

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$350

Parcel Identifier No. 171900869611, 172900062950

Mail/Box to: GRANTEE

THIS INSTRUMENT PREPARED BY JONATHAN S. RAYMER, A LICENSED NORTH CAROLINA ATTORNEY, DELINQUENT TAXES, IF ANY, TO BE PAID BY THE CLOSING ATTORNEY TO THE COUNTY TAX COLLECTOR UPON DISBURSEMENT OF CLOSING PROCEEDS.

This instrument was prepared by: Jonathan S. Raymer, Law Firm Carolinas

Title Insurance through: Chicago Title Insurance Company

Brief description for the Index: 2 Utility Tracts, Bear Den S/D

THIS DEED made this 17th day of February 2023, by and between:

GRANTOR	GRANTEE
<p>Bear Den Acres Development, Inc. a North Carolina corporation</p>	<p>Red Bird Utility Operating Company, LLC a North Carolina limited liability company</p>
<p>-and-</p>	<p><i>Mailing Address:</i> 500 Northwest Plaza Drive, Suite 500 Saint Ann, MO 63074</p>
<p>Bear Den Mountain Resort, Inc. a North Carolina corporation</p>	<p><i>Property Address:</i> Near Bear Den Mountain View, Bear Cub Drive Spruce Pine, NC 28777</p>
<p><i>Mailing Address:</i> 600 Bear Den Mountain Road Spruce Pine, NC 28777</p>	

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

SEE EXHIBIT "A" ATTACHED FOR A MORE PARTICULAR DESCRIPTION

Note: Bear Den Mountain Resort, Inc. joins to convey any interest they may have in the Property since they received the residual interests of the original developers William Moody and Louise Moody which were not already deeded to Bear Den Acres Development, Inc., and the deed to Bear Den Mountain Resort, Inc. in Book 1200, Page 1006 included the Property although the same was already deeded to Bear Den Acres Development, Inc. in Book 474, Page 724.

The property hereinabove described acquired by Grantor in: **Book 474, Page 724, and Book 1200, Page 1006.**

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

A map showing the above-described property is recorded in Map Book 26, Pages 98 and 99 and Map Book 27, Page 35.

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:

THIS CONVEYANCE IS MADE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD, IF ANY, AND AD VALOREM TAXES FOR THE CURRENT YEAR.

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

Bear Den Acres Development, Inc.
a North Carolina corporation

By: *Mark A. Krauss*
Mark A. Krauss, President

Bear Den Mountain Resort, Inc.
a North Carolina corporation

By: *Mark A. Krauss*
Mark A. Krauss, President

State of *NC*
County of *Yancey*

I, the undersigned Notary Public, certify that Mark A. Krauss personally came before me this day and acknowledged that they are the President of Bear Den Acres Development, Inc. and Bear Den Mountain Resort, Inc., both North Carolina corporations, and that by authority duly given and as the act of such entity, they signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 23 day of Feb. 2023.

My Commission Expires: 10-23-25

Diana Davis Canipe
Notary Public

(Affix Seal)

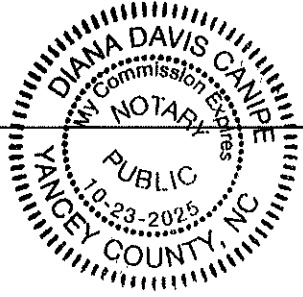


EXHIBIT "A"
LEGAL DESCRIPTION

OFFICIAL COPY

Feb 27 2023

TRACT 1 (Well Site)

Parcel No. 1719-00-86-9611

BEING WELL SITE #1 and WELL SITE #2, collectively containing 1.60 acres, shown on the plat of survey dated 09/09/2016 by R. Larry Greene, PLS #L-1517 entitled "Survey of a Portion of that Property Described in a Deed to Wm. Frederick Moody, Joseph R. Moody, Timothy R. Moody and Louanne M. Hawn," said plat being recorded in McDowell County in Plat Book 26 at Pages 98 & 99.

