

FORSYTH CO, NC **31** FEE: \$ 16.00
 PRESENTED & RECORDED: 10/06/1999 10:23AM
 DICKIE C. WOOD REGISTER OF DEEDS BY: HODDVA
 STATE OF NC REAL ESTATE EXT: \$ 903.00
 BK2088 P2708 - P2712

Excise Tax \$

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
 Verified by _____ County on the ____ day of _____, 19____
 by _____

Mail after recording to Box 106
 This instrument was prepared by Frank M. Bell, Jr.

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 4th day of October, 1999, by and between

GRANTOR

THOMAS D. CALLOWAY, JR.
 and wife,
 NANCY JANE S. CALLOWAY

GRANTEE

PAUL GEORGE
 and wife,
 LYNN GEORGE

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 or parcel of land situated in the City of Winston Township, Forsyth County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HERIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, Page _____.

A map showing the above described property is recorded in Plat Book __, Page __.

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 except for the exceptions hereinafter stated: subject to easements, rights of way and restrictions of record and matters reflected on the survey prepared by Beeson Engineering Inc. mentioned in the legal description; and further subject to 1999 property taxes prorated to date of Closing.

IN WITNESS WHEREOF, the 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.

Corporate Name

By: _____

President

ATTEST:

Secretary

[Affix Corporate Seal]

THOMAS D. CALLOWAY, JR. (SEAL)
Thomas D. Calloway, Jr.

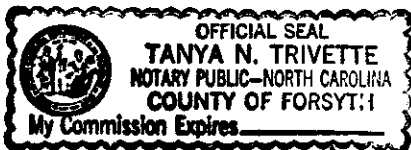
Nancy Jane S. Calloway (SEAL)
Nancy Jane S. Calloway

(SEAL)

(SEAL)

SEAL-STAMP

NORTH CAROLINA, FORSYTH COUNTY



I, a Notary Public of the County and State aforesaid, certify that THOMAS D. CALLOWAY, JR. and wife, NANCY JANE S. CALLOWAY, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 4th day of October, 1999.

My commission expires: 8-8-2004 Tanya N. Trivette
NOTARY PUBLIC

SEAL-STAMP

NORTH CAROLINA, FORSYTH County.

I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is _____ Secretary of _____, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President sealed with its corporate seal and attested by him/her as its Secretary. Witness my hand and official stamp or seal, this _____ day of _____, 1999.

My commission expires: _____
NOTARY PUBLIC

The foregoing Certificate(s) of Tanya N. Trivette is/are certified to be correct. This instrument and this certificate are duly registered at the date and in the Book and Page shown on the first page hereof.

DICKIE C. WOOD, REGISTER OF DEEDS

By [Signature] REGISTER OF DEEDS FOR FORSYTH COUNTY
Deputy/Assistant-Register of Deeds.

EXHIBIT A

BEGINNING at an iron pipe located in the south right-of-way line of Fairmont Road, said iron stake being located at the northwest corner of the property known as Tax Lot 18, Block 2958 as shown on the Forsyth County Tax Maps as presently constituted; ^{FAB} running thence with west property line of said Tax Lot 18 South 17° 43' 44" East 200.16 feet to an iron stake at the southwest corner of said Tax Lot 18; running thence with the south property line of said Tax Lot 18 the two following courses and distances: (1) North 72° 24' 56" East 30.9 feet to an iron pipe, and (2) North 68° 42' 26" East 10.25 feet to an iron pipe, a corner of the property of Andrew J. Schindler (see deed recorded in Book 1653 at page 2957 of the Forsyth Public County Registry); running thence with the property line of said Schindler South 34° 03' 00" East 124.39 feet to a point in the centerline of a creek known as Buena Vista Branch and a corner with the property owned by Jack N. Shwab (see deed recorded in Book 2009 at page 1666 of the Forsyth County Public Registry); running thence with the centerline of said creek and with the north property line of said Shwab the six (6) following courses and distances: (1) South 42° 53' 38" West 26.89 feet to a point; (2) South 67° 03' 31" West 75.61 feet to a point, (3) South 50° 46' 18" West 48.24 feet to a point, (4) South 40° 02' 27" West 16.6 feet to a point, (5) South 66° 18' 51" West 29.14 feet to a point, and (6) South 74° 39' 31" West 55.76 feet to a point in the centerline of said creek, a northeast corner with the property of Thomas D. Calloway, Jr. and wife Nancy Jane S. Calloway (the "Calloways" – see deed recorded in Book 1953 at page 4092 of the Forsyth County Public Registry) and continuing thence with the centerline of said creek and with the north property line of the Calloways the two (2) following courses and distances: (1) South 81° 56' 26" West 76.58 feet to a point, and (2) South 64° 23' 45" West 164.73 feet to a point in the center of said creek and in the east property line of the property of Ron Midura (now or formerly); running thence with the line of said Midura North 22° 29' 35" West 177.82 feet to an iron pipe in the south line of Lot 15 (the property of David L. Bodenhamer now or formerly); running thence with the south property line of said Bodenhamer and continuing with the south property line of Lot 16 (the property of Nick G. Chryson, Jr. now or formerly) North 72° 44' 54" East 170.49 feet to an iron pipe in the south property line of Tax Lot 16D, of Tax Block 2958; running thence with the south property line of said Tax Lot 16D and continuing with the south line of Tax Lot 16A North 71° 57' 36" East 98.81 feet to an iron stake, the southwest corner of Tax Lot 17 (the property of John R. Loftin); running thence with the south line of said Loftin North 72° 24' 56" East 125.24 feet to a new iron stake located at the southwest corner of the property of the Calloways (see Deed recorded in Book 1759 at Page 631 of the Forsyth Public Registry); running thence with the west line of said Calloways property North 17° 43' 44" West 200.22 feet to a point in the south right-of-way line of Fairmont Road; running thence with said right-of-way line North 72° 33' 00" East 25 feet to the point and place of BEGINNING, and containing 1.825 acres, more or less, as taken from a survey prepared by Beeson Engineering Inc. dated June 27, 1997 and revised July 29, 1999 and September 28, 1999.

