


**2011011693 00054**

 FORSYTH CO, NC FEE \$43.00  
 STATE OF NC REAL ESTATE EXT

**\$6300.00**

PRESENTED &amp; RECORDED:

**03-28-2011 09:48:07 AM**

C. NORMAN HOLLEMAN

REGISTER OF DEEDS

 BY: PATSY RUTH DAVIS  
 DPTY

**BK: RE 2995**
**PG: 1143-1151**

### NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax:

 Block 5632, Lot 140; Block 5632, Lot 018J; Block 5632, Lot 021T; Block 5632, Lot 022D; Block 5632, Lot 022E,  
 Block 5632, Lot 018H and Block 5632, Lot 018F

 Grantor Address: 5937 Timberwood Trail  
 Kernersville, NC 27284 and  
 P.O. Box 95, Oak Ridge, NC 27310

 Grantee's Address: c/o Old North State Trust LLC  
 125 S. Elm Street, Suite 500  
 Greensboro, NC 27401

 This instrument was prepared by: R. Brandt Deal <sup>19</sup>

Brief Description for the Index:

 This Deed made this 24 day of March, 2011, by and between

**GRANTOR: Byron W. Smith and wife, Connie E. Smith**  
**Della Ann Smith Spencer and husband, Carl W. Spencer**  
**Byron W. Smith, Co-Trustee of the R.C. Smith Trust U/W dated 8/26/2002**  
**Della Ann Smith Spencer, Co-Trustee of the R.C. Smith Trust U/W**  
**Dated 8/26/2002 and**  
**Vance V. Smith (Widow) by and through her Attorney-in-Fact,**  
**Ann Smith Spencer**

**GRANTEE: I-40/Union Cross RE, LLC**

 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 Kernersville Township, FORSYTH County, North Carolina and more  
 particularly described as follows:

See Attached Exhibit "A" For Legal Description

 All or a portion of the property herein conveyed \_\_\_ includes or X does not include the primary residence  
 of a Grantor

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, the 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, other than the following exceptions:

Easements and restrictions of record, if any and 2011 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Byron W. Smith (Seal)  
Byron W. Smith

Connie E. Smith (Seal)  
Connie E. Smith

Della Ann Smith Spencer (Seal)  
Della Ann Smith Spencer

Carl W. Spencer (Seal)  
Carl W. Spencer

Byron W. Smith (Seal)  
Byron W. Smith Co-Trustee of the R.C.  
Smith Trust U/W dated 8/26/2002

Della Ann Smith Spencer (Seal)  
Della Ann Smith Spencer Co-Trustee of the R.C.  
Smith Trust U/W dated 8/26/2002

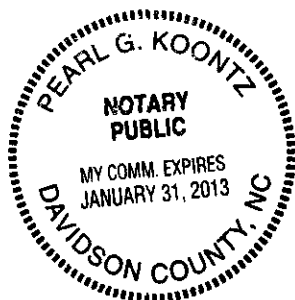
Vance V. Smith by Ann Smith Spencer (Seal)  
Vance V. Smith by and through her Attorney-In-Fact, Ann Smith Spencer

STATE OF NORTH CAROLINA, COUNTY OF FORSYTH:

I, Pearl G. Koontz, a Notary Public of Davidson County, State of North Carolina certify that Byron W. Smith personally came before me this day and he acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 24 day of March, 2011.

(Notary Seal)



Pearl G. Koontz  
Notary Public  
Print Name: Pearl G. Koontz  
My Commission Expires: 1/31/13

(Additional Notary Acknowledgement Next Page)

## STATE OF NORTH CAROLINA, COUNTY OF FORSYTH:

I, R Brandt, a Notary Public of Forsyth County, State of N.C., certify that Connie E. Smith personally came before me this day and she acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 25 day of March, 2011.

