



20030624000230880 EASE
Bk : BR851 Pg : 297
06/24/2003 03:32:33PM 1/7

FILED Wanda C. Scott
Register of Deeds WATAUGA COUNTY, NC
BY:

Deputy *Anne Moreth*

DEED OF EASEMENT

Excise Tax: \$ -0-

Brief Description for the index: **RIGHT-OF-WAY** across northwestern portion of 7.750 acres

Servient Tracts - NC PIN#: 2900-63-3532-000 (8.341 acres less Boundary Line Agreement in Book of Records 813/780 = 7.750 acres) and 2900-63-0243-000 (5.075 acres); Dominant Tract - NC PIN#: 2900-62-1773-000

Mail after recording to: **Richard E. Mattar, PO Box 447, Blowing Rock, NC 28605.**

This instrument prepared by: **Richard E. Mattar, Atty at Law, PO Box 447, Blowing Rock, NC 28605.**
[8151|C:\My Documents\HOLTON\Utility right-of-way to Mt. Vernon 10.00 acres.wpd:May 20, 2003]

THIS DEED, made this May 20, 2003, by and between

JAMES H. LESTER, TRUSTEE
of the JAMES H. LESTER REVOCABLE TRUST dated March 29, 1994

(hereinafter known as "Grantor")

and

ROBERT W. HOLTON and BEVERLY W. HOLTON
Husband and Wife

(hereinafter known as "Grantee")

As referred to herein, the terms "Grantor" and "Grantee" shall be masculine singular, but shall include the above parties, their heirs, personal representatives, successors and assigns, and each term shall include the singular, plural, masculine, feminine or neuter, and any combination thereof, as required by the context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt, adequacy and sufficiency of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee a right-of-way and easement situated in Town of Boone, New River Township, Watauga County, North Carolina, described as follows:

A nonexclusive, perpetual and appurtenant right-of-way and easement for utility placement, construction, operation, testing, inspection, maintenance, repair, replacement, and improvement over, under and upon the northwestern portion of the 7.750 acres tract of the James H. Lester Revocable Trust property as said right-of-way and easement is described on the attachment hereto marked **EXHIBIT A (for RIGHT-OF-WAY "A")**, the western portion of the 5.075 acres tract of the James H. Lester Revocable Trust property as said right-of-way and easement is described on the attachment hereto marked **EXHIBIT B (for RIGHT-OF-WAY "B")**, and the southwestern portion of the 7.750 acres tract of the James H. Lester Revocable Trust property as said right-of-way and easement is described on the attachment hereto marked **EXHIBIT C (for RIGHT-OF-WAY "C")**. The term "utility" includes, but is not limited to, utilities for water, sewer, gas, electric, phone, cable, internet access, and other common services and their support facilities, public and private. Utilities shall be installed and constructed in such a manner as to not unreasonably prevent or interfere with future driveway connection and access. The parties shall seed and restore the utility

right-of-way and easement after any utility work is done, weather permitting.

Said right-of-way and easement shall be appurtenant to and shall run with the title to that property of Grantee, the "dominant estate", acquired by instrument recorded in Book of Records 851, Page 274, Watauga County, North Carolina, Public Registry; provided that Grantor James H. Lester, Trustee of the James H. Lester Revocable Trust dated March 29, 1994, Ridgetop Investments, LLC, Robert W. Holton and Beverly W. Holton, and/or their heirs, successors and assigns and buyers, jointly and severally, shall have the power and right to convey, transfer or dedicate said right-of-way and easement to any party or property, including, but not limited to any other properties now owned or hereafter acquired by them, or any of them, jointly and severally. Said conveyance, transfer or dedication shall be made in a written instrument recorded in the Watauga County, North Carolina, Public Registry. The said parties shall have the right to install new lines or tap into any and all utilities including water lines and sewer lines, including those installed now or in the future by any of them.

The property over, under or upon which the above easement runs, the "servient estate," was acquired by Grantor by instrument recorded in Book of Records 344, Page 263, Watauga County, North Carolina, Public Registry.

