



Doc ID: 002500660003 Type: CRP
Recorded: 08/18/2006 at 08:48:50 AM
Fee Amt: \$20.00 Page 1 of 3
Franklin County North Carolina
Linda H. Stone Register of Deeds

BK **1564** PG **425-427**

By: Brandi L. Smith
Deputy

**NORTH CAROLINA GENERAL WARRANTY DEED
[GIFT DEED]**

Excise Tax: -0-

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: **Michael E. Satterwhite, P.O. Box 1820, Henderson, North Carolina 27536**

This instrument was prepared by: **STAINBACK & SATTERWHITE – Michael E. Satterwhite**

Brief description for the Index: **6.97 acres, Map Book 2006, Pg 223, in the office of the Register of Deeds of Franklin County**

THIS DEED made this 17th day of **August 2006**, by and between

GRANTOR	GRANTEE
RAYMOND F. NEWMAN	ROBERT M. NEWMAN and wife, BEVERLY S. NEWMAN 240 Bobbitt Road Kittrell, NC 27544

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, does grant, and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, **Kittrell and Hayesville Townships, Vance and Franklin Counties, North Carolina** and more particularly described as follows:

That certain tract or parcel of land containing 6.97 acres according to survey and plat entitled "Survey for Robert Newman; Owner – Raymond F. Newman" as prepared by Alan's Surveying Company, PA, dated June 10, 2006, and revised July 19, 2006, as appears in Map Book 2006, Page 223, in the office of the Register of Deeds of Franklin County.

ALSO CONVEYED HERewith to the Grantees, their heirs, successors and assigns, is a perpetual, non-exclusive easement appurtenant of ingress, egress and regress over and across that certain 45-foot private access easement as shown on the above-referenced plat from the property hereinabove described to and from Bobbitt Road (State Road 1549).

ROAD MAINTENANCE AGREEMENT: The 45-foot private access easement as shown on plat entitled "Survey for Robert Newman; Owner – Raymond F. Newman" as prepared by Alan's Surveying Company, PA, dated June 10, 2006, and revised July 19, 2006, as appears in Map Book 2006, Page 223, in the office of the Register of Deeds of Franklin County, which provides ingress, egress and regress from the property hereinabove described to and from Bobbitt Road (State Road 1549) is a private access easement and shall be maintained in an all-weather state of good repair by the Grantees herein, their heirs, successors and/or assigns and the Grantor herein, his heirs, successors and/or assigns.

RIGHT OF FIRST REFUSAL: After the date of the death of the survivor between the Grantees herein, the personal representative of the estate of said survivor shall offer to sell and is authorized to sell the property at its fair market value [NOTE: Fair market value is to be determined by an appraisal by a North Carolina licensed real estate appraiser chosen in the sole discretion of said personal representative] to the Grantee, Robert M. Newman's father [NOTE: Should the Grantee, Robert M. Newman's father elect to exercise his Right of First Refusal, then in that event, the sales price shall be the fair market value of the property as set forth hereinabove less the sum of \$70,000.00 representing the value of the lot which he gave to the Grantees herein], and then to the Grantees' children and thereafter to the Grantee, Robert M. Newman's siblings, all in the following priority, to wit:

- 1. Raymond F. Newman
- 2. Raymond Todd Newman
- 3. Kyle Douglas Hepler
- 4. Billy Newman
- 5. Brenda Newman
- 6. Bruce Newman
- 7. Bryce Newman

Should all of the above persons, decline to exercise this Right of First Refusal [NOTE: A deed reciting that all the above persons have failed and refused to exercise this Right of First Refusal shall be sufficient to convey marketable title to the Grantee named therein free and clear of the terms of this Right of First Refusal], then in that event, the property shall be disposed of pursuant to the Last Will and Testament of the survivor of the Grantees or should he/she not leave such a Last Will and Testament then to his/her heirs to be disposed of in their sole discretion. However, this Right of First Refusal shall be subordinate and junior to the legal operation and effect of any present or future mortgage or deed of trust, which the Grantees herein or the survivor of the Grantees herein shall execute which is now or hereafter becomes a lien on the property.
[06-MS-577]

The property hereinabove described was acquired by Grantor by instrument recorded in Book 441 page 404, Vance County Registry.

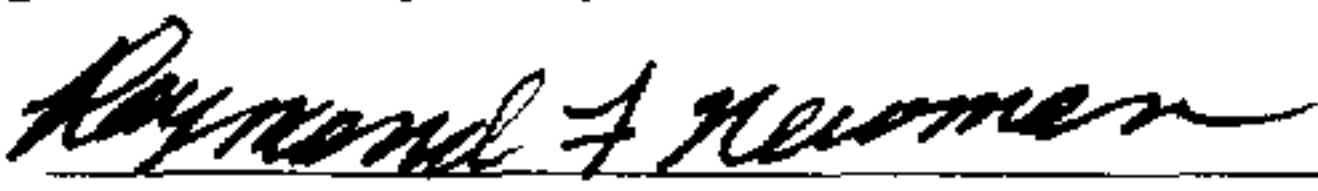
A map showing the above described property is recorded in Map Book 2006, Page 223, Franklin County Registry.
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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, other than the following exceptions:

- a. Existing rights of way for roadways and public utilities of record.
- b. Building setbacks, easements, rights of way and all other matters as appear on plat recorded in Map Book 2006, Page 223, Franklin County Registry.
- c. Vance County and Franklin County ad valorem taxes for 2006 et seq. years.

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

(Entity Name)

 (SEAL)
RAYMOND F. NEWMAN

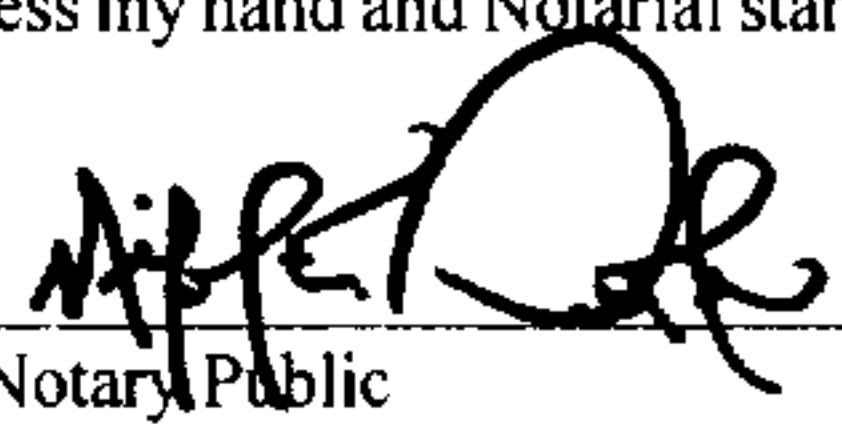
By: _____
Title: _____

(SEAL)

State of North Carolina - County of **Vance**

I, the undersigned Notary Public of the County and State aforesaid, certify that Raymond F. Newman
personally appeared before me this day and acknowledged the
due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 17th day
of **August 2006**.

My Commission Expires: **3/25/2008**



Notary Public

