

RESOLUTION # _____

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the Brock Law Firm of Asheville, recently uploaded a deed for recording with the Buncombe County Register of Deeds (see attached "Exhibit A"), rather than the Henderson 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 \$390.00 on November 30, 2018; and

WHEREAS, pursuant to NCGS §105-228.37, the Brock Law Firm made timely written request for a refund of overpayment of excise tax caused by the error, a copy of which is attached as Exhibit B, and, further, the deed has been properly recorded in Henderson County, along with appropriate payment of excise taxes (see attached "Exhibit C"); 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 designee is hereby authorized to process a refund to the Brock Law Firm, in the amount of \$390.00 in accordance with NCGS §105-228.37.
2. That this resolution shall be effective upon its adoption.

This the 5th day of February, 2019.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

Heather Hockaday
County Attorney



Doc ID: 032074010004 Type: CRP
Recorded: 11/30/2018 at 04:45:43 PM
Fee Amt: \$416.00 Page 1 of 4
Revenue Tax: \$380.00
Workflow# 0000498315-0001
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5724 PG 1469-1472

CA

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.

Excise Tax \$ 390.00
Tax Lot No. _____ Parcel Identifier No. 114659
Verified by _____ County on the _____ day of _____, 20_____

Mail after recording to: Brock Law Firm - 26 N. Liberty Street, Asheville, NC 28801 *Box 27*
This instrument was prepared by: Reed Law Firm, P.C., 168-B South Liberty Street, Asheville, North Carolina 28801/jg
****NO TITLE SEARCH PERFORMED BY PREPARER****

Brief Description for the index 228 Ashmore Avenue

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this the _____ day of November, 2018, by and between

GRANTOR	GRANTEE
Christopher Hobson and wife, Meagan Hobson	Amanda Scifres and Eric Scifres, married to each other
1800 Cold Stream Court, #302 Asheville, NC 28803	228 Ashmore Avenue Hendersonville, NC 28791-1406

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

SEE ATTACHED EXHIBIT A

****THE PROPERTY IS THE PRIMARY RESIDENCE OF THE GRANTOR (N.C.G.S. §105-317.2)****

EXHIBIT
 A

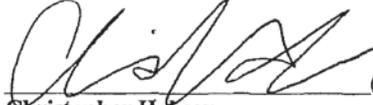
The property hereinabove described was acquired by Grantor by instrument recorded in Book 3122, at Page 177.

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: **Easements, restrictions and rights of way of record.**

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.

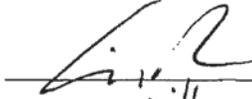
 (SEAL)
Christopher Hobson

NORTH CAROLINA,
Henderson COUNTY.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Christopher Hobson, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 28 day of November, 2018.



My commission expires: 3/20/2015

 Notary Public
Printed Name: William Kennon Reed

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.

Meagan Hobson (SEAL)
Meagan Hobson

~~Florida~~
~~NORTH CAROLINA,~~
Sarasota COUNTY.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Meagan Hobson, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 26th day of November, 2018.

SEAL-STAMP

My commission expires: 11/21/21

Trevor Schorzmann Notary Public
Printed Name: Trevor Schorzmann

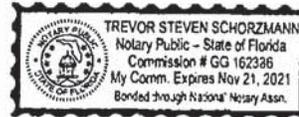


EXHIBIT A

BEING all of Lot 2, Block 15, as shown on a plat of Greater Druid Hills Subdivision as recorded in Plat Cabinet B, at Slide 21A of the records maintained by the Office of the Register of Deeds for Henderson 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 3122, beginning on Page 177 of the records maintained by the Office of the Register of Deeds for Henderson County, North Carolina.



From: Amanda Allen [<mailto:amanda@brockfirm.net>]
Sent: Friday, January 11, 2019 10:13 AM
To: Michael C. Frue <Michael.Frue@buncombcounty.org>; Drew Reisinger <Drew.Reisinger@buncombcounty.org>
Subject: RE: Reimbursement of Excise Tax

Hi Michael,

Thank you! Attached you'll find the deed and deed of trust from Henderson County.

