

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

1 packet
IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
19 Cvd 792

2021 OCT 14 11:30
NOTICE OF TAX FORECLOSURE SALE

Upon and by virtue of a Judgment of the District Court of Haywood County, North Carolina, made and entered on the 14th day of October, 2021, in the action entitled "County of Haywood, A Body Politic and Corporate vs. Nathan L. Hughes and wife, Angela M. Hughes, *et al.*," the Commissioner, Mark A. Pinkston, will sell the below described property at public auction as follows:

1. The Commissioner will at 10:00 am on the 18th day of November, 2021, offer for sale and sell for cash, to the last and highest bidder at public auction, at the Haywood County Justice Center door in the City of Waynesville, North Carolina.
2. The real property to be sold is described as follows:

TRACT I:

The real estate is shown on the Haywood County Tax Records as Parcel Identification Number ("PIN") 8655-57-8466, and is that certain parcel, tract or lot of real estate situated in Pigeon Township, Haywood County, North Carolina described in Deed Book 462, at Page 1999, Haywood County, North Carolina Registry and is more particularly described as follows:

BEGINNING at a stake in the north line of the tract conveyed to Minnie G. Ammons on 12/28/70, which stake stands South 67 degrees 30' West 160.00 feet from a marked pine and runs with the line of the tract conveyed to William Woodrow Henson on 12/28/70, North 51 degrees West 221 feet to a dogwood; thence South 67 degrees 30' West 247.5 feet to an iron stake; thence South 57 degrees 45' West 288.75 feet to an iron stake in Old Nelson Cove Road; thence with the center of the same South 20 degrees 69.95' East to a stake at the North margin of Public Road; thence with the same, three calls: North 69 degrees East 395 feet to a stake; thence South 62 degrees East 33 feet; thence South 49 degrees East 54 feet to a stake, corner of tract conveyed 12/28/70 to Minnie G. Ammons; thence with her line, North 67 degrees 30' East 194 feet to the BEGINNING, containing 1.69 acres, more or less.

TOGETHER WITH AND SUBJECT TO any and all easements, covenants, conditions, rights of way, and restrictions of record.

The real property, designated Tract I, to be sold is generally described* as 32/45/30 Dale Earnhardt Drive, Canton, NC 28716.

TRACT II:

The real estate is shown on the Haywood County Tax Records as Parcel Identification Number ("PIN") 8655-57-8635, and is that certain parcel, tract or lot of real estate situated in Pigeon Township, Haywood County, North Carolina described in Deed Book 917, at Page 2493, Haywood County, North Carolina Registry and is more particularly described as follows:

BEING all of Lot 5, consisting of 2.83 acres, more or less, per plat and survey thereof entitled "William J. Able Subdivision," by Gibson Land Surveying, dated March 27, 1984, and recorded in the Haywood County Register of Deeds Office at Plat Cabinet B, Slot 353-E; reference to which being hereby made for a more particular description.

TOGETHER WITH and SUBJECT TO the benefits and burdens of easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Haywood County Registry.

TOGETHER WITH and SUBJECT TO that certain 60 foot right of way as shown on said recorded plat.

TOGETHER WITH and INCLUDING a perpetual sixteen (16) foot right of way and easement for ingress-egress-regress and utility installation running from Howard Hollow Road north to the subject property, crossing the southeast corner of Tract I as described in that certain deed to Granters herein recorded in Deed Book 462, Page 1999, Haywood County Registry, the centerline of said sixteen (16) foot easement being more particularly described as: BEGINNING at a point, said point being located North 66° 28' 13" East 8.00 feet from a 3/4" solid rod, located in the southernmost corner of Lot 5, William Able Subdivision, shown on plat recorded in Plat Cabinet B, Slot 353-E, Haywood County Registry, a common corner with Wayne and Reba Warren (See Deed Book 319, Page 565, Haywood County Registry); and running thence from said BEGINNING POINT the following four (4) calls: along the arc of a clockwise circle with a radius of 8.0 feet a distance of 11.15 feet (Chord=South 16° 22' 54" West 10.27 feet), South 56° 17' 36" West 217.25 feet, South 03° 34' 57" West 25.46 feet and South 09° 01' 06" East 63.00 feet to a magnetic nail set in the centerline of Howard Hollow Road, all as shown on a survey entitled "Survey for Charles William James," by King & Summey, P.A., Surveyors, dated June 28, 2000, File #3766-64A. Said easement shall be appurtenant to and run with the land.

TOGETHER WITH and SUBJECT TO a perpetual right and easement for access to a well for the purposes of obtaining water, maintaining, repairing and the shared maintenance costs of said well as described in Deed Book 480, Page 1382, Haywood County Registry.

AND BEING all of that property as conveyed from Nathan L. Hughes and wife, Angela M. Hughes, Grantors, to Charles William James and wife, Martha L. James, Grantees, by deed recorded on July 11, 2000, in Deed Book 480, Page 1382, Haywood County Registry.

TOGETHER WITH AND SUBJECT TO any and all easements, covenants, conditions, rights of way, and restrictions of record.

The real property, designated Tract II, to be sold is generally described* as 72 Dale Earnhardt Drive, Canton, NC 28716.

