEMAN, ELBERT
LIVINGSTON, Single, PERRY LIVINGSTON, Single, MARY MONROE, Widow,
LACY V. BROWN, and Wife BERTHA L. BROWN, ERVIN L. BROWN and Wife,
MARY BROWN, HORACE L. BROWN, Widower, JAMES BROWN, and Wife, LESLIE
BROWN, FLORA FREEMAN, Single, KARRY N. BROWN and Wife, BRENDA
BROWN, CURRIE L. BROWN, and Wife, LIZZIE BROWN, RICHARD O. BROWN
and Wife, GWENDOLYN BROWN Parties of the First Part, and MARY
MONROE, Widow, LACY V. BROWN and Wife, BERTHA L. BROWN, ERVIN L.
BROWN, and Wife, MARY BROWN, HORACE L. BROWN, Widower, JAMES BROWN
and Wife, LESLIE BROWN, FLORA FREEMAN, Single, KARRY N. BROWN, and
Wife BRENDA BROWN, CURRIE L. BROWN and Wife LIZZIE BROWN, RICHARD
O. BROWN and GWENDOLYN BROWN, Parties of the Second Part;
NON-WARRANTY DEED

Prepared by H. Clifton Hester, Attorney
STATE OF NORTH CAROLINA
COUNTY OF BLADEX

The MELTON P. BELLE and Wife, EMMA BELLE; CHARLES H. BELLE; LEE H. BELLE; MARY V. BELLE; SAMUEL S. BELLE; WIFE, and husband, ELBERT P. BELLE, and WIFE, the said MELTON P. BELLE and wife, and the said MARY V. BELLE; and the said CHARLES H. BELLE, and the said WIFE, and the said LEE H. BELLE, and the said WIFE, and the said SAMUEL S. BELLE; and the said WIFE, and the said ELBERT P. BELLE, and the said WIFE, do, this the 1st day of March, 1997, by and between themselves and the said MELTON P. BELLE and Wife, EMMA BELLE; CHARLES H. BELLE; LEE H. BELLE; MARY V. BELLE; SAMUEL S. BELLE; WIFE, and husband, ELBERT P. BELLE, and WIFE, the said MELTON P. BELLE and wife, and the said MARY V. BELLE; and the said CHARLES H. BELLE, and the said WIFE, and the said LEE H. BELLE, and the said WIFE, and the said SAMUEL S. BELLE; and the said WIFE, and the said ELBERT P. BELLE, and the said WIFE, convey and sell, transfer, assign, and set aside unto the said Parties of the First Part, MELTON P. BELLE and Wife, EMMA BELLE; CHARLES H. BELLE; LEE H. BELLE; MARY V. BELLE; SAMUEL S. BELLE; WIFE, and husband, ELBERT P. BELLE, and WIFE, the said MELTON P. BELLE and wife, and the said MARY V. BELLE; and the said CHARLES H. BELLE, and the said WIFE, and the said LEE H. BELLE, and the said WIFE, and the said SAMUEL S. BELLE; and the said WIFE, and the said ELBERT P. BELLE, and the said WIFE, and all Privity of the said MELTON P. BELLE and Wife, EMMA BELLE; CHARLES H. BELLE; LEE H. BELLE; MARY V. BELLE; SAMUEL S. BELLE; WIFE, and husband, ELBERT P. BELLE, and WIFE, the said MELTON P. BELLE and wife, and the said MARY V. BELLE; and the said CHARLES H. BELLE, and the said WIFE, and the said LEE H. BELLE, and the said WIFE, and the said SAMUEL S. BELLE; and the said WIFE, and the said ELBERT P. BELLE, and the said WIFE, their heirs and assigns, for the sum of Ten Dollars ($10.00), and for the further consideration of the execution of this instrument,

IN TESTIMONY WHEREOF, the said Parties of the First Part and the said Parties of the Second Part have set their hands and affixed their seals, this the 1st day of March, 1997.

MELTON P. BELLE
(SEAL)

EMMA BELLE
(SEAL)

CHARLES H. BELLE
(SEAL)

LEE H. BELLE
(SEAL)

MARY V. BELLE
(SEAL)

SAMUEL S. BELLE
(SEAL)

ELBERT P. BELLE
(SEAL)
STATE OF NORTH CAROLINA -

Robeson County

[Signature of Notary Public]

Robeson County, October 08, 2002

FILED R OF D
VICKI L. LOCKLEAR
2000 OCT 21 P 1:16

Robeson County

The foregoing instrument was filed in the office of the Register of Deeds of Robeson County, North Carolina, on October 08, 2002.

