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RK1683 P3143

NO TAXABLE CONSIDERATION  
AMVPRESENTED FOR  
REGISTRATION  
JAN 5 10 39 AM '90L.E. SPEAS  
REGISTER OF DEEDS  
FORSYTH CO., NC\$10.00pd  
KX

Excise Tax

Recording Time, Book and Page

Tax Lot No. 17L, Block 3451 Parcel Identifier No.  
 Verified by County on the day of 19  
 by

Mail after recording to VONCANNON Box

This instrument was prepared by Cynthia S. Aiken

Brief description for the Index

2.092 Acres -- Indiana Avenue

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this <sup>as of</sup> 1<sup>st</sup> day of JANUARY, 1990, by and between

GRANTOR

GRANTEE

B & D Investments, a North Carolina  
 General Partnership

Richard J. Zeitvogel  
 2224 Newcastle Drive  
 Winston-Salem, NC 27103

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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-Salem Township,

Forsyth County, North Carolina and more particularly described as follows:

See attached Exhibit A, incorporated herein by reference.

This conveyance is made subject to a deed of trust dated July 31, 1984 from B & D Investments to Dalton D. Ruffin, Trustee for Wachovia Bank & Trust Company, N.A. in the principal amount of \$280,000.00 as recorded in Book 1451, page 1880, Forsyth County Registry, which obligation and deed of trust the Grantee herein agrees to assume and pay and agrees further to indemnify and hold harmless the Grantor for any loss or damage suffered by the Grantor by reason of the Grantee's failure to pay said obligation.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1423, page 797

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. Title to the property hereinabove described is subject to the following exceptions:

Subject to easements and restrictions of record, if any, and 1989 ad valorem taxes.

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 (Corporate Seal)

B & D Investments, a North Carolina General Partnership (SEAL)

By: Richard J. Zeitvogel, General Partner (SEAL)

By: William F. Haubrich, General Partner (SEAL)

USE BLACK INK ONLY

SEAL-STAMP

NORTH CAROLINA, Forsyth County.

I, a Notary Public of the County and State aforesaid, certify that Richard J. Zeitvogel and William F. Haubrich, General Partners of B & D Investments, a North Carolina General Partnership 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 January, 1990. My commission expires: 3-28-90 Donald M. Von Cannon, Notary Public

Use Black Ink

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he 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 as its Secretary. Witness my hand and official stamp or seal, this day of 19. My commission expires: Notary Public

Use Black Ink

The foregoing Certificate(s) of Donald M. Von Cannon N.P. Forsyth

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

L. E. SPEAS, REGISTER OF DEEDS

REGISTER OF DEEDS FOR FORSYTH COUNTY

By Jesse G. Galt Deputy - Register of Deeds

## Exhibit "A"

Beginning at a point, said point being the northwest corner of the within described tract and said beginning point being the following courses and distances from an iron stake in the southern right-of-way line of Indiana Avenue (formerly Walker and Piney Grove Roads) and said iron stake being the northwest corner of the 15.71 acre tract conveyed to Great Gulf Corporation in Deed Book 1281, page 170, Forsyth County Registry: South 07° 52' East 156.63 feet to an iron stake, said iron stake being the northeast corner of the 2.265 acre tract conveyed to JWR Building Company, and South 01° 50' 42" West 267.62 feet to the point of beginning, and thence North 89° 09' 30" East 400.00 feet to a point; thence South 01° 50' 42" West 228.07 feet to a point in the northern right-of-way line of Southern Railroad; thence with the said northern right-of-way line of Southern Railroad, South 89° 09' 30" West 400.00 feet to a point, said point being the southeast corner of JWR Building Company property; thence North 01° 50' 42" East 228.07 feet to the point and place of beginning and containing 2.092 acres according to a survey dated September 6, 1983 and revised September 8, 1983 at Cates-Bennett, Associates.

Being a portion of the 15.817 acre tract conveyed by Great Gulf Corporation to Alpine Beverage Distributing, Inc. as recorded in Book 1413, page 650, Forsyth County Registry.

Conveyed herewith is a nonexclusive easement for ingress, regress and recess and for the installation and maintenance of utility lines of all types over a 30 foot wide strip of land described as follows: Beginning at an iron stake in the southern right-of-way line of Indiana Avenue (formerly Walker and Piney Grove Roads), said beginning point being the northwest corner of the 15.71 acre tract conveyed to Great Gulf Corporation in Deed Book 1281, page 170, Forsyth County Registry, and running thence South 07° 52' West 156.63 feet to an iron stake, said iron stake being the northeast corner of the 2.265 acre tract conveyed to JWR Building Company; thence South 01° 50' 42" West 267.62 feet to a point, said point being the northwest corner of the above-described 2.092 acre tract; thence North 89° 09' 30" East 30.03 feet to a point; thence North 01° 50' 42" East 268.77 feet to a point; thence North 07° 52' West 159.12 feet to a point in the southern right-of-way line of Indiana Avenue; thence with said southern right-of-way line, South 82° 15' West 30.0 feet to an iron stake, the point and place of beginning.

The easement described above shall be in appurtenance to and shall run with the title to the said 2.092 acre tract and by acceptance of this deed, the grantee, its successors and assigns, agree that they will pay their equitable, pro rata share of the maintenance and upkeep of said easement based on the number of acres serviced by same.