MINOR SUBDIVISION

APPROVAL

David E. Reut 10/4/99
for Director, City-County date
Planning Board

EXHIBIT A

The above described property is conveyed together with and subject to the benefits of that certain perpetual easement five (5) feet in width for ingress, egress and regress from and to Fairmont Road and the burdens of a perpetual easement two (2) feet in width for a driveway turning area. Both of the above easements are described in deed to Thomas D. Calloway, Jr. and wife, Nancy Jane S. Calloway, recorded in Book 1759, at page 631, of the Forsyth County, N.C. Register's Office, reference to said deed being made in aid of description. In addition, the above-described property is conveyed together with and subject to the benefits and burdens of that certain Grant of Landscape Easement dated September 28, 1999 made and entered into by John R. Loftin and wife, Meta W. Pauling Loftin and Thomas D. Calloway, Jr. recorded in Book 2088 at page 1316 of Forsyth County Public Registry, reference to which is hereby made.

Grantor and the Grantee, for the benefit of themselves and the respective heirs and assigns, do hereby agree as follows:

- a. The above described property shall have a permanent view of the "English Garden" as described on Exhibit B attached hereto; and such English Garden shall remain as "green space" as that term is commonly understood with no temporary or permanent structures in the English Garden other than a gazebo that is proportionate to the area encompassing the English Garden;
- b. Grantor and Grantee shall have the mutual right, at their sole discretion, to maintain and improve the existing bridges (there are three) crossing Buena Vista Creek and located on the property hereby conveyed to Grantee; and any improvement to any of such bridges shall not substantially change the present character of any bridge without the consent of the other party, their heirs and assigns, which consent shall not be unreasonably withheld; provided further, the removal of any bridges will require the consent of the Grantor and the Grantee, or their respective heirs and assigns; and
- c. The Grantor, by deed to Jack N. Shwab and wife, Carolyn R. Shwab (the "Shwabs") recorded in Book 2009 at page 1666, Forsyth Public Registry, set forth certain provisions limiting improvements and tree removal and granting landscape rights in an area shown as Exhibit B on such Deed and entitled "Tree Removal Area and Landscape Maintenance Area"; and the Grantor, for themselves and their heirs and assigns, hereby agree that they will not exercise their approval rights with respect to the Restricted Area (as such term is defined in the Deed to the Shwabs) without the prior consent of the Grantee, or their heirs and assigns, which consent shall not be unreasonably withheld.

EXHIBIT B

BEGINNING at a point in the south property line of the real property described in Exhibit A and in the center of Buena Vista Branch at a common corner with the property of Jack N. Shwab and the property of Thomas D. Calloway, Jr. and wife, Nancy Jane S. Calloway; running thence with a common property line of said Shwab and Calloway South $17^{\circ} 56' 59''$ East 46.41 feet to a point; running thence on four (4) new lines within the property of said Calloway as follows: (1) South $52^{\circ} 54' 30''$ West 95.36 feet to a point; (2) South $64^{\circ} 26' 42''$ West 44.96 feet to a point; (3) on a curve to the right, said curve having a radius of 29.25 feet and an arc length of 45.93 feet, a chord bearing and distance of North $70^{\circ} 34' 46''$ West 41.35 feet to a point; and (4) North $25^{\circ} 36' 15''$ West 51.84 feet to a point in the center of Buena Vista Branch; running thence with the center of Buena Vista Branch the two following courses and distances: (1) North $64^{\circ} 23' 45''$ East 99.87 feet to a point; and (2) North $81^{\circ} 56' 26''$ East 76.58 feet to the point and place of beginning and being an area labeled as "Green Space" and also known as the "English Garden" as reflected on a survey by Beeson Engineering Inc., dated June 27, 1997 and revised 7-29-99, 9-29-99 and 9-30-99.