I, a Notary Public of the County and State aforesaid, certify that I have 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 October, 2000.

Notary Public

NORTH CAROLINA, POLK County

I, a Notary Public of the County and State aforesaid, certify that JOHN B. BRIDGERS personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 6th day of December, 2008.

My commission Expires: 6-11-2010

Notary Public

THE FOREGOING certificate of
is / are certified to be correct. This instrument and their certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: __________________________________ Deputy / Assistant Register of Deeds

Register of Deeds for __________________________________ County
6. **PROPER DELIVERY**

- There is no particular prescribed act or ceremony required for delivery. A deed can be handed, mailed, or shipped to the Grantee.

- But delivery of the deed from the Grantor to the Grantee is essential and it must be “PROPER” delivery.

- A statement must be made by the Grantor in the deed to indicate his or her intention to transfer the title.
7. ACCEPTANCE

• The deed must be accepted by the Grantee for proper transfer to occur.

• Again, there is no fixed ceremony or principal to affect acceptance.

• Generally a deed is “accepted” when the grantee retains it or obtains a mortgage on the property.
GS 47-18  The Conner Act
Conveyances, contracts to convey

- No
  - (i) conveyance of land, or
  - (ii) contract to convey, or
  - (iii) option to convey, or
  - (iv) lease of land for more than three years

Shall be valid to pass any property interest as against lien creditors or purchaser for a valuable consideration but from the time of registration in the county where any portion of the land lies.
January 1, 1958
December 31, 1957
What are the different kinds of deeds?

• (1) Warranty Deed or General Warranty Deed
  – The grantor warrants or guarantees:
    • To be the lawful owner of the property
    • No-one else is needed to participate in the execution of the deed to transfer the rights to the property
    • There are no liens or mortgages on the property except as stated within the deed
    • That he will defend the title against claims that are contrary to the warranties being made.
What are the different kinds of deeds?

• (2) Special Warranty Deed
  – Limited “guarantee” against
    • Any liens or mortgages
    • Prior transfers or conveyances
    • Right in or to the land – including easements

  – Only during the time owned by the grantor
What are the different kinds of deeds?

- (3) Non-warranty Deed

Quit Claim Deed

The grantor is giving up all rights to the land if he has any rights.

Usually used in circumstances when the title is unclear. Often used to clear up any defects in the title.

The grantee assumes any burden of proof of ownership.
What are the different kinds of deeds?

(4) Commissioners Deed

– Often used to settle a land dispute between family members,

• To settle an estate
• Following divorce proceeding.
• Commissioners are appointed by the court to make an equitable partition of a parcel or parcels and the commissioners then execute a deed or deeds.
• Sometimes commissioners are appointed to sell the property and to divide the proceeds.
What are the different kinds of deeds?

(5) Sheriff’s Deed

– Following a sale by the sheriff upon a court order for the failure to pay a judgment or for a tax foreclosure.

– The sheriff conducts a sale and the deed is recorded in the register of deeds office.
What are the different kinds of deeds?

(6) Trustees Deed

- A trustee is a person that has a legal duty to manage the assets in the best interests of the beneficiary.

- Often used in the case of a foreclosure
  - Following a default on a mortgage a substitute trustee is recorded in the register of deeds office.
  - That substitute trustee then sells the property acting in the best interests of the beneficiary (the bank) and records the trustee deed transferring title.

- Revocable and Non-revocable Trusts
Trustee’s Deeds

• GS 32-27. Powers which may be incorporated by reference in a trust instrument.

  – Basically says that a trustee can do anything he or she wants with the property.

