

Why Parcels Should Not Be Combined Without Some Document of Combination

2018 Advanced Real Property Seminar



North Carolina Department of
the Secretary of State

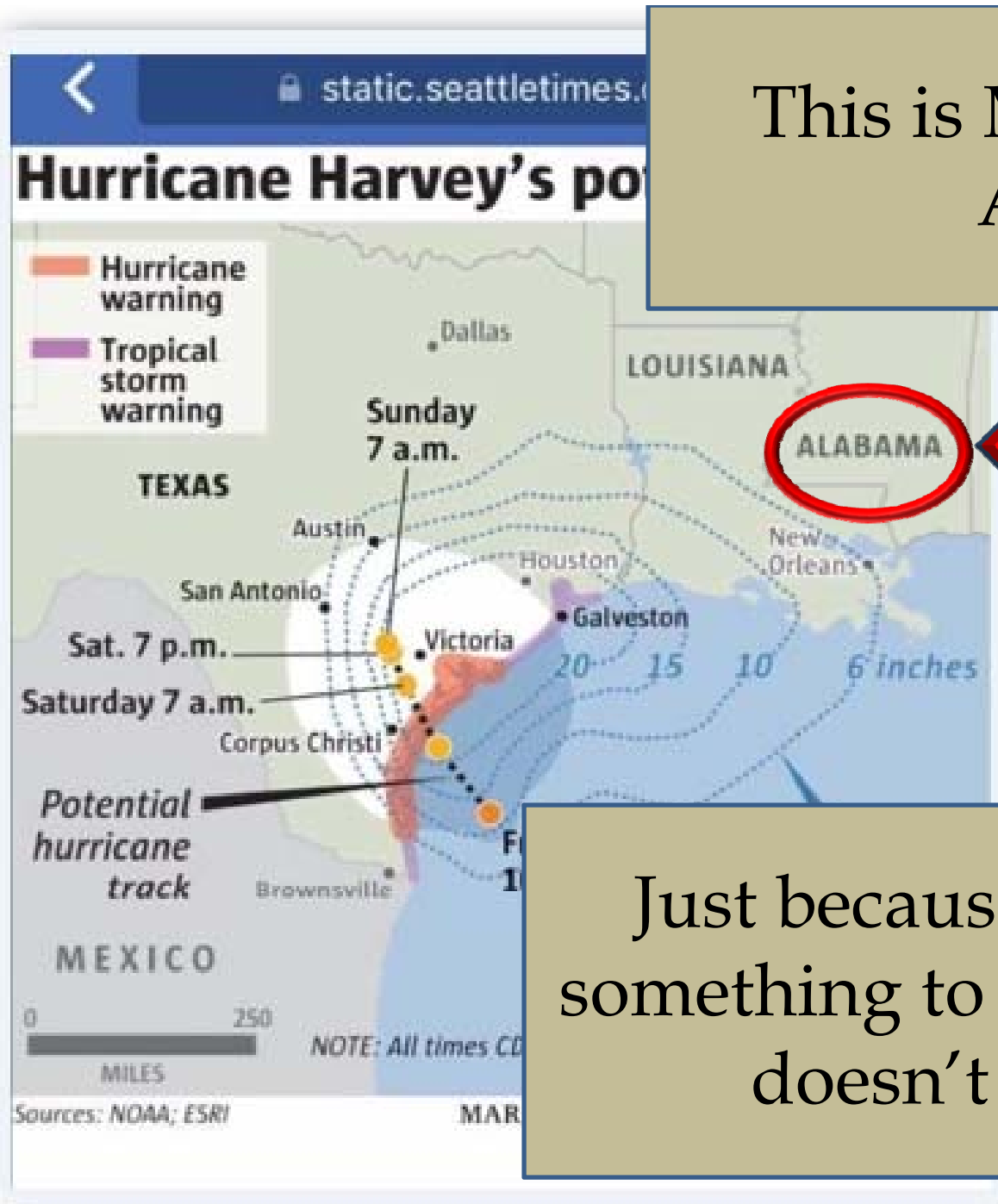
Elaine F. Marshall, Secretary of State

Presented by: John B. Bridgers

Land Records Consultant

jbridgers@sosnc.gov

(919) 814-5456



This is Mississippi, not Alabama



Is anything wrong with this map?

Just because a map shows something to be a certain way, doesn't make it so!

Major points to be presented

- Why separate parcels need an instrument of combination to be combined or re-combined.
- Statutory definition of a parcel
- Recording subsequent instruments
- Statute of Frauds
- Examples of what can happen when an instrument is not used or used inappropriately.

In North Carolina

- Closing costs are among the lowest in the entire country. (47th)
- Title Insurance rates in North Carolina are significantly cheaper than in other states.
- In large part, because of the integrity and accuracy of the land records across the state.
 - Title searches are relatively easy
 - Few title insurance claims are actually filed
 - Even fewer paid

But,
Why
Are
We
Really
Here



In a word

Specifically -
Ad Valorem taxes

"Ad Valorem" -
Latin meaning
"According to value"



North Carolina Constitution:

Article V – Finance

Section 2. State and local taxation.

(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner . . .

§ 105-273. Definitions.

- (2) Appraisal. - The true value of property or the process by which true value is ascertained.
- (3) Assessment. - The tax value of property or the process by which the assessment is determined.

§ 105-296. Powers and duties of assessor

The assessor shall have general charge of:

- the listing,
- appraisal,
- and assessment
 - of all property in the county
 - in accordance with the provisions of law.
- And he shall exercise all powers not inconsistent with
- the Constitution or the laws of this state.

Deeds get recorded in the county cadastre.

- So what is the county cadastre?
- The county cadastre is:
 - the “**OFFICIAL LIST**” of property owners and descriptions of their property located in the register of deeds office and the clerk of courts office.

Where is the county cadastre?



Basically,
it's the deed vault in the Register of Deeds
and the estate files in the Clerk of Courts plus
Any real estate court cases.

Why do we need an “official list” of owners and a description of their property?



1. Unpaid taxes
2. Eminent domain

What is a Parcel?

- § 47-30(f)(11)(c)(1) defines a parcel as:

- *“an area of land in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner in its existing configuration.”*

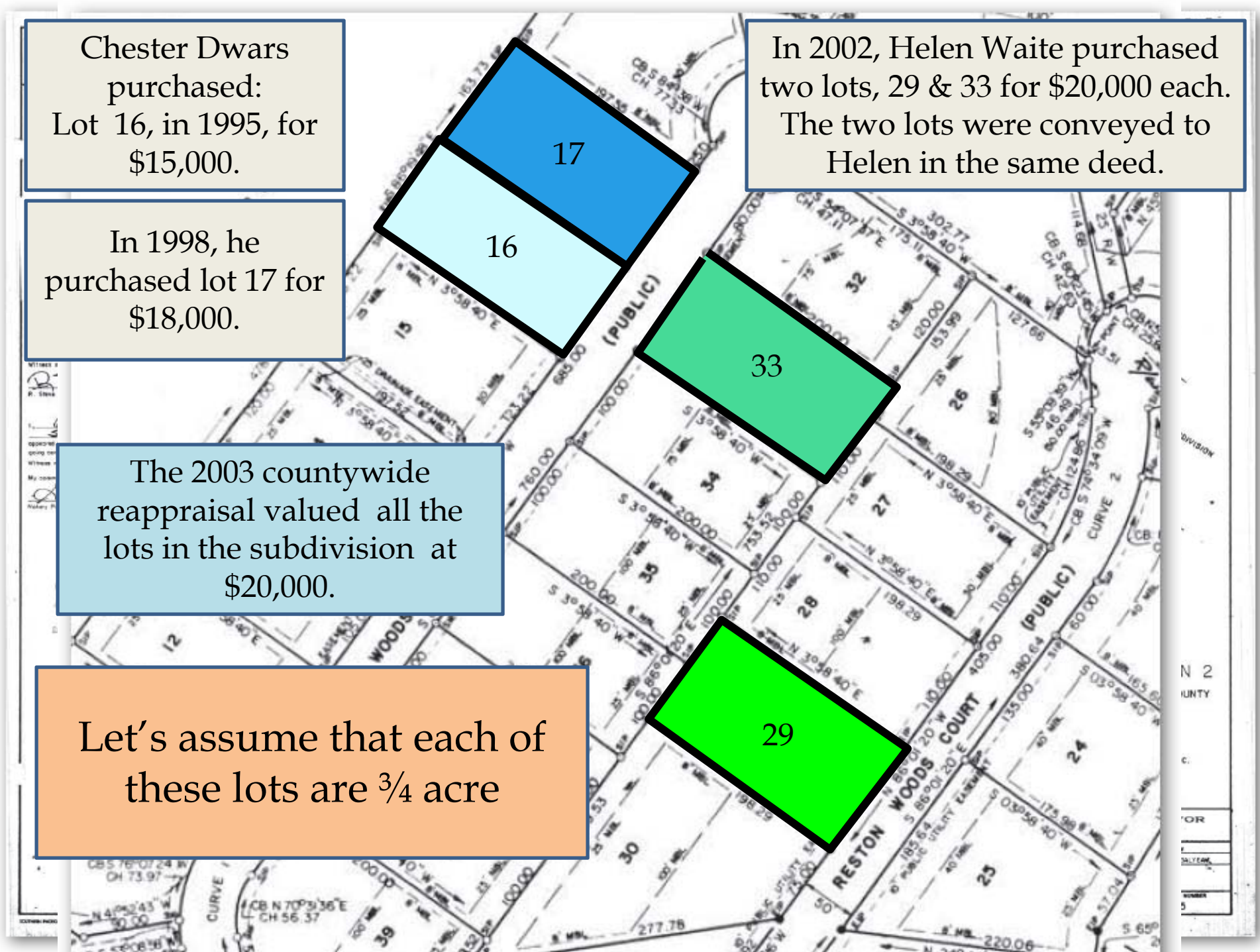
Chester Dwars purchased:
Lot 16, in 1995, for
\$15,000.

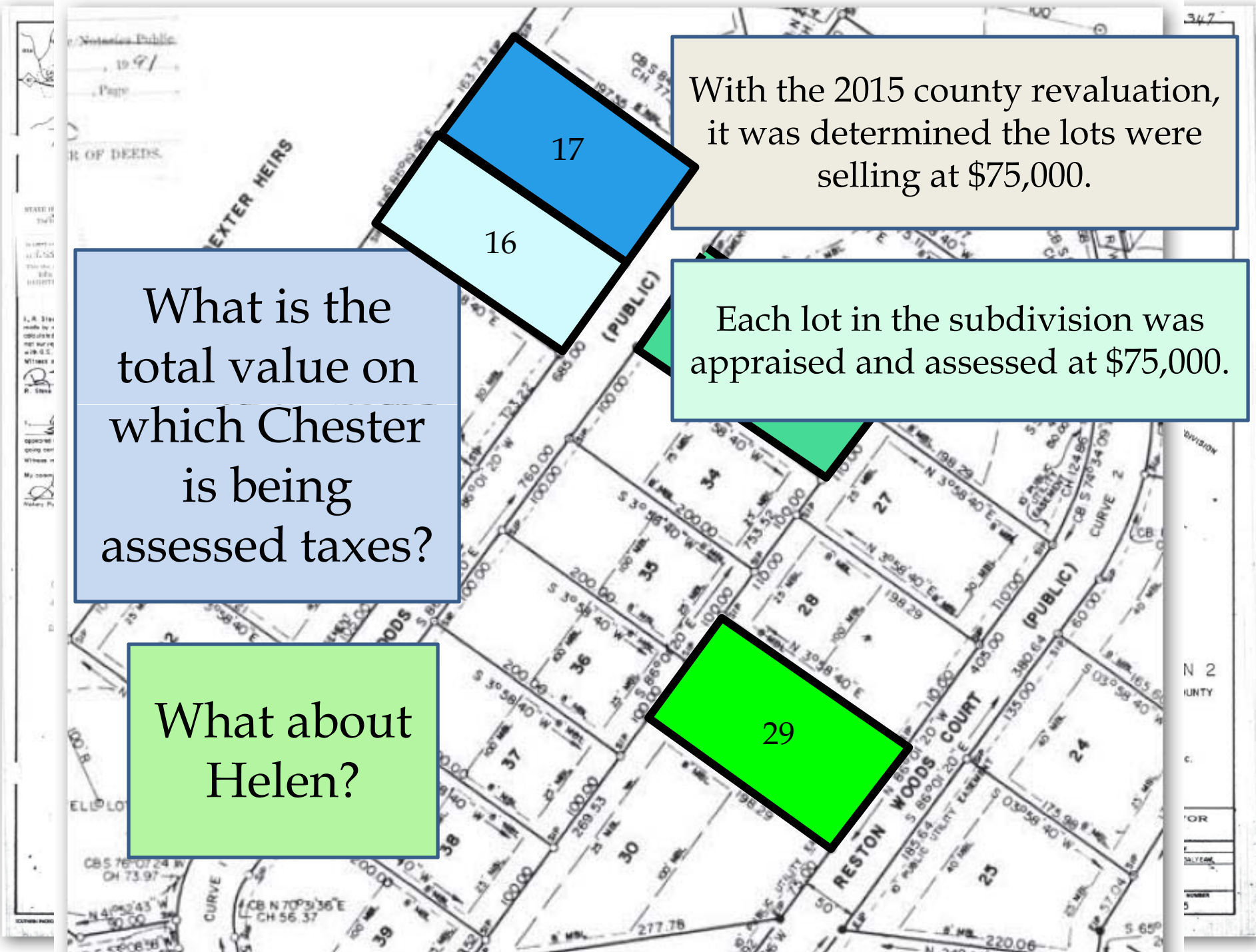
In 1998, he
purchased lot 17 for
\$18,000.

