

FORSYTH CO, NC 246 FEE: \$ 18.00
PRESENTED & RECORDED: 09/25/2001 4:37PM
DICKIE C. WOOD REGISTER OF DEEDS BY: BOLESP
STATE OF NC REAL ESTATE EXT: \$ 17.00
BK2201 P4255 - P4260

Prepared by: Robert E. Price, Jr.

Mail After Recording to: O-S Auto Sales
1386 Martin Luther King Jr. Dr.
Winston-Salem, N. C. 27101

J. Boles

STATE OF NORTH CAROLINA

FORSYTH COUNTY

COMMISSIONER'S DEED

This deed made this 25th day of September, 2001 by Robert E. Price, Jr., Commissioner, Grantor, to O-S Auto Sales, Grantee.

WITNESSETH

That, whereas, Robert E. Price, Jr. was appointed Commissioner under an order of the District Court of Forsyth County, North Carolina in the tax foreclosure proceeding entitled "City of Winston-Salem and Forsyth County v. Aldine Searcy, et als, defendants (File Number 99CVD7381); and Robert E. Price, Jr., was directed by the order, attached hereto as an Exhibit, as Commissioner to sell the property hereinafter described at public sale after due advertisement according to law; and

Whereas Robert E. Price, Jr., Commissioner, did on the 2nd day of August, 2001 offer the land hereinafter described at a public sale at the Forsyth County Court House door in Winston-Salem, North Carolina and O-S Auto Sales became the last and highest bidder for the said land for the sum of \$8,450.00; and no upset or increased bid having been made in the time allowed by law; and

Whereas the sale having been confirmed; and Robert E. Price, Jr., Commissioner, having been ordered to execute a deed to the purchaser upon payment of the purchase money;

NOW, THEREFORE, in consideration of the premises and the sum of \$8,450.00, receipt of which is hereby acknowledged, Robert E. Price, Jr., Commissioner, does, by these presents, hereby bargain, sell, grant and convey to O-S Auto Sales, and its successors, heirs and assigns, that property situated in Forsyth County, North Carolina and described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART OF THIS DEED.**

This conveyance is made subject to 2000 Forsyth County and Winston-Salem City property taxes, the payment of which will be assumed by the purchaser.

To have and to hold the aforesaid tract of land, to O-S Auto Sales, its successors and assigns forever, in as full and ample manner as Robert E. Price, Jr., Commissioner, is authorized and empowered to convey the same.

EXHIBIT "A"

BEGINNING at an iron stake in the right-of-way of the Southern Railway, and North Liberty Street; running thence South 17 deg. 30 min. East 151 feet; thence South 2 deg. East 55 feet; thence South 22 deg. 25 min. East 116 feet to a stake; thence North 82 deg. East 81 feet to a stake, this line running 15 feet south of, and parallel with, the present factory wall of J. C. Tise; thence North 11 deg. West 340.72 feet to a stake in Liberty Street; thence South 69 deg. 50 min. West 113.5 feet to the place of **BEGINNING**. Also all right, title and interest in an alley-way running along the East line of said property. Being informally known as Tax Block 0202, Lot 111 pursuant to the current Forsyth County Tax Maps.

NORTH CAROLINA)
)
 FORSYTH COUNTY)

IN THE GENERAL COURT OF JUSTICE
 DISTRICT COURT DIVISION
 99 CVD 7381

CITY OF WINSTON-SALEM AND)
 FORSYTH COUNTY,)

Plaintiff,)

vs.)

Aldine Searcy, Sam Montgomery, Jr.)
 Paul C. Shepard, Trustee for Wilson)
 E. Edwards and wife, Shirley E.)
 lienholders,)

Defendants.)

JUDGMENT ON THE PLEADINGS

This matter coming on to be heard and being heard before the undersigned District Court Judge presiding, upon the Motion of the Plaintiff for Judgment on the Pleadings and it appearing to the Court that this is an action for the foreclosure of the lien of taxes due to the Plaintiff upon real property described in the complaint; and it further appearing that the Defendants named in this action have been properly served with summons and that the time for answering the complaint of the Plaintiff has expired as to the Defendants; Aldine Searcy and Sam Montgomery, Jr., have not filed an answer or other pleading to this action and Plaintiff is entitled to judgment as a matter of law;

It is therefore ORDERED, ADJUDGED and DECREED upon motion of the Plaintiff(s), that the Plaintiff(s) have a first and prior lien upon the parcel or tract of real property described below for ad valorem taxes in the principal amount of \$4,844.12, together with interest at the rate of eight percent (8%) per year from July 31, 2000, until paid, and the costs of this action.

The real property in which this Judgment is a lien is located in Forsyth County, North Carolina and is more particularly described as set forth on Exhibit "A".

All of the right title and interest of the Defendants in and to the real property are hereby barred and forever foreclosed, except as to their rights to redeem before confirmation of the sale and to participate in the distribution of any surplus resulting from the sale herein authorized in accordance with their relative claims thereto. It is further ordered and adjudged that Robert E. Price, Jr. be appointed Commissioner to sell the real property at public auction for cash to the highest bidder at the Courthouse door in Forsyth County after first posting notice of the sale at the Courthouse in Forsyth County for 30 days preceding the sale, and also advertising once a

week for four successive weeks in some newspaper published in Forsyth County; and the Commissioner shall sell the real property free and clear of all interests, rights, claims and liens, whatever, except ad valorem taxes, the amount of which cannot be determined; and the Commissioner shall, within three days after the sale, make a report thereof to this Court. A cash deposit of 20% of the highest bid shall be required on the sale at public auction, unless the highest bid is by a taxing unit, then a deposit shall not be required.

It is further ordered and adjudged that after delivery of the Deed and collection of the purchase price, the Commissioner shall apply the proceeds as provided by law.

The Court further orders that a reasonable commissioner's fee of 5% of the purchase price is to be taxed as part of the cost, and that the costs of this action are to be recovered by the Plaintiff. A reasonable attorney's fee to the Plaintiff is to be determined at a later date, and this cause is retained for further orders.

This the 20th day of December, 2000.

William B. Reingold /ajf
District Court Judge presiding

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