(Notary Seal)



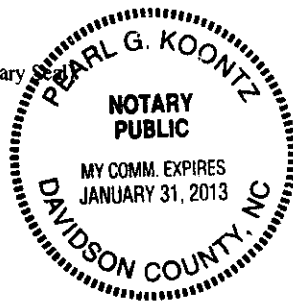
R Brandt Deal  
Notary Public  
Print Name: R Brandt Deal  
My Commission Expires: \_\_\_\_\_

## STATE OF NORTH CAROLINA, COUNTY OF FORSYTH:

I, Pearl G. Koontz, a Notary Public of Davidson County, State of North Carolina, certify that Della Ann Smith Spencer personally came before me this day and she acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 24 day of March, 2011.

(Notary Seal)



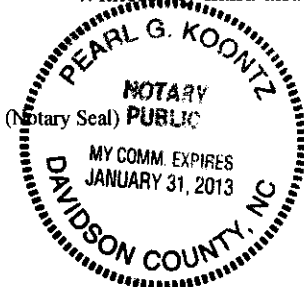
Pearl G. Koontz  
Notary Public  
Print Name: Pearl G. Koontz  
My Commission Expires: 1/31/2013

(Additional Notary Acknowledgement Next Page)

STATE OF NORTH CAROLINA, COUNTY OF FORSYTH:

I, Pearl G. Koontz, a Notary Public of Davidson County, State of North Carolina certify that Carl W. Spencer personally came before me this day and he acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 24 day of March, 2011.

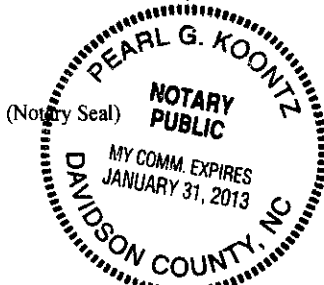


Pearl G. Koontz  
Notary Public  
Print Name: Pearl G. Koontz  
My Commission Expires: 1/31/2013

STATE OF NORTH CAROLINA, COUNTY OF FORSYTH:

I, Pearl G. Koontz, a Notary Public of Davidson County, State of North Carolina, certify that Byron W. Smith, Co-Trustee of the R.C. Smith Trust dated 8/26/2002 personally came before me this day and he acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 24 day of March, 2011.

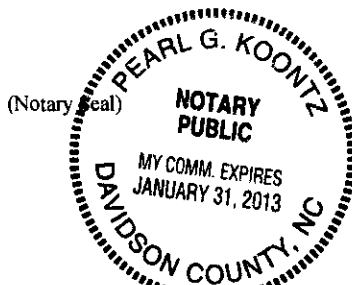


Pearl G. Koontz  
Notary Public  
Print Name: Pearl G. Koontz  
My Commission Expires: 1/31/13

STATE OF NORTH CAROLINA, COUNTY OF FORSYTH:

I, Pearl G. Koontz, a Notary Public of Davidson County, State of North Carolina, certify that Della Ann Smith Spencer, Co-Trustee of the R.C. Smith Trust U/W dated 8/26/2002 personally came before me this day and she acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 24 day of March, 2011.



Pearl G. Koontz  
Notary Public  
Print Name: Pearl G. Koontz  
My Commission Expires: 1/31/13

(Additional Notary Acknowledgement Next Page)

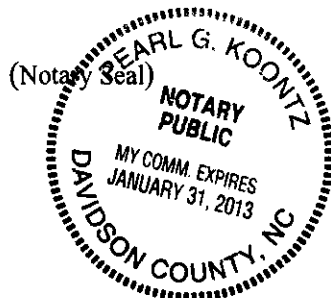
## CERTIFICATE OF ACKNOWLEDGMENT BY ATTORNEY-IN-FACT

NORTH CAROLINA, FORSYTH COUNTY

I, Pearl G. Koontz, a Notary Public of Davidson County, State of North Carolina, do hereby certify that Ann Smith Spencer, attorney-in-fact for Vance V. Smith, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of Vance V. Smith, and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of Register of Deeds of Forsyth County, North Carolina, in Book 2949, Page 419, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that the said Ann Smith Spencer acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Vance V. Smith.

I do further certify that I am not a party to the attached instrument.

WITNESS my hand and official seal this 24 day of March 2011.