The above being further surveyed and described as:

Being all that piece, parcel and tract of land having an address of 600 Bear Den Mountain Road and being PIN 1719-86-9611, located in McDowell County, North Carolina, containing approximately 2.139 acres, and being more particularly described as follows:

To locate the POINT OF BEGINNING, commence at the NGS concrete monument "Cavern" PID FA3589 (N:796944.47 E:1120996.14), and run South 75°21'23" West, 2026.58 feet to a five-eighths inch rebar found (N:796432.25 E:1119035.79) at a common property corner of Bear Den Mountain Resort Inc (now or formerly) PIN 1719-86-9611 described in Deed Book 1200, Page 1006, McDowell County Public Registry and State of North Carolina (now or formerly) PIN 1729-15-0721 described in Deed Book 1244, Page 872, McDowell County Public Registry, and being the point of beginning of the tract of land herein described; thence from said POINT OF BEGINNING with the common property lines of Bear Den Mountain Resort Inc (now or formerly) and State of North Carolina (now or formerly) the following six (6) courses and distances: (1) South 84°17'12" West, 219.97 feet to a five-eighths inch rebar found; (2) North 05°42'23" West, 423.59 feet to a five-eighths inch rebar found; (3) North 84°18'40" East, 219.98 feet to a five-eighths inch rebar found; (4) South 05°42'21" East, 369.45 feet to a point at the terminus of the northern line of a 30 foot wide access easement shown in Plat Book 26, Page 99, McDowell County Public Registry; (5) South 05°42'21" East, 44.79 feet to a point at the terminus of the southern line of a 30 foot wide access easement shown in Plat Book 26, Page 99; and (6) South 05°42'21" East, 9.25 feet to the point of beginning as shown on a survey by Christopher F. Jordan, PLS #L-4956 of McGill Associates dated August 3, 2020.

TOGETHER WITH the Easement that connects the southeastern corner of the 1.60-acre well site lot to Bear Den Mountain View Drive, for ingress, egress and regress, for utility services, and for all purposes necessary for the full enjoyment of the subject property.

The above being further surveyed and described as:

Being a 30-foot-wide access easement across the parcel with PIN 1729-15-0721, providing access to the parcel with PIN 1719-86-9611, located in McDowell County, North Carolina, containing approximately 0.091 acres, and being more particularly described as follows:

To locate the POINT OF BEGINNING, commence at the NGS concrete monument "Cavern" PID FA3589 (N:796944.47 E:1120996.14), and run South 75°21'23" West, 2026.58 feet to a five-eighths inch rebar found (N:796432.25 E:1119035.79) at a common property corner of Bear Den Mountain Resort Inc (now or formerly) PIN 1719-86-9611 described in Deed Book 1200, Page 1006, McDowell County Public Registry and State of North Carolina (now or formerly) PIN 1729-15-0721 described in Deed Book 1244, Page 872, McDowell County Public Registry; thence with the common property line of Bear Den Mountain Resort Inc (now or formerly) and State of North Carolina (now or formerly) the following two (2) courses and distances: (1) North 05°42'21" West, 9.25 feet to a point at the terminus of the southern line of a 30 foot wide access easement shown in Plat Book 26, Page 99, McDowell County Public Registry, and being the point of beginning of the easement herein described; thence from said POINT OF BEGINNING (2) North 05°42'21" West, 44.79 feet to a point at the terminus of the northern line of a 30 foot wide access easement shown in Plat Book 26, Page 99; thence leaving the common property line of Bear Den Mountain Resort Inc (now or formerly) and State of North Carolina (now or formerly), South 49°50'53" East, 26.87 feet to a point; thence South 40°55'01" East, 34.97 feet to a point; thence South 36°01'28" East, 42.83 feet to a point; thence South 46°36'58" East, 27.32 feet to a point; thence South 64°44'07" East, 11.91 feet to a point on the common property line of State of North Carolina (now or formerly) and Bear Den Mountain Resort Inc (now or formerly), on the northern margin of a private gravel drive shown in Plat Book 26, Page 99; thence with the common property line of State of North Carolina (now or formerly) and Bear Den Mountain Resort Inc (now or formerly), crossing a private gravel drive shown in Plat Book 26, Page 99, South 22°42'48" West, 29.76 feet to a point at a common property corner of State of North Carolina (now or formerly) and Bear Den Mountain Resort Inc (now or formerly) PIN 1719-95-0572 described in Deed Book 1200, Page 1001, McDowell County Public Registry; thence with the common property line of Bear Den Mountain Resort Inc (now or