Best,
Amanda



Amanda Allen
Paralegal
The Brock Law Firm
26 North Liberty Street
Asheville, NC 28801
Phone: (828) 254-6200
Fax: (828) 254-6611
amanda@brockfirm.net

Please contact our office prior to changing a closing date. The closing date shown on the contract/title request is applied to our calendar when your transaction is received and we plan accordingly. If you wish to change the closing date, please contact our office first to check availability and feasibility. Thank you.

BEWARE OF WIRE FRAUD!

If you receive an email with wiring instructions, **PLEASE VERIFY** the instructions by calling our office! The Brock Law Firm does **NOT** alter its wiring instructions and wires to us should only be sent to First Bank. If you are provided with a new or different bank name, account name, routing number, account number or branch location, do **NOT** wire funds! These instructions should be presumed fraudulent. **CALL** our office to verify wiring instructions. Do **NOT** call a number provided on new or altered wiring instructions.

Privileged and Confidential: The contents of this e-mail message may be privileged and/or confidential. If you are not the intended recipient, any review, dissemination, copying, distribution or other use of the contents of this message or any attachment by you is strictly prohibited. If you receive this communication in error, please notify us immediately by return e-mail or by telephone (828-254-6200), and please delete this message and all attachments from your system. **IRS CIRCULAR 230 NOTICE:** To comply with requirements imposed by the United States Treasury Department, any information regarding any U.S. federal tax matters contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, as advice for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter

EXHIBIT
B

addressed herein.

From: Michael C. Frue <Michael.Frue@buncombecounty.org>
Sent: Friday, January 11, 2019 9:02 AM
To: Drew Reisinger <Drew.Reisinger@buncombecounty.org>; Amanda Allen <amanda@brockfirm.net>
Subject: RE: Reimbursement of Excise Tax

Drew -

Sure thing. I can get that done.

Amanda - could you forward copies of the corrected filings with Henderson County ?

Thank you.

Michael C. Frue
Buncombe County
Senior Staff Attorney
200 College Street, Ste 400
Asheville, NC 28801
p. 828-250-4121
c. 828-231-1572

****Email Confidentiality Notice****

This electronic transmission is private and confidential, and intended only for the use of the addressees and individual or entity named above. If you are not the intended recipient, you are hereby notified that any use, dissemination or distribution of this message, or any attachments, is strictly prohibited. If you have received this communication in error, please contact the sender by reply e-mail immediately and destroy all copies of the original message. Thank you.

From: Drew Reisinger
Sent: Friday, January 11, 2019 8:57 AM
To: Amanda Allen <amanda@brockfirm.net>; Michael C. Frue <Michael.Frue@buncombecounty.org>
Subject: FW: Reimbursement of Excise Tax

Michael,

The Brock Law Firm is requesting a refund on the attached document that was recorded in the wrong county. Can you add this refund request to the upcoming Commissioner's agenda?

Thank you,

Drew

--

Drew Reisinger
Buncombe County Register of Deeds
205 College Street
Asheville, NC 28801
828-250-4315; fax 828-250-4339
drew.reisinger@buncombecounty.org

From: Amanda Allen [<mailto:amanda@brockfirm.net>]
Sent: Thursday, January 10, 2019 11:50 AM
To: Drew Reisinger <Drew.Reisinger@buncombecounty.org>
Subject: Reimbursement of Excise Tax

Hi Drew,

I hope you are doing well today.

We recorded a deed and deed of trust in Buncombe county, but the property is in Henderson. We wanted to see about getting the Excise tax reimbursed to our office. Attached are the documents we had recorded (Deed Book 5724, Page 1469 & Deed Book 5724, Page 1473). Would you please request the County Commissioners for the reimbursement?

Thank you for your help.

Best,
Amanda



Amanda Allen
Paralegal
The Brock Law Firm
26 North Liberty Street
Asheville, NC 28801
Phone: (828) 254-6200
Fax: (828) 254-6611
amanda@brockfirm.net

Please contact our office prior to changing a closing date. The closing date shown on the contract/title request is applied to our calendar when your transaction is received and we plan accordingly. If you wish to change the closing date, please contact our office first to check availability and feasibility. Thank you.