The 2003 countywide
reappraisal valued all the
lots in the subdivision at
\$20,000.

Let's assume that each of
these lots are $\frac{3}{4}$ acre

In 2002, Helen Waite purchased
two lots, 29 & 33 for \$20,000 each.
The two lots were conveyed to
Helen in the same deed.



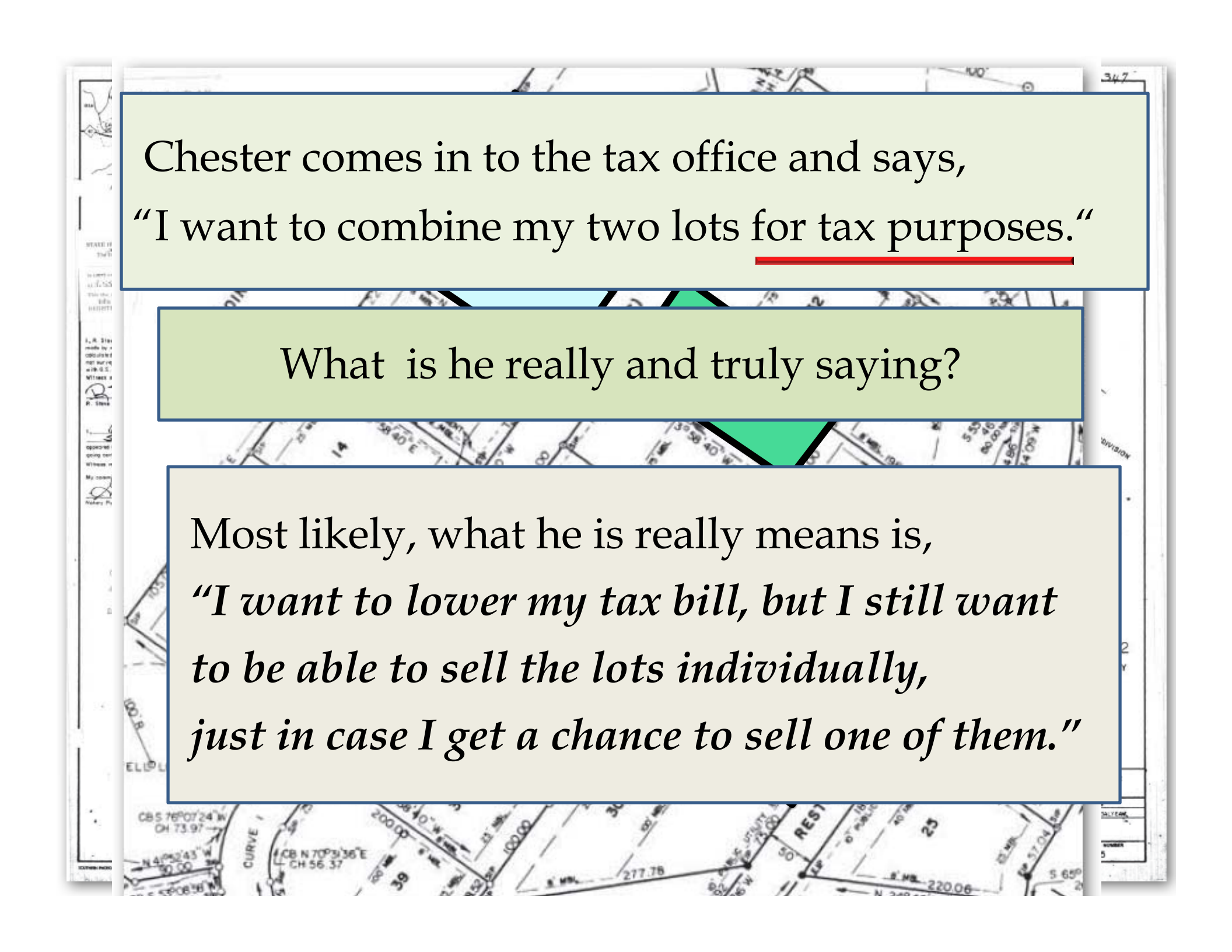


With the 2015 county revaluation, it was determined the lots were selling at \$75,000.

What is the total value on which Chester is being assessed taxes?

Each lot in the subdivision was appraised and assessed at \$75,000.

What about Helen?



Chester comes in to the tax office and says,
“I want to combine my two lots for tax purposes.”

What is he really and truly saying?

Most likely, what he is really means is,
*“I want to lower my tax bill, but I still want
to be able to sell the lots individually,
just in case I get a chance to sell one of them.”*

Suppose the county merges the two lots into a single parcel without some muniment recorded in the register of deeds office.

Does Chester's tax parcel now match the definition of a parcel as defined by the statute - GS 47-30(f)(11)(c)(1)?

How much can he sell each lot?

Is Chester's property being assessed "at value?"

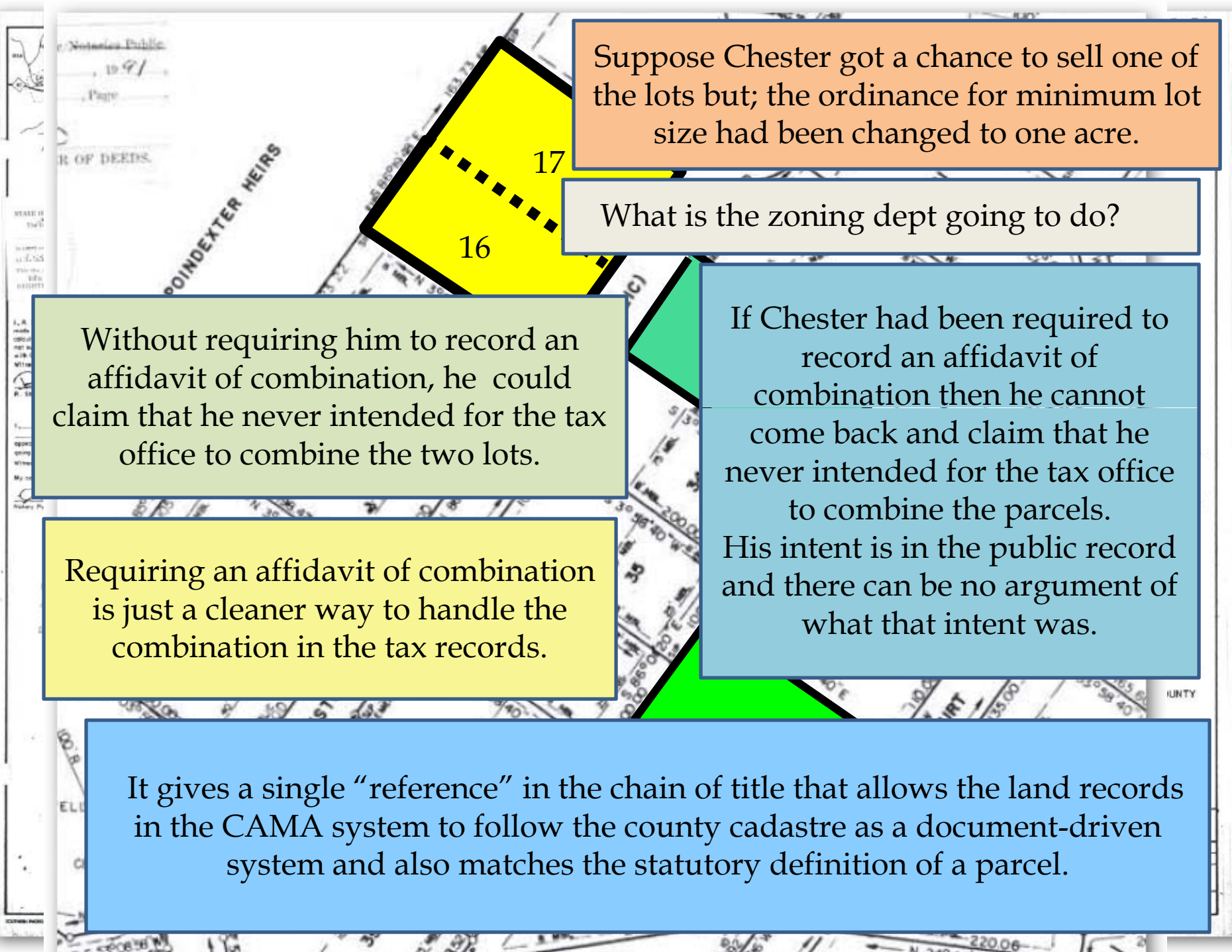
Are they being treated in a just and equitable manner as directed by the laws and the Constitution of the State of North Carolina?

Depending on the county's Schedule of Values, Chester's tax value on the new combined lot may be \$80,000, or \$85,000.

Do the tax maps or the CAMA records have any bearing on the legal status of real property?

How many lots does Chester legally own?

What is the total tax value of Helen Waite's two lots?



Suppose Chester got a chance to sell one of the lots but; the ordinance for minimum lot size had been changed to one acre.

What is the zoning dept going to do?

Without requiring him to record an affidavit of combination, he could claim that he never intended for the tax office to combine the two lots.


Requiring an affidavit of combination is just a cleaner way to handle the combination in the tax records.

If Chester had been required to record an affidavit of combination then he cannot come back and claim that he never intended for the tax office to combine the parcels. His intent is in the public record and there can be no argument of what that intent was.

It gives a single "reference" in the chain of title that allows the land records in the CAMA system to follow the county cadastre as a document-driven system and also matches the statutory definition of a parcel.

Memo

To: Thomas W. Morgan
Land Records Manager
N.C. Department of the Secretary of State
Certification & Filing Division


From: Pat Hetrick 
Professor of Law

Re: Recombination of Existing Parcels

Date: May 23, 2010

Memo

To: Thomas W. Morgan
Land Records Manager
N.C. Department of the Secretary of State
Certification & Filing Division

From: Pat Hetrick 
Professor of Law

Re: Recombination of Existing Parcels

Date: May 23, 2010

A transfer of legal title is not necessary to achieve a recombination of parcels, assuming that all applicable statutes and planning ordinances are complied with. It is essential, as you note, that there be a properly indexed link to the new combination in the chain of title.

The most efficient method of accomplishing recombination, in my opinion, is an affidavit, call it an "Affidavit of Recombination." This affidavit is clearly within the purview of N.C.Gen.Stat. § 161-14.1, "Recording subsequent entries as separate instruments." The purpose of the affidavit is to "modify" or "amend" the earlier legal description of the parcels being recombined.

The most efficient method of accomplishing recombination, in my opinion, is an affidavit, call it an "Affidavit of Recombination." This affidavit is clearly within the purview of N.C.Gen.Stat. § 161-14.1, "Recording subsequent entries as separate instruments." The purpose of the affidavit is to "modify" or "amend" the earlier legal description in the chain of title because of the recombination.

