



Doc ID: 029923660002 Type: CRP
Recorded: 12/31/2015 at 10:11:44 AM
Fee Amt: \$26.00 Page 1 of 2
Workflow# 0000325712-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 5385 PG 1923-1924

Prepared by and return to Charles R. Worley
7 Orchard St., Ste 100
Asheville, NC 28801

EASEMENT AND RIGHT OF WAY AGREEMENT

BUNCOMBE COUNTY

THIS GRANT OF EASEMENT, made this 16 day of December, 2015, by and between Laurel Pines Baptist Church, (hereinafter referred to as "Grantor" or "Church"), and Peter Callahan, (hereinafter referred to as "Grantee"). 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:

WHEREAS, Laurel Pines Baptist Church is the owner in fee simple of certain real property shown and described in plat recorded in Plat Book 50, Page 135; and

WHEREAS, Peter Callahan is the owner of the property described in Deed Book 4548, Page 1975, of said Registry, which property adjoins that of Church along the Southeastern and Northeastern boundaries of Grantor; and

WHEREAS, Laurel Pines Church Road serves as the access to the property of Grantor and from the terminus thereof and through the property of the Grantor, access to the property of Grantee; and

WHEREAS, the Grantee and the Grantee's predecessors in title have utilized the property and parking lot of the Grantor for access to the property of Grantee; and

WHEREAS, the terminus of Laurel Pines Church Road lies within the property of Grantor and Grantee has no other means of access to his property other than through the property of Grantor from the terminus of Laurel Pines Church Road; and

WHEREAS, the Grantor herein is willing to grant a right of way and easement to Grantee for the purpose of providing record access to Grantee's property;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereto has bargained and sold, and by these presents does hereby bargain, sell, and convey unto the Grantee hereto for use of Grantee, his heirs, successors and assigns a right of way and easement across the property of Grantor for the purpose of ingress, egress and regress to and from his property from the terminus of Laurel Pines Church Road as described below and upon the terms and conditions herein set forth:

A right of way and easement beginning at the terminus of Laurel Pines Church Road just inside the Southernmost corner of the property of Grantor as shown in plat recorded in Plat Book 50, at page 135, of the Buncombe County Public Registry and running generally in a Northerly direction past the Church building and through the parking lot of the Church as shown on said plat to the Northeastern boundary of Grantor and a Southwestern boundary of Grantee's property as described in deed recorded in Book 4548, Page 1975, of said Registry, at and to the point where a dirt or gravel drive enters Grantee's property from Grantor's Northeastern property line. Included herein is the right to park no more than 2 personal vehicles in the parking lot adjacent or near to Grantee's property line.

Said right of way and easement shall be general in nature and is not intended to be specifically located on the ground or to have a specific width due to the nature and use of the greater portion of the easement area as a parking lot for the Church. The right of way and easement shall be limited to the use of Grantee's property and shall not be burdened by a subdivision of the property and/or the construction or placement of additional housing units on Grantee's property. Grantor retains the right to use the entire parking lot area across which the easement traverses and Grantee shall have no recourse in the event that the easement is temporarily blocked due to the parking needs of the Church for services, meetings and special events. Grantee shall not use any portion of the easement area for vehicle maintenance or for the storage of unlicensed, untagged or inoperable vehicles and this easement specifically is not intended to and

2

does not convey any such rights..

TO HAVE AND TO HOLD the aforesaid easement and all privileges and appurtenances thereunto belonging to the said Grantee, his successors and assigns forever, and the Grantor does covenant that it has done nothing to impair said right of way and has the right to convey the said right of way and easement, that the same is free from encumbrances except easements, restrictions, rights of way and other matters of record and that it will warrant and defend the said title to the same against claims of all persons claiming through it except as to those exceptions stated herein.

IN WITNESS WHEREOF, the Grantor has caused this easement to be executed this ___ day of December, 2015.

