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NORTH CAROLINA  
HARNETT COUNTY

FILED

BOOK 1253 PAGE 756-762

'98 FEB 20 PM 4 55

*Kimberly S. Hargrove*  
~~CAYLE P. HOLDER~~

REGISTER OF DEEDS  
HARNETT COUNTY, NC

Filing Date

ADMINISTRATIVE NOTICE  
INDEX/DOCUMENT MAINTENANCE

ORIGINAL BOOK/PAGE: 1253 / 47-52

INSTR# 9802602

ORIGINAL FILING DATE: 02 / 18 / 1998

INST. TYPE: NOTICE

PETITIONERS: ~~XXXXXXXXXX~~ PEGGY EVERETT DANNLEY AND HUSBAND, PHILIP C. DANNLEY

VS.

RESPONDENTS: JOSEPH FELTON EVERETT AND WIFE, ELLA S. EVERETT; JO ANN SENTER AND HUSBAND, JOSEPH SENTER, LINDA FAYE CLARKE - UNMARRIED;

~~XXXXXXXXXX~~ JOHN ALVIN TART AND WIFE, LETITIA R. TART; GERALD GEORGE TART, SINGLE; JOSEPH MARK TART AND WIFE, TRACEY RENEE BAKER TART; TIMOTHY WAYNE TART, SINGLE; MARY EVERETT SMITH AND HUSBAND, RICKY SMITH

ERROR IN: RECORDED DOCUMENT  INDEXING

ERROR DISCOVERED BY: CYNTHIA J. HUMKE - ASSISTANT

DESCRIPTION OF ERROR: GRANTEE INDEXED INCORRECTLY

ORIGINAL DOCUMENT RE-RECORDED:

BOOK/PAGE: 1053 / 756-762

DATE CORRECTED: 02 / 20 / 1998

BY: *Cynthia J. Humke* TITLE: ASSISTANT

~~CAYLE P. HOLDER~~  
*Kimberly S. Hargrove*  
REGISTER OF DEEDS  
HARNETT COUNTY

Prepared pursuant to G.S. 47-36, case law - Brown v. Hutchinson, 155 N.C. 205, 71 S.E. 302 (1911) and North Carolina guidebook for Registers of Deeds (1990).

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NORTH CAROLINA  
HARNETT COUNTY

FILED

1998 JAN 16 PM 4:45  
HARNETT COUNTY, C.S.C.  
BY h/s

THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
95 SP 0071

PEGGY EVERETT DANNLEY and husband,  
PHILIP C. DANNLEY,  
Petitioners

vs.

JOSEPH KELTON EVERETT and wife,  
ELLA S. EVERETT; JO ANN SENTER and  
husband, JOSEPH SENTER; LINDA FAYE  
CLARKE, unmarried; MARY EVERETT  
SMITH and husband, RICKY SMITH;  
JOHN ALVIN TART and wife, LETISIA  
R. TART; GERALD GEORGE TART,  
single; JOSEPH MARK TART and wife,  
TRACEY RENEE BAKER TART; TIMOTHY  
WAYNE TART, single,  
Respondents

REPORT  
OF  
COMMISSIONERS

FILED  
BOOK 1253 PAGE 47-52

'98 FEB 18 PM 3 41  
Kimberly S. Hargrove  
GATEL P. HOLDER  
REGISTER OF DEEDS  
HARNETT COUNTY, NC

TO THE CLERK OF THE SUPERIOR COURT OF HARNETT COUNTY:

We, the undersigned Commissioners, appointed by the Court in the above-entitled Special Proceeding to divide and apportion the lands described in the petition among the several tenants in common, respectfully report to the Court that having been summoned by the Sheriff of Harnett County and duly sworn as required by law, we met on the premises and divided said lands as nearly as possible in equal portions and did apportion the several portions among the tenants in common as follows:

ALL OF THE TRACT REFERENCES HEREINAFTER USED ARE TAKEN FROM THE MAP ENTITLED "DIVISION OF HEIRS SURVEY FOR IRENE M. EVERETTE" BY BENNETT SURVEYS, INC., DATED OCTOBER 3, 1997, AND RECORDED IN THE HARNETT COUNTY REGISTRY AT PLAT CABINET F, SLIDE 816-D. ALL LOTS HEREIN SET FORTH ARE SUBJECT TO AND SERVED BY ALL EASEMENTS NOTED ON SAID PLAT FOR ACCESS FROM WALKER ROAD (AKA SR NO. 2039) TO THE VARIOUS PARCELS SHOWN ON SAID DIVISION MAP AND FOR ALL TYPES OF UTILITIES AND THE CONSTRUCTION, INSTALLATION, REPAIR AND MAINTENANCE OF SUCH ROAD AND UTILITIES.