• The Trustee has the title to the property

• But remember the trustee has the legal duty to manage the assets in the best interests of the beneficiary.
Other types of “Deeds”

- Deeds of Trust
- Deeds of Easement
- Deeds of Recombination

- Not true “deeds” in sense that they do not transfer any title to the property but are “subsequent instruments” applying a condition or conditions to the property.
What does all this mean in Land Records / Mapping?
• Care must be taken when reading deeds, to carefully ascertain from the “four corners” the intent and no more and to follow the hierarchy of the deed.
GS 105 – 302. In whose name real property is to be listed

“(a) Taxable real property shall be listed in the name of the owner. . .”
"(c) (10) Real property owned by a husband and wife as tenants by the entirety shall be listed on a single abstract in the names of both tenants, and the nature of their ownership shall be indicated thereon."
Estate by the Entirety

- **Et ux** – Latin meaning “and wife”
- **Et vir** – Latin meaning “and husband”
  - Use of “Et ux” or Et vir” will immediately indicate you anyone looking at the record that it is estate by the entirety property
  - When used correctly there is no need to go track down a deed to find out how it was spelled out in the deed.
“The Cardinal Rule for interpretation of deeds & other written instruments is:

• The expressed intention of the parties
• Gathered from all parts of the instrument
• Giving each word its due force
• And read in the light of the existing conditions and circumstances
• It is the intention actually expressed, not merely guessed. - This rule controls all others”
Judge Sanderson of California stated,

“The only rule of much value – is to place ourselves, as nearly as possible, in the seats which were occupied by the parties at the time the instrument was executed; then taking it by the four corners, read it”
South 42 degrees 40 minutes 12 seconds East 307.14 feet to an existing iron pipe; thence South 65 degrees 38 minutes 26 seconds West 232.52 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 45.00 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 217.40 feet to an existing iron pipe; thence South 67 degrees 35 minutes 28 seconds West 50 feet to an iron pipe; thence South 66 degrees 39 minutes 47 seconds West 238.69 feet to an existing iron pipe; thence South 66 degrees 37 minutes 05 seconds West passing over an iron pipe in the east right of way line of U.S. Highway 21 at a distance of 210.66 feet, for a total distance of 240.69 feet to the beginning point in the centerline of U.S. Highway 21 and containing 36.160 acres, more or less. This being a portion of that property described in Deed Book 444, page 343.
South 42 degrees 40 minutes 12 seconds East 307.14 feet to an existing iron pipe; thence South 65 degrees 38 minutes 26 seconds West 222.52 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 45.00 feet to an iron pipe; thence South 68 degrees 02 minutes 03 seconds West 217.40 feet to an existing iron pipe; thence South 67 degrees 35 minutes 28 seconds West 50 feet to an iron pipe; thence South 66 degrees 39 minutes 47 seconds West 238.69 feet to an existing iron pipe; thence South 66 degrees 37 minutes 05 seconds West 238.69 feet to the beginning point in the centerline of U.S. Highway 21 and containing 16.160 acres, more or less. This being a portion of that property described in Deed Book 444, page 343.

LESS AND EXCEPTED: Wall lot

BEGINNING at a point in the centerline of Eaglecrest Drive, said point being located North 66 degrees 19 minutes 35 seconds East 735.98 feet from a point in the centerline intersection of Eaglecrest Drive (a private street 50 ft. in width) and U.S. Highway 21, the southwest corner for Clyde Sisson (in 402/138): and running thence North 66 degrees 19 minutes 35 seconds East 20.04 feet; thence South 22 degrees 15 minutes 55 seconds East 70.73 feet; thence South 66 degrees 18 minutes 41 seconds West 20.00 feet; thence North 22 degrees 15 minutes 25 seconds West 70.73 feet to the point of beginning and containing 1,394 sq. ft. more or less. This lot is known as the wall lot.
degrees 11 mi pin; thence 100.00 feet to a private street; thence North 30 degrees 48 minutes 55 seconds West 100.00 feet to a new iron pin and containing 0.230 acres, more or less.

LESS AND EXC:
BEGINNING at a 50 ft. pin. 39 degrees 11 minutes East 52.21 feet from an existing iron pin, thence North 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin on the line of the Dale Wooten line South 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin; thence South 39 degrees 11 minutes 55 seconds West 100.00 feet to a new iron pin and containing 0.230 acres, more or less.

LESS AND EXC:
BEGINNING at a 50 ft. pin; 30 degrees 11 minutes East 52.21 feet from an existing iron pin, thence North 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin on the line of the Dale Wooten line South 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin; thence South 39 degrees 11 minutes 55 seconds West 100.00 feet to a new iron pin and containing 0.230 acres, more or less.