GRANTOR:
LAUREL PINES BAPTIST CHURCH

By: Russell H. Miller
Name: Russell H. Miller, Trustee

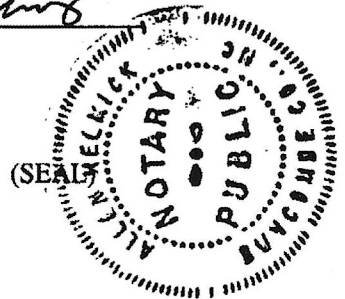
By: Larry Bruce Lankford
Name: Larry Bruce Lankford, Trustee

NORTH CAROLINA
BUNCOMBE COUNTY

I Allen Helmick, a notary public, certify that Russell H. Miller personally came before me this day and acknowledged that he/she is Trustee of Laurel Pines Baptist Church, an unincorporated religious association, and that he/she, as Trustee, being authorized to do so, executed the foregoing on behalf of the Laurel Pines Baptist Church.

Witness my hand and official seal, this the 16 day of December, 2015.

Allen Helmick
Notary Public



My commission expires:

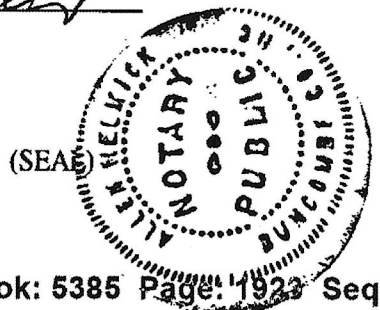
7/6/2020

NORTH CAROLINA
BUNCOMBE COUNTY

I Allen Helmick, a notary public, certify that Larry Bruce Lankford personally came before me this day and acknowledged that he/she is Trustee of Laurel Pines Baptist Church, an unincorporated religious association, and that he/she, as Trustee, being authorized to do so, executed the foregoing on behalf of the Laurel Pines Baptist Church.

Witness my hand and official seal, this the 16 day of December, 2015.

Allen Helmick
Notary Public



My commission expires:

7/6/2020

5



Doc ID: 029923670003 Type: CRP
Recorded: 12/31/2015 at 10:12:01 AM
Fee Amt: \$326.00 Page 1 of 3
Revenue Tax: \$300.00
Workflow# 0000325712-0002
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 5385 PG 1925-1927

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 300.00

Parcel Identifier No. 9787-50-9179 Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: The Hart Law Group, PC, 93 Church Street, Asheville, NC 28801 ROD Box 28

This instrument was prepared by: Worley & Peltz, PLLC, 7 Orchard Street, Suite 100, Asheville, NC 28801

Brief description for the Index: 2.460 +/- acres, Plt Bk 152 Pg 80

THIS DEED made this 31st day of December, 2015, by and between

GRANTOR

GRANTEE

Peter D. Callahan, unmarried
23 Eloise St.
Asheville, NC 28801

Bobby Allen
43 Laurel Pines Church Road
Fairview, NC 28730

Enter in appropriate block for each Grantor and Grantee: name, mailing 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, 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, parcel of land or condominium unit situated in the City of ~~Fairview~~, Fairview Township, Buncombe County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein. This instrument prepared by Charles R. Worley, a licensed NC attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. This instrument was prepared by the law firm of Worley & Peltz, PLLC without review or examination of title to the herein described property and no opinions or representations are being made either express or implied by said law firm or its attorneys.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4548 page 1975. All or a portion of the property herein conveyed X includes or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 152 page 80.

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: easements, restrictions and rights of way of record and current year ad valorem taxes.

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

By: _____ (Entity Name) Peter D. Callahan (SEAL)
 Print/Type Name: Peter D. Callahan, unmarried

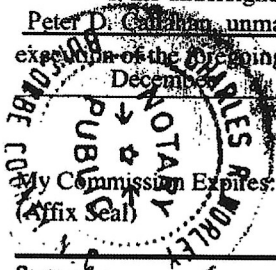
By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

State of North Carolina - County or City of BUNCOMBE

I, the undersigned Notary Public of the County or City of BUNCOMBE and State aforesaid, certify that Peter D. Callahan, unmarried 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 30th day of December, 20 15. 30th (caw)



Charles R. Worley
Charles R. Worley Notary Public
 Notary's Printed or Typed Name

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ 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 _____ day of _____, 20 _____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20 _____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

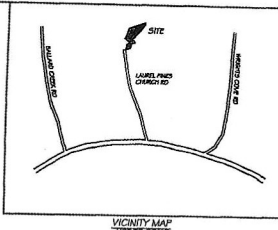
NOTES:

