

81442 P540

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE. NEDRA W. MOLES, REGISTER

PBH
DATE: 10-12-10 TIME: 10:40 A.M.

EXCISE TAX STAMP: \$1900.00

BOOK: 1442 PAGE: 540

PREPARED BY AND RETURN TO: Mark A. Pinkston
VAN WINKLE, BUCK, WALL, STARNES & DAVIS, P.A.
POST OFFICE BOX 7376
→ ASHEVILLE, NORTH CAROLINA 28802

STAMPS: \$1,900.00

PIN: 99-72196; 99-70011; and 99-72195

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

TRUSTEE'S DEED

THIS DEED, made this 30th day of September, 2010, by and between **Raintree Realty and Construction, Inc.**, Substitute Trustee, whose address is P.O. Box 8942, Asheville, North Carolina 28814, hereinafter sometimes referred to as "Grantor", and Mountain 1st Bank & Trust Company of 101 Jack Street, Hendersonville, NC 28792, hereinafter sometimes referred to as "Grantee".

WITNESSETH:

THAT WHEREAS, on the 28th day of May 2008, JoAnne P. Greer, Co-Trustee; Robert Joel Greer, Co-Trustee and JoAnne P. Greer, Individually, executed and delivered to Kirk Robinson, Original Trustee, a certain Deed of Trust which is recorded in the Office of the Register of Deeds for Henderson County, North Carolina, in Book of Mortgages and Deeds of Trust No. 2075, at Page 386, conveying land being the subject hereof; and,

WHEREAS, by Substitution of Trustee duly recorded on March 30, 2010 in Book 1424, Page 672 of the Henderson County Registry, the said Substitute Trustee, was duly substituted as Trustee under the Deed of Trust; and,

WHEREAS, by the 4th day of May, 2010, the Substitute Trustee, caused a Notice of Hearing in Foreclosure to be mailed to or served upon each JoAnne P. Greer, Co-Trustee, JoAnne P. Greer, Robert Joel Greer, Co-Trustee, landowners and all other persons required to be served with such notice; and,

WHEREAS, on the 19th day of July, 2010, a hearing was held before the Clerk of Superior Court of this County, and the said Clerk found that notice had been given according to statute, that the debt secured by the herein referenced Deed of Trust was and is a valid debt held by the party seeking to foreclose, that the obligors on said Note were in default under the terms of said Note, that the holder of the Note has the right to foreclose under the instrument, and ordered that the Trustee might proceed to foreclosure under that Deed of Trust herein referenced; and,

WHEREAS, the Trustee caused a Notice to be posted at the Courthouse door in accordance with the said Deed of Trust and a copy of said notice to be advertised in accordance with the Deed of Trust and the law, said advertisement being last made within ten (10) days prior to the sale; and,

WHEREAS, under and by virtue of the authority conferred by the said Deed of Trust, and in accordance with the terms and stipulations of the same, said Grantor did, on the 27th day of August, 2010, at the Courthouse door in the City of Hendersonville, in this County, North Carolina, expose to public sale the lands hereinafter described, where and when Mountain 1st Bank & Trust became the last and highest bidder for the same in the amount of Nine Hundred Fifty Thousand and 00/100 Dollars (\$950,000.00); and,

WHEREAS, JoAnne P. Greer, Co-Trustee, Robert Joel Greer, Co-Trustee, and JoAnne P. Greer, Individually, were the record owners ("Record Owners") of said property on the 27th day of August, 2010, and such Record Owners were not in Military Service of the United States and had not been in such service for ninety (90) days prior to the 4th day of May, 2010; and,

WHEREAS, said property was not the primary residence of the Record Owners; and,

WHEREAS, ten (10) days have elapsed since the filing of the report of sale of said property with the Clerk of Superior Court for this County, and during such time, the sale was not withdrawn, no upset bid was filed with such Clerk, and the Final Report of Sale was audited and approved by such Clerk; and,

WHEREAS, the purchase price as above set forth has been fully paid, as in said Deed of Trust prescribed;

NOW, THEREFORE, in consideration of the premises and the sum of Nine Hundred Fifty Thousand and 00/100 Dollars (\$950,000.00), paid to the said Grantor by the said Grantee, the receipt of which is hereby acknowledged, and under, by virtue, and in execution of the power and authority conferred by the said Deed of Trust, the said Substitute Trustee, Grantor, does hereby bargain, sell and convey unto Mountain 1st Bank & Trust, Grantee, its successors and/or heirs and assigns forever, all that certain piece, parcel or lot of land, situate, lying and being in Henderson County, North Carolina, and bounded and more particularly described as follows:

TRACT ONE: BEGINNING at an iron pin standing South 54 deg. 44 min. East 251.32 feet from a North Carolina Grid System Monument named "Church" defined as N = 589,979.090 feet and E = 927,455.372 feet (NAD 83) Elevation = 2127.618 feet (NGVD 29); and running from said BEGINNING point South 40

deg. 07 min. 12 sec. East 40.56 feet; South 52 deg. 24 min. 02 sec. East 99.38; and running thence North 84 deg. 48 min. 44 sec. East 116.69 feet to an iron pin; and running thence North 05 deg. 11 min. 16 sec. East 98.02 feet to an iron pin standing in the southern margin of the right of way of Old U. S. Highway 64; and running thence with the same South 85 deg. 32 min. 58 sec. West 212.87 feet to the point and place of BEGINNING, containing .40 acres, more or less.

TRACT TWO: BEING ALL OF THAT PROPERTY described in deed recorded in Deed Book 508, Page 65, Henderson county Registry LESS AND EXCEPT that property described in deed recorded in Deed Book 1125, Page 718, Henderson County Registry.


Subject to any and all Release Deeds of Record in the Henderson County, North Carolina Registry.

TO HAVE AND TO HOLD the said land and premises, and all privileges and appurtenances thereto belonging, unto the said Grantee, its successors and/or heirs and assigns forever, in as full and ample manner as the said Trustee is authorized and empowered to convey the same, subject to all taxes.

The words Grantor and Grantee shall include and be applicable to the parties hereto, whether singular, plural or corporate.

WITNESS the following signature and seal, this the day and year first above written.

SUBSTITUTE TRUSTEE:
RAINTREE REALTY AND CONSTRUCTION, INC.

By: 
A. Robert York, President
P.O. Box 8942
Asheville, NC 28814
Phone: 828-253-9063

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, Tracy J. Wagoner, a Notary Public for the County and State aforesaid, certify that **A. Robert York**, personally came before me this day and acknowledged that he is President of Raintree Realty and Construction, Inc., a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS MY HAND AND NOTARIAL SEAL this the 30th day of September,
2010.



Tracy J. Wagoner

NOTARY PUBLIC
Printed Name: Tracy J. Wagoner

(NOTARY SEAL)
My Commission Expires: 8/23/2012
DMS:4827-8030-3623v1132567-32567-003919/20/2010