This document presented and filed:
08/08/2011 02:52:58 PM



NEDRA W. MOLES, Henderson COUNTY, NC
Transfer Tax: \$0.00

This Deed of Combination Prepared By:
Gene B. Johnson, Attorney
Johnson Law Firm, P.A.
P.O. Box 1288

BOOK 1470 PAGE 11 (2)

749474



Book 1470
Page 12

tion, the abo
lows:

wn on
ounty,

THIS DEED OF COMBINATION is made this the 7th day of July, 2011, by
Wesley D. Lee and wife, June M. Lee, of _____ County, South Carolina.

WITNESSETH:

THAT WHEREAS, the makers of this Deed of Combination own certain parcels which
were acquired by the following Deeds:

Fremont V. Brown, III to Wesley D. Lee and wife, June M. Lee - Lots 38, 39 and
40 of Hosea's Lake Saluda, Inc., recorded July 8, 1998, in Book 958, at Page 79,
of the Henderson County Registry. Parcel Number 9595119051; and

Rheta J. Foster and Jesse Thomas Johnson to Wesley D. Lee and wife, June M.
Lee - Lot 37 of Hosea's Lake Saluda, Inc., recorded March 17, 2010, in Book
1424, at Page 30, of the Henderson County Registry. Parcel Number
9595201908; and,

This
Gene
John
P.O.
Arde

WHEREAS, upon execution and recordation of this Deed of Combination, the above referenced properties are hereby combined and shall thereafter be described as follows:

BEING all of Lots 37, 38, 39 and 40 of Hosea's Lake Saluda, Inc. as shown on that Plat recorded in the Office of the Register of Deeds of Henderson County, North Carolina, in Plat Cabinet B, Slide 377.

IN WITNESS WHEREOF, the makers(s) have hereunto set their hand and seal, the day and year first above written.

Wesley B. Lee

SEAL

Wesley B. Lee

June M. Lee

SEAL

June M. Lee

tract of land which is described by one common boundary and applicable provisions of the Henderson County Zoning and Subdivision Ordinances; and,

WHEREAS, this is a limited special purpose instrument for the purposes specified above and this is not a conveyance and does not change or modify, in any manner, the ownership interests in the above-referenced property; and,

Doris T. Marion
Notary Public



Statute of Frauds

§ 22-2. Contract for sale of land; leases.

All contracts to sell or convey any land,
or any interest in
or concerning them
must be in writing and must be signed
by the person with that authority. (paraphrased)

(29 [Charles II](#), c. 3, ss. 1, 2, 3; [1819](#), c. 1016, P.R.; [1844](#), c. 44; R.C., c. 50, s. 11; [1868](#), c. 156, ss. 2, 33; Code, ss. 1554, 1743; Rev., s. 976; C.S., s. 988.)

BK **411** PG **14**

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 26 day of February, 2015, by and between

GRANTOR

ROBERT C. WILSON, unmarried, by and through his attorney-in-fact, RICHARD L. WILSON,

Mailing address:
5610 Far Hill Dr.
Grand Rapids, MI 49546

GRANTEE

TOMMIE L. TAYLOR, II

Mailing address:
110 Hillside Court
Tryon, NC 28782

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and

NORTH CAROLINA GENERAL WARRANTY DEED FROM ROBERT C. WILSON, TO TOMMIE L. TAYLOR, II, DATED FEBRUARY 26, 2015

EXHIBIT "A"

BEING all that certain tract or parcel of land containing 0.05 acres, designated tract "A" and shown and delineated upon that certain plat entitled, "Survey For Tommie L. Taylor II Tryon Twp., Polk Co., No. Car.", dated February 5, 2015, and prepared by Butler Associates, Professional Land Surveyor, said plat being duly recorded in Map Book F at Page 492, in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded plat for a full and complete metes and bounds description of said property, pursuant to North Carolina General Statutes § 47-30(g).

The above described property is a portion of the property conveyed to Robert C. Wilson and wife, Gelolo Kell Wilson, by Gelolo G. McHugh Kell, widow, by deed dated October 11, 1978, and recorded in Book 170 at Page 1176, Polk County Registry. Gelolo Kell Wilson died September 28, 2003 in Polk County, North Carolina, and the above described property passed by operation of law to her surviving spouse, Robert C. Wilson, the Grantor here, the same having been owned as joint tenants.

It is the intent of the Grantee herein to combine the property conveyed herein with the property currently owned by the Grantee; said property being described in the deed recorded in Book 387 at Page 2208, Polk County Registry, and also being designated as tract "B" on the plat hereinabove referred to.

P/O Tax Map T14-D20 to be combined with T14-D12

These presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Tryon, Tryon Township, Polk County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

THE PROPERTY HEREIN CONVEYED DOES NOT INCLUDE THE PRIMARY RESIDENCE OF THE GRANTOR.

Handwritten name of Notary

CHRISTINE MILES, Notary Public
State of Michigan, County of Kent
My Commission Expires 09/05/2020
Acting in the County of Kent

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

(Corporate Name)

Robert C. Wilson (SEAL)
ROBERT C. WILSON

By: _____
Title: _____

By: Richard L. Wilson (AIF) (SEAL)
RICHARD L. WILSON, Attorney-in-Fact

OR, II,
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enants.
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STATE OF MICHIGAN, COUNTY OF Kent

I, a Notary Public of the County and State aforesaid, do hereby certify that RICHARD L. WILSON, attorney-in-fact, for ROBERT C. WILSON, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of ROBERT C. WILSON, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of the Register of Deeds for Polk County, North Carolina, on the 27th day of July, 2000, in Book 264 at Page 1799, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said RICHARD L. WILSON acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said ROBERT C. WILSON. Witness my hand and official stamp or seal this 27th day of February, 2015.

My commission expires: 9/5/2020

Christine Miles
Christine Miles, Notary Public
Printed/typed name of notary

[Affix notary seal here]



CHRISTINE MILES, Notary Public
State of Michigan, County of Kent
My Commission Expires 09/05/2020

NORTH CAROLINA GENERAL WARRANTY DEED FROM ROBERT C. WILSON, TO TOMMIE L. TAYLOR, II,
DATED FEBRUARY 26, 2015

EXHIBIT "A"

Is there any indication other than this statement that the grantee wants this combined with what he already owns?

The above described property is a portion of the property conveyed to Robert C. Wilson and wife, Gelolo Kell Wilson, by Gelolo G. McHugh Kell, widow, by deed dated October 11, 1978, and recorded in Book 170 at Page 1176, Polk County Registry. Gelolo Kell Wilson died on September 28, 2003 in Polk County, North Carolina, and the above described property passed by operation of law to her surviving husband, Robert C. Wilson, the Grantor here, the same having been owned as joint tenants.

It is the intent of the Grantee herein to combine the property conveyed herein with the property currently owned by the Grantee; said property being described in the deed recorded in Book 387 at Page 2208, Polk County Registry, and also being designated as tract "B" on the plat hereinabove referred to.

P/O Tax Map T14-D20 to be combined with T14-D12

Does this follow GS 22-2, the Statute of Frauds?

Question: What about having

- The owner
- Sign a letter of intent
- With the letter
- Being kept on file in:
 - The land records office,
 - The tax office, or
 - the planning and zoning office?



What happens when

- A deed of trust gets recorded before the deed is recorded?
- The “borrower” is not bound by the deed of trust because they did not own the property at the time the deed of trust was recorded, even if it was recorded just moments before the deed.

If something as important

- As a deed of trust that is recorded in the register of deeds office, but just out of sequence, can be of no value, simply because of when it was recorded,
- Why would some document sitting in a file folder in the
 - tax office,
 - planning and zoning office,
 - or the land records office
- have any impact on the parcels in county?

A “Letter of Intent”

- Kept on file in any office other than being recorded in the Register of Deeds is:
 - Not in the county cadastre and
 - Not in the chain of title.
 - A prudent searcher does not have to go outside the chain of title to look for documents pertaining to a parcel.
-



College athletes
question how
to respond to
political protests 10



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VOLUME 153, No. 249

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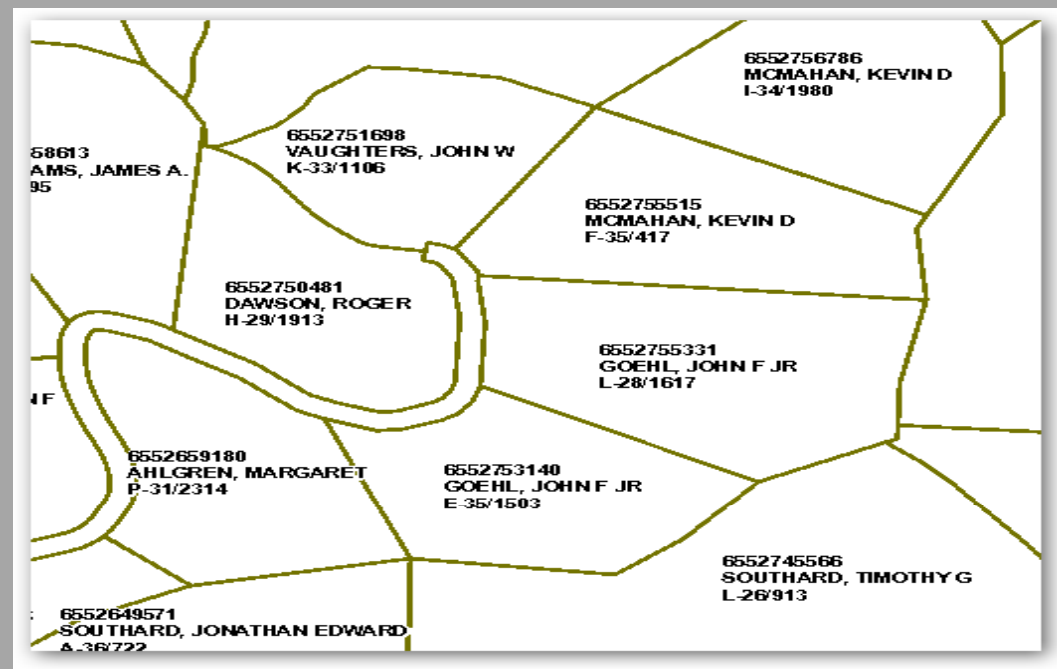
New education plan remains focused on testing

BY T. KEUNG HUI
khui@newsobserver.com

RALEIGH
Despite pledges to try to cut back on high-stakes standardized testing, North Carolina schools will continue to largely be evaluated based on how well their students perform on state exams.

State education leaders have talked for nearly two years about taking advantage of the flexibility in the new federal Every Student Succeeds Act (ESSA) to reduce the focus placed on using tests to hold schools accountable for how they educate their students. Critics of the new plan that the State Board of Education will vote on Thursday say it wastes the opportunity North Carolina had to reduce the emphasis on testing.

REAL-LIFE PARCELS ON DISPLAY



Deed: 804 / 716 recorded 7-15-1992

617, page 422 of the Jackson County Public Registry. IT IS UNDERSTOOD AND AGREED

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 15th day of July, 1992, by and between

GRANTOR

WILLIAM D. TURNER and wife,
MARSHA R. TURNER

GRANTEE

MICHAEL L. GROOMS and
KATHY D. RIGGIN as joint tenants
with the right of survivorship and
NOT as tenants in common

P.O. Box 446
Whittier, NC 28789

Tax Assessor's Office

Date 7/15/92 jma

Enter in appropriate block for each party: name, 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

24 E. 42.77 feet to an iron stake replacing an existing stake of Ray Franklin (517-768).
-S. 44-00-24 E. 125.00 feet to an iron stake replacing an existing stake.
-S. 38-20-30 E. 105.36 feet to an iron stake; thence,
-S. 15-56-16 E. 83.26 feet to an existing iron stake; thence with the line of Lovedahl.

.....(SEAL)
President

.....(SEAL)
Secretary (Corporate Seal)

USE BLACK INK ON

.....(SEAL)
of the deed and line and in the book and page shown on the
1 OF DEEDS FOR COUNTY
Public Registry of Deeds.