- 1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR D.P.L. (42 CFR 67.0001) - EFFECTIVE DATE: JANUARY 6, 2015.
- 2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- 3) SURVEYOR HAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY BE EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, EASEMENTS, TITLE COVENANTS, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACQUAINTED AND DILIGENT TITLE SEARCH MAY REVEAL THAT ARE NOT SHOWN ON THIS PROPERTY.
- 4) BUILDING, SERVICE AND SURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SURFACE AND ENVIRONMENTAL CONDITIONS NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO FINDING OR STATEMENT IS MADE OR IMPLIED CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAMINANTS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 5) AREA BY COORDINATE COMPUTATION.
- 6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- 7) NO NEOS CONTROL MONUMENTS WERE RECOVERED WITHIN 2000' OF THE SUBJECT PROPERTY.
- 8) SUBJECT PROPERTY IS ZONED RCPH (USE PER THE BUNCOMBE COUNTY ZONING ORDINANCE, REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY).

BUILDING FOOTPRINTS PER OPEN USE CLASSIFICATIONS:
 PFRM = FRAME
 PFRW = FRAME
 PFRN = FRAME

LEGEND & OBSERVATIONS:

- PM - PLAT BOOK
- DM - DEED BOOK
- PC - FACE
- SM - START OF WAY
- PE - FACE IDENTIFICATION NUMBER
- CA - CALCULATED POINT
- RM - RECOVERED MONUMENT (NOT MARKED IN FIELD)
- RM - RECOVERED BOUNDARY MONUMENT (SIZE AND TYPE AS NOTED)
- A.G. - ABOVE ADJACENT GRADE
- B.G. - BELOW ADJACENT GRADE
- PIPE - IRON PIPE
- DU - DIVERSED UTILITY LINE
- UL - UTILITY POLE
- W - WELL



TOTAL AREA OF SURVEY
2.460 ACRES

RECORDED:

- DB 4540 PG 1873
- DB 35 PG 153
- DB 113 PG 155
- DB 235 PG 236

UNRECORDED SURVEY ENTITLED SURVEY FOR JUDGE K. PARSONS AND STEPHANIE OSWALD PARRISH BY WALLACE K. MCKENZIE, RLS DRAWING NO. D-25-116 AND DATED 11-21-1991

PM 3627-51-4208
BETTY MITCHELL
EMORY MITCHELL, JR.
DB 3905 PG 319
DB 50 PG 117

PM 3627-51-4208
BETTY MITCHELL
EMORY MITCHELL, JR.
DB 3905 PG 319
DB 50 PG 117

PM 3627-50-2640
BETTY MITCHELL
LAWRENCE MITCHELL
DB 2679 PG 233
DB 50 PG 117

PM 3627-50-9173
PETER D. CALLAHAN
DB 4545 PG 1975

PM 3627-GO-1336
ANTHONY MOLINELLI
ANTONIO VASQUEZ
DB 3205 PG 234
DB 119 PG 105 - LOT 3

PM 3627-50-9183
ANTHONY MOLINELLI
ANTONIO VASQUEZ
DB 3205 PG 234
DB 119 PG 105 - LOT 2

PM 3627-50-9185
ANTHONY MOLINELLI
ANTONIO VASQUEZ
DB 3205 PG 234
DB 119 PG 105 - LOT 2

DB 10 0294182001 Type: CDP
Recorded: 12/28/2014 at 11:27:59 AM
Fee Amt: \$21.00 Page 1 of 1
Book: 152 Page 80
Recorder: [Signature]
Deputy: [Signature]

Registered this the 28th day of Dec.
2014, at 11:28 A.M. Recorded in
Book 152 Page 80
[Signature], Register of Deeds
Deputy

I, ERIC S. McABEE, CERTIFY THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

I, ERIC S. McABEE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY EXPOSURE UNDER MY SUPERVISION, DED DESCRIPTION RECORDED IN BOOK 4545 PAGE 1975; THAT THE PLOT OF PRECISION AS CALCULATED BY LATITUDE AND DEPARTURES IS 11,528.500; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 17-30 (NY 11C17) AS AMENDED; WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 28th DAY OF NOVEMBER, 2015.

[Signature]
L-4285



SCALE: 1" = 30'

McABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING
Eric S. Mcabee, P.L.S.

NO.	DATE	DESCRIPTION	BY

BOUNDARY SURVEY OF THE PROPERTY OF:
PETER D. CALLAHAN

DATE: 11-06-15
PROJECT #: 11739
DRAWING #: G-15-3625
DRAWN BY: CSM