Pearl G. Koontz  
 Notary Public  
 Print Name: Pearl G. Koontz  
 My Commission Expires: 1/31/13

**EXHIBIT "A"****TRACT 1:**

BEGINNING at a point in the east margin of the right-of-way of Union Cross Road, also designated as State Road 2643, marking the southwest corner of the property of Ray Felix Sink as described in Deed Book 1436 at Page 840, Forsyth County Registry; thence with the south line of said Sink property South  $54^{\circ} 02' 24''$  East 200 feet to a point; thence with the east line of said Sink property North  $33^{\circ} 21'$  East 200 feet to a point in the line of the property of Talmadge Solomon as described in Deed Book 1310 at Page 357, Forsyth County Registry; thence with the south line of said Solomon property South  $54^{\circ} 02' 24''$  East 189.92 feet to an iron stake in the line of the property of R.C. Smith and wife, Vance V. Smith, now or formerly; thence with said Smith line South  $07^{\circ} 14' 22''$  West 531.38 feet to a point, corner with the property of Jay T. Properties; thence with the line of Jay T. Properties three (3) courses and distances as follows: (1) North  $67^{\circ} 06'$  West 411.9 feet to a point; (2) North  $30^{\circ} 19'$  East 60 feet to a point; (3) North  $59^{\circ} 41'$  West 205 feet to a point in the east margin of the right-of-way of Union Cross Road; thence with the east margin of the right-of-way of Union Cross Road North  $30^{\circ} 19'$  East 187.4 feet to a point; thence continuing with the east margin of the right-of-way of Union Cross Road North  $33^{\circ} 31'$  East 135.92 feet to the point and place of BEGINNING, and being all of that property described in Deed Book 1160 at Page 269, Forsyth County Registry; SAVE AND EXCEPT THE 2 acre tract conveyed to Talmadge L. Solomon and wife, Rachel C. Solomon in Deed Book 1310 at Page 357, Forsyth County Registry, and the .917 acre tract conveyed to Ray Felix Sink in Deed Book 1436 at Page 840, Forsyth County Registry, and the above described being designated as Tax Lot 18J, Block 5632, Abbotts Creek Township on the Forsyth County Tax Maps and further containing 5.12 acres more or less.

The above-described property is the same as that described in Deed Book 1905, Page 2486, Forsyth County Registry and is further known and designated as Tax Lot 18J in Block 5632, Abbotts Creek Township on the Forsyth County Tax Maps.

Property Address: Union Cross Road, Kernersville, N.C. 27284

**TRACT 2:**

That certain tract or parcel of land lying and being located in Forsyth County, North Carolina, and being further described as follows:

BEGINNING at an existing iron pipe in the east margin of the right-of-way of Union Cross Road, said pipe marking the corner of R. C. Smith property (Deed Book 997, Page 677) and B. Odell Solomon's property (Deed Book 1160, Page 269); thence from said beginning point South  $84^{\circ} 21' 59''$  East 252.71 feet to a stone; thence with R. C. Smith's west line South  $7^{\circ} 14' 22''$  West 376.74 feet to a new iron pipe; thence a new line with B. Odell Solomon, North  $54^{\circ} 2' 24''$  West 389.92 feet to an iron pipe in the east margin of the right-of-way of Union Cross Road; thence running with the east margin of the right-

of-way of said road North  $33^{\circ} 21'$  East 203 feet to the point and place of BEGINNING, containing 2 acres more or less according to a survey by Larry L. Callahan, R.L.S., dated August 1, 1980.