LESS AND EXC:
BEGINNING at a 50 ft. pin; 30 degrees 11 minutes East 52.21 feet from an existing iron pin, thence North 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin on the line of the Dale Wooten line South 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin; thence South 39 degrees 11 minutes 55 seconds West 100.00 feet to a new iron pin and containing 0.230 acres, more or less.

LESS AND EXC:
BEGINNING at a 50 ft. pin; 30 degrees 11 minutes East 52.21 feet from an existing iron pin, thence North 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin on the line of the Dale Wooten line South 34 degrees 04 minutes 30 seconds East 52.21 feet to a new iron pin; thence South 39 degrees 11 minutes 55 seconds West 100.00 feet to a new iron pin and containing 0.230 acres, more or less.
TRACT AA

BEGINNING at a new iron pin in the east right of way line of a 50 ft. private street, said iron pin being located South 39 degrees 11 minutes 05 seconds West 412.47 feet from a new iron pin in the line of Dale Wooten, which iron pin is located South 34 degrees 04 minutes 30 seconds East 52.21 feet from an iron pipe, Dale Wooten's northwest corner in the line of Harold D. Mabbe DB 167/391 and running thence from the beginning iron South 50 degrees 48 minutes 55 seconds East 100.00 feet to a new iron pin, thence South 39 degrees 11 minutes 05 seconds West 100.00 feet to a new iron pin, thence North 50 degrees 48 minutes 55 seconds West 100.00 feet to a new iron pin in the east right of way line of a private street; thence with the right of way line of the private street North 39 degrees 11 minutes 05 seconds East 100.00 feet to a new iron pin and containing 0.225 acres, more or less.

REFERENCE: Book 467, Page 661

TRACT BB

BEGINNING at a new iron pin in the east right of way line of a 50 ft. private street, said iron pin being located South 39 degrees 11 minutes 05 seconds West 219.05 feet from a new iron pin in the line of Dale Wooten, which iron pin is located South 34 degrees 04 minutes 30 seconds East 52.21 feet from an iron pipe, Dale Wooten's northwest corner in the line of Harold D. Mabbe DB 167/391 and running thence from the beginning iron South 50 degrees 48 minutes 55 seconds East 100.00 feet to a new iron pin, thence South 39 degrees 11 minutes 05 seconds West 100.00 feet to a new iron pin, thence North 50 degrees 48 minutes 55 seconds West 100.00 feet to a new iron pin in the east right of way line of a private street; thence with the right of way line of the private street North 39 degrees 11 minutes 05 seconds East 100.00 feet to a new iron pin and containing 0.216 acres, more or less.

REFERENCE: Book 467, Page 667

TRACT CC

BEGINNING at a new iron pin in the line of Dale Wooten, which iron pin is located South 34 degrees 04 minutes 30 seconds East 52.21 feet from an existing iron pipe, the northwest corner for Dale Wooten in the line of Harold D. Mabbe DB 167/391 and running thence with the Dale Wooten line South 34 degrees 04 minutes 30 seconds East 100.43 feet to a new iron pin, thence South 39 degrees 11 minutes 05 seconds West 100.00 feet to a new iron pin; thence North 34 degrees 04 minutes 30 seconds West 100.43 feet to an iron pipe in the east right of way line of a 50 ft. private street; thence with the right of way line of said street North 39 degrees 11 minutes 05 seconds East 100.00 feet to the point of beginning and containing 0.230 acres, more or less.

REFERENCE: Book 467, Page 720
INSTRUMENT OF COMBINATION

Prepared by:
Philip R. Pengam
Pengam Law Firm, PLLC
P.O. Box 309
Custis, NC 28722

STATE OF NORTH CAROLINA
COUNTY OF POLK

This Instrument of Combination is made the 20th day of January, 2014, by

GARRY SMITHWICK and Wife, CARAMELA SMITHWICK.

Mailine Address: 318 Pearson Falls Road, Saluda, NC 28773

WITNESSES:

THAT WHEREAS, GARRY SMITHWICK and Wife, CARAMELA SMITHWICK, own certain real property located in Polk County, North Carolina, which was acquired by the following deed:

Deed from GARY G. ORTON and Wife, DONICE H. ORTON, to GARRY SMITHWICK and Wife, CARAMELA SMITHWICK, recorded in Book 402 at Page 870 (Lots 4 and 5, Miller Mountain Subdivision, P33-20 and P33-21), of the Polk County Registry.