TO HAVE AND TO HOLD the aforesaid right-of-way and easement and all privileges and appurtenances thereto belonging to Grantee, subject, however, to the exceptions, terms and provisions hereinafter stated.

And Grantor covenants with Grantee, that Grantor is seized of the property over, under or upon which the above-described right-of-way and easement runs in fee simple and has the right to convey said right-of-way and easement, 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:

1. Ad Valorem property taxes for the current year.
2. Road rights-of-way and utility easements of record.
3. Any conditions, restrictions, easements, rights-of-way or other matters stated in or shown on the description of the property herein.

IN WITNESS WHEREOF, Grantor has hereunto set his hand, the month, day and year first above written.



**JAMES H. LESTER, TRUSTEE of the JAMES H.
LESTER REVOCABLE TRUST dated March 29, 1994**

ACKNOWLEDGMENT FOR NATURAL PERSON OR PERSONS

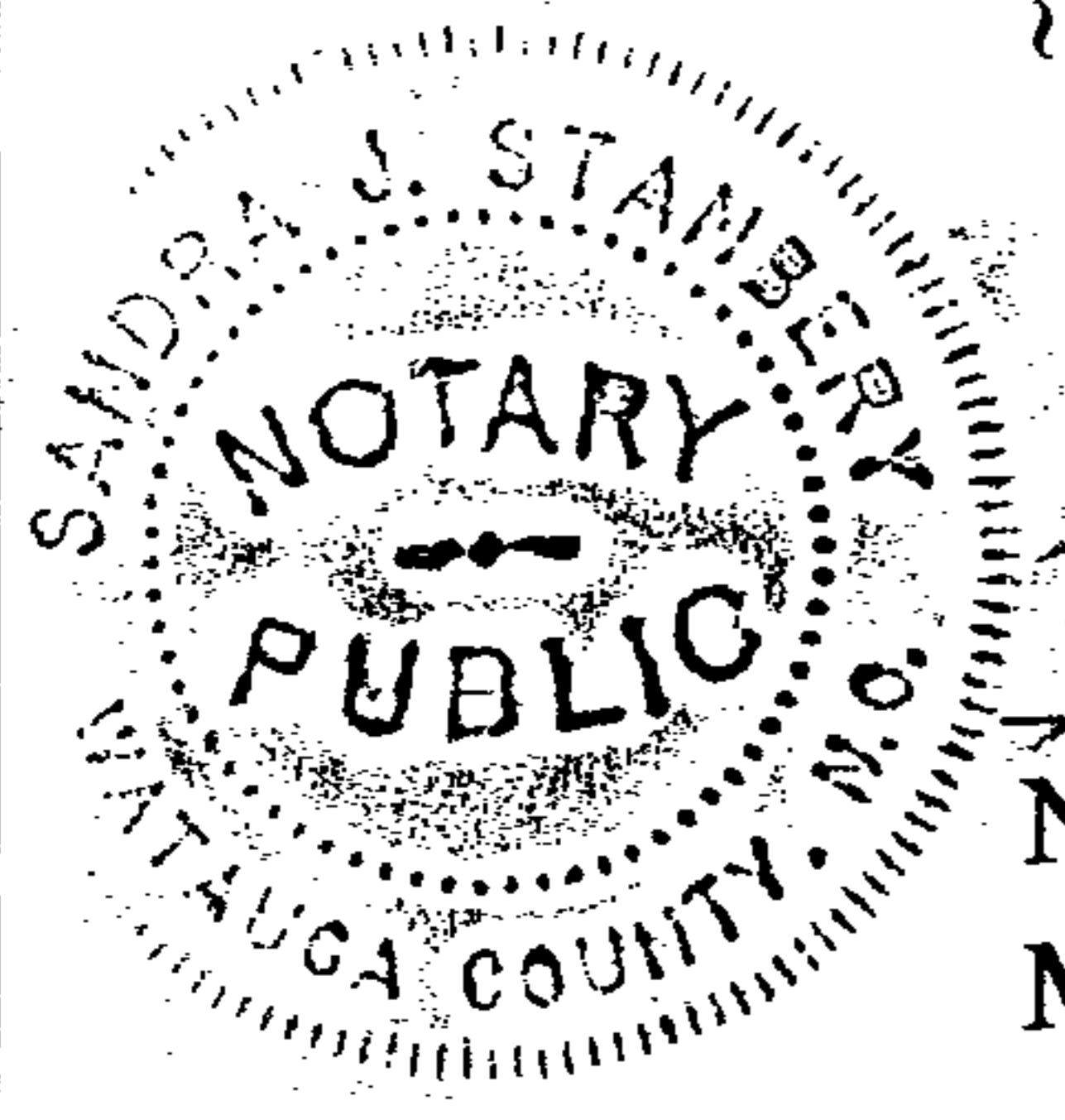
STATE OF North Carolina

COUNTY OF Watauga

I, Sandra J. Stanbury, a Notary Public of the County and State aforesaid, certify that **JAMES H. LESTER, TRUSTEE of the JAMES H. LESTER REVOCABLE TRUST dated March 29, 1994**, 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 23 day of June, 2003.

{affix legible notarial stamp or seal within margins below}



Sandra J. Stanbury

Notary Public

My Commission Expires: April 16, 2008

March 13, 2003

EXHIBIT A
(shown as R/W "A" on plat of survey)Town of Boone, New River Township
Watauga County, North Carolina

DEED DESCRIPTION FOR ROBERT HOLTON

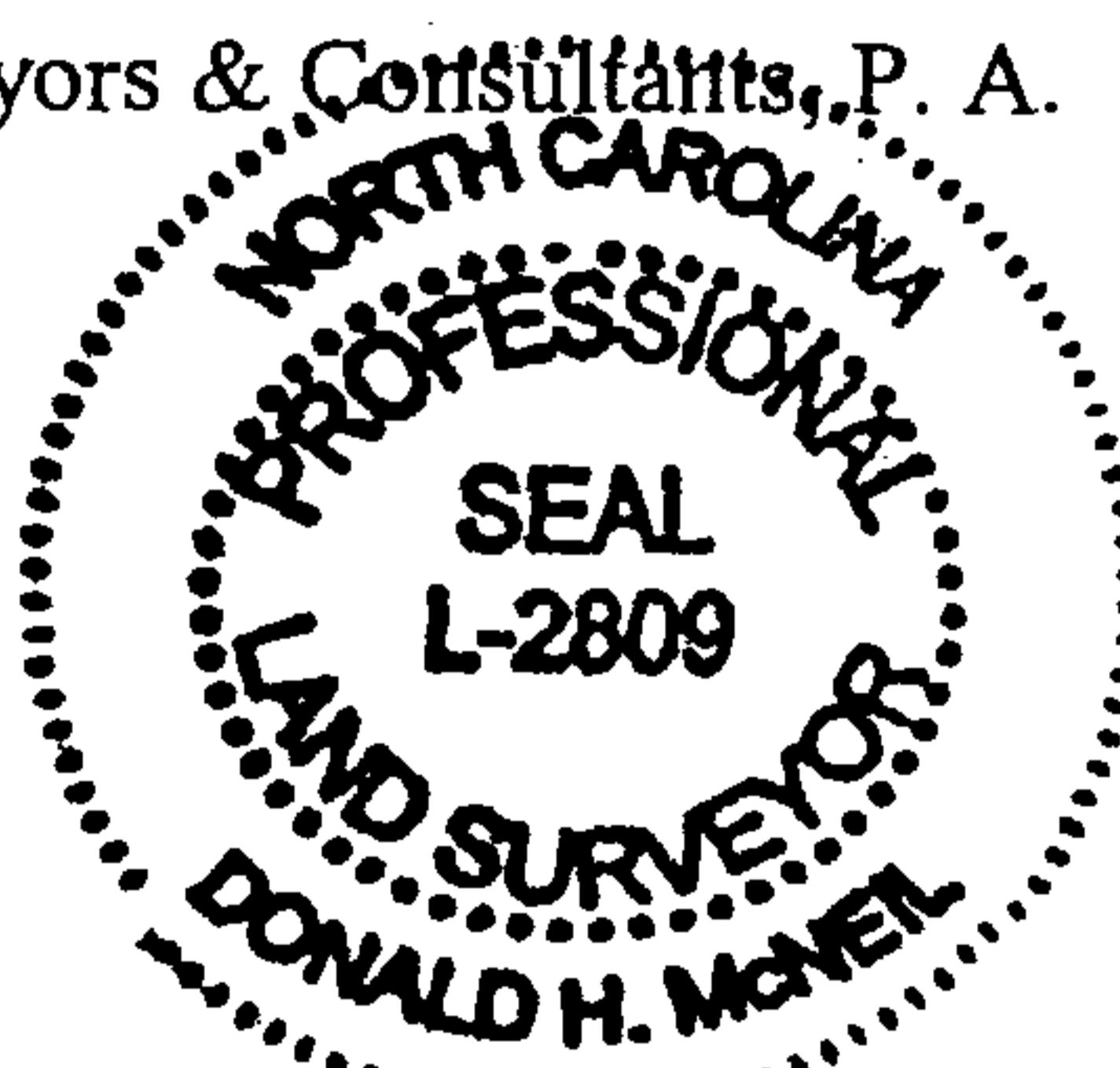
Re: Right of way across northwestern portion of the 7.750 acres tract of the James H. Lester Revocable Trust

