

2802
0838

FILED
CATAWBA COUNTY
DONNA HICKS SPENCER
REGISTER OF DEEDS

BK 2802 PG 0838

FILED Dec 18, 2006
AT 12:02:20 pm
BOOK 02802
START PAGE 0838
END PAGE 0844
INSTRUMENT # 35194
EXCISE TAX \$270.00
BR

NORTH CAROLINA BENEFICIARY AND EXECUTOR'S DEED

THIS INSTRUMENT WAS PREPARED BY:

SARAH M. WHITE *Young M. Smith, Jr.*
PATRICK, HARPER & DIXON L.L.P.
P.O. Box 218
Hickory, NC 28603

Mail after recording to: Sarah M. White

STATE OF NORTH CAROLINA

REVENUE: \$270.00

COUNTY OF CATAWBA

THIS DEED made this 27th day of November, 2006, by and between **WILLIAM JUDD LAWING**, Executor of the Estate of Dorothy S. Neber; **PAULINE N. WARD and husband, JOHN PERRY WARD; CYNTHIA L. NEBER and husband, DELFIN P. LABAO, JR.; and LAURENCE N. NEBER and wife, WIPAWADEE ISSAWASOPON NEBER** (hereinafter collectively referred to as "Grantors") and **LEXIA PALMER CHURCHILL, single**, (hereinafter referred to as "Grantee"), 1007 21st Avenue, Northeast, Hickory, North Carolina 28601.

The designation Grantors 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:

WHEREAS, Dorothy S. Neber died on September 3, 2006; and

WHEREAS, her estate has been probated in the office of the Clerk of Superior Court of Catawba County, North Carolina, Estate File No. 06 E 842; and

PHD 295037.wpd

WHEREAS, all of the heirs in the Estate of Dorothy S. Neber are as follows: Pauline N. Ward, Cynthia L. Neber, and Laurence N. Neber; and

WHEREAS, William Judd Lawing duly qualified as the Executor of the Estate of Dorothy S. Neber on September 26, 2006; and

WHEREAS, the above-named Executor does hereby join in this deed to evidence his consent to the sale of the real property described below as required by North Carolina General Statute § 28A-17-12, the first Notice to Creditors having been published on September 30, 2006.

NOW, THEREFORE, Grantors, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, have given, granted, bargained, sold and conveyed and by these presents do give, grant, bargain, sell, convey and confirm unto Grantee, her heirs and/or successors and assigns, in fee simple, the following described property, located in Hickory Township, Catawba County, North Carolina:

ALL that certain piece, parcel, or lot of land being shown and designated as Lot No. 103 on plat entitled "La Madeleine Townhouses, Phase III" prepared by Vaughn & Bradshaw Surveying Company dated January 28, 1991, and recorded in the Office of the Register of Deeds of Catawba County in Plat Book 28 at Page 183.

ALSO: A non-exclusive easement of enjoyment in and to the areas identified on the above-mentioned plat as "Common Area" and conveyed by deed of the Grantor herein to La Madeleine Homeowners Association, Inc., together with such additional properties as may have been heretofore conveyed and as may be hereafter conveyed from time to time to La Madeleine Homeowners Association, Inc.

THE PREPARER OF THIS INSTRUMENT DID NOT SEARCH OR CERTIFY TITLE.

TO HAVE AND TO HOLD the above-described premises, with all appurtenances thereunto belonging unto Grantee, her heirs and/or successors and assigns, in fee simple.

Pauline N. Ward, Cynthia L. Neber, and Laurence N. Neber covenant with Grantee that they are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that they will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

John Perry Ward, Delfin P. Labao, Jr., and Wipawadce Issawasopon Neber join in this deed for the sole purpose of conveying any marital interest they may have in the subject property and give no warranties of title.

William Judd Lawing, as the Executor of the Estate of Dorothy S. Neber, does covenant that he has not placed or suffered to be placed any presently existing lien or encumbrance on the said property, and that said party will warrant and defend title to the same against the lawful claims of all persons claiming by, through, under or on account of Grantors, as the Executor of the Estate of Dorothy S. Neber, and so far as it is the said party's duty to do so by virtue of the said party's office as Executor as aforesaid, and no further.

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

2006 ad valorem taxes shall be prorated between the parties as of the date of closing.

All easements, restrictions, and rights-of-way of record.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seal the day and year first above written.

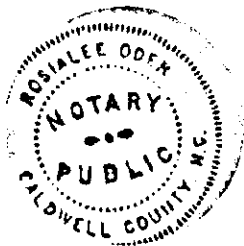
William J. Lawing (SEAL)
William J. Lawing, Executor of the Estate of
Dorothy S. Neber

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

I, Rosalee Oder a Notary Public for Caldwell County, North Carolina, do hereby certify that **William J. Lawing**, Executor of the Estate of Dorothy S. Neber, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.

Witness my hand and official seal, this the 13 day of December, 2006.



Rosalee Oder
Notary Public
Print Name: Rosalee Oder
My Commission Expires: 7/24/2010

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seal the day and year first above written.

Pauline N. Ward (SEAL)
Pauline N. Ward

John Perry Ward (SEAL)
John Perry Ward

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

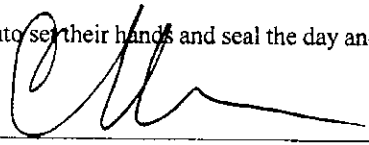
I, RUTH MORRIS a Notary Public for SAN DIEGO County, California, do hereby certify that **Pauline N. Ward** and husband, **John Perry Ward**, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.

Witness my hand and official seal, this the 1 day of DECEMBER, 2006.

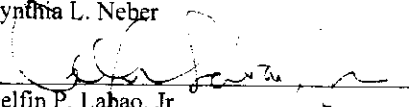


Ruth Morris
Notary Public
Print Name: RUTH MORRIS
My Commission Expires: 3/18/2008

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seal the day and year first above written.



Cynthia L. Neber (SEAL)



Delfin P. Labao, Jr. (SEAL)

STATE OF CALIFORNIA

COUNTY OF _____

I, _____ a Notary Public for _____ County, California, do hereby certify that **Cynthia L. Neber** and husband, **Delfin P. Labao, Jr.**, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.

Witness my hand and official seal, this the ____ day of _____, 2006.

*See Attached
Acknowledgment*

Notary Public
Print Name: _____
My Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles

} ss.

On November 27, 2006, before me, Kathryn Lisa Moray Public

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Cynthia L Nebel & Delfo P Lasso, Jr.

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Kathryn Lisa
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Executor's DeedDocument Date: 11-27-06Number of Pages: 3Signer(s) Other Than Named Above: N/A to me

Capacity(ies) Claimed by Signer

Signer's Name: Cynthia L Nebel & Delfo P Lasso, Jr.☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seal the day and year first above written.

Laurence N. Neber (SEAL)
Laurence N. Neber

WIPAWADEE ISSAWASOPON NEBER (SEAL)
Wipawadee Issawasopon Neber

COUNTRY OF THAILAND

Kingdom of Thailand
Bangkok Metropolis
Embassy of the United States
of America

COUNTY/PROVINCE OF BANGKOK

Faith E. Shehane

Consular Associate of the

I, United States of America

a Notary Public for U.S. EMBASSY BANGKOK THAILAND

do hereby certify that **Laurence N. Neber** and wife, **Wipawadee Issawasopon Neber**, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.

Witness my hand and official seal, this the 28 NOV 2006 day of 2006.



Faith E. Shehane Faith E. Shehane
Notary Public
Consular Associate of the
United States of America
Print Name: _____
My Commission Expires: Indefinite

[Handwritten signature]