Kelly & West  
ATTORNEYS AT LAW  
620 S. MAIN STREET  
P.O. BOX 1114  
LESLINGTON, NC 27546  
910-893-8183  
FAX: 910-893-2614

HARNETT COUNTY, NORTH CAROLINA  
FILED DATE 2/20/98 TIME 4:50pm  
BOOK 1253 PAGE 756-762  
REGISTER OF DEEDS  
KIMBERLY S. HARGROVE

And in order to make an equitable partition and to make the portion of each party equal in value to the others, we do charge said Tract 5A with a sum equal to the net proceeds of the sale of the tobacco allotment (less one-sixth of said proceeds to be retained by Mary Everett Smith) with the amounts to be paid as set forth above with each tract. By accepting the parcels allotted to the recipient of Tract 5A and the tobacco allotment assigned to the lands owned by the co-tenants herein, said recipient Mary Everette Smith and her heirs and assigns shall be obligated to cause said tobacco allotment to be sold as mentioned aforesaid after the confirmation of this Report of Commissioners. The proceeds from the sale of said tobacco allotment shall be allocated to the respective shares as aforesaid and shall be paid into the office of the Clerk of Superior Court to be used to apply on the cost of this proceeding as the same is taxed to the respective co-tenant herein (it being recognized that several co-tenants herein have paid a portion of the cost of this proceeding) with any excess being paid to such co-tenants as determined applicable.

Until the same has been paid into the office of the Clerk, the share allotted to Mary Everette Smith (Tract 5 consisting of Parcels 5A and 5B) is hereby impressed with the lien of an owelty.

In the event the tobacco allotment shall not be marketed as aforesaid, the amount of the owelty shall be determined by the Clerk of Superior Court in such manner and as by law provided.

Co-tenant Mary Everett Smith and husband, Ricky Smith, are the owners of that certain tract shown on the division map referred to above and marked "Smith 627/713" and said owners are signing this Report of Commissioners to consent to the dedication of that portion of the 60-foot wide road right-of-way easement which crosses said tract as shown on said map of survey and by these presents, said owners convey and dedicate said area for access and utilities as herein provided.

KELLY & WEST  
ATTORNEYS AT LAW  
600 E. MAIN STREET  
P.O. BOX 1116  
LILLINGTON, NC 27546  
910-893-8183  
FAX: 910-893-5614

48

758

1. To Linda Faye Clark, all of Lot 1 containing 11.00 acres along with one-sixth of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

2.(a) To Gerald George Tart, all of Lot 2A containing 3.23 acres along with 1/24th of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

(b) To Joseph Mark Tart, all of Tract 2B containing 3.23 acres along with 1/24th of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

(c) To Timothy Wayne Tart, all of Lot 2C containing 3.23 acres along with 1/24th of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

(d) To John Alvin Tart, all of Lot 2D containing 3.60 acres along with 1/24th of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

3. To Peggy Everette Dannley, all of Tract 3 containing 13.65 acres along with 1/6th of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

4. To Jo Ann Senber, all of Lot 4 containing 13.73 acres along with 1/6th of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

5. To Mary Everette Smith, all of Tract 5A containing 12.75 acres and all of Tract 5B containing .91 acres and all of the tobacco allotment. The tobacco allotment is to be sold immediately for fair market value by Mary Everette Smith with the approval and assistance of Attorneys Marshall Woodall and Reginald B. Kelly. The net proceeds of the sale are to be allotted as set forth above (with Mary Everette Smith retaining 1/6th of same).

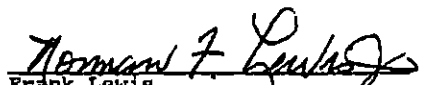
6. To Joseph Felton Everette, all of Tract 6 containing 27.97 acres along with 1/6th of the net sales proceeds from the sale of the tobacco allotment allotted to Tract 5A.

