

Doc ID: 017201250004 Type: CRP
Recorded: 03/09/2006 at 02:20:13 PM
Fee Amt: \$23.00 Page 1 of 4
Workflow# 2009832
Buncombe County, NC
Otto W. DeBruhl Register of Deeds
BK 4190 PG 769-772

NORTH CAROLINA)
BUNCOMBE COUNTY) DEED OF EASEMENT

Prepared by/return to: Jay Kania, 600-A Centrepark Dr., Asheville NC 28805

THIS DEED OF EASEMENT, made and entered in to this the 22nd day of February, 2006, by and between Fannie Mae Gregory, widow of Donald Gregory, George L. Fox Jr. and wife, Patricia G. Fox; collectively the GRANTORS; and MICHAEL J. RISSO and wife, VIRGINIA M. RISSO, hereinafter referred to as GRANTEE:

W I T N E S S E T H:

WHEREAS, Grantee owns, or will soon purchase, a 17.48 acre parcel of land as shown on a plat entitled "Boundary Survey for Michael J. Risso and wife Virginia M. Risso", said plat recorded in Plat Book 115, Page 184, Buncombe County Registry, said parcel comprised of three tracts now or formerly owned by Lloyd Gregory, Inadell Gregory, Daniel Gregory, and Bonnie Lee Caldwell, all as described in deeds recorded in Deed Book 2745, Pages 566, 568, and 570; and

WHEREAS, said 17.48 acre parcel has access to Garren Creek Road, a state maintained road, over and along a 20 foot wide right of way easement as shown on the above-referenced plat (said right of way identified as a "historical right of way" on said plat); and

WHEREAS, Grantors all own tracts of land in the vicinity of said 17.48 acre parcel, said Grantors' tracts burdened and/or benefitted by the platted right of way easement; and

WHEREAS, Grantors all have an easement over and along said right of way, appurtenant to their tracts, and the 17.48 acre parcel also has an appurtenant easement over and along said right of way; and

WHEREAS, said platted right of way easement has been used as a means of access from Garren Creek Road to Grantors' tracts and to the 17.48 acre parcel, for a period exceeding thirty (30) years; and

WHEREAS, no one has ever attempted to blockade said right of way, and its use over the past thirty (30) years, for the benefit of the 17.48 acre tract and for the benefit of Grantors' various tracts, has always been open and uncontested; and

WHEREAS, Grantors and Grantee desire to memorialize this easement;

NOW, THEREFORE, in consideration of the sum of Ten Dollars, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantors do hereby confirm, memorialize, give, grant, and convey unto Grantees an easement over and upon that 20 foot wide right of way easement as shown on the above-referenced plat, said easement appurtenant to the above-referenced 17.48 acre parcel;

AND Grantor George L. Fox Jr. and wife Patricia Fox hereby grant an additional easement, 20 feet in width, along the entire length of the southwestern boundary of the Fox properties (Deed Book 1400, Page 747, Deed Book 1572, Page 19; and Deed Book 3470, Page 651), the southwestern margin of said right of way beginning at the northwest corner of the Fox properties, and running with the Fox's southwestern boundary lines, to the southernmost corner of the Fox's properties, said additional easement to provide access for the 17.48 acre parcel to the platted right of way easement.

TO HAVE AND TO HOLD said easement, unto Grantees and their heirs and assigns, forever, it being agreed that the right and easement hereby granted is appurtenant to and runs with the 17.48 acre parcel hereinabove referred to.

AND Grantors do covenant with Grantees that Grantors are the owner of the land burdened by said easement and said land is free and clear of all encumbrances and Grantors have the right to grant said easement and that Grantors will warrant and defend the grant of such easement against the lawful claims of all persons whomsoever.

