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Recorded: 02/24/2006 at 03:20:54 PM
Fee Amt: \$637.00 Page 1 of 2
Excise Tax: \$620.00
Workflow# 2005264
Buncombe County, NC
Otto W. DeBruhl Register of Deeds
BK 4183 PG 1047-1048

*Prepared by
Return to
McGuire, Wood, Bissette
RD Box # 31*

Excise Tax: \$620.00

Recording Time Book & Page

Parcel Identifier No. **9659.12-95-3047.000**

Verified by _____ County on the ____ day of _____, 20__
by _____

Mail after recording to: Susan S. Barbour 48 Patton Avenue, Asheville, NC 28801, Box 31
This instrument was prepared by: Susan S. Barbour, **McGuire, Wood & Bissette, PA**, file 35067

Brief Description for the index

3 Jaks Ridge Drive

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made **February 24, 2006**, by and between

GRANTOR

GRANTEE

**J. Frank Amos and
Colleen N. Amos, married to each other**

**Owen A. Neff and
Susan D. Neff, married to each other**

**3 Jaks Ridge Drive
Asheville, NC 28805**

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 **Asheville, Haw Creek** Township, **Buncombe** County, North Carolina and more particularly described as follows:

BEING all of Lot 3, containing 0.890 acres, of Jaks Ridge Subdivision as shown on plat recorded in Plat Book 61, at Page 42 of the Buncombe County, NC Registry, reference to said plat being made for a more particular description of said Lot 3.

TOGETHER WITH a right of way for roadway and utility purposes over Jaks Ridge Drive to the public road known as New Haw Creek Road, said right of way being more fully described in deeds recorded in Book 1766, at Page 546 and in Deed Book 2394, at Page 787 of the Buncombe County, NC Registry.

Subject to all easements, restrictions and rights of ways of record and particularly to those restrictions recorded in Book 1765, at Page 556 of said registry.

BEING all of that property as originally conveyed in Deed Book 1765, at Page 556 and as subsequently conveyed to J. Frank Amos and wife, Colleen N. Amos by deed recorded in Book 1955, at Page 273 and in Deed Book 1968, at Page 234 of the Buncombe County, NC Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in **Deed Book 1765, Page 556 and Deed Book 1955, Page 273**, Buncombe County Registry.

A map showing the above described property is recorded in **Plat Book 61, Page 42**.

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.

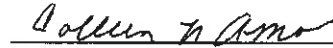
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

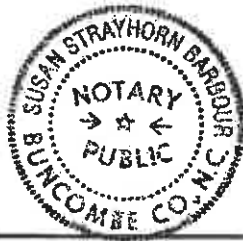
SUBJECT to easements, restrictions, rights of way of record and ad valorem taxes not yet due and payable.

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)
J. Frank Amos

 (SEAL)
Colleen N. Amos

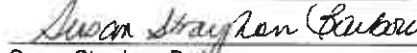
SEAL-STAMP



NORTH CAROLINA, Buncombe County.

I, a Notary Public of the County and State aforesaid, certify that, **J. Frank Amos and Colleen N. Amos**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 24 day of February, 2006.

My commission expires: 12-10-06

 Notary Public
Susan Strayhorn Barbour

* Restrictive Covenants expire 10/2023

BK 1765PC 558

EXHIBIT B

Grantor and his successors in interest and, by Grantee's acceptance of this deed, Grantee and his successors in interest, covenant and agree that the property consisting of Lots 1, 2, and 3 on the plat of survey of JAKS RIDGE SUBDIVISION prepared by Danny R. Tolar, RLS, dated August 31, 1993 (the "Property") which may be hereinafter recorded in the Buncombe County Public Registry, shall be subject to the following restrictions:

1. The Property shall be used for residential purposes only; provided however, this restriction shall not prohibit a house occupation which does not violate any other provision of these restrictions. Only one (1) single-family residential dwelling shall be constructed or located on any lot as shown and designated on said plat.

2. The minimum size of any dwelling (exclusive of car ports, garages, breezeways, patios, and porches) shall be 1700 square feet of heated, finished main floor (street level) living space. Dwellings of more than one story shall have a minimum of 900 square feet of heated, finished main floor (street level) living space and a total of not less than 1700 square feet, heated, finished living space on all stories.

3. No dwelling (as defined above), detached garage, or carport shall be constructed or placed within the building setback lines or utility and drainage easements shown on the aforesaid plat to be recorded.

4. By the recordation of a plat thereof, a right of way for Jaks Ridge Drive as shown on said plat is dedicated hereby for roadway and utility purposes for the benefit of the lots shown on said plat. Grantor and Grantee, for themselves and their successors in interest in the Property, covenant and agree to construct and maintain a right of way from New Haw Creek Road to their respective lots of land, said road right of way to be 45 feet wide and to be known as Jaks Ridge Drive and to share equally with each lot owner adjoining Jaks Ridge Drive the cost of maintenance of said drive for all-season, all-weather travel by motor vehicles. Any decision as to the performance of maintenance of the roadway shall be determined by majority vote of the lot owners.

5. Utility and drainage easements are expressly reserved within the building setback area shown along each lot line of Lots 1 through 3 of the aforesaid subdivision plat.

6. These restrictions shall run with the land for a period of 30 years from the date hereof and may be enforced at law or in equity by the owners of Lots 1, 2 or 3 as shown on said plat of the Property.

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:

SUBJECT TO easements, restrictions and rights-of-way of record and to other utility lines in existence over or under the subject property and to the lien of the 1993 taxes.

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.

.....
(Corporate Name)

By:

.....President

ATTEST:

.....Secretary (Corporate Seal)

USE BLACK INK ONLY

Clyde L. Harriger (SEAL)
CLYDE L. HARRIGER

Donna L. Harriger (SEAL)
DONNA L. HARRIGER

..... (SEAL)

..... (SEAL)

SEAL-STAMP

Notary Public
Buncombe County, North Carolina
SANDRA M. HALL
My Commission Expires June 8, 1994

NORTH CAROLINA, Buncombe County.

I, a Notary Public of the County and State aforesaid, certify that
Clyde L. Harriger and wife, Donna L. Harriger Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 1st day of October, 1993.

My commission expires: *Sandra M. Hall* Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that
personally came before me this day and acknowledged that he is Secretary of

..... a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this day of 19.....

My commission expires: Notary Public

The foregoing Certificate(s) of *Sandra M. Hall*

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.

By *Eddy W. DeBrull* REGISTER OF DEEDS FOR *Buncombe* COUNTY
Judy R. Smith Deputy/Assistant Register of Deeds