Deed: 804 / 716
recorded 7-15-1992

certain lot or parcel of land situated in the City of BARKERS CREEK Township,

JACKSON

County, North Carolina and more particularly described as follows:

BEGINNING at an existing iron stake in the line of Melvin Lovedahl (472-320), said point being located N. 81-36-15 E. 26.58 feet from the point of intersection of the existing driveway with State Road (SR) #1528; thence running with the right of way for SR #1528,

-N. 67-30-00 W. 66.44 feet to a point; thence running with the line of Robert Clegg (614-633),

-N. 09-17-00 E. 339.63 feet to an iron stake; thence,

-N. 53-30-00 W. 128.32 feet to an iron stake; thence with the line of August Ide (458-12),

-N. 51-11-00 E. 154.43 feet to an iron stake, said point being located S. 44-00-24 E. 42.74 feet from a black oak stump (marked); thence running with the line of Ray Franklin (517-768),

-S. 44-00-24 E. 125.00 feet to an iron stake replacing an existing stake; thence,

-S. 39-20-30 E. 105.36 feet to an iron stake replacing an existing stake; thence,

-S. 15-56-16 E. 83.26 feet to an iron stake; thence,

-S. 17-00-00 E. 55.15 feet to an existing iron stake; thence with the line of Lovedahl,

-S. 41-31-00 W. 306.57 feet to the point of BEGINNING, consisting of 1.94 acre, more or less, as shown on a plat prepared for Michael Grooms and Cathy Riggan, Barkers Creek Township, Jackson County, North Carolina, bearing date of 11-22-85, revised 7-7-92, as mapped and platted by Turlington Land Surveying. BEING AND COMPREHENDING the same lands recorded in Book 617, page 422, Jackson County Public Registry.

7612-93-2918

Property of Michael Grooms &
Kathy Riggin, JTROS
1.94 acres
DB: 804 / 716

7612-83-6551

7612-93-9200

7612-93-1412

7612-93-9200

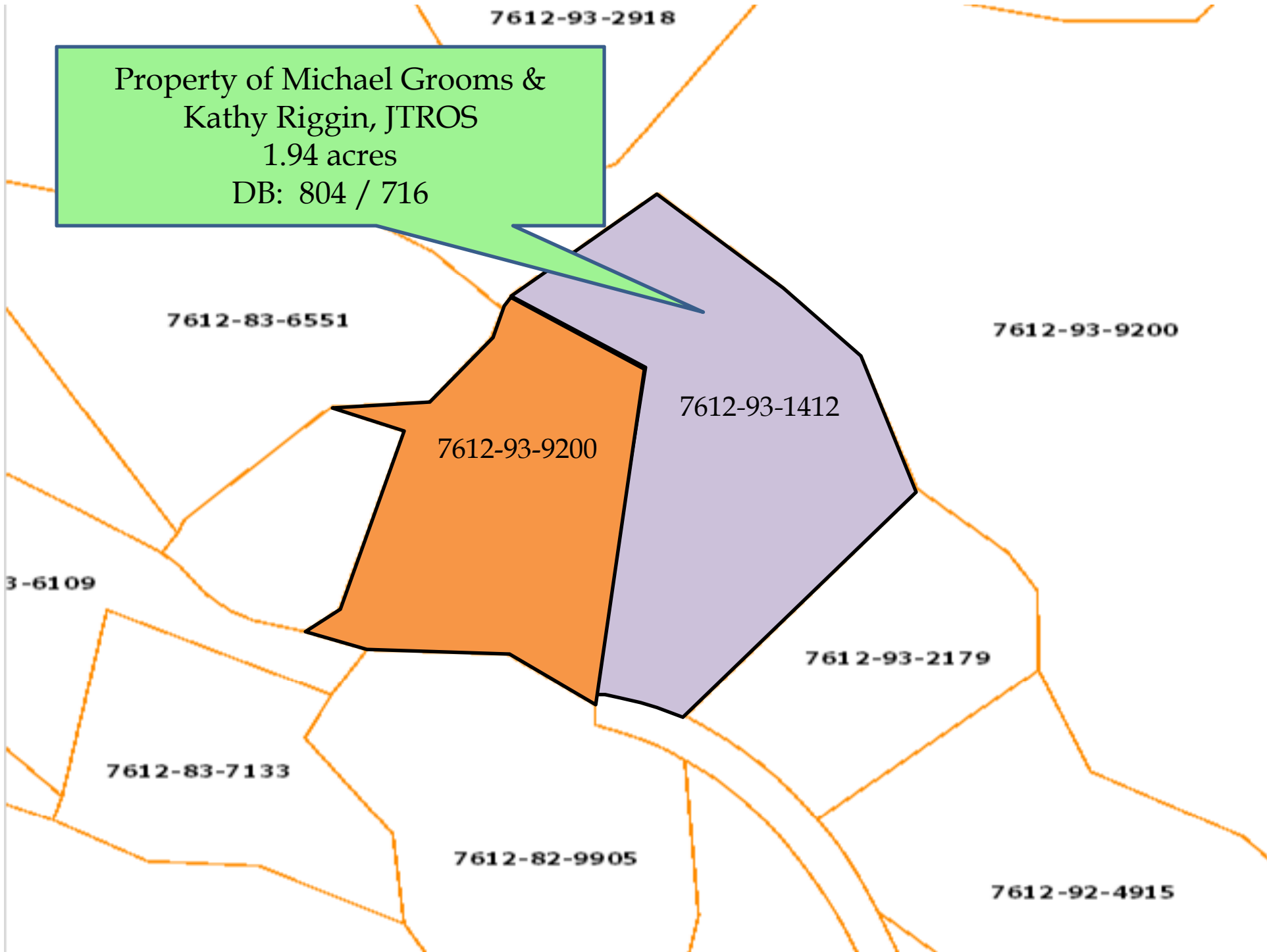
3-6109

7612-93-2179

7612-83-7133

7612-82-9905

7612-92-4915



Deed: 1010 / 689 recorded 8-5-1998

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED, made this the 5th day of August, 1998, by and between ROBERT L. CLEGG, joined in this conveyance by his wife, ELOIS J. CLEGG, Grantors; and MICHAEL GROOMS and wife, KATHY RIGGIN GROOMS of 436 Fred Sutton Road, Whittier, North Carolina, 28789, Grantees. (The designation Grantors and Grantees 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.)

BEGINNING...
existing 10' gravel road...
and Kathy Riffin, now or formerly...
the point of Beginning, leaving the margin...
the line of Grooms and Riffin...
-N. 08-38-48 E. 207.56 feet to a 5/8" iron pipe set; thence...
of Grooms and Riffin and running the following...
-S. 27-15-29 W. 49.89 feet to a 5/8" iron pipe set; thence...
-S. 02-39-55 W. 161.26 feet to the point of BEGINNING...
0.04 of an acre, more or less, as shown on a plat entitled "Division...
Survey - Robert L. Clegg, Barkers Creek Township, Jackson County...
North Carolina", by Roy J. Tucker & Associates, P.A., dated 8-6-97...
revised 1-5-98, Drawing No. 082897.

BEING AND COMPREHENDING a portion of the lands described in...
and conveyed by deed which is recorded in the office of the Register of...
Deeds for Jackson County, North Carolina, in Book 614 at page 633, to...
which reference is hereby had, and this conveyance is made...
TOGETHER WITH all appurtenances, easements, restrictions, etc.,...
SUBJECT TO all exceptions, reservations, easements, restrictions, etc.,...
appertaining thereto, which appear of public record, incorporated herein...
by reference.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and...
appurtenances thereto belonging to the Grantees in fee simple, subject to the exceptions...
herein enumerated.

AND, subject to the exceptions herein enumerated, the Grantors covenant with the...
Grantees, that Grantors are seized of the premises in fee simple, have the right to convey...
the same in fee simple, that the property is free and clear of all encumbrances, and that...
Grantors will warrant and defend the title against the lawful claims of all persons...
whomsoever.

NORTH CAROLINA
JACKSON COUNTY



The foregoing or annexed certificate of Rose Barker a Notary Public, is...
to be correct. This instrument was presented for registration and recorded in this...
Book 1010 at page...
of August 1998, at 10:30 o'clock A.M.

What's happened
between 1992 and 1998?

Deed: 1010 / 689
recorded 8-5-1998

...
County, State of North Carolina, and being more particularly described as follows:

BEGINNING at a No. 5 existing rebar in the northern margin of an existing 10' gravel road, also being a corner common to Michael Grooms and Kathy Riggin, now or former (DR 804/716), and runs thence from the point of Beginning, leaving the margin of the road and running with the line of Grooms and Riggin,

-N. 08-38-48 E. 207.56 feet to a 5/8" iron pipe set; thence leaving the line of Grooms and Riggin and running the following severance lines,

-S. 27-16-29 W. 49.69 feet to a 5/8" iron pipe set; thence,

-S. 02-50-55 W. 161.26 feet to the point of BEGINNING, consisting of

0.04 of an acre, more or less, as shown on a plat entitled "Division Survey, Robert L. Clegg, Barkers Creek Township, Jackson County, North Carolina", by Roy J. Tucker & Associates, P.A., dated 8-6-97, revised 1-5-98, Drawing No. 082897.

tee
son

7612-93-2918

Property of Michael Grooms &
Kathy Riggin, JTROS
1.94 acres
DB: 804 / 716

7612-83-6551

7612-93-9200

7612-93-1412

7612-93-9200

3-6109

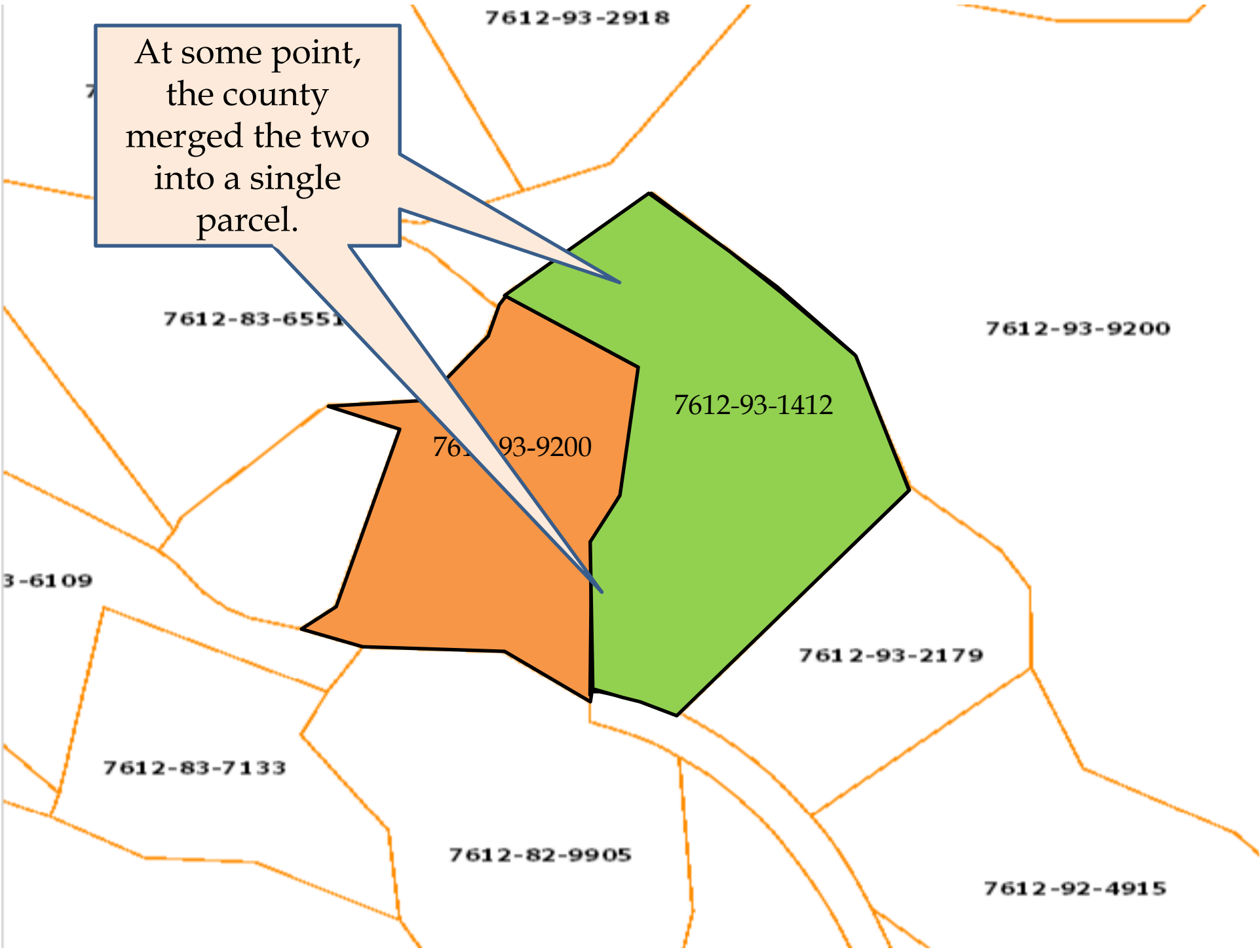
7612-93-2179

Michael Grooms etux.
Kathy Riggin Grooms
0.04 acre
Db: 1010 / 689

12-82-9905

The 0.04 - acre tract was for the well
to provide water for the house.