more particularly describe as follows:

A right of way leading from the southern right of way line of North Carolina Highway No. 105 across the northwestern portion of a 7.750 acres tract of the James H. Lester Revocable Trust to the northern boundary line of the 5.075 acres tract of the James H. Lester Revocable Trust, said right of way perimeter being calculated from previous surveys by Donald H. McNeil, P.L.S., L-2809, job no. 03087, dated March 13, 2003 as BEGINNING on an existing 5/8 inch rebar in the southern right of way line of North Carolina Highway No. 105, said rebar being the northeast corner of the land conveyed to Seminole Contracting Services, Inc. by deed recorded in Book of Records 409 at page 716; thence with the southern right of way line of N.C. Hwy. No. 105, South 69 degrees 10 minutes 10 seconds East 25.24 feet to a 5/8 inch rebar set (1998), said rebar being the northwest corner of the lands conveyed to Kenneth D. Ketchie by deed recorded in Book of Records 240 at page 241; thence leaving the southern right of way of said highway and with the western boundary line of the lands of said Ketchie, South 24 degrees 21 minutes 00 seconds West 189.70 feet to an existing 3/4 inch pipe, the southwest corner of the Ketchie lands and located North 69 degrees 54 minutes 40 seconds West 74.67 feet from and existing 1/2 inch pipe; thence with a line through the aforesaid 7.750 acres tract the following three (3) courses and distances: (1) South 24 degrees 21 minutes 00 seconds West 12.41 feet to a point; (2) South 63 degrees 58 minutes 05 seconds West 150.48 feet to a point; (3) South 23 degrees 03 minutes 10 seconds West 93.09 feet to a point in the northern line of the 5/075 acres tract of the James H. Lester Revocable Trust, said point being located North 57 degrees 48 minutes 30 seconds West 434.94 feet from a 5/8 inch rebar set (1998); thence with the northern line of said 5.075 acres tract, North 57 degrees 48 minutes 30 seconds West 26.33 feet to a 5/8 inch rebar set (1998) in the eastern line of a 0.883 acre tract described in Book of Records 201 at page 290; thence with the eastern line of said tract, North 23 degrees 03 minutes 10 seconds East 98.60 feet to a calculated point, said point being located South 23 degrees 03 minutes 10 seconds West 22.97 feet from an existing 1/2 inch rebar; thence with a line through the 7.750 acres tract, North 63 degrees 58 minutes 05 seconds East 152.14 feet to an existing 1/2 inch conduit pipe, the southeast corner of the aforesaid lands of Seminole Contracting Services, Inc.; thence with the eastern line of said lands, North 24 degrees 20 minutes 20 seconds East 41.43 feet to an existing 1/2 inch conduit pipe; thence continuing said line, North 24 degrees 20 minutes 20 seconds East 148.75 feet to the BEGINNING and having bearings relative to the North Carolina Geodetic Survey (NAD 83) as per ties to NCGS Monuments "ECONO" and "MURIEL" and all distances being horizontal measurements.