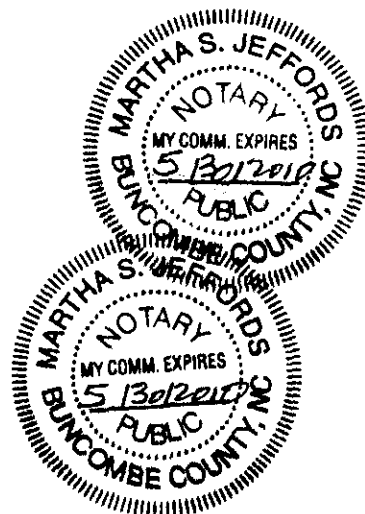
IN TESTIMONY WHEREOF, Grantors have hereunto set their hands and seals the day and year first above written.

Fannie Mae Gregory Seal
Fannie Mae Gregory

George L. Fox Jr.
George L. Fox Jr.

George L. Fox Jr. Seal
George L. Fox Jr.

Patricia G. Fox Seal
Patricia G. Fox



STATE OF _____
COUNTY OF _____

I, a Notary Public of the County and State aforesaid, do certify that Fannie Mae Gregory personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the ____ day of February, 2006.

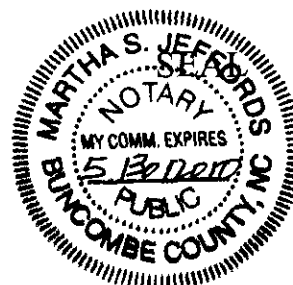
NOTARY PUBLIC
My commission expires:

SEAL

STATE OF North Carolina
COUNTY OF Buncombe

I, a Notary Public of the County and State aforesaid, do certify that George L. Fox Jr. and wife, Patricia G. Fox personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 22 day of February, 2006.

Martha S. Jeffords
NOTARY PUBLIC
My commission expires:
May 30, 2010



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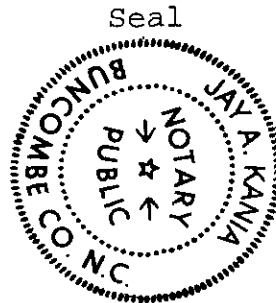
STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Jay A. Kania, a Notary Public of the State and County aforesaid, do hereby certify that George L. Fox Jr. personally appeared before me this day, and being duly sworn, stated that in his presence, Fannie Mae Gregory signed the foregoing instrument.

WITNESS my hand and official seal, this the 23rd day of February, 2006.



NOTARY PUBLIC
My commission expires: 10-25-2009





Doc ID: 031812300002 Type: CRP
 Recorded: 06/22/2018 at 08:05:59 AM
 Fee Amt: \$26.00 Page 1 of 2
 Workflow# 0000473722-0001
 Buncombe County, NC
 Drew Reisinger Register of Deeds

BK 5675 PG 1354-1355

**STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE**

EASEMENT AGREEMENT

Prepared By and Return To: James M. Edmonds Box #54

This Agreement made this the 23 day of May, 2018, by and between Thomas E. Ellzey, unmarried, party of the first part, hereinafter referred to as "Ellzey", and John W. Owen, party of the second part, hereinafter referred to as "Owen";

WITNESSETH;

THAT WHEREAS, Ellzey is the owner of real property as described in Deed Book 1831 at Page 64 of the Buncombe County Register of Deed's Office; and

WHEREAS, Owen is the owner of real property as described in Deed Book 5461 at Page 243 of the Buncombe County Register of Deed's Office; and

WHEREAS, both properties lie off of Gregory Hill Road, a 20 foot gravel right of way as set forth on Plat Book 115 at Page 184, said road providing access to the state road, to wit: Garren Creek Road; and

WHEREAS, the parties desire to provide for a joint easement over their respective properties, said easement being shown as a 20 foot private right of way for the benefit of Thomas Ellzey and the benefit of John W. Owen, said right of way being set forth on a plat entitled, "New Rights of Way Across the Properties of Thomas E. Ellzey and John W. Owen", said plat being recorded in Plat Book 186 at Page 43 of the Buncombe County Register of Deeds Office; and

WHEREAS, the parties desire to provide for the joint use of the existing right of way as shown on the aforementioned plat, and to provide for access by both parties to Gregory Hill Road, and to provide for adequate maintenance for said right of way; and

WHEREAS, the above parties agree that it would be for their mutual interest to acknowledge said right of way for the common use of their respective properties.