At some point,
the county
merged the two
into a single
parcel.



Deed of Trust: 1993 / 603

Recorded: June 11, 2013

Deed of Trust

Exhibit "A" Legal Description

The land referred to herein below is situated in the county of JACKSON, State of NC and is described as follows:

ALL THAT PARCEL OF LAND IN TOWNSHIP OF BAKERS CREEK, JACKSON COUNTY, STATE OF NORTH CAROLINA,
AS MORE FULLY DESCRIBED IN DEED BOOK 804, PAGE 716, ID# 7612931412, BEING KNOWN AND DESIGNATED
AS METES AND BOUNDS PROPERTY.

MORE COMMONLY KNOWN AS 436 FRED SUTTON RD, WHITTIER, 28789

Tax/Parcel ID: 7612931412

This is the original
deed for 1.94 acres.

The county still had the single tax parcel.

7612-93-2918

7612-83-6551

7612-93-9200

7612-93-9200

7612-93-1412

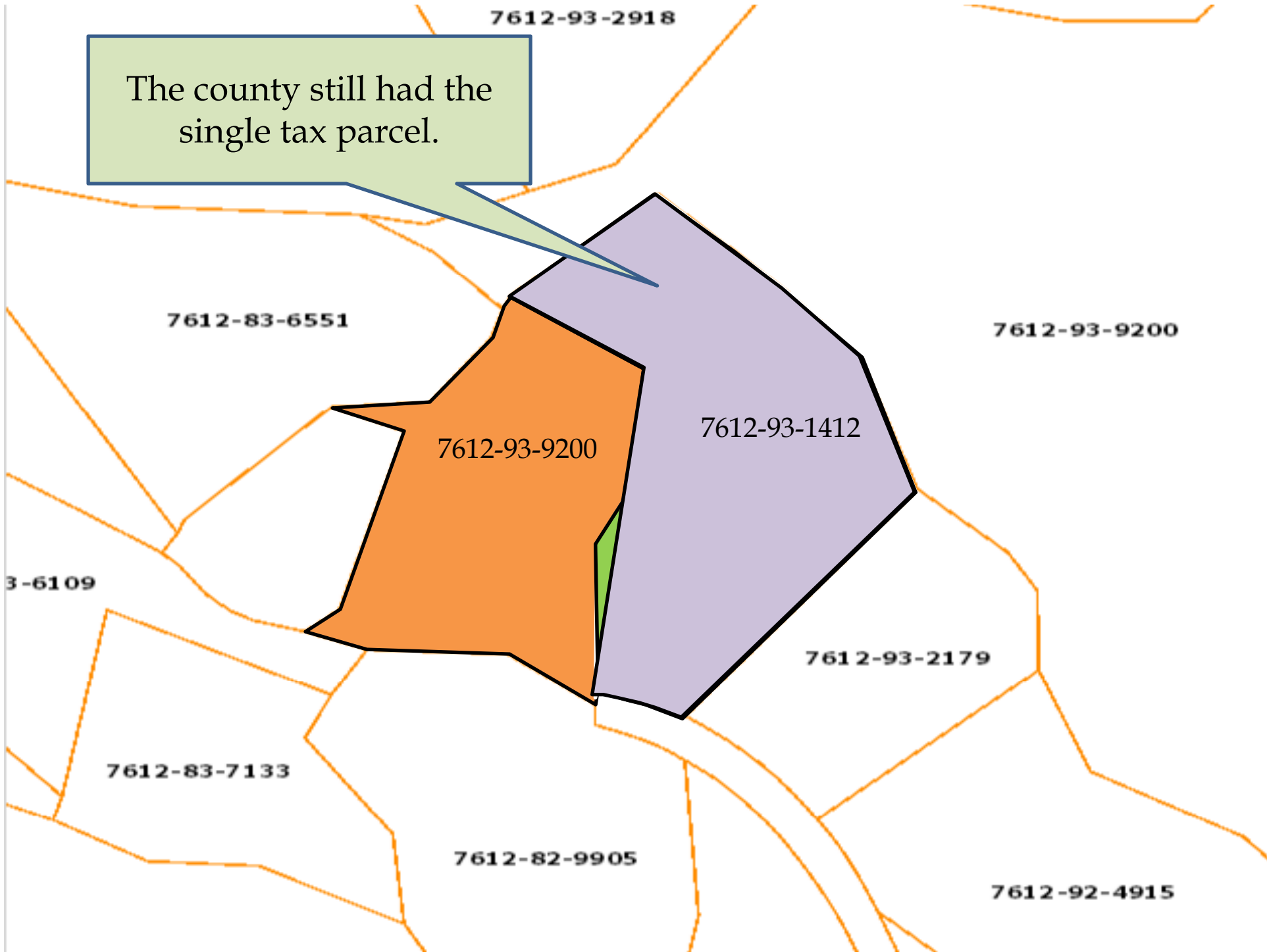
3-6109

7612-93-2179

7612-83-7133

7612-82-9905

7612-92-4915



Trustee's Deed: 2194 / 886

Recorded: June 7, 2017

----- Record Title: TRUSTEE

NOW, THEREFORE, In consideration of the premises and of the payment of the said purchase price by Kevin Pritchard, the receipt of which acknowledged, and pursuant to the authority vested in him by the terms of said deed of trust, said first party, substitute trustee as aforesaid, does hereby bargain, sell, grant and convey unto Kevin Pritchard, all that certain lot or parcel of land, lying and being in the City of Whittier, Jackson County, State of North Carolina, and more particularly described as follows:

Beginning at an existing iron stake in the line of Melvin Lovedahl (472-320), said point being located N. 81-36-15 E. 26.58 feet from the point of intersection of the existing driveway with State Road (SR) #1528; thence running with the right of way for SR #1528,
-N. 67-30-00 W. 66.44 feet to a point; thence running with the line of Robert Clegg (614-633),
-N. 09-17-00 E. 339.63 feet to an iron stake; thence,
-N. 53-30-00 W. 128.32 feet to an iron stake; thence with the line of August Ide (458-12),
-N. 51-11-00 E. 154.43 feet to an iron stake, said point being located S. 44-00-24 E. 42.74 feet from a black oak stump (marked); thence running the line of Ray Franklin (517-768),
-S. 44-00-24 E. 125.00 feet to an iron stake replacing an existing stake; thence,
-S. 39-20-30 E. 105.36 feet to an iron stake replacing an existing stake; thence,
-S. 15-56-16 E. 83.26 feet to an iron stake; thence,
-S. 17-00-00 E. 55.15 feet to an existing iron stake; thence with the line of Lovedahl,
-S. 41-31-00 W. 306.57 feet to the point of beginning, consisting of 1.94 acres, more or less, as shown on a plat prepared for Michael Grooms and Cathy Riffin, Barkers Creek Township, Jackson County, North Carolina, bearing date of 11-22-85, revised 7-7-92, as mapped and plotted by Turlington Land Surveying, being and comprehending the same lands recorded in book 617, page 422, Jackson County Public Registry.

Together with a right of way for a roadway 16' in width extending from SR #1528 to the lands hereinabove

The county still had the
single tax parcel,

7612-93-2918

7612-83-6551

7612-93-9200

7612-93-9200

7612-93-1412

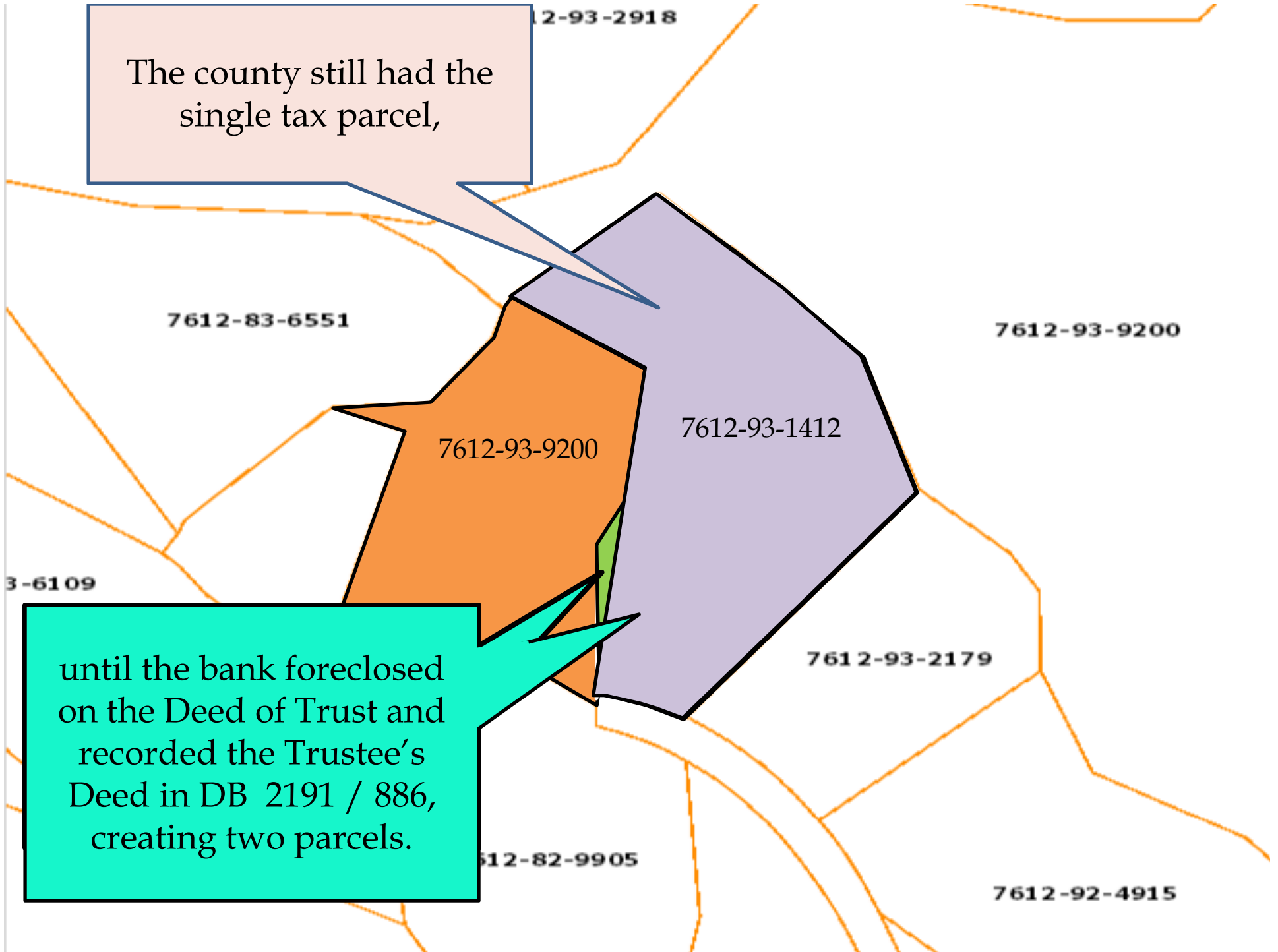
7612-83-6109

7612-93-2179

until the bank foreclosed
on the Deed of Trust and
recorded the Trustee's
Deed in DB 2191 / 886,
creating two parcels.

7612-82-9905

7612-92-4915



The real problem occurred because the bank missed the second deed.

- But, if the county had required the recording of an affidavit or instrument of combination before merging the two,
- The bank would have included the 0.04 acre tract in the deed of trust, in 2013;
- And the 0.04 acre tract would not have become an orphaned parcel with the foreclosure, in 2017.

College athletes
question how
to respond to
political protests 18



FOUNDED 1894
VOLUME 153, No. 249

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The News & Observer

NEWSOBSERVER.COM

New education plan remains focused on testing

BY T. KEUNG HUI
khui@newsobserver.com

RALEIGH

Despite pledges to try to cut back on high-stakes standardized testing, North Carolina schools will continue to largely be evaluated based on how well their students perform on state exams.

