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0221

BK:00468 PG:0221

FILED  
SWAIN COUNTY NC  
DIANA WILLIAMSON KIRKLAND  
REGISTER OF DEEDS

SWAIN COUNTY TAX OFFICE

Date 5-28-19

Stamps 0

PIN 6692-00-90-1765

Signature Dawn Zalva

(ALL TAXES PAID ON THIS PARCEL ONLY.)

FILED May 28, 2019  
AT 11:35:13 am  
BOOK 00468  
START PAGE 0221  
END PAGE 0224  
INSTRUMENT # 00879

**NORTH CAROLINA GENERAL WARRANTY DEED** EXCISE TAX (None)

**PP. Excise Tax -0- Recording: Time, Book and Page**

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 669200901765

Verified by: \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 2019  
by \_\_\_\_\_

**NO TITLE OPINION RENDERED BY PREPARER**

This instrument prepared by: Anthony W. Palma, Esquire

Mail after recording to: Anthony W. Palma, Esquire  
Nelson Mullins Broad & Cassel  
390 North Orange Avenue, Suite 1400  
Orlando, Florida 32801

THIS DEED made this 14<sup>th</sup> day of May, 2019, by and between:

GRANTOR	GRANTEE
<p><b>WALTER J. MALLET, JR., as Trustee of the IRREVOCABLE MANAGEMENT TRUST dated December 27, 1996, as reformed May 2, 2019, an unrecorded trust, with full power and authority to protect, conserve, and to sell, lease, encumber or otherwise manage and dispose of the real property described herein,</b></p> <p><b>7090 Porpoise Street Weeki Wachee, Florida 34607</b></p>	<p><b>WATERFALL HOLLOW, LLC, a Florida limited liability company</b></p> <p><b>7090 Porpoise Street Weeki Wachee, Florida 34607</b></p>

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, **all of Grantor's** fee simple interest in that certain tract or parcel of land consisting of 70.68 acres, more or less, being a part of those lands shown on map or plat recorded in Plat Book 3 at page 185, in the Office of the Register of Deeds for Swain County, North Carolina, the metes and bounds description being:

**BEGINNING on a stone at the corner of the original boundary line of the properties owned jointly by parties of the first and second part (identified as such in prior conveyance of record), being a corner of that tract owned now or formerly by Candler Wike and Haney; thence S 56-19 E 394.39 feet to a 14" hickory tree; thence S 59-45 E 889.64 feet, S 53-37 E 255.02 feet to an iron, corner of the 12.33 acre tract; thence with a line marked and painted (yellow), S 02-88 E. passing an iron at 1,249.92 feet, 1,315 feet to a stake; thence S 68-19 W 326.75 feet to an iron; thence N 75-14 W 161.75 feet, N 88-26 W 295 feet, S 63-51 W 88 feet to an iron, S 62-45 W 244.50 feet, N 71-45 W 255 feet and N 55-22 W 172.09 feet; thence up and with the east boundary line of that 48.86 acre tract owned now or formerly by Charles E. Whitney, N 08-38 E 1,727.41 feet, passing an iron at 27.97 feet, to an iron pin in the original boundary; thence N 55-31 E 162.24 feet, N 25-32 E 122.18 feet and N 17-54 E 85.48 feet to the point of BEGINNING.**

Said map or plat contains the following exceptions reservations and limitations, and this conveyance is made **SUBJECT TO** the same:

There is excepted and reserved from all of the lands shown hereon and it is limited and charged with the following easements:

1. A sixty (60) foot right-of-way for a road, 30 feet on both sides of existing road to afford ingress and egress to all the several tracts shown and tracts adjoining those shown that are owned by the owners of the tracts so shown.
2. The 48.86, 77.45, 55.63 and 17.63 acre tracts do not have adequate access to the existing road and therefore the owners of 48.86, 55.63 and 17.63 shall each have the right and privilege of constructing and maintaining not more than two (2) and the owners of the 77.45 acre tract not more than four (4) private drives or roadways twenty (20') feet in width from their tracts to the existing road to afford reasonable means of ingress and egress over and across tracts of the others separating them from said existing road, but once said private drives and roadways are constructed, they shall not be thereafter changed without the express written agreement of the owner of the servient tract.

3. Power lines may be constructed and maintained to serve all tracts and without the express consent of any tract owner or owners, except that said line shall be constructed immediately adjacent to the above referred road rights-of way in Exceptions, Reservations, Limitations Number One (1) above.

**CONVEYED FURTHER AND SUBJECT TO THESE EASEMENTS:**

1] that easement and right-of-way for a road described in that deed dated August 25, 1982, by and between CHARLES E. WHITNEY and wife, MARILYN S. WHITNEY and WALTER J. MALLETT and wife, FRANCES C. MALLETT, and filed for record on January 14, 1983 at 3:30 p.m. in Deed Book 139, page 138, Swain County, North Carolina Registry; and, 2] that easement and right-of-way for a road described in that deed dated November 21, 1982, by and between WALTER J. MALLETT and wife, FRANCES C. MALLETT and CHARLES E. WHITNEY and wife, MARILYN S. WHITNEY, and filed for record on January 14, 1983 at 3:31 p.m. in Deed Book 139, page 142, Swain County, North Carolina Registry.

**TITLE SOURCE: Deed Book 166, page 603, Swain County, North Carolina Registry.**

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 valid easements, conditions and restrictions of record. Subject to ad valorem taxes for the current year, which are being pro-rated.

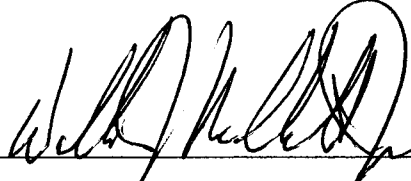
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

USE BLACK INK ONLY

  
Print Name: **PAUL H. NESSLER, JR.**

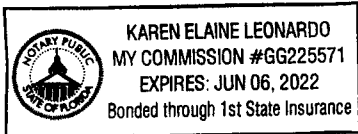
**IRREVOCABLE MANAGEMENT TRUST**  
dated December 27, 1996, as reformed May 2, 2019

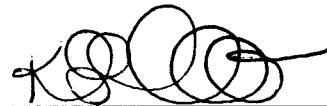
  
Print Name: **Karen E. Leonardo**

By:   
Walter J. Mallett, Jr., Trustee

STATE OF FLORIDA  
COUNTY OF Hernando

The foregoing instrument was acknowledged before me this 14 day of May, 2019, by WALTER J. MALLET, JR., as Trustee of the IRREVOCABLE MANAGEMENT TRUST dated December 27, 1996, as reformed May 2, 2019, as Grantor, who is personally known to me or has produced \_\_\_\_\_ as identification.



  
NOTARY PUBLIC:  
State of Florida **Karen E. Leonardo**  
My Commission expires:  
[Print, type or stamp name of Notary]