AND WHEREAS, GARY G. ORTON and Wife, DONICE H. ORTON, wish to combine these properties into a single tract of land that will be described by one common boundary line for the purpose of complying with applicable provisions of the Polk County Zoning and Subdivision Ordinance and North Carolina General Statutes Section 153-141, to create one (1) tax parcel to be shown on the tax maps for Polk County, North Carolina;

AND WHEREAS, this is a limited, special purpose instrument executed for the reason stated, it is not a conveyance and does not change nor modify in any manner the ownership interest in the described property; and

WHEREAS, by execution and recordation of this Instrument of Combination, the described properties (Lots 4 and 5 of Miller Mountain Subdivision) are combined and contain a total of 6.53 acres and shall be described as follows:

BEGIN Lot Number 4 of Miller Mountain Subdivision, and being further described as all of that certain tract or parcel of land containing 3.30 acres, more or less, as shown and delineated upon a plat entitled, "Jeha A. & Cynthia F. Federicci, Tryon & Saluda Tracts, Polk Co., No. 90", dated December 8, 2000, prepared by Butler Associates, Registered Land Surveyors (L-3020), Tryon, N.C., bearing plat number 690B, which plat is duly recorded in Civil File D at Page 1022, 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 Lot, pursuant to North Carolina General Statutes, Section 47-30(g); and

BEING Lot Number 5, containing 3.23 acres, more or less, as shown and delineated upon a plat entitled, "Miller Mountain Subdivision, Section II, Jack Berry - Owner/Developer", Tryon Township, Polk County, North Carolina, dated November 5, 1984, and prepared by Womacer & Rhodes, Reg. Land Surveyor (L-2879), Hendersonville, North Carolina, which plat is duly recorded in Civil File A, Page 141 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 Lot, pursuant to North Carolina General Statutes, Section 47-30(g).

IN WITNESS WHEREOF, GARRY SMITHWICK and Wife, CARAMELA SMITHWICK, have set their hands and seals the day and year first above written.

[SEAL]

GARRY SMITHWICK (SEAL)
CARAMELA SMITHWICK

STATE OF NORTH CAROLINA
COUNTY OF POLK

L. SHARON K. CARSTELL, a Notary Public, certify that GARRY SMITHWICK and Wife, CARAMELA SMITHWICK, personally appeared before me this day and acknowledged the execution of the foregoing Instrument of Combination.

Witness my hand and notarial seal.

[SEAL]

L. SHARON K. CARSTELL
Notary Public

Nc Commission Expires: 07-28-2018
In North Carolina, we transfer ownership by the recorded muniment or “Document of Title”
NOTE:
A plat is NOT a "Document of Title"
Recombination Area
Part of Dbk. 2010, Pg. 327
Tract II
0.02 acres
1027.40 sq ft
to be combined with
Dbk. 1822, Pg. 393

Calvin Davis
Dbk. 2010, Pg. 327

Area Including Recombination
0.24 acres
10322.06 sq ft

Including
0.03 acres
1329.54 sq ft of Street R/W

Jimmy A. Wright
Dbk. 1133, Pg. 179

1/2 IPf/base

Ron Shuffler

Attorney

Real Estate Broker

01/19/20

attorney's office
WITNESSETH that Grantors, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto Grantees, in fee simple, all that certain lot or parcel of land situated in Drexel Township, Burke County, North Carolina and more particularly described as follows:

BEING all of Lot 16 containing 0.02 acres or 1027.40 square feet, as shown on plat of survey entitled "A Recomposition Survey of the Betty S. Howard Property," dated May 31, 2013, prepared by Donald G. Bollin, and recorded in Plat Book 43, page 102, Burke County Registry.

BACK REFERENCE: Part of Book 2010, page 327, Burke County Registry.

TAX PIN NO.: Part of 2734857136
TAX MAP NO.: Part of 64-102-1-19.