Donald H. McNeil 3/13/03

Donald H. McNeil, P.L.S. L-2809 Date

Appalachian Professional Land Surveyors & Consultants, P. A.
180 Hidden Shadows Drive, Suite 3
P. O. Box 1578
Boone, North Carolina 28607

March 13, 2003

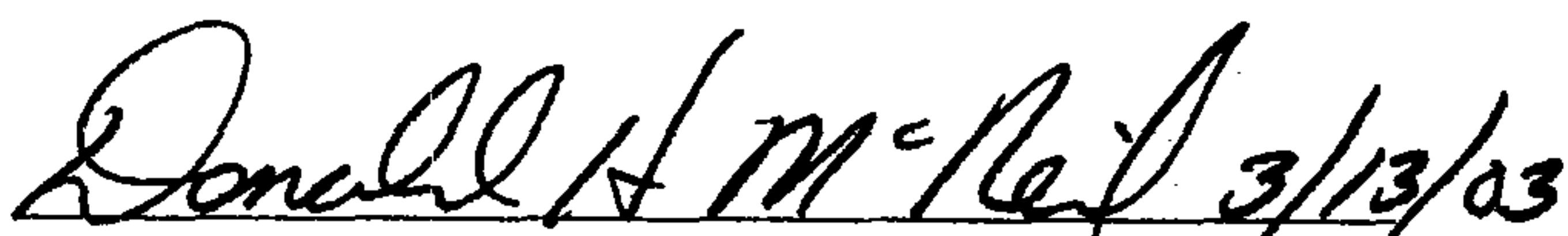
EXHIBIT B
(as shown as R/W "B" on plat of survey)Town of Boone, New River Township
Watauga County, North Carolina