NOW THEREFORE, it is mutually agreed that the right of way, as shown as a 20 foot right of way, running from Gregory Hill Road over each of the parties respective properties, said right of way being shown on the plat as recorded in Plat Book 186 at Page 43 of the Buncombe County Register of Deeds Office is hereby acknowledged for the common use of the above described property as the same is shown on the plat and runs to Gregory Hill Road.

And in consideration of one dollar to each paid the receipt of which is hereby acknowledged and the mutual rights and advantages above set forth, each of the parties hereby gives, grants, and conveys unto the other the perpetual right and easement of ingress, egress, and regress over and above the aforementioned 20 foot right of way running over their respective properties to Gregory Hill Road.

The parties do further agree that they will jointly maintain said road right of way, together with all other parties using said right of way, on a pro rata basis based on their respective use of the right of way. That this duty to maintain shall be further subject to the parties, their respective heirs and assigns.

To have and to hold the rights and easements hereby granted to the respective grantees and their successors in title forever; it being agreed that the rights and easement hereby granted are for the common use of, are appurtenant to and run with the above mentioned parcels using said right of way.

IN TESTIMONY WHEREOF, said parties have hereunto set their hands and seals the day and year first above written.

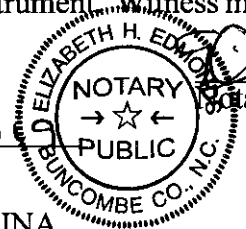
Thomas E. Ellzey (SEAL)
Thomas E. Ellzey

John W. Owen (SEAL)
John W. Owen

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Elizabeth H Edmonds, a Notary Public of the County and State aforesaid, certify that **Thomas E. Ellzey**, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 23 day of May, 2018.

My Comm Exp 9-2-2019

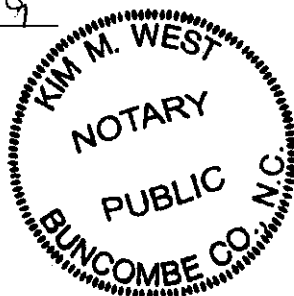


Elizabeth H Edmonds
Notary Public Elizabeth H Edmonds

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Kim M. West, a Notary Public of the County and State aforesaid, certify that **John W. Owen**, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 24 day of June, 2018.

My Comm Exp 7-22-2019



Kim M. West
Notary Public

NOTES:

- 1) THESE PROPERTIES ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.L.R.M.# 37100606001 & 37100605001, EFFECTIVE DATE: JANUARY 6, 2010.
- 2) PROPERTIES SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- 3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THESE PROPERTIES THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THESE PROPERTIES.
- 4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THESE PROPERTIES.
- 5) AREA BY COORDINATE COMPUTATION.
- 6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- 7) SUBJECT PROPERTIES ARE ZONED "OU - OPEN USE" PER THE BUNCOMBE COUNTY ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTIES.

BUILDING SETBACKS (PER OU CLASSIFICATION):
FRONT= NONE
SIDE= NONE
REAR= NONE

REFERENCES:

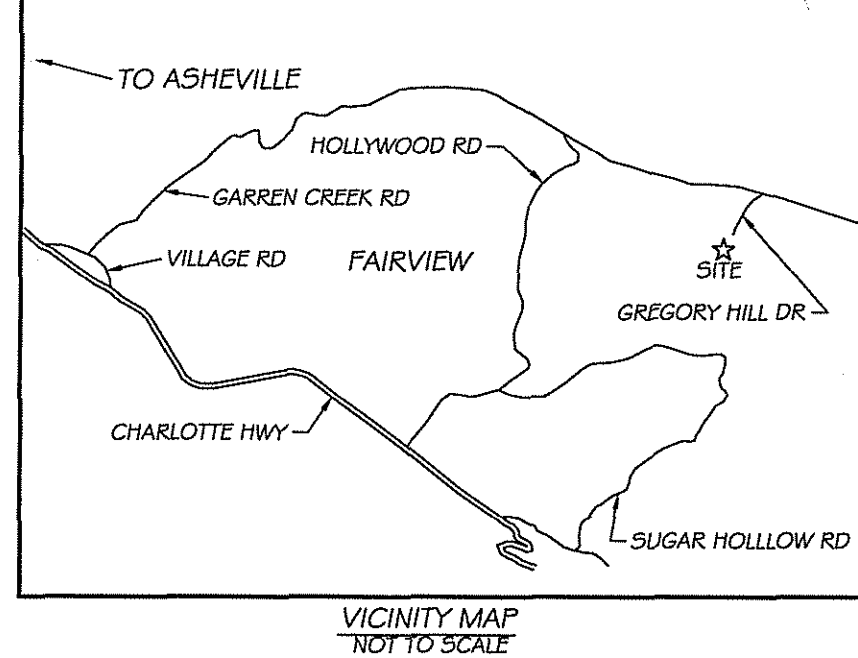
- DB 1831 PG 64
- PB 115 PG 184

LINE	BEARING	DISTANCE
L1	S 07°09'08" W	31.81
L2	N 52°52'50" E	130.05
L3	N 31°35'13" E	32.72
L4	N 10°50'35" E	5.46
L5	N 11°46'45" W	21.39
L6	N 04°15'42" E	46.75
L7	S 73°15'36" E	21.43
L8	S 04°15'42" E	37.75
L9	S 11°46'45" E	11.71
L10	S 11°46'45" E	12.50
L11	S 10°50'35" W	17.12
L12	S 31°35'13" W	35.45
L13	S 28°52'50" W	50.05
L14	S 31°43'52" W	1140.61
L15	S 24°16'50" W	66.78
L16	S 42°32'54" W	37.74
L17	S 26°12'03" W	56.24
L18	S 58°39'28" W	30.16
L19	S 54°22'01" W	34.05
L20	S 54°22'01" W	15.42
L21	N 09°43'53" W	50.02
L22	S 72°55'19" W	41.47
L23	S 55°15'27" W	43.03
L24	S 46°50'20" W	51.70
L25	S 54°17'19" W	39.49
L26	S 71°56'59" W	46.60
L27	S 42°40'37" W	21.72
L28	S 38°29'31" W	28.55
L29	S 01°11'53" E	31.71
L30	S 43°25'12" E	19.59
L31	S 91°44'37" E	38.14
L32	S 69°00'25" E	53.47
L33	S 49°57'55" E	39.04
L34	N 69°57'55" W	53.60
L35	N 69°00'25" W	47.89
L36	N 81°44'37" W	42.86
L37	N 43°25'12" W	34.27
L38	N 01°11'53" W	46.65
L39	N 38°29'31" E	37.54
L40	N 42°40'37" E	27.68
L41	N 71°56'59" E	46.72
L42	N 54°17'19" E	34.08
L43	N 46°50'20" E	51.47
L44	N 55°15'27" E	40.51
L45	N 77°55'19" E	27.65
L46	S 09°43'53" E	46.60
L47	N 54°22'01" E	44.34
L48	N 58°39'28" E	10.65
L49	N 58°39'28" E	14.42
L50	N 26°12'03" E	53.29
L51	N 42°32'54" E	37.42
L52	N 24°16'50" E	64.27

STATE OF NORTH CAROLINA:
COUNTY OF BUNCOMBE:
Shannon Capetrali REVIEW
OFFICE OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP
OR PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS
ALL STATUTORY REQUIREMENTS FOR RECORDING.