NOTE: The Grantees are heirs at law of Betty Shuffler Howard who died intestate on August 30, 2012. This property is being conveyed to the Grantees in the same ownership interests as the Grantees own in the adjoining parcel that the Grantees inherited from Betty Shuffler Howard. See Estate file 12 E 637 in the office of the Clerk of Superior Court for Burke County, North Carolina. This parcel is being combined with the Grantees' existing parcel as described in that deed recorded in Book 1822, page 393, Burke County Registry (Tax PIN 2734857680; Tax Map No.: 64-102-1-20).

And the Grantors covenant with the Grantees, that Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, the title is marketable and free and clear of all encumbrances, and that Grantors will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

SUBJECT TO all recorded easements, rights of way, and restrictions, if any, and SUBJECT TO the lien of 2013 ad valorem taxes.

IN WITNESS WHEREOF, the Grantors have duly executed the foregoing as of the day and year first above written.

CALVIN DAVIS
(seal)
THIS DEED made this 20th day of June, 2013, by and between

GRANTOR:

CALVIN DAVIS, widower
3525 Amanda Northern Road
Carroll, OH 43112

TYRA DARLENE WAGNER, aka Tyra Wagner, and husband, WESLEY ALLAN WAGNER
4507 Stringtown Rd.
Lancaster, OH 43130

GRANTEE:

ROBERT JOE SHUFFLER, a 1/8th undivided interest; PAUL HERBERT SHUFFLER, a 1/8th undivided interest; CHRISTINE BROWNING SHUFFLER, a 1/24th undivided interest; JOE EDDIE SHUFFLER, a 1/60th undivided interest; DEREK NELL SHUFFLER, a 1/60th undivided interest; ELIZABETH SHUFFLER LAMB, a 1/60th undivided interest; HOLLY LYNN SHUFFLER, a 1/60th undivided interest; DUSTIN ALLEN SHUFFLER, a 1/60th undivided interest; NANCY SUE SHUFFLER RANDALL, a 1/8th undivided interest; VICKIE STAMEY SHUFFLER, a 1/24th undivided interest; MICHAEL WILLIAM SHUFFLER, a 1/36th undivided interest; RAMONA SHUFFLER BERRY, a 1/36th undivided interest; GARY RAY SHUFFLER, a 1/36th undivided interest; GEORGE SAUNDERS SHUFFLER, a 1/8th undivided interest; MENDEL THOMAS ROBERTS, JR., a 1/24th undivided interest; PHILIP KENT ROBERTS, a 1/24th undivided interest; MENDE BETH ROBERTS SMITH, a 1/24th undivided interest; JAMES RONNIE SHUFFLER, a 1/8th interest
GRANTOR:
ROBERT JOE SHUFFLER and wife, SUE BARNES SHUFFLER;
PAUL HERBERT SHUFFLER, not married;
CHRISTINE SHUFFLER, widow, individually and as administratrix of the Estate of Billy Ray Shuffler;
NANCY SUE SHUFFLER RANDALL, widow;
GEORGE SAUNDERS SHUFFLER and wife, SUE BENFIELD SHUFFLER;
JAMES RONNIE SHUFFLER and wife, LAURA T. SHUFFLER;
MICHAEL WILLIAM SHUFFLER, widower;
RAMONA SHUFFLER BERRY and husband, MICHAEL BERRY;
GARY RAY SHUFFLER, not married;
VIVIAN "VICKIE" STAMEY SHUFFLER, widow, individually and as administratrix of the Estate of John William Shuffler; MENDEL THOMAS ROBERTS, JR. and wife, SHARON S. ROBERTS;
PHILIP KENT ROBERTS and wife, LESLIE M. ROBERTS; and MENDE BETH ROBERTS, not married; JOSHUA DAVE WILLS, not married

GRANTEE:
DARRELL B. FINNEY

813 Paisley Street SW
Valdese, NC 28690

THIS DEED made this 16th day of February, 2014, by and between

WITNESSETH that Grantors, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto Grantee, in fee simple, all that certain lot or parcel of land situated in Drexel Township, Burke County, North Carolina and more particularly described as follows:

TRACT I: BEGINNING on an iron pipe found, said iron pipe being located 11.30 feet south of the pavement of SR 1544 (Lakeview Acres Road), and runs the following two (2) courses and distances: (1) North 47° 53' East 62.42 feet to an iron pipe set and (2) South 43° 57' 48" West 32.83 feet to an iron pipe set and (3) South 50° 45' West 81.10 feet to an iron pipe set; thence with the George Shuffler property east line North 32° West 87.92 feet to the point of BEGINNING and containing 0.21 acres, more or less. The above described real property taken from surveys entitled "Will G. Shuffler to Betty Howard" prepared by Piedmont Surveying Co. dated September 27 and "Survey for Betty S. Howard" prepared by Heman D. Bolick.

