

RESOLUTION # _____

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the Law Firm Best and Best, PLLC, 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; and

WHEREAS, as a result, the Firm erroneously paid to the Buncombe County Register of Deeds an excise tax of \$120.00 on September 10, 2018; and

WHEREAS, pursuant to NCGS §105-228.37, Best and Best, PLLC 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 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 his designee is hereby authorized to process a refund to Law Firm Best and Best, PLLC, in the amount of \$120.00 in accordance with NCGS §105-228.37.
2. That this resolution shall be effective upon its adoption.

This the 20th day of November, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

From: Hannah Nelson [<mailto:hannah@BestPLLC.com>]
Sent: Tuesday, September 18, 2018 4:48 PM
To: Michael C. Frue <Michael.Frue@buncombecounty.org>
Subject: Hamilton, Erica/ Reimbursement

Mr. Frue,

Last week we recorded a document with Buncombe County that was supposed to be recorded in Haywood County

You have helped me before when we ran into this predicament earlier this year with another document and I remember there was a hearing that had to happen

This deed and deed of trust were recorded at Book 5701 Page 135 and Book 5701 and Page 138
We had excise tax of \$120 and Recording fees of \$90

Please let me know what I need to do to get this taken care of and our money refunded

Thank you,

-PLEASE HAVE ANY CHECKS, SELLER DOCS, OR OTHER IMPORTANT DOCUMENTS DROPPED OFF AT OUR OFFICE, NOT AT THE REGISTER OF DEEDS.-

Hannah Nelson

Paralegal to Scott C. Best
Best and Best, PLLC
77 Central Ave Suite E
Asheville, NC 28801
hannah@bestpllc.com
Office: 828-255-7772

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Type: CONSOLIDATED REAL PROPERTY
Recorded: 9/10/2018 1:58:49 PM
Fee Amt: \$146.00 Page 1 of 3
Revenue Tax: \$120.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5701 PG 135 - 137

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.
09-10-2018 Raydon Walker
Date Deputy Tax Collector

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 120.00

TITLE NOT SEARCHED BY PREPARER

Parcel Identifier No. 8669-30-4632 Verified by _____ County on the _____ day of _____, 20__

By: _____

Mail/Box to: Best & Best, PLLC, 77 Central Avenue, Ste. E, Asheville, NC 28801

This instrument was prepared by: James W. Kirkpatrick, III, P.A., 37 Branner Avenue, Waynesville, NC 28786, a licensed North Carolina attorney. ~~Delinquent taxes, if any, to be paid by the Closing Attorney to the county tax collector upon~~
Brief description for the Index: disbursement of closing proceeds.

THIS DEED made this 5th day of September, 2018, by and between

GRANTOR

GRANTEE

Joe D. Robinson (unremarried widower)
39 Ganey Fork Road
Canton, NC 28716

Erica Hamilton
308 Fennel Dun Circle
Biltmore Lake, NC 28715

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 _____, _____ Beaverdam Township, _____ Haywood County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____.
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:

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

By: _____ (Entity Name) Joe D. Robinson (SEAL)
Print/Type Name: Joe D. Robinson

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

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 Haywood
I, the undersigned Notary Public of the County or City of Haywood and State aforesaid, certify that Joe D. Robinson (unremarried widower) 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 5th day of September, 20 18.

My Commission Expires: _____
(Affix Seal)



Rhonda Warren
Rhonda Warren Notary Public
Notary's Printed or Typed Name

State of North Carolina - County or City of Haywood
I, the undersigned Notary Public of the County or City of Haywood 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 5th 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

EXHIBIT "A"

BEING Lot 1, containing 6.801 acres, according to a plat of survey entitled "Boundary Survey for Dr. Erica Hamilton" by Steven M. Higley, P.L.S., dated 9/4/18, drawing no. HAY18003BASE, recorded in Plat Cabinet C, Slot 8127, Haywood County Registry.

SUBJECT TO that Deed of Easement and Road Maintenance Agreement recorded in Book 958, Page 622, Haywood County Registry.

BEING a portion of the property described in deed dated October 5, 1980 from Jack E. Robinson, divorced to Joe D. Robinson and wife, Mitzie Robinson, recorded in Book 318, page 866, Haywood County Registry.