Shannon Capetrali 1/24/18
REVIEW OFFICER DATE

ORIGINAL DOCUMENT RETURNED TO CUSTOMER AT TIME OF RECORDING



GREGORY HILL ROAD
20' RW - GRAVEL
PER PB 115 PG 184

LANNIE ELLZEY
PIN: 0605-20-7255
DB 1903 PG 310
PB 65 PG 126

GEO & PATRICIA FOX
PIN: 0606-20-9157
DB 1400 PG 747

EXISTING 20' RW
PER PB 115 PG 184

NEW 20' PRIVATE RIGHT OF WAY "A"
FOR THE BENEFIT OF JOHN OWEN
ACROSS THE PROPERTY OF THOMAS ELLZEY
AREA= 0.037 ACRES
(1,620 SQ. FT.)

#4 REBAR
FOUND -0.4'
"CAROLINA LANDMARK" CAP

CLA & TOMMY HICKMAN
PIN: 0606-20-6277
DB 1439 PG 105

THOMAS ELLZEY
PIN: 0605-29-6727
DB 1831 PG 64

JOHN W. OWEN
PIN: 0605-39-0644
DB 5461 PG 243

NEW 20' PRIVATE RIGHT OF WAY "B"
FOR THE BENEFIT OF THOMAS ELLZEY
ACROSS THE PROPERTY OF JOHN OWEN
AREA= 0.193 ACRES
(8,389 SQ. FT.)

NEW 20' PRIVATE RIGHT OF WAY "C"
FOR THE BENEFIT OF JOHN OWEN
ACROSS THE PROPERTY OF THOMAS ELLZEY
AREA= 0.259 ACRES
(11,300 SQ. FT.)

JUNE GROH REVOCABLE TRUST
PIN: 0606-10-7292
DB 3906 PG 89

373 SUGAR HOLLOW LLC
PIN: 0605-18-8991
DB 4956 PG 1604

#5 REBAR
FOUND +0.4'

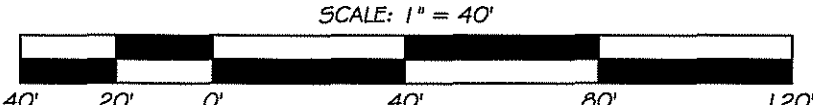
LEGEND & ABBREVIATIONS:

- PB= PLAT BOOK
DB= DEED BOOK
PG= PAGE
RW= RIGHT OF WAY
PIN= PARCEL IDENTIFICATION NUMBER
● CALCULATED POINT
(NOT MARKED IN FIELD)
● RECOVERED BOUNDARY MONUMENT
(SIZE AND TYPE AS NOTED)
● BOUNDARY MONUMENT SET BY MCABEE
#4 REBAR WITH "MCABEE" CAP
--- BOUNDARY LINE (FIELD SURVEYED)
--- BOUNDARY LINE (NOT SURVEYED, DRAWN FROM RECORD DESCRIPTIONS)
+ GUY ANCHOR
- UTILITY POLE
WWFL= WOVEN WIRE FENCE LINE

I, ERIC S. MCABEE, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY:
SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED
SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

I, ERIC S. MCABEE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY
SUPERVISION; DEED DESCRIPTION RECORDED IN BOOK 1831 PAGE 64; THAT
THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES
IS 1:110,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S.
47-30 (P)(1) (D) AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND
SEAL THIS THE 24th DAY OF JANUARY, 2018.

Dec ID: 031573820001 Type: CRP
Recorded: 01/24/2018 at 02:18:02 PM
Fee Amt: \$21.00 Page 1 of 1
WorkID# 00045688-0002
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 186 PG 43



McABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLS
J. Barry West, PLS
Wallace S. McAbee, PLS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694



NO.	DATE	DESCRIPTION	BY

NEW RIGHTS OF WAY ACROSS THE PROPERTIES OF:

THOMAS E. ELLZEY
(BEING 36 GREGORY HILL ROAD, PIN: 0605-29-6727)

JOHN W. OWEN
(BEING 50 GREGORY HILL ROAD, PIN: 0605-39-0644)

FAIRVIEW TOWNSHIP
BUNCOMBE COUNTY, N.C.

DATE: 1-17-2018
PROJECT #: 12307
DRAWING #: G-17-4230
DRAWN BY: CJM
SCALE: 1"=40'