Back reference: Book 1822, page 397, Burke County Registry.

TRACT II: BEING all of Lot II, containing 0.02 acres or 1027.40 square feet, as shown on plat of survey entitled "A Reconversion Survey of the Betty S. Howard Property," dated May 31, 2013, prepared by Donald G. Bolick, and recorded in Plat Book 43, page 102, Burke County Registry.

Back reference: Book 2093, page 987, Burke County Registry.

BACK REFERENCE: Estate File No. 12 E 637 in the office of the Clerk of Superior Court of Burke County. See also Estate File No. 13 E 806 and 13 E 256 in the office of the Clerk of Superior Court for Burke County. See also special proceedings file 13 SP 476 in the office of the Clerk of Superior Court for Burke County.

TAX PIN NO.: 2734857680
TAX MAP NO.: 64-102-1-20

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

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 Grantors covenant with the Grantee, that Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, the title is marketable and free and clear of all encumbrances, and that Grantors will warrant and defend the title against the legal claims of all persons whosoever, other than the following exceptions:

SUBJECT TO all recorded easements, rights of way, and restrictions, if any. SUBJECT TO the lien of 2014 ad valorem taxes.

SIGNATURES ON THE FOLLOWING PAGES
June 2013, by and between

GRANTEE:

ROBERT JOE SHUFFLER, a 1/8th undivided interest; PAUL HERBERT SHUFFLER, a 1/8th undivided interest; CHRISTINE BROWNING SHUFFLER, a 1/24th undivided interest; JOE EDDIE SHUFFLER, a 1/60th undivided interest; DERRA NELL SHUFFLER, a 1/60th undivided interest; ELIZABETH SHUFFLER LAMB, a 1/60th undivided interest; HOLLY LYNN SHUFFLER, a 1/60th undivided interest; DUSTIN ALLEN SHUFFLER, a 1/60th undivided interest; NANCY SUE SHUFFLER RANDALL, a 1/8th undivided interest; VICKIE STAMEY SHUFFLER, a 1/24th undivided interest; MICHAEL WILLIAM SHUFFLER, a 1/36th undivided interest; RAMONA SHUFFLER BERRY, a 1/36th undivided interest; GARY RAY SHUFFLER, a 1/36th undivided interest; GEORGE SAUNDERS SHUFFLER, a 1/8th undivided interest; MENDEL THOMAS ROBERTS, JR., a 1/24th undivided interest; PHILIP KENT ROBERTS, a 1/24th undivided interest; MENDE BETH ROBERTS SMITH, a 1/24th undivided interest; JAMES RONNIE SHUFFLER, a 1/8th interest

NORTH CAROLINA GENERAL WARRANTY DEED

Revenue Stamps: $54.00
Prepared by/mail to: MARC MITCHELL, P.A., PO DRAWER 69, VALDESE, NC 28690

THIS DEED made this 6th day of February, 2014, by and between

GRANTOR:
ROBERT JOE SHUFFLER and wife, SUE BARNES SHUFFLER;
PAUL HERBERT SHUFFLER, not married;
CHRISTINE SHUFFLER, widow, individually and as administratrix of the Estate of Billy Ray Shuffler; NANCY SUE SHUFFLER RANDALL, widow; GEORGE SAUNDERS SHUFFLER and wife, SUE BENFIELD SHUFFLER;
JAMES RONNIE SHUFFLER and wife, LAURA T. SHUFFLER;
MICHAEL WILLIAM SHUFFLER, widower;
RAMONA SHUFFLER BERRY and husband, MICHAEL BERRY;
GARY RAY SHUFFLER, not married;
VIVIAN "VICKIE" STAMEY SHUFFLER, widow, individually and as administratrix of the Estate of John William Shuffler; MENDEL THOMAS ROBERTS, JR. and wife, SHARON S. ROBERTS; PHILIP KENT ROBERTS and wife, LESLIE M. ROBERTS; and MENDE BETH ROBERTS, not married; JOSHUA DALE WILLS, not married