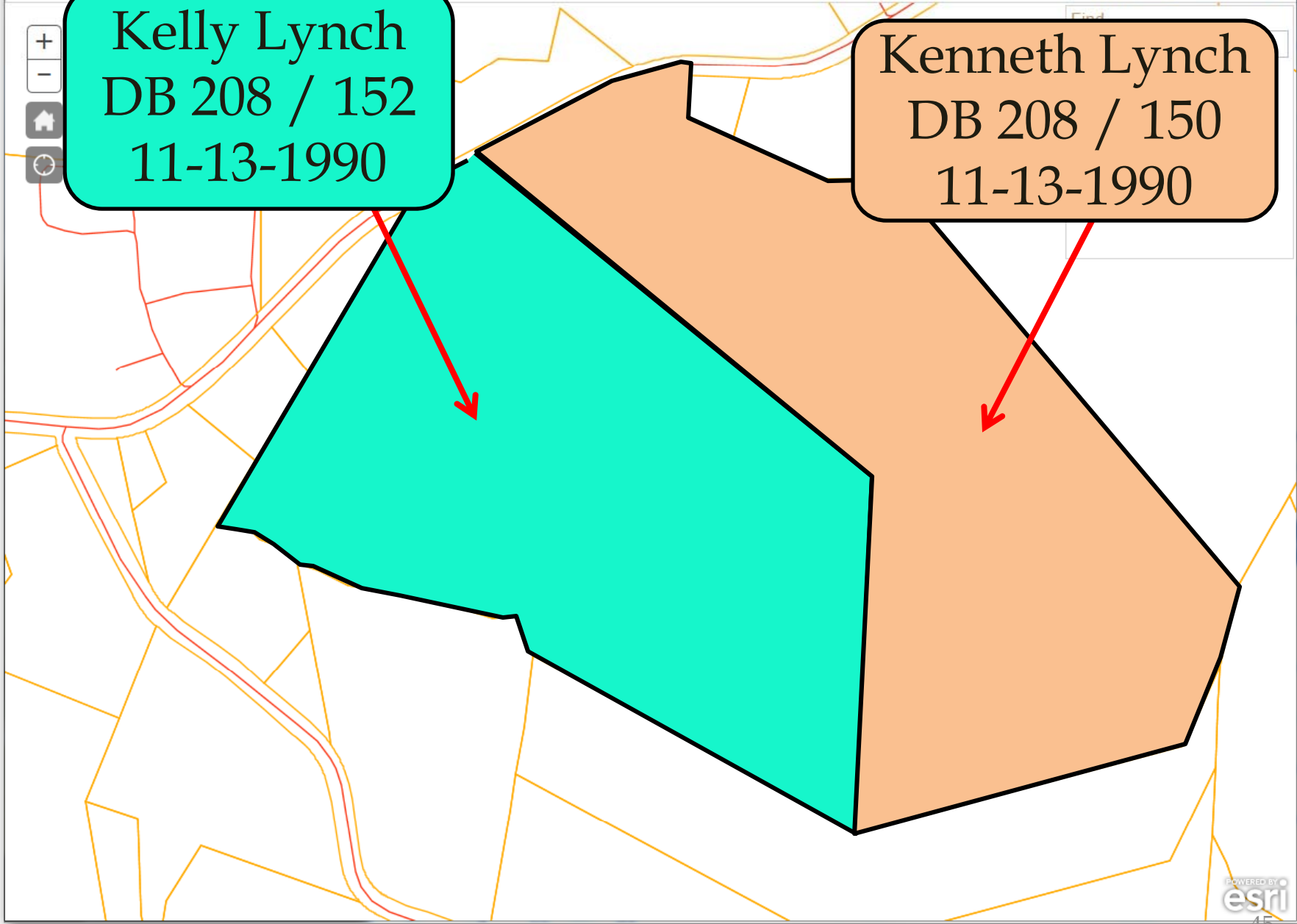
State education leaders have talked for nearly two years about taking advantage of the flexibility in the new federal Every Student Succeeds Act (ESSA) to reduce the focus placed on using tests to hold schools accountable for how they educate their students. Critics of the new plan that the State Board of Education will vote on Thursday say it wastes the opportunity North Carolina had to reduce the emphasis on testing.

MORE REAL-LIFE PARCELS ON DISPLAY



Kelly Lynch
DB 208 / 152
11-13-1990

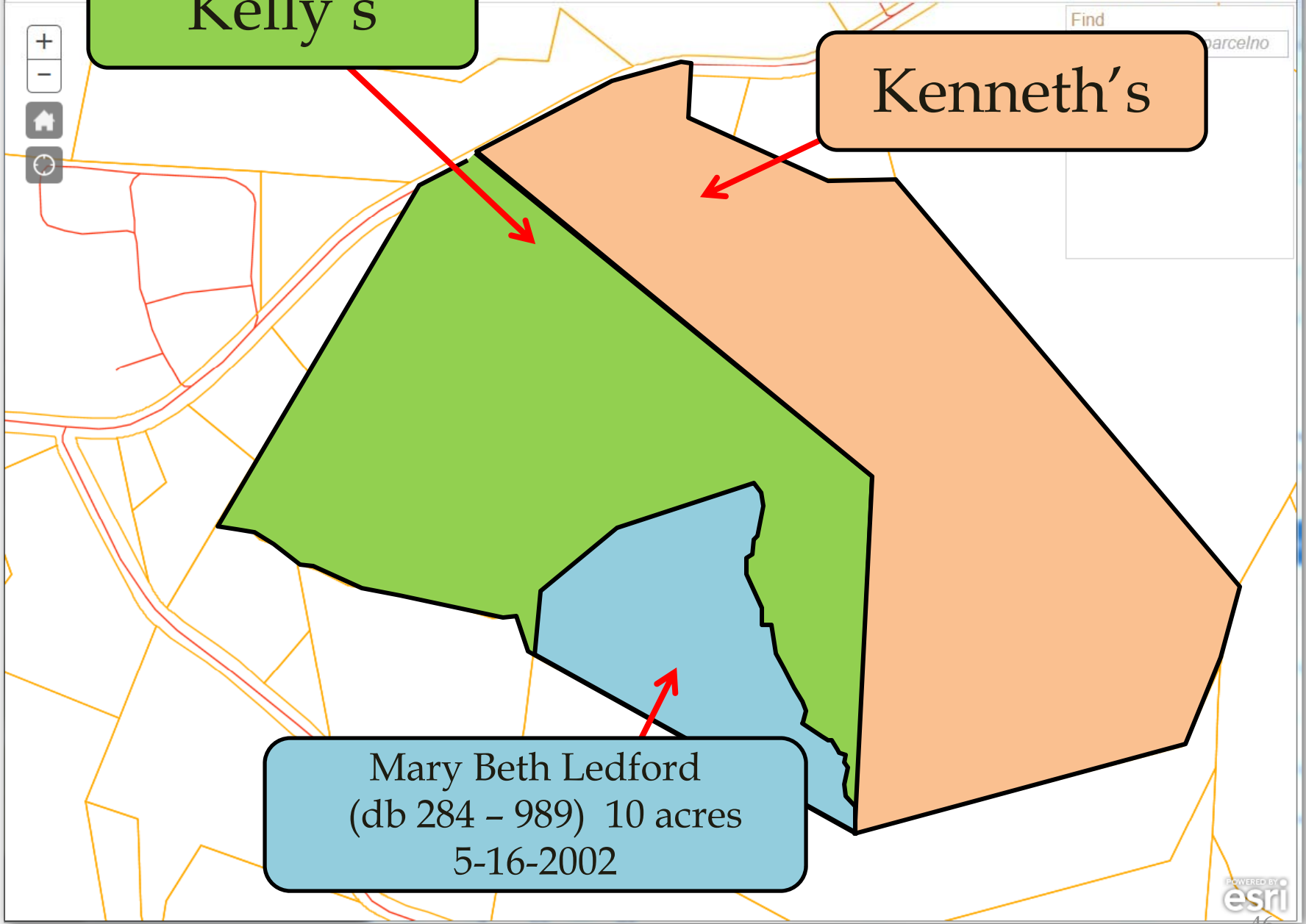
Kenneth Lynch
DB 208 / 150
11-13-1990



Kelly's

Kenneth's

Mary Beth Ledford
(db 284 - 989) 10 acres
5-16-2002



Kelly's

Kenneth's

David Gasperson
(DB 389-2469) 18.62 acres
Plat Book E - 2592
11-7-2011

Mary Beth Ledford
10 acres



NORTH ARROW BASED ON
DB 284-1863
POLK COUNTY REGISTRY.

NOTE:
THIS PARCEL IS SUBJECT TO ALL EASEMENTS
AND RESTRICTIONS OF RECORD.
NO TITLE SEARCH PERFORMED BY BULLER ASSOCIATES.

SURVEY FOR
DAVID E. GASPERSON
COOPER GAP TWP., POLK CO., NO. CAR.
LEGAL REFERENCE: DB. 231-1966

SEPTEMBER 26, 2014

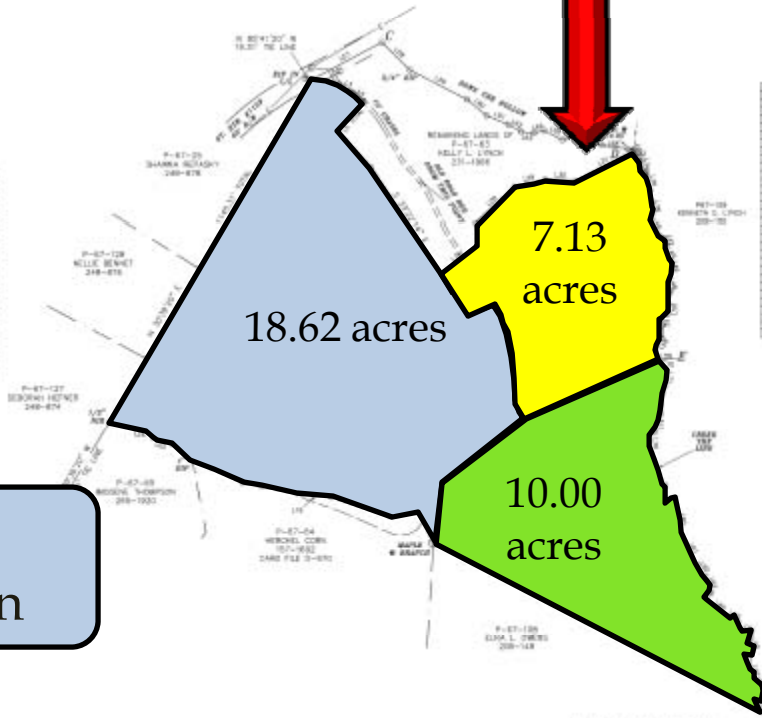
OR
PERSON
CO., NO. CAR.
L. 231-1966
2014
A T15
E. ST.
1782
90



Doc ID: 004598380001 Type: CRP
Recorded: 04/06/2016 at 12:44:39 PM
Fee Amt: \$21.00 Page 1 of 1
Polk, NC
Sheila Whitmire Register of Deeds

BK **F** PG **645**

TRACT	ACRES
P-87-01	18.62
P-87-02	7.13
P-87-03	10.00



TRACT	ACRES
P-87-01	18.62
P-87-02	7.13
P-87-03	10.00

TRACT	ACRES
P-87-01	18.62
P-87-02	7.13
P-87-03	10.00

NOTE:
LINE D-C, D-C, D-F IS A BOUNDARY LINE AGREEMENT
BETWEEN MELL L. LYNCH AND KENNETH E. LYNCH.

MELL L. LYNCH

KENNETH E. LYNCH

LEGEND:
MB - NEW ORL. RCD
EP - EXISTING BORN PROP.
EW - EXISTING BORN PROP.
E - ELECTRICAL POLE

NOTE:
THIS PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD
HAZARD AS DETERMINED BY THE
FEDERAL EMERGENCY RATE MAP
OF NORTH CAROLINA.

