State of North Carolina ~~2-4-82~~ 83

County of Transylvania

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THIS DEED PREPARED BY
RAMSEY, SMART, RAMSEY & HUNT, P. A.
Gayle E. Ramsey Attorney
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THIS DEED, made this 136st day of January, 1982, by

JOHN W. TERJESEN and wife, ETHEL MAE TERJESEN,

hereinafter called Grantors, to TERRY D. CARTER and wife, SANDRA N. CARTER, Post Office Box 546, Rosman, North Carolina 28772

, hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed; and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns, subject to any limitations, easements and reservations set out below, the following particularly described real estate, located in the Township of Eastatoe , Transylvania County, North Carolina, towit:

BEGINNING at an iron pin located in the southern property line of Gillespie and in the center of a branch, said iron pin also being located South 61 deg. 16 min. West 149.94 feet along the southern property line of Gillespie from a stake located in the center of the sixty foot wide right-of-way of a road which connects the lands herein described with the East Fork Road, and runs thence from said point of beginning along the southern property line of Gillespie, North 61 deg. 16 min. East, passing through an iron pin at 128.42 feet, a total distance of 149.94 feet to a stake in the center of the sixty foot wide right-of-way of the road hereinabove referred to which connects the lands herein described with the East Fork Road; thence leaving the property line of Gillespie and along the center of the sixty foot wide right-of-way of said road the following three (3) calls: South 54 deg. 28 min. 30 sec. East 59.42 feet to a stake; South 69 deg. 08 min. 30 sec. East 87.04 feet to a stake; South 43 deg. 12 min. East 56.62 feet to a stake located at the junction of the center of the sixty foot road wide right-of-way of said road with the center of the sixty foot wide right of way of another road; thence along the center of the sixty foot wide right-of-way of said other road the following twenty (20) calls: South 14 deg. 21 min. East 98.86 feet to a stake; South 02 deg. 08 min. East 67.83 feet to a stake; South 25 deg. 30 min. East 18.76 feet to a stake; South 37 deg. 15 min. East 79.12 feet to a stake; South 13 deg. 30 min. 45 sec. East 52.89 feet to a stake; South 12 deg. 32 min. West 125.96 feet to a stake; South 01 deg. 46 min. West 106.08 feet to a stake; South 16 deg. 32 min. West 118.62 feet to a stake; North 52 deg. 02 min. 30 sec. West 124.71 feet to a stake; North 17 deg. 52 min. 30 sec. West 162.84 feet to a stake; North 49 deg. 10 min. West 30.33 feet to a stake; North 66 deg. 56 min. 30 sec. West 63.24 feet to a stake; North 58 deg. 41 min. 30 sec. West 90.59 feet to a stake; North 15 deg. 48 min. West 50.49 feet to a stake; North 36 deg. 02 min. West 107.59 feet to a stake; North 64 deg. 49 min. 45 sec. West 45.23 feet to a stake; South 68 deg. 04 min. 30 sec. West 67.36 feet to a stake; South 56 deg. 33 min. 45 sec. West 45.12 feet to a stake; South 36 deg. 30 min. 15 sec. West 96.60 feet to a stake; South 21 deg. 45 min. 30 sec. West 69.33 feet to a stake; thence, passing through the junction of the center of said sixty foot wide road right-of-way with the center of another sixty foot wide road right-of-way, South 50 deg. 39 min. 45 sec. West 70.71 feet to an iron pin in the center of Sawmill Branch, said iron pin being located southwest of said other sixty foot wide road right-of-way; thence along the center of said branch the following six (6) calls: North 62 deg. 43 min. West 11.00 feet to a stake; North 01 deg. 06 min. East 76.68 feet to a stake; North 03 deg. 44 min. West 132.10 feet to a stake; North 37 deg. 13 min. East 27.73 feet to a stake; North 03 deg. 49 min. 30 sec. East 77.05 feet to a stake; North 04 deg. 38 min. 30 sec. East 90.59 feet to an iron pin located in the southern property line of Gillespie; thence leaving said branch and along the southern property line of Gillespie the following two (2) calls: South 68 deg. 14 min. 15 sec. East 166.45 feet to an iron pin and North 61 deg. 18 min. East 187.62 feet to

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the BEGINNING. Containing 5.86 acres, more or less, as surveyed and platted by P. R. Raxter, RLS, in August, 1980, and in August, 1981, and as shown on two plats designated as Drawing No. 6-T-114 (315)
252 and Drawing No. T-114 (17x22) 529.

Together with a right-of-way to the East Fork Road over and along the road right-of-way which presently connects the lands hereinabove described with the East Fork Road, said right-of-way to be for travel of all kinds, on foot and with all types of vehicles, with the right of ingress, egress and regress over and along the same in common with the Grantors and all others entitled to the use thereof.

