

This instrument was prepared without title search by and should be returned to Scott E. Lebensburger, Esquire, 211 North Main Street, Hendersonville, North Carolina 28792.

WARRANTY DEED

THIS WARRANTY DEED, is made this 17 day of November, 1995, between ALLEN C. SMITH, hereinafter referred to as "Party of the First Part", and BARBARA A. SMITH, hereinafter referred to as "Spouse of the Party of the First Part", both of the County of Henderson, State of North Carolina, and ALLEN C. SMITH, or his successors, as Trustee of the ALLEN C. SMITH REVOCABLE TRUST, dated November 17, 1995, hereinafter referred to as "Party of the Second Part", (whose mailing address is 543 Hunters Glen, Hendersonville, North Carolina 28739).

No known address
Leverett MA

WITNESSETH, that said Party of the First Part, in consideration of the sum of Ten Dollars (\$10.00), to the Party of the First Part duly paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Party of the Second Part, and to said Party's successors and assigns forever, all of the Party of the First Part's right, title, interest and estate, in and to two tracts of land along Roaring Brook in Leverett, Franklin County, Massachusetts, as follows:

FIRST: The Kellogg and Gaylord Lot of 40 acres, more or less, situated on the north side of said Roaring Brook.

SECOND: The James Fitts Lot #6 of 2 acres, more or less, situated on the south side of said Roaring Brook and along the northerly side of the East Leverett-Shutesbury Road.

Both of the aforesaid tracts are described also as the First and Second Tracts, in deeds to the late Clara S. Clark, from Jeannette S. Adams and Mary B. S. Parmeter by deed dated December 26, 1901, and recorded in Franklin County Registry of Deeds, Book 484, Page 357, and from George S. Clarke, Guardian of Sophrina E. Stetson by deed dated December 26, 1901, and recorded in Franklin County Registry of Deeds, Book 491, Page 283.

This being the same premises conveyed to ALLEN C. SMITH by deed from FRANKLIN S. CLARK, CLARA LOUISE ANDERSON and DAVID M. SMITH, dated September 22, 1972, as recorded in the Franklin County Registry of Deeds, Commonwealth of Massachusetts, in Deed Book 1320 at Page 184, on September 22, 1972, at 2:25 p.m.

The Spouse of the Party of the First Part, BARBARA A. SMITH, is joining in this conveyance to satisfy any requirement of law, to release any marital rights said spouse may have as to the above-described property, and not to indicate any present ownership in the above-described property.



1995 00012268

Bk: 3058 Pg: 167 Doc:DEED
Page 1 of 3 12/01/1995 03:57PM

Dec 1 3 57 PM '95

168

Full power and authority is granted by this deed to the Trustee, or successors, to protect, conserve, sell, lease, encumber or otherwise to manage and dispose of the real estate or any part of it.

Together with all and singular the hereditaments and appurtenances thereunto belonging. TO HAVE AND TO HOLD the above granted premises unto the said Party of the Second Part, and said Party's successors and assigns forever.

And the Party of the First Part covenants with the Party of the Second Part, that the Party of the First Part is seized of the premises in fee simple, and has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Party of the First Part will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions herein stated.

IN WITNESS WHEREOF, the said Party of the First Part and the Spouse of the Party of the First Part have hereunto set their hands and seals the day and year first above written.

PARTY OF THE FIRST PART:

Signed, sealed and delivered in our presence:

Albie J. Bennett Allen C. Smith (SEAL)
ALLEN C. SMITH
Caulin Malloway

SPOUSE OF THE PARTY OF THE FIRST PART:

Signed, sealed and delivered in our presence:

Albie J. Bennett Barbara A. Smith (SEAL)
BARBARA A. SMITH
Caulin Malloway

STATE OF NORTH CAROLINA)
COUNTY OF Henderson)

I, Rhonda H. Curry, a Notary Public for said County and State, do hereby certify that ALLEN C. SMITH, Party of the First Part, and BARBARA A. SMITH, Spouse of the Party of the First Part, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 17th day of November, 1995.

Rhonda H. Curry
Notary Public

My Commission Expires:

10-6-96



ATTEST: FRANKLIN COUNTY, MASS. H. Peter Wood, Register