TRACT III:

The real estate is shown on the Haywood County Tax Records as Parcel Identification Number ("PIN") 8668-16-1722, and is that certain parcel, tract or lot of real estate situated in Beaverdam Township, Haywood County, North Carolina described in Deed Book 863, at Page 1969, Haywood County, North Carolina Registry and is more particularly described as follows:

Lying and being in Beaverdam Township, Haywood County

BEGINNING at a point in center of Beaverdam Road, corner between Lots Nos. 1, 3, 4, and 5 of the subdivision hereinafter referred to, and runs with center of said road South 00° 30' 00" East 21.78 poles to a point; thence North 88° 30' 00" West .8 poles to a stake in west margin of said road; thence with said road margin, South 01° 45' 00" West 7 poles to a stake; thence North 88° 30' 00" West 56.9 poles to a point in center of branch; thence with center of branch North 24° 45' 00" West 24 poles to a stake, corner between Lots Nos. 5 and 6; thence with line of Lot No. 6 North 88° 00' 00" West 7.4 poles to a stake; thence North 02° 30' 00" East 7.84 poles to a stake in branch, corner between Lots Nos. 4 and 5; thence with line of Lot No. 4 South 87° 30' 00" East 73.33 poles to the **BEGINNING**, containing 11.6 acres and **BEING** Lot No. 5 of the P.G. Smathers Land, as shown on survey and plat by Watt Justice, Surveyor, dated August, 1937.

EXCEPTING HEREFROM the following property: **BEGINNING** at a point in the center of Beaverdam Road located South 00° 30' 00" East 225.89 feet from the southeast corner of Surret's property (Deed Book 198, at Page 270, Haywood County Registry) and the northeast corner of the parent tract (Book 365, Page 487), and runs thence along and with the center of said road South 00° 30' 00" East 133.48 feet; thence North 88° 30' 00" West 13.20 feet; thence South 01° 45' 00" West 115.50 feet to a point in Rice's line (Book 167, Page 183); thence along and with Rice's line and a fence North 88° 30' 00" West (passing an existing iron pipe at 4.50 feet) 155.21 feet to a 6-foot metal fence post; thence South 81° 10' 05" East (passing a 6-foot metal fence post at 95.06 feet) 146.27 feet to the **BEGINNING**, containing 0.903 of an acre, as per the plat of survey by Herron Land Surveying dated May 24, 1996 entitled "Wendell M. & Nancy B. Scott" (Drawing No. 2827-2029-B).

- EXCEPTION and RESERVING by Grantor, its heirs and assigns, a right of way for purposes of ingress, egress, and all utilities purposes, same to be used jointly by the parties hereto, their heirs and assigns, same being more particularly described as follows: **BEGINNING** at a point in the center of Beaverdam Road and at the northeast corner of the above-described 0.903 acres parcel of property, and runs thence along and with the line of said property North 81° 10' 05" West (crossing a drive) 51.21 feet to a 6-foot metal fence post; thence North 43° 05' 21" East 73.29 feet to a point in the center of said road; thence with the center of said road South 00° 30' 00" East 61.39 feet to the **BEGINNING**, containing 1,551 square feet, as per the above-mentioned plat of survey by Herron Land Surveying (Drawing No. 2827-2019-B). The drive within said right of way shall be maintained by the parties hereto, their heirs and assigns, on a basis proportionate to their usage thereof.

THE SAME property as described in a deed dated May 28, 1996, from John P. Francoeur, and wife, Sherry Lynn Francoeur to Wendell M. Scott, and wife, Nancy B. Scott, said deed being recorded in Deed Book 453, at Page 221, Haywood County Registry.

- THIS CONVEYANCE** is made subject to the following restrictive Covenants. In the event that the property is subdivided for single wide mobile homes then the lot size for the sale of a lot for any single-wide mobile home shall be a minimum of 1 acre. This restriction shall apply to any parcel that a subsequent purchaser may wish to place a single-wide mobile home on. In the event of sub-division the Grantee agrees that all sub-division roads shall be of a minimum of 45' right of ways and shall provide for reasonable road maintenance agreement of all lots subdivided.

THESE restrictions shall be considered as covenants real an shall run with the subject property.

Also Being known as all of Lot 1 as shown in Plat Cabinet C at Slot 2552, Haywood County Registry.

TOGETHER WITH AND SUBJECT TO any and all easements, covenants, conditions, rights of way, and restrictions of record.

The real property, designated Tract III, to be sold is generally described* as #1 Lee Clinton Simonds, Canton, NC 28716.

*The general description of the property is provided for convenience but is not guaranteed.

3. The property will be sold by the Commissioner to the highest bidder for **CASH**. The highest bidder will be required to deposit **IN CASH** with the Commissioner, at the date and time of the sale, twenty percent (20%) of the amount of the bid.
4. All bidders bid for the property **AS IS** on the date of sale. Absolutely no warranties are made as to the condition, value or title of the property. While the Commissioner believes the title to be good, all bidders are advised that they should obtain independent counsel. The Tax Collector has reserved the right to withdraw the sale up to and until the Deed is delivered by the Commissioner.
5. The sale will be made subject to all outstanding city and county taxes and all local improvement assessments against the above-described property not included in the Judgment in the above entitled case.
6. The sale will be held open for ten (10) days for upset bids as required by law.

THIS the 14th day of October, 2021.



MARK A. PINKSTON
Commissioner
Van Winkle, Buck, Wall, Starnes &
Davis, P.A.
PO Box 7376
Asheville, NC 28802-7376
(828)258-2991
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Dates: November 10, 2021 and November 17, 2021
26066-1098