This conveyance is made subject to the rights-of-way of those portions of the roads hereinabove referred to which traverse the property, (said rights-of-way extending thirty feet on each side of the center of said roads) to all rights-of-way for public utilities presently appearing of record and to the rights-of-way of all utility lines which may presently traverse the property.

It is specifically understood and agreed that the Grantors retain, for the use by themselves, their heirs and assigns, of other lands not herein conveyed by the Grantors, a road right-of-way across all of those portions of the sixty foot wide rights-of-way of the roads hereinbove referred to which traverse the lands hereinabove described, with it being further understood and agreed, however, that the Grantees shall have a right-of-way to the public road over and along those portions of said sixty foot road rights-of-way which are immediately adjacent to the lands hereinabove described and connect said lands with the public road.

This conveyance of the property hereinabove described is made subject to the following additional restrictions:

1. No structures of a temporary cha acter, mobile home, trailer, basement, tent, shack, garage, carport, barn, shed or other outbuildings shall be used at any time as a residence, either temporarily or permanently, nor shall any mobile home, trailer, tent, shack, barn, shed or other type of structure, whether temporary or permanent, not specifically authorized by these covenants to be placed on the property hereinabove described be placed on said property at any time.

2. No junk cars and trucks or any inoperative motor vehicles shall be located on the property at any time.

3. There shall be no hunting on the property nor shall any firearms be discharged thereon.

4. No cats or any other animals shall be kept or allowed to go on said property with the exception of dogs which must be chained, leashed, kept indoors or kept within a fenced enclosure at all times and the total number of dogs kept or allowed to go on the property at any time shall not exceed the total number of occupied dwellings located thereon.

5. The Grantees shall pay to the Grantors an annual road maintenance fee of $100.00 so long as no dwelling or not more than one dwelling is located on the property. Said annual fee shall be increased by $100.00 for each dwelling in excess of one which may be located on the property. For example, if three dwellings shall be located on the property, the annual road maintenance fee shall be $300.00. Said fee shall be paid annually on or before the 31st day of January to the Grantors or to such persons who may subsequently be designated by the Grantors as being responsible for seeing that said maintenance is performed.

Being a part of the same land described in a deed from Ransler King and wife, Reba G. King, to John W. Terjersen (Single), dated August 30, 1971, and recorded in Book 190, page 557, Records of Deeds for Transylvania County, North Carolina.

TRANSYLVANIA COUNTY 0 2 5 2 0 STATE OF NORTH CAROLINA FEB 5'92 Real Estate Excise Tax $ 50.00

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It is understood and agreed that the Grantors shall have the right to dig a well and install a pump and pump house on the land hereinabove described, with said well, pump and pump house to be located not more than fifty feet from the existing well which is now located on the land hereinabove described. It is further understood and agreed as follows: (1) the Grantors shall have the right to use all of the water from the well to be dug by them; (2) the Grantors shall have the right to install a waterline which shall connect said well, by the most direct route feasible, with other lands retained by the Grantors which are located adjacent to and east of the land hereinabove described; (3) the Grantors shall have a right-of-way over and along said waterline for the purpose of repairing and maintaining said waterline and the well, pump and pumphouse to be constructed by the Grantors on the land hereinabove described.

Being the same land described in the following deed:

Current taxes shall be

TO HAVE AND TO HOLD the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns, forever, subject to any reservations, easements, and limitations set out above.

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their executors, administrators and/or successors shall forever warrant and defend the title to the said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its authorized officers and its seal to be hereunto affixed, the day and year first above written.

John W. Terjesen (SEAL) Ethel Mae Terjesen (SEAL)

_____ (SEAL) _____ (SEAL)

_____ (SEAL) _____ (SEAL)

_____ (SEAL) _____ (SEAL)

_____ (SEAL) _____ (SEAL)

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

I, Sandra D. Greenwood (Crowe), a Notary Public of said State and County, do hereby certify that JOHN W. TERJESEN and wife, ETHEL MAE TERJESEN,

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this 21st day of January, 1983

(NOTARY SEAL)

My commission expires June 21, 1983 Sandra D. Greenwood (Crowe), Notary Public.

STATE OF _____, COUNTY of _____.

I, _____, a Notary Public of said State and County, do hereby certify that

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this ____ day of _____, 19____

(NOTARY SEAL)

My commission expires _____, Notary Public.

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA.

The foregoing certificate of Sandra D. Greenwood Crowe

Notar (y) (ies) Public is/are certified to be correct. This instrument was presented for registration and recorded in this office in Book 252 page 136.

This 4 day of February, 1982, at 3:00 o'clock P. M.

Fred H Wood
Register of Deeds

By: _____
Deputy Register of Deeds