NC 709 LICENSE NO. F-8439
NAME OF REGISTER: SHEILA WHITMIRE
20-108-12

STATE OF NORTH CAROLINA
POLK COUNTY
OFFICE OF REGISTER OF DEEDS
SHEILA WHITMIRE
REGISTER OF DEEDS

GRAPHIC SCALE 1" = 100'
0 100 200 300 400

ADVISOR OFFICE CERTIFICATION
STATE OF NORTH CAROLINA
COUNTY OF POLK
I, Sheila Whitmire, Register of Deeds for Polk County, North Carolina, do hereby certify that the above plat meets all statutory requirements of the General Statutes of North Carolina.



TAX PARCEL:
PORTION OF
P-87-62
12628A

David
Gasperson

Mary Beth
Ledford

Plat recorded in April 2016.



NORTH ARROW BASED ON
CR 284-185
POLK COUNTY REGISTRY.

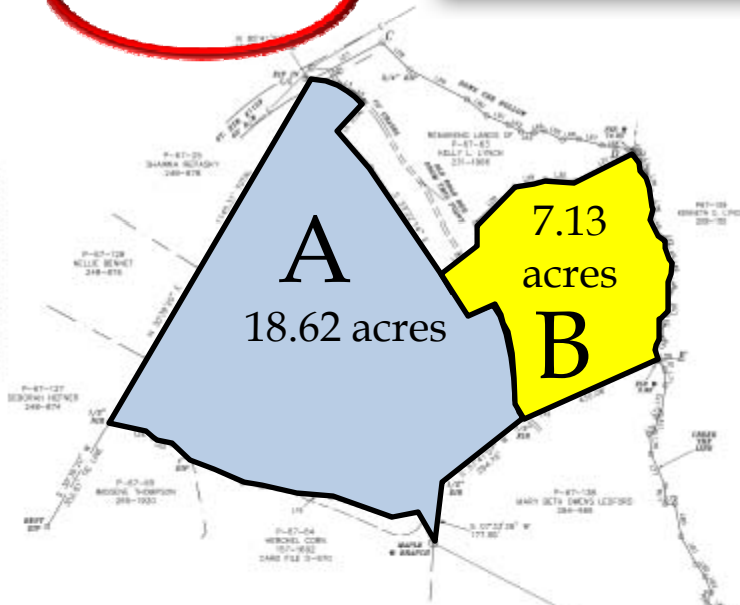
NOTE:
THIS PARCEL IS SUBJECT TO ALL EASEMENTS
AND RESTRICTIONS OF RECORD.
NO TITLE SEARCH PERFORMED BY SUTLER ASSOCIATES.

D
COPI
LEG

NOTE:
PARCEL B, A PORTION OF P67-63 IS
TO BE RECOMBINED WITH PARCEL A,
P67-164 CURRENTLY OWNED BY
DAVID E. AND CAROLYN K. GASPERSON.

NOTE:
PARCEL B, A PORTION OF P67-63 IS
TO BE RECOMBINED WITH PARCEL A,
P67-164 CURRENTLY OWNED BY
DAVID E. AND CAROLYN K. GASPERSON.

PARCEL	ACRES	OWNER
P-67-63	18.62	DAVID E. AND CAROLYN K. GASPERSON
P-67-64	7.13	DAVID E. AND CAROLYN K. GASPERSON
P-67-65
P-67-66
P-67-67
P-67-68
P-67-69
P-67-70
P-67-71
P-67-72
P-67-73
P-67-74
P-67-75
P-67-76
P-67-77
P-67-78
P-67-79
P-67-80
P-67-81
P-67-82
P-67-83
P-67-84
P-67-85
P-67-86
P-67-87
P-67-88
P-67-89
P-67-90
P-67-91
P-67-92
P-67-93
P-67-94
P-67-95
P-67-96
P-67-97
P-67-98
P-67-99
P-67-100



PARCEL	ACRES	OWNER
P-67-63	18.62	DAVID E. AND CAROLYN K. GASPERSON
P-67-64	7.13	DAVID E. AND CAROLYN K. GASPERSON
P-67-65
P-67-66
P-67-67
P-67-68
P-67-69
P-67-70
P-67-71
P-67-72
P-67-73
P-67-74
P-67-75
P-67-76
P-67-77
P-67-78
P-67-79
P-67-80
P-67-81
P-67-82
P-67-83
P-67-84
P-67-85
P-67-86
P-67-87
P-67-88
P-67-89
P-67-90
P-67-91
P-67-92
P-67-93
P-67-94
P-67-95
P-67-96
P-67-97
P-67-98
P-67-99
P-67-100

PARCEL	ACRES	OWNER
P-67-63	18.62	DAVID E. AND CAROLYN K. GASPERSON
P-67-64	7.13	DAVID E. AND CAROLYN K. GASPERSON
P-67-65
P-67-66
P-67-67
P-67-68
P-67-69
P-67-70
P-67-71
P-67-72
P-67-73
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P-67-87
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P-67-89
P-67-90
P-67-91
P-67-92
P-67-93
P-67-94
P-67-95
P-67-96
P-67-97
P-67-98
P-67-99
P-67-100

NOTE:
LINE D-C, D-C, D-F IS A BOUNDARY LINE AGREEMENT
BETWEEN WELLS L. LYNCH AND BERNARD E. LYNCH.

WELLS L. LYNCH
BERNARD E. LYNCH

LEGEND:
MR - NEW ROAD RIGHT
DR - EXISTING ROAD PARCEL
ER - EXISTING ROAD PARCEL
EP - EXISTING ROAD PARCEL

NOTE:
THIS PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD
HAZARD AS DETERMINED BY THE
FEDERAL EMERGENCY MANAGEMENT
AGENCY MAP OF NORTH CAROLINA.

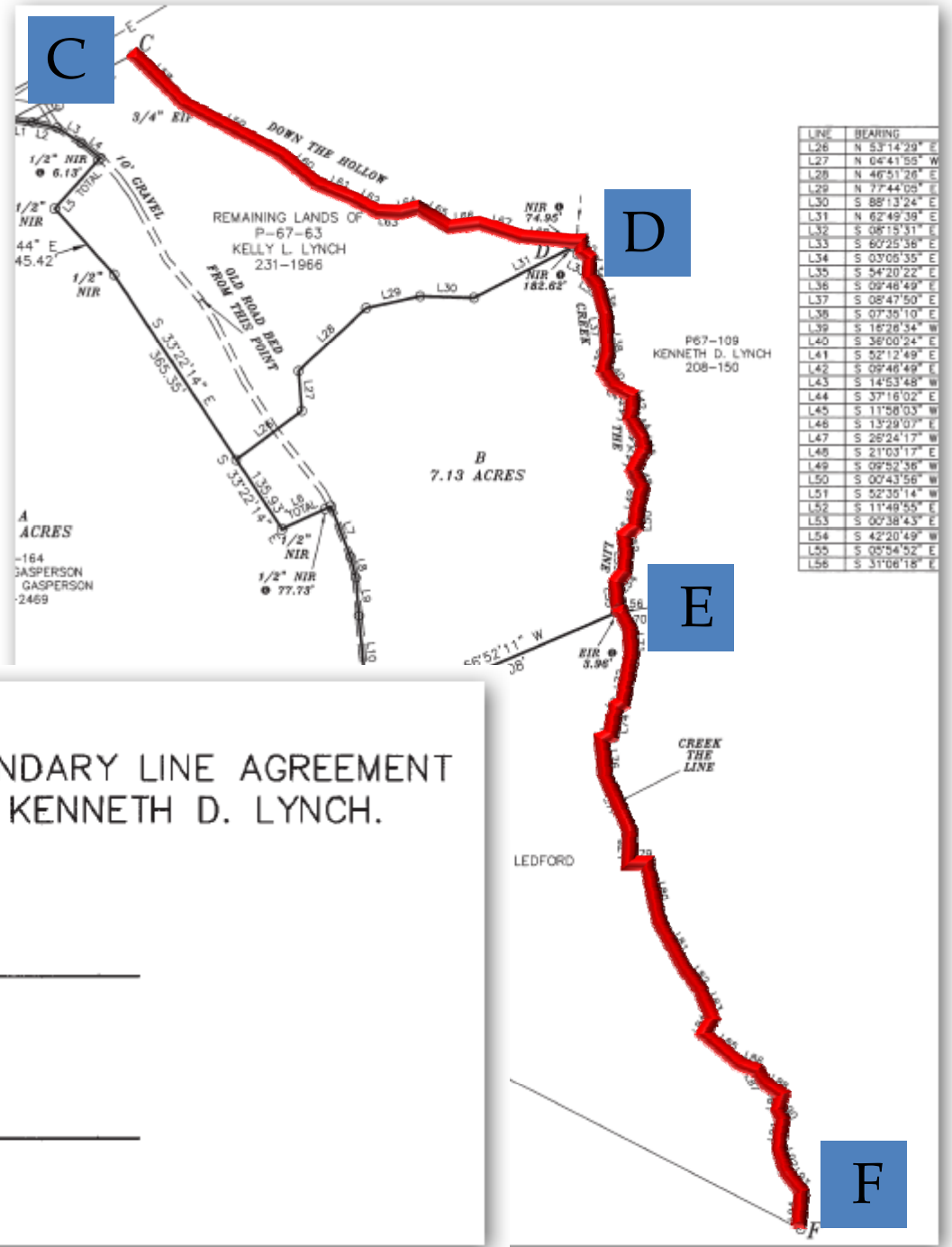
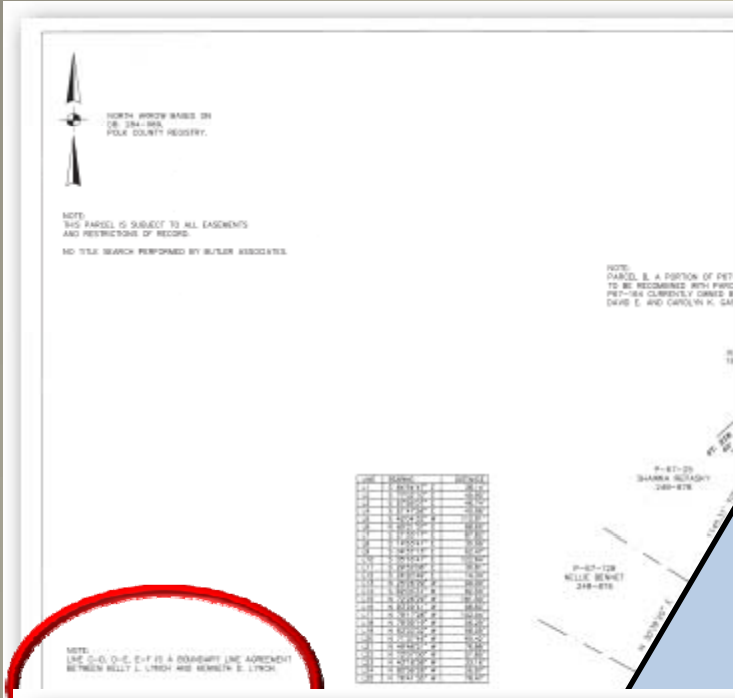
NC 709 LICENSE NO. F-8459
NAME OF REGISTRAR: T. L. BROWN
08-08-12

STATE OF NORTH CAROLINA
POLK COUNTY
OFFICE OF REGISTRY
T. L. BROWN
REGISTRAR
Sheila
REGISTER OF DEEDS

NOTE:
THIS SURVEY IS OF ANOTHER CATEGORY, SUCH
AS THE RECOMBINATION OF EXISTING PARCELS,
A COURT-ORDERED SURVEY, OR OTHER EXCEPTION
TO THE DEFINITION OF SUBDIVISION. G.S.47-30 (11)(D).

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A COURT-ORDERED SURVEY, OR OTHER EXCEPTION
TO THE DEFINITION OF SUBDIVISION. G.S.47-30 (11)(D).



NOTE:
LINE C-D, D-E, E-F IS A BOUNDARY LINE AGREEMENT
BETWEEN KELLY L. LYNCH AND KENNETH D. LYNCH.

KELLY L. LYNCH

KENNETH D. LYNCH

Does a plat convey title?

- Even if Kelly and Kenneth had signed
 - The plat, even if their signatures were notarized,
- The plat still would not have changed the boundary between the two parcels.
- And what about their wives?
- Plats, on their own, do not convey title.

NOTE:
LINE C-D, D-E, E-F IS A BOUNDARY LINE AGREEMENT
BETWEEN KELLY L. LYNCH AND KENNETH D. LYNCH.