### **TRACT 3:**

BEGINNING AT AN EXISTING IRON PIPE IN THE Eastern margin of the right-of-way of Union Cross Road, said iron pipe being the Southwestern corner of property deeded to Talmadge Solomon in Deed Book 1310, Page 357, Forsyth County Registry, and further being the Northwestern corner of property deeded to Odell Solomon in Deed Book 1160, Page 269, Forsyth County Registry; thence from said beginning point with the line of Talmadge Solomon, South  $54^{\circ} 02' 24''$  East 200 feet to a new iron pipe; thence with a new line, South  $33^{\circ} 21'$  West 200 feet to a new iron pipe; thence with a new line, North  $54^{\circ} 02' 24''$  West 200 feet to a new iron pipe lying in the Eastern margin of the right-of-way of Union Cross Road; thence with the Eastern margin of the right-of-way of Union Cross Road, North  $33^{\circ} 21'$  East 200 feet to an existing iron pipe, the point and place of BEGINNING, containing 0.917 acres, more or less, according to an unrecorded map and survey for Ray Felix Sink by Larry L. Callahan, R.L.S. dated January 4, 1984, and being part of Tax Lot 18A, Block 5632, and further being a portion of the property deeded to Odell Solomon in Deed Book 1160, Page 269, Forsyth County Registry.

### **TRACT 4:**

BEGINNING AT AN ESTABLISHED IRON PIPE AT THE SOUTHEAST CORNER OF Lot 11 and the southwest corner of Lot 12 of Kingswood as set forth in Plat Book 27 at Page 77, Forsyth County Registry, and said Beginning Point also being at the northeast corner of the property of Earl Franklin Drumheller as described in Deed Book 2003 at Page 286, Forsyth County Registry; thence with the south line of Lot 12 of Kingswood as aforesaid, South  $57^{\circ} 27' 59''$  East 68.68 feet to an axle; thence continuing with the South line of Lot 12 and falling in with the south line of Lot 20, the southern terminus of Trailwood Lane, the southern line of Lot 21 and 28, the southern terminus of Kendallwood Drive and the southern line of Lot 29, all of Kingswood as aforesaid South  $57^{\circ} 09' 01''$  East 1,216.04 feet to a point in the west margin of the right-of-way of Interstate 40; thence with the west margin of the right-of-way of Interstate 40 two courses and distances as follows: (1) South  $53^{\circ} 23' 21''$  West passing over a DOT disc 268.46 feet to a DOT disc; (2) thence on a curve to the right having a radius of 3,704.72 feet, a length of 1,128.33 feet, a Delta angle of  $17^{\circ} 27' 01''$ , on a chord bearing of South  $65^{\circ} 06' 07''$  West, a chord distance of 1,123.98 feet passing over two (2) DOT discs to a new iron pipe, corner of property of R. C. Smith, now or formerly, as described in Deed Book 1732 at Page 1672; thence with the line of said Smith two courses and distances as follows: (1) North  $08^{\circ} 37' 00''$  East 458.21 feet to an iron pipe; (2) North  $47^{\circ} 49' 11''$  West 307.18 feet to a new iron pipe, the southeast corner of the property of Melinda B. Kennedy as described in Deed Book 2234 at Page 2103, Forsyth County Registry; thence with the line of said Kennedy property North  $42^{\circ} 13' 39''$  East 199.56 feet to an iron pipe at the southeast terminus of Kenosha Drive; thence crossing the eastern terminus of

Kenosha Drive North 42° 13' 39" East 58.66 feet to a point; thence with the north margin of the right-of-way of Kenosha Drive North 47° 44' 51" West 219.05 feet to an iron stake, corner with Kevin L. Clodfelter property as described in Deed Book 2013 at Page 3028, Forsyth County Registry; thence with the line of said Clodfelter property and falling in with the line of the property of Earl Franklin Drumheller as aforesaid, North 42° 23' 16" East 449.59 feet to the point and place of BEGINNING, containing 21.911 acres more or less and being designated as Tax Lots 23B, 23D, 24E and 137, Block 5632, Abbotts Creek Township on the Forsyth County Tax Maps. The above description was taken in part from a survey made by Larry L. Callahan, RLS on July 8, 1998 entitled "Map of Pleasant H. Smith and being Job No. 9316-3 and other information was obtained from the records of Forsyth County Tax Department.