DEED DESCRIPTION FOR ROBERT HOLTON

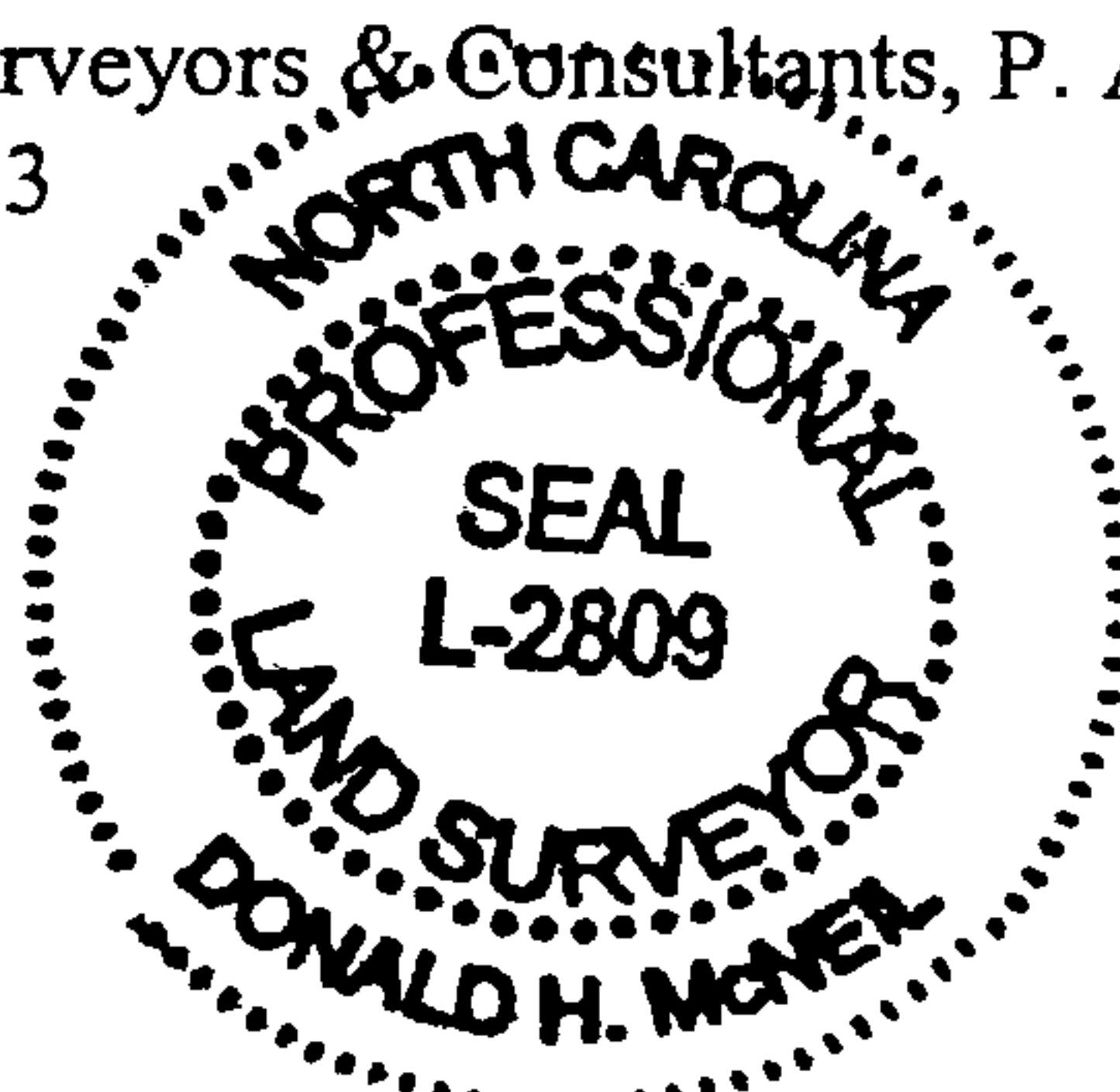
Re: Right of way across western portion of the 5.075 acres tract of the James H. Lester Revocable Trust

more particularly describe as follows:

A right of way across the western portion of a 5.075 acres tract of the James H. Lester Revocable Trust, said right of way perimeter being calculated from previous surveys by Donald H. McNeil, P.L.S., L-2809, job no. 03087, dated March 13, 2003 as BEGINNING on a 5/8 inch rebar set (1998) in the eastern line of a 0.883 acre tract described in Book of Records 201 at page 290, said rebar being the northwest corner of the aforesaid 5.075 acres tract and located South 42 degrees 13 minutes 00 seconds East 814.19 feet from North Carolina Geodetic Survey Monument "ECONO"; thence with the northern line of the 5.075 acres tract, South 57 degrees 48 minutes 30 seconds East 26.33 feet to a calculated point, said point being located North 57 degrees 48 minutes 30 seconds West 434.94 feet from a 5/8 inch rebar set (1998); thence with a line through the 5.075 acres tract the following four (4) courses and distances: (1) South 23 degrees 03 minutes 10 seconds West 2.54 feet to a point; (2) South 24 degrees 20 minutes 10 seconds West 155.03 feet to a point; (3) South 19 degrees 04 minutes 35 seconds West 116.03 feet to a point; (4) South 10 degrees 11 minutes 05 seconds West 8.02 feet to a point in the southern line of the 5.075 acres tract, said point being located North 58 degrees 41 minutes 50 seconds West 422.22 feet from a 5/8 inch rebar set (1998); thence with the southern line of said 5.075 acres tract, North 58 degrees 41 minutes 50 seconds West 27.87 feet to an existing 1 & 1/2 inch pipe, said pipe being the southeast corner of the lands conveyed to Dewey C. Wright, Sr. by deed recorded in Book of Records 423 at page 179; thence with the eastern line of said lands of Wright, North 19 degrees 04 minutes 35 seconds East 119.24 feet to a 5/8 inch rebar set (1998), said rebar being the southeast corner of the lands described as Snaggy Mtn. Condo Suites-Phase One shown on plat recorded in Unit Ownership Book 06 at page 049; thence with the eastern boundary of said lands, North 24 degrees 20 minutes 10 seconds East 131.88 feet to a 5/8 inch rebar set (1998), said rebar being the southeast corner of the aforesaid 0.883 acre tract; thence with the eastern line of said tract, North 24 degrees 20 minutes 10 seconds East 24.05 feet to an existing 1 & 1/2 inch pipe; thence continuing said line, North 23 degrees 03 minutes 10 seconds East 6.43 feet to the BEGINNING and having bearings relative to the North Carolina Geodetic Survey (NAD 83) as per ties to NCGS Monuments "ECONO" and "MURIEL" and all distances being horizontal measurements.