KELLY L. LYNCH

KENNETH D. LYNCH

David Gasperson
(DB 389-2469)

Find
Name, address, parcelno

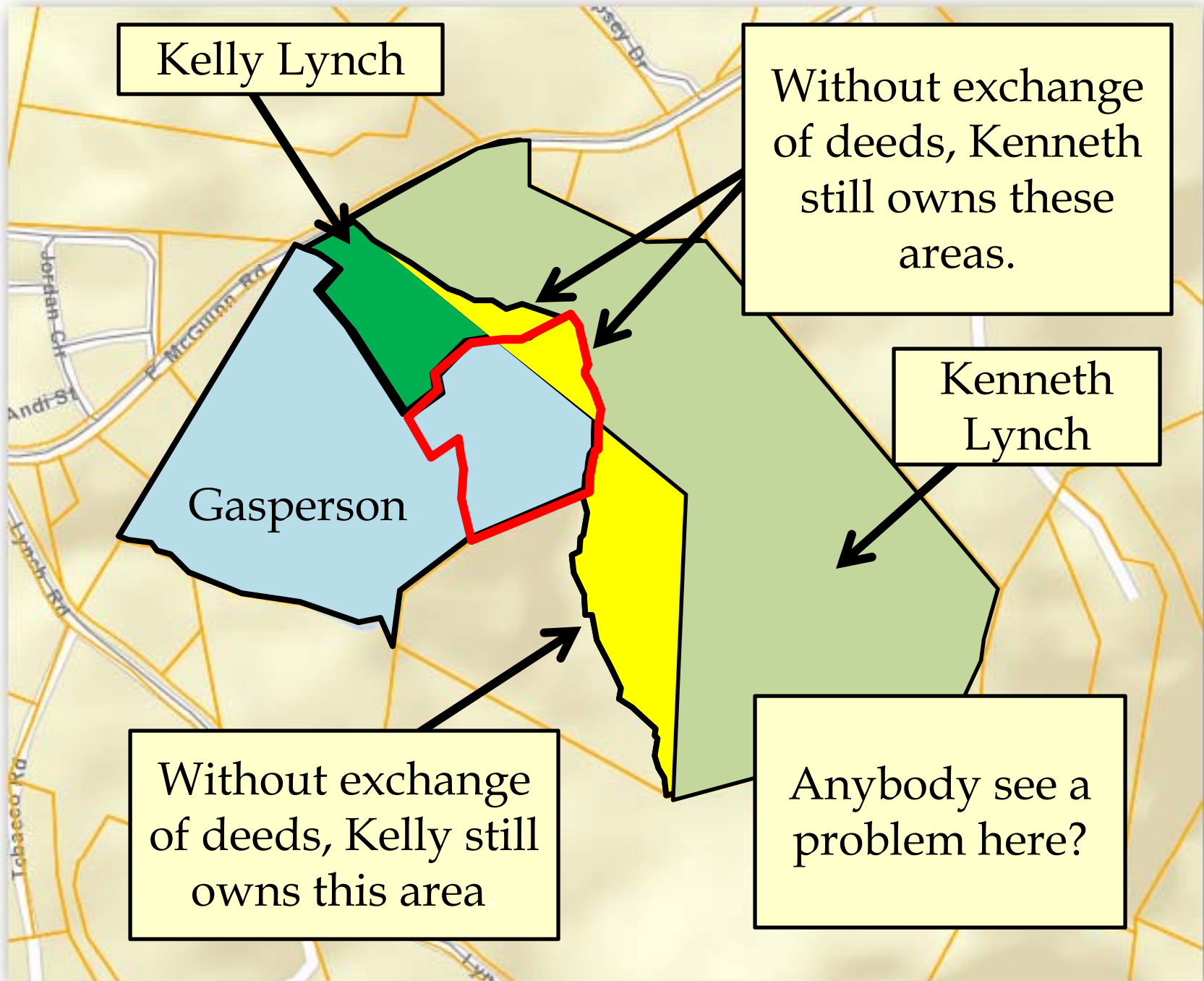
April 2016, Kelly Lynch and his wife deeded
7.13 acres to David Gasperson and his wife in
db 418-1392 based on the plat F-645

A map showing a property boundary in light blue with a black outline. A red line indicates a boundary or road. Two green callout boxes point to specific areas on the map. A blue text box at the bottom contains text about a recorded affidavit.

Gasperson
(DB 389-2469)

Gasperson
(DB 418-1392)

David Gasperson and wife recorded
an affidavit of recombination
in DB 418-1400.



Kelly Lynch

Without exchange of deeds, Kenneth still owns these areas.

Kenneth Lynch

Without exchange of deeds, Kelly still owns this area

Anybody see a problem here?

Gasperson



NORTH ARROW BASED ON
DE 284-96A
POLK COUNTY RECORDS.

NOTE
THIS PARCEL IS SUBJECT TO ALL EASEMENTS
AND RESTRICTIONS OF RECORD.
NO TITLE SEARCH PERFORMED BY BUTLER ASSOCIATES

SURVEY FOR
DAVID E. GASPERSON
COOPER GAP TRSF., POLK CO., NO. CAR
LEGAL REFERENCE: CB, 251-1958

SEPTEMBER 26, 2014
BUTLER ASSOCIATES
28 NORTH TRADE ST.
TRYON, NC 28782
828-859-5390

NOTE
PARCEL B, A PORTION OF PET-65 IS
TO BE RECOMBINED WITH PARCEL A.
PET-66 CURRENTLY OWNED BY
DAVID E. AND CHAROLYN K. GASPERSON



Doc ID: 004598380001 Type: CRP
Recorded: 04/06/2016 at 12:44:39 PM
Fee Amt: \$21.00 Page 1 of 1
Polk, NC
Sheila Whitmire Register of Deeds

BK F PG 645

LINE	BEARING	DISTANCE	AREA
1	S 89° 12' 00" E	16.07	0.20
2	S 89° 12' 00" E	16.07	0.20
3	S 89° 12' 00" E	16.07	0.20
4	S 89° 12' 00" E	16.07	0.20
5	S 89° 12' 00" E	16.07	0.20
6	S 89° 12' 00" E	16.07	0.20
7	S 89° 12' 00" E	16.07	0.20
8	S 89° 12' 00" E	16.07	0.20
9	S 89° 12' 00" E	16.07	0.20
10	S 89° 12' 00" E	16.07	0.20
11	S 89° 12' 00" E	16.07	0.20
12	S 89° 12' 00" E	16.07	0.20
13	S 89° 12' 00" E	16.07	0.20
14	S 89° 12' 00" E	16.07	0.20
15	S 89° 12' 00" E	16.07	0.20
16	S 89° 12' 00" E	16.07	0.20
17	S 89° 12' 00" E	16.07	0.20
18	S 89° 12' 00" E	16.07	0.20
19	S 89° 12' 00" E	16.07	0.20
20	S 89° 12' 00" E	16.07	0.20
21	S 89° 12' 00" E	16.07	0.20
22	S 89° 12' 00" E	16.07	0.20
23	S 89° 12' 00" E	16.07	0.20
24	S 89° 12' 00" E	16.07	0.20
25	S 89° 12' 00" E	16.07	0.20
26	S 89° 12' 00" E	16.07	0.20
27	S 89° 12' 00" E	16.07	0.20
28	S 89° 12' 00" E	16.07	0.20
29	S 89° 12' 00" E	16.07	0.20
30	S 89° 12' 00" E	16.07	0.20
31	S 89° 12' 00" E	16.07	0.20
32	S 89° 12' 00" E	16.07	0.20
33	S 89° 12' 00" E	16.07	0.20
34	S 89° 12' 00" E	16.07	0.20
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36	S 89° 12' 00" E	16.07	0.20
37	S 89° 12' 00" E	16.07	0.20
38	S 89° 12' 00" E	16.07	0.20
39	S 89° 12' 00" E	16.07	0.20
40	S 89° 12' 00" E	16.07	0.20
41	S 89° 12' 00" E	16.07	0.20
42	S 89° 12' 00" E	16.07	0.20
43	S 89° 12' 00" E	16.07	0.20
44	S 89° 12' 00" E	16.07	0.20
45	S 89° 12' 00" E	16.07	0.20
46	S 89° 12' 00" E	16.07	0.20
47	S 89° 12' 00" E	16.07	0.20
48	S 89° 12' 00" E	16.07	0.20
49	S 89° 12' 00" E	16.07	0.20
50	S 89° 12' 00" E	16.07	0.20



LINE	BEARING	DISTANCE	AREA
1	S 89° 12' 00" E	16.07	0.20
2	S 89° 12' 00" E	16.07	0.20
3	S 89° 12' 00" E	16.07	0.20
4	S 89° 12' 00" E	16.07	0.20
5	S 89° 12' 00" E	16.07	0.20
6	S 89° 12' 00" E	16.07	0.20
7	S 89° 12' 00" E	16.07	0.20
8	S 89° 12' 00" E	16.07	0.20
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14	S 89° 12' 00" E	16.07	0.20
15	S 89° 12' 00" E	16.07	0.20
16	S 89° 12' 00" E	16.07	0.20
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20	S 89° 12' 00" E	16.07	0.20
21	S 89° 12' 00" E	16.07	0.20
22	S 89° 12' 00" E	16.07	0.20
23	S 89° 12' 00" E	16.07	0.20
24	S 89° 12' 00" E	16.07	0.20
25	S 89° 12' 00" E	16.07	0.20
26	S 89° 12' 00" E	16.07	0.20
27	S 89° 12' 00" E	16.07	0.20
28	S 89° 12' 00" E	16.07	0.20
29	S 89° 12' 00" E	16.07	0.20
30	S 89° 12' 00" E	16.07	0.20
31	S 89° 12' 00" E	16.07	0.20
32	S 89° 12' 00" E	16.07	0.20
33	S 89° 12' 00" E	16.07	0.20
34	S 89° 12' 00" E	16.07	0.20
35	S 89° 12' 00" E	16.07	0.20
36	S 89° 12' 00" E	16.07	0.20
37	S 89° 12' 00" E	16.07	0.20
38	S 89° 12' 00" E	16.07	0.20
39	S 89° 12' 00" E	16.07	0.20
40	S 89° 12' 00" E	16.07	0.20
41	S 89° 12' 00" E	16.07	0.20
42	S 89° 12' 00" E	16.07	0.20
43	S 89° 12' 00" E	16.07	0.20
44	S 89° 12' 00" E	16.07	0.20
45	S 89° 12' 00" E	16.07	0.20
46	S 89° 12' 00" E	16.07	0.20
47	S 89° 12' 00" E	16.07	0.20
48	S 89° 12' 00" E	16.07	0.20
49	S 89° 12' 00" E	16.07	0.20
50	S 89° 12' 00" E	16.07	0.20

Map of
Recombination

Just because a map shows something to be a certain way, doesn't make it so!

NOTE
LINE 2-10, 21-2, 21-3 & 21-4 ARE ADJACENT LINE AGREEMENT
BETWEEN WELLS L. LYNCH AND GARDNER E. LYNCH

WELLS L. LYNCH
GARDNER E. LYNCH

LEGEND
UA = NEW POLE RUN
DP = EXISTING POLE RUN
EX = EXISTING POLE RUN
E = ELECTRICAL POLE

NOTE
THIS INDEMNITY IS NOT
ISSUED BY THE REGISTRAR,
BUT IS AS DETERMINED BY THE
FEDERAL INSURANCE RATE BOARD
OF NORTH CAROLINA.

NO FIRM LICENSE NO. P-8446
DATE OF PROCSION: 11-13-00
D-128-12

STATE OF NORTH CAROLINA
POLK COUNTY
OFFICE OF REGISTER OF DEEDS
DAVID JOHN RICHIE, REGISTER
APR 20 2016 11:35 AM
SHEILA W. WHITMIRE
REGISTER OF DEEDS
By: *Sheila Whitmire*

- While the tax office is not the
 - The “Title Police,”
 - GS 105-302(a) says *“Taxable real property is to be listed in the name of the owner. . . .”*
- If the land records are not diligently maintained a whole host of problems can appear.
- Basically if the maps aren’t right,
 - Ain’t nothing right!



Any questions?

John Bridgers – Land Records Consultant
NC Dept of the Secretary of State

919-814-5456

jbridgers@sosnc.gov