

RESOLUTION # _____

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

- WHEREAS, the Law Firm Ronald E. Sneed, P.A., of Asheville, recently uploaded the same deed twice for recording with the Buncombe County Register of Deeds; and
- WHEREAS, as a result, the Firm erroneously paid to the Buncombe County Register of Deeds an excise tax of \$450.00 on December 8, 2017; and
- WHEREAS, pursuant to NCGS §105-228.37, Ronald E. Sneed, P.A. made timely written request for a refund of overpayment of excise tax caused by the error, a copy of which is attached, and, further, the deed first recorded was properly recorded in Buncombe County along with appropriate payment of excise taxes; and
- WHEREAS, this Board having considered this request and upon motion made, seconded, and duly adopted has determined that it is in the best interests of the citizens and residents of the County that this request be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the County Manager or her designee is hereby authorized to process a refund to Ronald E. Sneed, P.A. in the amount of \$450.00 in accordance with NCGS §105-228.37.
2. That this resolution shall be effective upon its adoption.

This the 16th day of January, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

RONALD E. SNEED, P.A.
ATTORNEY AT LAW
104 CHURCH STREET
P.O. BOX 995
BLACK MOUNTAIN, N.C. 28711

RONALD E. SNEED
ronsneed@bellsouth.net
www.sneedlaw.com

TELEPHONE
828-669-7953
FACSIMILE
828-669-4322

January 5, 2018

Via Email: Brandon.Freeman@buncombecounty.org

Board of County Commissioners
200 College Street, Suite 300
Asheville, NC 28801

Attn: Brandon Freeman

Dear Mr. Freeman:

A deed was recorded by my office through Simplifile on December 7, 2017, in Book **5617** at Pate **1250**. On December 8, 2017, we prepared and attempted to file a different deed for a different property through Simplifile which had a completely different excise tax figure. After we submitted the deed, something happened in the Simplifile system and the December 7 deed was recorded again in the place of the deed submitted. Simplifile was unable to do anything for us in regard to this issue. When the December 7 deed was recorded the second time in error on December 8, 2017, in Book **5618** at Page **115**, the excise tax was paid a second time for the same transaction.

A copy of each of the referenced deeds is enclosed.

Simplifile is insistent that the error did not occur on their end, but that is irrelevant. Whatever the cause of the second recording of the same deed, revenue stamps in the amount of \$450.00 was paid twice on a single transfer of real estate and we are requesting that the second payment of that amount be refunded.

Sincerely,


Ronald E. Sneed

Enclosure

Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/7/2017 10:17:19 AM
Fee Amt: \$476.00 Page 1 of 3
Revenue Tax: \$450.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5617 PG 1250 - 1252

There are no delinquent taxes that are a lien the parcel(s) described in the deed which the Buncombe County Tax Collector is charged with collecting.

12-07-2017
Date

Raydon Walker
Deputy Tax Collector

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 450.00

Parcel Identifier No. 9659-88-7994 Verified by _____ County on the ____ day of _____, 20__
By: _____

Mail/Box to: Ronald E. Sneed, P.A., 104 Church Street, Black Mountain, NC 28711, Box 47 17-421 . PP

This instrument was prepared by: Goosmann Rose Colvard & Cramer, P.A. (17-4576 CNT/bm)

Brief description for the Index: _____

THIS DEED made this 4th day of December, 2017, by and between

GRANTOR

Shelia Hartshorn and
Tom Williams (married to each other)
76 Boyd Avenue
Waynesville, NC 28786

GRANTEE

Sandra C. Fleener
127 Shadowbrook Drive
Asheville, NC 28805

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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, parcel of land or condominium unit situated in the City of Asheville, _____ Township, Buncombe County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference. This instrument was prepared by the law office of Goosmann Rose Colvard & Cramer, P.A. without review or examination of the herein described property and no opinions or representations are being made, either expressed or implied, by said law firm or any of its attorneys. This instrument was prepared by Catherine N. Toler, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5579 page 1981. All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

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, other than the following exceptions: Easements, restrictions, rights of way of record and utility lines readily apparent and in existence over or under the subject property. Ad Valorem taxes for the current year.