Donald H. McNeil, P.L.S. L-2809

Date

Appalachian Professional Land Surveyors & Consultants, P. A.
180 Hidden Shadows Drive, Suite 3
P. O. Box 1578
Boone, North Carolina 28607

March 13, 2003

EXHIBIT C
(as shown as R/W "C" on plat of survey)Town of Boone, New River Township
Watauga County, North Carolina

DEED DESCRIPTION FOR ROBERT HOLTON

Re: Right of way across southwestern portion of the 7.750 acres tract of the James H. Lester Revocable Trust

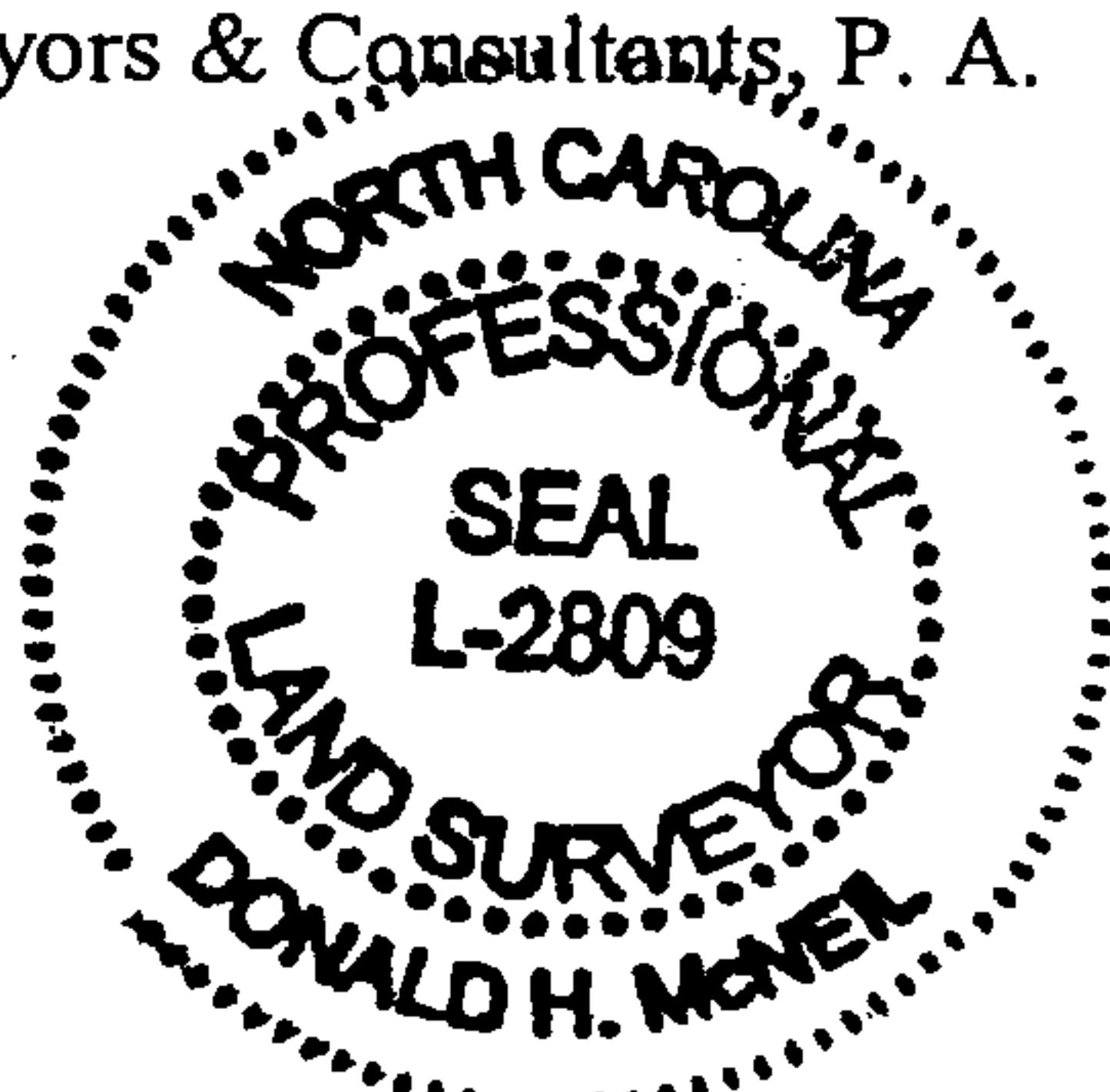
more particularly describe as follows:

A right of way leading from the southern boundary line of the 5.075 acres tract of the James H. Lester Revocable Trust across the southwestern portion of a 7.750 acres tract of the James H. Lester Revocable Trust to the northern boundary line of a 10.000 acres tract conveyed to Mount Vernon Baptist Church by deed recorded in Book of Records 604 at page 594, said right of way perimeter being calculated from previous surveys by Donald H. McNeil, P.L.S., L-2809, job no. 03087, dated March 13, 2003 as BEGINNING on an existing 1 & 1/2 inch pipe, said pipe being the southwest corner of the aforesaid 5.075 acres tract and the southeast corner of the lands conveyed to Dewey C. Wright, Sr. by deed recorded in Book of Records 423 at page 179 and located South 19 degrees 04 minutes 35 seconds West 119.24 feet from a 5/8 inch rebar set (1998); thence with the southern line of the 5.075 acres tract, South 58 degrees 41 minutes 50 seconds East 27.87 feet to a calculated point, said point being located North 58 degrees 41 minutes 50 seconds West 422.22 feet from a 5/8 inch rebar set (1998); thence with a line through the 7.750 acres tract of the James H. Lester Revocable Trust the following two (2) courses and distances: (1) South 10 degrees 11 minutes 05 seconds West 100.59 feet to a point; (2) South 23 degrees 06 minutes 30 seconds West 243.20 feet to a point in the northern line of the aforesaid lands of Mount Vernon Baptist Church, said point being located North 82 degrees 37 minutes 00 seconds West 897.09 feet from a 5/8 inch rebar set (2000); thence with the northern line of said lands, North 82 degrees 37 minutes 00 seconds West 27.01 feet to a 5/8 inch rebar set (2000) in the eastern line of the lands conveyed to the Gordon H. Winkler Heirs by deed recorded in Deed Book 073 at page 463 and being located North 23 degrees 06 minutes 30 seconds East 826.06 feet from an existing 5/8 inch rebar on the crest of the ridge; thence with the eastern line of said lands, North 23 degrees 06 minutes 30 seconds East 247.57 feet to an existing 1 & 1/2 inch pipe; thence continuing said line, North 10 degrees 11 minutes 05 seconds East 107.68 feet to the BEGINNING and having bearings relative to the North Carolina Geodetic Survey (NAD 83) as per ties to NCGS Monuments "ECONO" and "MURIEL" and all distances being horizontal measurements.


Donald H. McNeil, P.L.S. L-2809

Date

Appalachian Professional Land Surveyors & Consultants, P. A.
180 Hidden Shadows Drive, Suite 3
P. O. Box 1578
Boone, North Carolina 28607



NORTH CAROLINA - WATAUGA COUNTY

The foregoing certificate(s) of
Sandra J. Stanbery, Notary Public, Watauga County, NC,
is (are) certified to be correct.

This the 24 th day of June 2003.

Wanda C. Scott, Register of Deeds

BY: Anne Moutz
Deputy