813 Praley Street SW
Valdese, NC 28690

GRANTEE:
DARRELL B. FINNEY

P O. Box 853
Valdese, NC 28690
GRANTEE:

ROBERT JOE SHUFFLER, a 1/8th undivided interest; PAUL HERBERT SHUFFLER, a 1/8th undivided interest; CHRISTINE BROWNING SHUFFLER, a 1/24th undivided interest; JOE EDDIE SHUFFLER, a 1/60th undivided interest; DERA E NELL SHUFFLER, a 1/60th undivided interest; ELIZABETH SHUFFLER LAMB, a 1/60th undivided interest; HOLLY LYNN SHUFFLER, a 1/60th undivided interest; DUSTIN ALLEN SHUFFLER, a 1/60th undivided interest; NANCY SUE SHUFFLER RANDALL, a 1/8th undivided interest; VICKIE STAMEY SHUFFLER, a 1/24th undivided interest; MICHAEL WILLIAM SHUFFLER, a 1/36th undivided interest; RAMONA SHUFFLER BERRY, a 1/36th undivided interest; GARY RAY SHUFFLER, a 1/36th undivided interest; GEORGE SAUNDERS SHUFFLER, a 1/8th undivided interest; MENDEL THOMAS ROBERTS, JR., a 1/24th undivided interest; PHILIP KENT ROBERTS, a 1/24th undivided interest; MENDE BETH ROBERTS SMITH, a 1/24th undivided interest; JAMES RONNIE SHUFFLER, a 1/8th interest

P.O. Box 853, Valdese, NC 28690
GRANTEE:

Deed 2095 / 987

ROBERT JOE SHUFFLER, a 1/8th undivided interest; PAUL HERBERT SHUFFLER, a 1/8th undivided interest; CHRISTINE BROWNING SHUFFLER, a 1/24th undivided interest; JOE EDDIE SHUFFLER, a 1/60th undivided interest; DEREK NELL SHUFFLER, a 1/60th undivided interest; ELIZABETH SHUFFLER LAMB, a 1/60th undivided interest; HOLLY LYN SHUFFLER, a 1/60th undivided interest; DUSTIN Allen S. SHUFFLER, a 1/60th undivided interest; NANCY SUE SHUFFLER RANALL, a 1/8th undivided interest; VICKIE STAMEY SHUFFLER, a 1/24th undivided interest; MICHAEL WILLIAM SHUFFLER, a 1/36th undivided interest; RAMONA SHUFFLER BERRY, a 1/36th undivided interest; GARY RAY SHUFFLER, a 1/36th undivided interest; GEORGE SAUNDERS SHUFFLER, a 1/8th undivided interest; MENDEL THOMAS ROBERTS, JR., a 1/24th undivided interest; PHILIP KENT ROBERTS, a 1/24th undivided interest; MENDE BETH ROBERTS SMITH, a 1/24th undivided interest; JAMES RONNIE SHUFFLER, a 1/8th interest

P.O. Box 853, Valdese, NC 28690

GRANTOR:

Deed 2126 / 542

ROBERT JOE SHUFFLER and wife, SUE BARNES SHUFFLER; PAUL HERBERT SHUFFLER, not married; CHRISTINE SHUFFLER, widow, individually and as administratrix of the Estate of Billy Ray Shuffler; NANCY SUE SHUFFLER RANALL, widow; GEORGE SAUNDERS SHUFFLER and wife, SUE BACIELD SHUFFLER; JAMES RONNIE SHUFFLER and wife; LAURA T. SHUFFLER; MICHAEL WILLIAM SHUFFLER, widower; RAMONA SHUFFLER BERRY and husband, MICHAEL BERRY; GARY RAY SHUFFLER, not married; VIVIAN "VICKIE" STAMEY SHUFFLER, widow, individually and as administratrix of the Estate of John William Shuffler; MENDEL THOMAS ROBERTS, JR. and wife, SHARON S. ROBERTS; PHILIP KENT ROBERTS and wife, LESLIE M. ROBERTS; and MENDE BETH ROBERTS, not married; JOSHUA DALE WILLS

P.O. Box 853
Valdese, NC 28690
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• By careful analysis of the deed description, the components of the deed, more accurate Land Records can be maintained in the County Cadastre leading to a peace and harmony across the county!