

RESOLUTION # _____

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF EXCISE TAX
(Reed Law Firm o/b/o Mary Hollis and Brian McKeown)

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- WHEREAS, the Reed Law Firm of Asheville, recently uploaded a deed twice for recording with the Buncombe County Register of Deeds (“Exhibit A”), due to a computer glitch; and
- WHEREAS, as a result, taxpayers Mary Hollis and Brian McKeown erroneously overpaid to the Buncombe County Register of Deeds an excise tax of \$680.00 on July 19, 2021; and
- WHEREAS, pursuant to N.C. Gen. Stat. §105-228.37, the Reed Law Firm made timely written request for a refund of said overpayment on behalf of said taxpayers, a copy of which is attached as “Exhibit B,” and
- WHEREAS, this Board, having given proper notice to the taxpayers through counsel and having conducted a hearing on the matter, upon motion made, seconded, and duly adopted, has determined that a refund is due.

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, shall refund the overpayment, together with any applicable interest,¹ to the taxpayers, care of the Reed Law Firm.
2. That the County Manager, or her designee, shall inform the Department of Revenue of the refund.
3. That this resolution shall be effective upon its adoption.

This the 19th day of October, 2021.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

1. Pursuant to N.C. Gen. Stat. § 105-241.21(c)(2), interest accrues 90 days after the tax was paid. N.C. Gen. Stat. § 105-228.37(f) sets the rate as that established in N.C. Gen. Stat. § 105-241.21, which applies [the rate set by the Secretary of Revenue](#) (currently set at 5% for July 1, 2021 through December 31, 2021). Pursuant to N.C. Gen. Stat. § 105-241.21(d), a refund sent to a taxpayer is considered paid on a date no sooner than five days after a refund check is mailed.

Type: CONSOLIDATED REAL PROPERTY
Recorded: 7/19/2021 3:35:08 PM
Fee Amt: \$706.00 Page 1 of 3
Revenue Tax: \$680.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6095 PG 1358 - 1360

Excise Tax \$680.00
Parcel Identifier No. 9744-28-3150-00000

Mail after recording to: Reed Law Firm, P.C., 168-B South Liberty Street, Asheville, North Carolina 28801
This instrument was prepared by: Reed Law Firm, P.C., 168-B South Liberty Street, Asheville, North Carolina 28801
This instrument prepared by William K. Reed, 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 IS NOT THE PRIMARY RESIDENCE OF THE GRANTOR (N.C.G.S. §105-317.2)****

Brief Description for the index

415 Hemlock Springs Trail
Weaverville, NC 28787

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this the _____ day of July, 2021, by and between

GRANTOR

GRANTEE

Jeffrey B. Posey, unmarried

21529 Plantation Road
Bristol, VA 24202

**Brian McKeown and
Mary Hollis McKeown, married to each other**

415 Hemlock Springs Trail
Weaverville, NC 28787

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 Buncombe County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT A

Submitted electronically by Reed Law Firm, PC in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Buncombe County Register of Deeds.

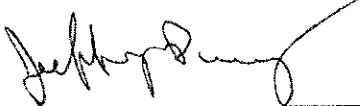
The property hereinabove described was acquired by Grantor by instrument recorded in Book 4791, beginning on Page 55 and Book 3473, beginning on page 292.

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 except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions: **APPLICABLE EASEMENTS, RIGHTS OF WAY, RESTRICTIONS OF RECORD WITHIN THE CHAIN OF TITLE TO THE PROPERTY IDENTIFIED HEREIN.**

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.



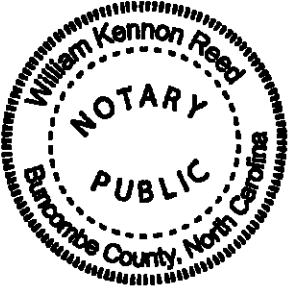
Jeffrey B. Posey (SEAL)

SEAL-STAMP

STATE OF NORTH CAROLINA,
BUNCOMBE COUNTY.

I, the undersigned, a Notary Public of Buncombe County, North Carolina, hereby certify that Jeffrey B. Posey, Inc, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 19 day of July, 2021.



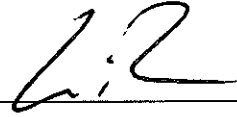
My commission expires: 3/29/2024  Notary Public

EXHIBIT A

BEING all of Lot 35, Section 2, as shown on a plat of Twin Brook Hills as recorded in Plat Book 78, at Page 105 of the records maintained by the Office of the Register of Deeds for Buncombe County, North Carolina; reference to which being hereby made for a more particular description of said Lot.

AND BEING that property identified in Deed/Record Book 4791, beginning on Page 55 and in Deed/Record Book 3473, beginning on Page 292 of the records maintained by the Office of the Register of Deeds for Buncombe County, North Carolina.

J.B.P.

ADDRESS: 415 Hemlock Springs Trail, Weaverville NC 28787
PIN NO.: 9744-28-3150-00000

2106144

From: Amanda Allen <amanda.allen@reedlawpc.com>
Sent: Monday, September 27, 2021 12:23 PM
To: Brandon Freeman
Subject: Refund Request

Buncombe County Board of Commissioners c/o Brandon Freeman,

In July two deeds were recorded twice due to a computer glitch. We would like to request a reimbursement of \$856 (\$680 & \$176). Below is the information on each deed that we are requesting the reimbursement of, in case you need that information.

1. Jeffrey Posey to Mary Hollis McKeown & Brian McKeown (\$680)
 - a. Deed Book 6095, Page 1804 & Deed Book 6095, Page 1358
2. Grant C. McArdle Jr to Ashkat Realty, LLC (\$176)
 - a. Deed Book 6095, Page 1841 & Deed Book 6095, Page 1200

If you need more information, please let me know.

Best,

Amanda

Amanda Allen, Paralegal
Reed Law Firm, P.C.
168-B South Liberty Street
Asheville, NC 28801
828.252.9747
828.252.9092 (FAX)
Amanda.allen@reedlawpc.com

Please send all contracts and requests for service to info@reedlawpc.com. All loan packages should be sent to packages@reedlawpc.com. Thank you.