#### **TRACT 5:**

BEGINNING at an existing iron pipe on the South side of S.R. 2843, known as Union Cross Road and Ronald M. Smith and wife Nancy F. Smith's Northwest corner (DB 2323 Pg 4869); thence along the west lines of Smith, Keller (DB 1875 Pg 2196), Renegar (DB 1946 Pg 1935), Skotcher (DB 1270 Pg 157), Byerly (DB 2245 Pg 1250), Zedlar (DB 1782 Pg 2966), Burge (DB 1603 PG 1495 & DB 2020 Pg 429), Apple (DB 2050 Pg 782), Kennedy (DB 2234 Pg 2103) and Pleasant Smith (DB 1770 Pg 557) South 48° 25' 07" East 2228.00 feet to an existing iron pipe in Pleasant Smith's line; thence continuing along Pleasant Smith's West line South 08° 00' 21" West 458.20 feet to an existing iron pipe on the North side of Interstate 40; thence along the North side of Interstate 40, the following courses and distances: South 73° 46' 28" West 84.06 feet to an existing right-of-way disk; thence South 89° 15' 57" West 207.95 feet to a new iron pipe; thence South 65° 10' 25" West 138.36 feet to an existing right-of-way disk; thence South 81° 16' 16" West 193.23 feet to an existing iron pipe; thence North 80° 18' 27" West 128.80 feet to a new iron pipe; thence South 69° 00' 25" West 172.24 feet to an existing right-of-way disk; thence South 89° 39' 33" West 308.33 feet to an existing right-of-way disk; thence North 74° 08' 08" West 181.44 feet to an existing right-of-way disk; thence North 86° 48' 52" West 290.28 feet to an existing iron pipe; thence North 75° 36' 55" West 146.85 feet to an existing iron pipe at the Southeast corner of Union Cross Station, LLC (DB 1982 PG 781); thence along the East line of Union Cross Station, LLC North 08° 33' 50" East 742.43 feet to an existing iron pipe at B. Odell Solomon's Southeast corner (DB 1905 Pg 2486); thence along Solomon's East line North 08° 33' 28" East 908.37 feet to a new iron pipe at Talmadge L. Solomon and Rachel C. Solomon's Northeast corner (DB 1310 Pg 357); thence along said Solomon's North line North 83° 01' 18" West 252.93 feet to an iron pipe at Solomon's Northwest corner on the South side of Union Cross Road; thence along the South side of Union Cross Road along a curve to the right having a length of 381.86 feet, a radius of 1716.79 feet, a bearing of North 40° 12' 01" East a chord distance of 381.44 feet to the point and place of Beginning. Being part of Lot 4 Section No. 3 of the John H. Chamlin Estate recorded in Plat Book 13 at Page 142, Office of the Register of Deeds of Forsyth County, North Carolina; and being designated as the R. C. Smith New Lots A and C and New Tract B, containing a total of 53.32 acres more or less, see survey prepared by Davis-Martin-Powell & Assoc., Inc. Job No. S-44817, dated July 26, 2004. Also known as Tax Block 5632 Lots 022D and 022E.



**TRACT 6:**

LYING AND BEING IN FORSYTH COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an existing iron pipe along the southwest right-of-way line of Kenosha Drive, said iron pipe marking the northernmost corner of the within described property and the easternmost corner of the William Randall Crist property (Deed Book 1189, Page 1511, Forsyth County Registry); thence from said Beginning point along the right-of-way line of Kenosha Drive South  $48^{\circ} 25'$  East 200.40 feet to an existing iron pipe marking the easternmost corner of the within described property; thence South  $41^{\circ} 35'$  West 199.60 feet to an existing iron pipe marking the southernmost corner of the within described property and being along the property line of R. C. Smith (Deed Book 997, Page 677, Forsyth County Registry); thence North  $48^{\circ} 25'$  West 200.40 feet to an existing iron pipe marking the westernmost corner of the within described property and the southernmost corner of the Crist property; thence along the Crist property North  $41^{\circ} 35'$  East 199.60 feet to an existing iron pipe marking the point and place of BEGINNING and containing 0.918 acres, more or less. This description is in accordance with a survey prepared by Larry L. Callahan, RLS entitled "Map for Russell D. Moses and wife, Vickie L. Moses" dated June 6, 1985 and being further designated as Job No. 2383-1.