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

_____ (Entity Name) _____ (SEAL)
 By: _____ Print/Type Name: Shelia Hartshorn

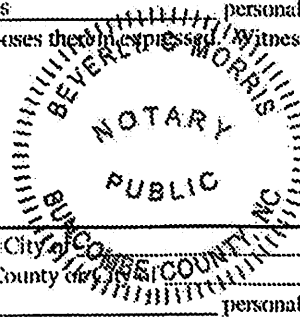
_____ Print/Type Name & Title: _____ (SEAL)
 By: _____ Print/Type Name: Tom Williams

_____ (SEAL)
 By: _____ Print/Type Name: _____

_____ (SEAL)
 By: _____ Print/Type Name: _____

State of North Carolina - County or City of Buncombe
 I, the undersigned Notary Public of the County or City of Buncombe and State aforesaid, certify that Shelia Hartshorn and husband, Tom Williams personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 4th day of December, 2017.

My Commission Expires: 1/15/2021
 (Affix Seal) _____ Notary Public
 _____ Notary's Printed or Typed Name



State of _____ - County or City of _____
 I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public
 (Affix Seal) _____ Notary's Printed or Typed Name:

State of _____ - County or City of _____
 I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, _____ he signed the foregoing instrument in his name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public
 (Affix Seal) _____ Notary's Printed or Typed Name

Exhibit A

Beginning at a point in the Northeast corner of the property described in Deed Book 2820, at Page 44 of the Buncombe County, North Carolina Registry; thence from said point and along the Northern margin of the aforesaid real property North 78° 28' 38" West 68 feet to a point located in the Northwest corner of the aforesaid property; thence North 11° 31' 22" East 14 feet to a point; thence South 78° 28' 38" East 2 feet to a point; thence North 11° 31' 22" East 14 feet to a point located in the Northwest corner of that property described in Deed Book 2356, at Page 119; thence South 78° 28' 38" East 42 feet to a point; thence South 11° 31' 22" West 14 feet to a point; thence South 78° 28' 38" East 2 feet to a point; thence South 11° 31' 22" West 2 feet to a point; thence South 78° 28' 38" East 22 feet to a point; thence South 11° 31' 22" West 12 feet to the point and place of Beginning. Being a revision of Unit C-4 of Haw Creek Villas.

The above-described property is all of that property conveyed in that deed recorded in Book 5579, at Page 1981 of the Buncombe County, NC Register's Office.

17-4576

A circular stamp with illegible text inside, overlaid with a handwritten signature in dark ink.

Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/8/2017 10:05:52 AM
Fee Amt: \$476.00 Page 1 of 3
Revenue Tax: \$450.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5618 PG 115 - 117

There are no delinquent taxes that are a lien the parcel(s) described in the deed which the Buncombe County Tax Collector is charged with collecting.

12-08-2017
Date

[Signature]
Deputy Tax Collector

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 450.00

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By: _____

Mail/Box to: Ronald E. Sneed, P.A., 104 Church Street, Black Mountain, NC 28711, Box 47 17-421 . PP

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GRANTEE

Sandra C. Fleener
127 Shadowbrook Drive
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Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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, parcel of land or condominium unit situated in the City of Asheville, _____ Township, Buncombe County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference. This instrument was prepared by the law office of Goosmann Rose Colvard & Cramer, P.A. without review or examination of the herein described property and no opinions or representations are being made, either expressed or implied, by said law firm or any of its attorneys. This instrument was prepared by Catherine N. Toler, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

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

 (Entity Name) Shelia Hartshorn (SEAL)
 Print/Type Name: Shelia Hartshorn

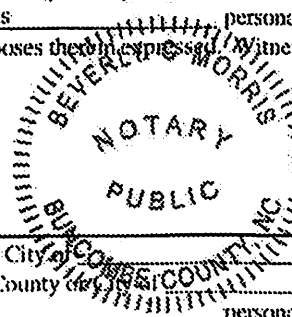
By: _____
 Print/Type Name & Title: _____ Tom Williams (SEAL)
 Print/Type Name: Tom Williams

By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
 Print/Type Name & Title: _____ Print/Type Name: _____

State of North Carolina - County or City of Buncombe
 I, the undersigned Notary Public of the County or City of Buncombe and State aforesaid, certify that Shelia Hartshorn and husband, Tom Williams personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 4th day of December, 2017.

My Commission Expires: 1/15/2021
 (Affix Seal) Beverly J. Morris Notary Public
 Notary's Printed or Typed Name: Beverly J. Morris



State of _____ - County or City of _____
 I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____
 (Affix Seal) Notary Public
 Notary's Printed or Typed Name: _____

State of _____ - County or City of _____
 I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, _____ he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____
 (Affix Seal) Notary Public
 Notary's Printed or Typed Name: _____

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17-4576

A circular stamp with the word "NOTARY" around the perimeter and a handwritten signature across it.