KELLY & WEST  
ATTORNEYS AT LAW  
900 S. MAIN STREET  
P.O. BOX 1113  
WILMINGTON, NC 27566  
910-893-6183  
FAX: 910-893-5814

Reported this 14th day of January, 1998.

  
James B. Brown

  
A. J. Stephenson

  
Frank Lewis

KELLY & WEST  
ATTORNEYS AT LAW  
900 S. MAIN STREET  
P.O. BOX 1518  
WILMINGTON, NC 27406  
910-953-8183  
FAX: 910-953-5816

Unofficial Document

50

760

UNRECORDED

The undersigned, Mary Everett Smith and husband, Ricky Smith, execute this Report of Commissioners to dedicate that portion of 60 foot-wide road right-of-way easement that crosses their property described in Book 627 at Page 713 as shown on the map survey in this matter and as set for the above in the Commissioners Report.

*Mary Everett Smith*  
Mary Everett Smith

*Ricky C. Smith*  
Ricky Smith

STATE OF NORTH CAROLINA  
COUNTY OF HARNETT

ACKNOWLEDGMENT OF INDIVIDUALS

I, a Notary Public of the County and State aforesaid, certify that Mary Everett Smith and husband, Ricky Smith, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 14th day of January



*Tammy P. West*  
Notary Public

My Commission Expires: 02-14-2001

KELLY & WEST  
ATTORNEYS AT LAW  
505 S. MAIN STREET  
P.O. BOX 1118  
LELINGTON, NC 27344  
910-993-8183  
FAX: 910-973-3816

*Copies of Report mailed to attorney/parents by Lejandra Kelly, Esq.*

NORTH CAROLINA  
HARNETT COUNTY

The foregoing certificate(s) of Jammy P. West  
Smith Co.  
Notary Public (Notaries Public) is/are certified to be correct. This instrument was presented for registration and recorded in this office at Book 1253 Page 7-52. This 18 day of Jan 1998 at 2:44 o'clock A.M. (P.M.)

Kimberly S. Hargrove  
Register of Deeds  
Harnett County

By: Ruby P. Brown  
Register of Deeds, Asst., Deputy

51

761

NORTH CAROLINA  
HARNETT COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
95 SP 0071

PEGGY EVERETT DANNLEY and husband,  
PHILIP C. DANNLEY,  
Petitioners

vs.

JOSEPH FELTON EVERETT and wife,  
ELLA S. EVERETT; JO ANN SENTER and  
husband, JOSEPH SENTER; LINDA FAYE  
CLARKE, unmarried; MARY EVERETT  
SMITH and husband, RICKY SMITH;  
JOHN ALVIN TART and wife, LETISIA  
R. TART; GERALD GEORGE TART,  
single; JOSEPH MARK TART and wife,  
TRACEY RENEE BAKER TART; TIMOTHY  
WAYNE TART, single,  
Respondents

ORDER OF  
CONFIRMATION FOR  
PARTITION IN KIND

HARNETT COUNTY, NORTH CAROLINA  
FILED DATE 2-18-98 TIME 3:46pm  
BOOK 1253 PAGE 17-52  
REGISTER OF DEEDS  
KIMBERLY S. HARGROVE

This proceeding coming on to be heard before the undersigned Clerk of Superior Court of Harnett County upon Report of Commissioners filed on January 16, 1998, for the partition of the property as described in said Petition in this matter, and it appearing to the Court that copies of said Report of Commissioners were mailed to all the parties to the proceeding, and that more than ten days has passed since the filing of said Report of Commissioners without any exception being filed in the matter; and

NOW, THEREFORE, IT IS ORDERED:

1. That the Report of Commissioners filed January 16, 1998, is hereby confirmed in every respect.
2. That the Report of Commissioners together with this decree of confirmation shall be registered in the office of the Register of Deeds of Harnett County and shall be binding among and between the claimants, their heirs, and assigns.

This the 18th day of February, 1998.

KELLY & WEST  
ATTORNEYS AT LAW  
602 S. MAIN STREET  
P.O. BOX 1118  
LUXINGTON, NC 27546  
910-493-8183  
FAX: 910-493-8014

*Kimberly S. Hargrove*  
Clerk of Superior Court

HARNETT COUNTY, NORTH CAROLINA  
FILED DATE 2/18/98 TIME 4:55pm  
BOOK 1253 PAGE 17-52  
REGISTER OF DEEDS  
KIMBERLY S. HARGROVE