



2010008378

MACON CO, NC FEE \$25.00
STATE OF NC REAL ESTATE EXTX
\$80.00

PRESENTED & RECORDED:
12-08-2010 02:57:38 PM

TODD RABY
REGISTER OF DEEDS
BY: TODD RABY
REGISTER

BK: CRP B-34

PG: 222-224

WARRANTY DEED

DEED STAMPS: \$80.00

This instrument was prepared by David E. Cowan of the law firm of Cowan & Cowan, P.A. Title to the lands and/or interest in lands described herein is not certified unless a separate, written title opinion has been given to, or title insurance obtained for, the Grantees herein by said law firm.

Based upon information furnished by the Grantor(s) or their agents, the accuracy of which is not guaranteed by Cowan & Cowan, P.A., the mailing address of the Grantors is as stated after their name, and the property described in this deed ☐ includes ☒ does not include, the primary residence of a Grantor.

State of North Carolina
County Of Macon



Title File No. 10-564

This Indenture made the 30th day of November, 2010, by and between:

DIAMOND FALLS ESTATES, LLC,
a North Carolina Limited Liability Company
98 Golden Falls Drive
Franklin, NC 28734

hereinafter called Grantors, and

Gregg D. Hutton & wife, Betty J. Hutton
102 Red Paw Drive
Huntsville, AL 35824



hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

Witnesseth; That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees, their heirs and/or successors and assigns, (subject to the terms, conditions, covenants, restrictions, exceptions and reservations hereinafter stated, if any), the following particularly described real estate,

located in Macon County, North Carolina to-wit:

Lot 123, Phase I of Diamond Falls Estates, containing 2.13 acres, more or less, Cartoogechaye Township, Macon County, North Carolina.

Benjamin A. West, North Carolina Professional Land Surveyor No. L-2963 made an actual survey of said land and drew a plat from said survey entitled "Phase I of Diamond Falls Estates, Cartoogechaye Twp. - Macon Co., N.C." dated August 25, 2008, and recorded on Plat Card 5997-5998, in the office of the Register of Deeds of Macon County, North Carolina. Reference is hereby made to said plat of survey for a more complete description of said land.

TOGETHER WITH a non-exclusive, perpetual right-of-way and easement on, over and across all subdivision roads of Diamond Falls Estates Subdivision 45 feet in width, 22 ½ feet on each side of the centerline thereof, for purposes of ingress, egress and utilities to and from the hereinabove described lot and the public road.

THIS CONVEYANCE IS SUBJECT TO a non-exclusive, perpetual right-of-way and easement for ingress, egress and utilities on, over and across the subdivision road 45 feet wide, 22 ½ feet on each side of the centerline thereof.

THIS CONVEYANCE IS ALSO SUBJECT TO the following:

1. The Declaration of Protective Covenants, Easements and Conditions for Diamond Falls Estates, a Subdivision, dated December 18, 2008, and recorded in Book T-32 at Pages 934-945 in the office of the Register of Deeds of Macon County, North Carolina.
2. The Amendment to Declaration of Protective Covenants, Easements and Conditions for Diamond Falls Estates, a Subdivision, recorded March 25, 2009, in Book X-32 at Pages 1889-1891 in the office of the Register of Deeds of Macon County, North Carolina.
3. The Second Amendment to Declaration of Protective Covenants, Easements and Conditions for Diamond Falls Estates, a Subdivision, recorded September 21, 2010, in Book X-33 at Pages 536-538, and Book Y-33, Pages 1098-1101, in the office of the Register of Deeds of Macon County, North Carolina.
4. The Third Amendment to Declaration of Protective Covenants, Easements and Conditions for Diamond Falls Estates, a Subdivision, recorded November 15, 2010, in Book A-34, at Pages 19-21, in the office of the Register of Deeds of Macon County, North Carolina.
5. The By-Laws of Diamond Falls Estates Property Owner's Association dated August 29, 2008, and recorded in Book T-32 at Pages 946-961 in the office of the Register of Deeds of Macon County, North Carolina.
6. The right-of-way and easement conveyed by the Right-of-Way Agreement from Diamond Falls, LLC, to Duke Energy Carolinas, LLC, dated May 8, 2008, and recorded in Book Q-32 at Pages 1332-1333 in the office of the Register of Deeds of Macon County, North Carolina.
7. The right-of-way and easement conveyed by the Right-of-Way Agreement from Diamond Falls Estates, LLC, to Duke Energy Carolinas, LLC, dated November 7, 2008, and recorded in Book V-32 at Pages 1277-1278 in the office of the Register of Deeds of Macon County, North Carolina.

BEING a portion of the land conveyed by the Deed from Pembroke Heights, LLC, a North Carolina Limited Liability Company, to Diamond Falls Estates, LLC, a North Carolina Limited Liability Company, dated February 29, 2008, and recorded in Book C-32 at Pages 1327-1329 in the office of the Register of Deeds of Macon County, North Carolina.

To Have and to Hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever, (subject to the terms, conditions, covenants, restrictions, exceptions and reservations hereinabove stated, if any).

And the Grantors covenant to and with the Grantees, their heirs and/or successors and assigns, that the Grantors are lawfully seized in fee simple of said land and premises, and have full right and power to convey the same to the Grantees in fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, if any), and that they will and their heirs, executors, administrators and/or successors shall forever warrant and defend the title to said land and premises, with the appurtenances, unto the Grantees, their heirs and/or successors and assigns, against the lawful claims of all persons whomsoever.

In Witness Whereof each 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.

DIAMOND FALLS ESTATES, LLC

By: *Shirley Buafo* (SEAL)
Shirley Buafo, Member/Manager

State of GA, County of Bibb

I, Kathy Marie Phelps, a Notary Public of said state and county, do hereby certify that **Shirley Buafo**, being personally known to me personally appeared before me this day and acknowledged that she is Member/Manager of **Diamond Falls Estates, LLC, a North Carolina Limited Liability Company**, and that she, as Member/Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

WITNESS my hand and official seal, this the 3rd day of December, 2010.
Kathy Marie Phelps (Notary Seal)
 Notary Public

My commission expires June 7, 2011

Prepared By

Cowan & Cowan, P.A.
Attorneys at Law
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 Murphy, North Carolina
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