formerly) and State of North Carolina (now or formerly), North 62°11'07" West, 21.27 feet to a point at a common property corner of Bear Den Mountain Resort Inc (now or formerly) and State of North Carolina (now or formerly); thence leaving the common property line of Bear Den Mountain Resort Inc (now or formerly) and State of North Carolina (now or formerly), North 46°53'24" West, 31.43 feet to a point; thence North 36°01'28" West, 44.33 feet to a point; thence North 40°55'01" West, 23.64 feet to the point of beginning as shown on a survey by Christopher F. Jordan, PLS #L-4956 of McGill Associates dated August 3, 2020.

TRACT 2 (Water Tank Site)

Parcel No. 1729-00-06-2950

BEING A PARCEL containing approximately 0.054 acres as shown on the survey plat dated November 1, 2016 by Marvin J. Nunley, PLS #L-4413, of Mountaineer Land Surveying, PA, 29 Summit Avenue, Spruce Pine, NC, that contains part of the property generally known as the Bear Den Campground property, said survey plat being recorded in MAP BOOK 27, PAGE 35 on the Office of the Register of Deeds of McDowell County, North Carolina, to which reference is made for all purposes. Said recorded plats are fully incorporated herein by reference.

The above being further surveyed and described as:

Being all that piece, parcel and tract of land having an address of 600 Bear Den Mountain Road and being PIN 1729-06-2950, located in McDowell County, North Carolina, containing approximately 0.054 acres, and being more particularly described as follows:

To locate the POINT OF BEGINNING, commence at the NGS concrete monument "Cavern" PID FA3589 (N:796944.47 E:1120996.14), and run South 83°48'22" West, 779.67 feet to a five-eighths inch rebar found (N:796860.37 E:1120221.19) at a common property corner of Bear Den Mountain Resort (now or formerly) PIN 1729-06-2950 described in Deed Book 1200, Page 1006, McDowell County Public Registry and State of North Carolina (now or formerly) PIN 1729-15-0721 described in Deed Book 1244, Page 872, McDowell County Public Registry, and at the terminus of the eastern right-of-way line of Bear Cub Drive, and being the point of beginning of the tract of land herein described; thence from said **POINT OF BEGINNING** with the southwestern property line of Bear Den Mountain Resort (now or formerly) North 11°22'47" West, 36.34 feet to a five-eighths inch rebar found at a common property corner of Bear Den Mountain Resort (now or formerly), State of North Carolina (now or formerly), and David Taylor Gibson (now or formerly) PIN 1729-06-0881 described in Deed Book 882, Page 6520, McDowell County Public Registry, and at the terminus of the western right-of-way line of Bear Cub Drive; thence with the common property lines of Bear Den Mountain Resort (now or formerly) and State of North Carolina (now or formerly) the following three (3) courses and distances: (1) North 44°16'37" East, 70.88 feet to a five-eighths inch rebar found; (2) South 34°26'24" East, 30.57 feet to a five-eighths inch rebar found; and (3) South 44°15'22" West, 85.40 feet to the point of beginning as shown on a survey by Christopher F. Jordan, PLS #L-4956 of McGill Associates dated August 3, 2020.