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If you receive an email with wiring instructions, **PLEASE VERIFY** the instructions by calling our

office! The Brock Law Firm does NOT alter its wiring instructions and wires to us should only be sent to First Bank. If you are provided with a new or different bank name, account name, routing number, account number or branch location, do NOT wire funds! These instructions should be presumed fraudulent. CALL our office to verify wiring instructions. Do NOT call a number provided on new or altered wiring instructions.

Privileged and Confidential: The contents of this e-mail message may be privileged and/or confidential. If you are not the intended recipient, any review, dissemination, copying, distribution or other use of the contents of this message or any attachment by you is strictly prohibited. If you receive this communication in error, please notify us immediately by return e-mail or by telephone (828-254-6200), and please delete this message and all attachments from your system. IRS CIRCULAR 230 NOTICE: To comply with requirements imposed by the United States Treasury Department, any information regarding any U.S. federal tax matters contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, as advice for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

BK 3276 PG 141 - 144 (4) DOC# 894896
This Document eRecorded: 12/03/2018 09:50:56 AM
Fee: \$26.00
Henderson County, North Carolina
William Lee King, Register of Deeds

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.

Excise Tax \$ 390.00
Tax Lot No. _____ Parcel Identifier No. 114659
Verified by _____ County on the _____ day of _____, 20__.

Mail after recording to: Brock Law Firm - 26 N. Liberty Street, Asheville, NC 28801
This instrument was prepared by: Reed Law Firm, P.C., 168-B South Liberty Street, Asheville, North Carolina 28801/jg
NO TITLE SEARCH PERFORMED BY PREPARER

Brief Description for the index 228 Ashmore Avenue

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this the _____ day of November, 2018, by and between

GRANTOR	GRANTEE
Christopher Hobson and wife, Meagan Hobson	Amanda Scifres and Eric Scifres, married to each other
1800 Cold Stream Court, #302 Asheville, NC 28803	228 Ashmore Avenue Hendersonville, NC 28791-1406

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

SEE ATTACHED EXHIBIT A

****THE PROPERTY IS THE PRIMARY RESIDENCE OF THE GRANTOR (N.C.G.S. §105-317.2)****

EXHIBIT

C

Submitted electronically by "Brock Law Firm, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

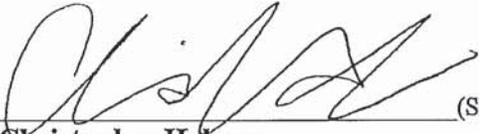
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TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple:

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.

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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.

 (SEAL)
Christopher Hobson

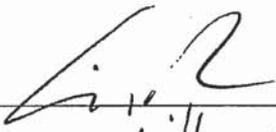
NORTH CAROLINA,
HENDERSON COUNTY.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **Christopher Hobson**, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 28 day of November, 2018.

SEAL-STAMP



My commission expires: 3/28/2015

 Notary Public
Printed Name: William Kennon Reed

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.

Meagan Hobson (SEAL)
Meagan Hobson

~~Florida~~
~~NORTH CAROLINA,~~
Sarasota COUNTY.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Meagan Hobson, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 26th day of November, 2018.

SEAL-STAMP

My commission expires: 11/21/21

Trevor Schorzmann Notary Public
Printed Name: Trevor Schorzmann

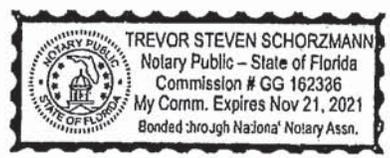


EXHIBIT A

BEING all of Lot 2, Block 15, as shown on a plat of Greater Druid Hills Subdivision as recorded in Plat Cabinet B, at Slide 21A of the records maintained by the Office of the Register of Deeds for Henderson 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 3122, beginning on Page 177 of the records maintained by the Office of the Register of Deeds for Henderson County, North Carolina.

