

RESOLUTION # _____

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the Law Offices of Richard J. Maita, of Asheville, recently uploaded a deed for recording with the Buncombe County Register of Deeds, rather than the Haywood County Register of Deeds as required (said deed attached hereto as Exhibit A); and

WHEREAS, as a result, the Law Offices of Richard J. Maita erroneously paid to the Buncombe County Register of Deeds an excise tax of \$350.00 on May 25, 2018; and

WHEREAS, pursuant to N.C. Gen. Stat. §105-228.37, the Law Offices of Richard J. Maita made timely written request for a refund of overpayment of excise tax caused by the error, a copy of which is attached hereto as Exhibit B, and, further, the deed has been properly recorded in Haywood 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 the Law Offices of Richard J. Maita in the amount of \$350.00 in accordance with N.C. Gen. Stat. § 105-228.37.
2. That this resolution shall be effective upon its adoption.

This the 19th day of June, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Type: CONSOLIDATED REAL PROPERTY
Recorded: 5/25/2018 12:27:26 PM
Fee Amt: \$376.00 Page 1 of 4
Revenue Tax: \$350.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5667 PG 820 - 823

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.

05-25-2018

Date

[Signature]
Deputy Tax Collector

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 350.00

Parcel Identifier No. 8633-32-3082 Verified by _____ County on the ____ day of ____, 20____
By: _____

Mail/Box to: Law Offices of Richard Maita, P.A. 35 A. Montford Avenue, Asheville, NC 28801

This instrument was prepared by: Wenzel & Wenzel, PLLC, 166 Branner Ave., Suite A, Waynesville, NC 28786

This instrument was prepared by Derek M. Wenzel, a licensed NC Attorney. Delinquent taxes, if any, to be paid by the closing attorney upon disbursement of closing proceeds.

Brief Description for the index:

Lot 14, Lost Cove Sbdv

****NO TITLE SEARCH PERFORMED BY PREPARER****

THIS DEED made the 25th day of May, 2018 by and between:

GRANTOR(S)	GRANTEE(S)
Wesley D. Sutton, as settler and trustee of the Wesley D. Sutton Revocable Trust dated March 4, 2011, and Sherry N. Sutton as settler and trustee of the Sherry N. Sutton Revocable Trust dated March 4, 2011	Meghan E. O'Connor
18446 Anasazi Bluff Dr. College Station, TX 77845	7 Twin Mountain View Road Canton, NC 28716

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 or parcel of land situated in the City of _____, Cecil Township, Haywood County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 867, Page 1170.

A map showing the above described property is recorded in Plat Cabinet B, Slot 323-G.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

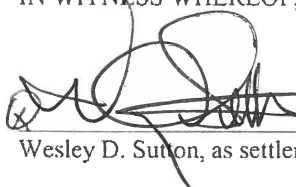
Submitted electronically by "Law Offices of Richard J. Maita"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.



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: Ad Valorem property taxes, easements, restrictions, rights of way and all other such matters of public record.

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

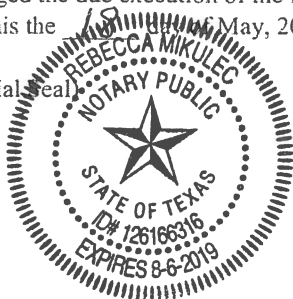
 Wesley D. Sutton, as settler and trustee (SEAL)

See Attached (SEAL)
Sherry N. Sutton, as settler and trustee

STATE OF Texas, COUNTY OF Brazos

I, the undersigned Notary Public for the County of Brazos and State aforesaid, certify that **Wesley D. Sutton, as settler and trustee of the Wesley D. Sutton Revocable Trust dated March 4, 2011**, did personally appear 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 the _____ day of May, 2018.

(Official Seal)



Rebecca Mikulec
Notary Public
My Commission Expires: 8/6/2019

STATE OF _____, COUNTY OF _____

I, the undersigned Notary Public for the County of _____ and State aforesaid, certify that **Sherry N. Sutton as settler and trustee of the Sherry N. Sutton Revocable Trust dated March 4, 2011** personally came 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 the _____ day of May, 2018.

(Official Seal)

See Attached

Notary Public
My Commission Expires: _____

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: Ad Valorem property taxes, easements, restrictions, rights of way and all other such matters of public record.

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

See Attached

Wesley D. Sutton, as settler and trustee (SEAL)



Sherry N. Sutton, as settler and trustee (SEAL)

STATE OF _____, COUNTY OF _____

I, the undersigned Notary Public for the County of _____ and State aforesaid, certify that **Wesley D. Sutton, as settler and trustee of the Wesley D. Sutton Revocable Trust dated March 4, 2011**, did personally appear 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 the _____ day of May, 2018.

See Attached

(Official Seal)

Notary Public
My Commission Expires: _____

STATE OF Georgia, COUNTY OF Bulloch

I, the undersigned Notary Public for the County of Bulloch and State aforesaid, certify that **Sherry N. Sutton as settler and trustee of the Sherry N. Sutton Revocable Trust dated March 4, 2011** personally came 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 the 21 day of May, 2018.

(Official Seal)





Notary Public
My Commission Expires: 5-3-19

EXHIBIT "A"

BEING Lot No. 14, Lost Cove Subdivision, as shown on the plat recorded in Plat Cabinet B, Slot 323-G, Haywood County Registry.

TOGETHER WITH and SUBJECT TO the rights of way shown on the recorded plats of Lost Cove Subdivision and as described in Deed Book 386, Page 1187 to East Fork Road.

SUBJECT TO the restrictive covenants described in Deed Book 337, Page 637, Haywood County Registry.

Further TOGETHER WITH and SUBJECT TO a joint easement, along with the other users, for the establishments, repairs and replacement of a well (Well #2), water lines and appurtenant structures located near the eastern corner of Lot No. 26. The obligation of the joint users to share in the costs of maintaining the system are described in the restrictive covenants referred to above.

BEING the identical property conveyed to Wesley D. Sutton as settler and trustee of the Wesley D. Sutton Revocable Trust dated March 4, 2011 and Sherry N. Sutton as settler and trustee of the Sherry N. Sutton Revocable Trust dated March 4, 2011, by deed dated June 4, 2014, recorded in Deed Book 867, Page 1170, Haywood County Registry.

Sutton Trust st O'Connor 18-241

Brandon Freeman

From: Jennifer Wilson <jennifer@MaitaLaw.com>
Sent: Tuesday, May 29, 2018 3:09 PM
To: Brandon Freeman
Subject: [EXTERNAL] Recording in wrong county
Attachments: 2018_05_25008[2].pdf

CAUTION: External email. Do not click links or open attachments unless verified. Use the "Phish Alert" button to report all suspicious email.

Buncombe County Board of Commissioners,

On May 25th our office e-recorded the attached deed in Buncombe County. The property is located in Haywood County. We are requesting a refund for the \$350.00 excise tax that was paid. I apologize for the error. Please let me know if you have any questions.

Thank you for your time.

*****Please note: Due to the increasing number of fraudulent official checks all cash to close from out of state banks must be WIRED to our trust account. We will take official checks drawn on LOCAL Banks in our area only. No exceptions*****

Jennifer P. Wilson

NC Bar State Certified Paralegal
Law Offices of Richard J. Maita
35A Montford Avenue
Asheville, NC 28801

828-236-1888 Phone
828-236-1887 Fax

The best compliment I can receive is a referral of your family, friends and colleagues*

