

# Plat Review Workshop



North Carolina Secretary of State  
Elaine F. Marshall, Secretary

Land Records Management Program  
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919-814-5456

# NCGS § 47-30.2

## Plat review Officer

- Statute was originally adopted by the General Assembly, in 1997.
- Only has three paragraphs;
  - 1. How to become a Review Officer
  - 2. What the Review Officer is to do
  - 3. Exceptions to the statute.

# 1. How to become a Review Officer

- Requirements:
- *(a) The board of commissioners shall, by resolution,*
  - *Designate by name one or more persons experienced in mapping or land records as a Review Officer*
  - *To review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording.*



- *Each person designated shall,*
  - *if reasonably feasible*
  - *be certified as a property mapper pursuant to GS 147-54.4*
  - *A resolution designating a Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer.*

## B. What the Review Officer is to do:

- (b) *The review officer shall review expeditiously*
  - *Each map or plat required to be submitted to the Officer before the map or plat is presented to the register of deeds for recording.*
  - *The Review Officer shall certify the map or plat if it complies with all statutory requirements for recording*

These are the only two duties of the Review Officer.

### 3. Exceptions to the statute

- *Except as provided in subsection (c) of this section, the register of deeds shall not accept any map or plat required to be submitted to the Review Officer unless the map or plat has the certification of the Review Officer affixed to it.*



- *(c) A map or plat must be presented to the Review Officer unless one or more of the following conditions are applicable:*
  - *(1) The certificate required by G.S. 47-30(f)(11) shows the map is a survey within the meaning of G.S. 47-30(f)(11) “b” or “c”.*
  - *(2) The map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30(j) or (l)*
  - *(3) The map is an attachment that is being recorded pursuant to G.S. 47-30(n).*

## GS § 47-30(j)

- GS 47-30(j) The provisions of this section shall not apply to boundary plats of State lines, county lines, areas annexed by municipalities, nor to plats of municipal boundaries, where or not required by law to be recorded.



# GS § 47-30(1)

- This section does not apply to the registration of highway right-of-way plans
- (The requirement to record Highway Corridor plans has been repealed.)

# GS § 47-30(n)

- Plats that are a deed attachment plat
  - and
  - do not have an original signature by the surveyor
  - or
  - are not certified copies of a previously recorded map.

# What are the Employment requirements of a Review officer?

**None!**

- A Review Officer may be employed
  - By a county
  - By a city, town, or village
  - Or as a surveyor
- A Review Office may even be unemployed!



# Review Officer's term of duty

- Because the review officer is appointed, by the county Board of Commissioners,
- An individual appointed by the county commissioners is a review officers until –
  - the county Board of Commissioners passes and files a resolution revoking the appointment or they die,  
(whichever comes first.)

# Review Officer's term of duty

- Some counties,
  - When appointing a new person as a review officer will,
  - In the resolution naming the new person(s),
  - Revoke all prior review officers .
  - Then name everybody they want to be a review officer – the new person(s) and re-appointing all the current Review Officers they want to continue as a Review Officer.

# Subdivisions

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# The Definition of a Subdivision in North Carolina

- The court held that a division into lots slightly greater than ten acres with only private easements for access (no public roads being dedicated) can not be regulated as a subdivision. *Three Guys Real Estate v. Harnett County*, 345 N.C. 468, 480 S.E.2d 681 (1997).
- Ref: UNC School of Government, NC Planning, Key Legal Issues, David W. Owens, June 2002

# The Definition of a Subdivision in North Carolina

- Effective January 1, 2021, SL 2019-111 recodifies these into a new Chapter 160D of the General Statutes applying to planning practice (including subdivision regulation) regardless of jurisdiction.

## G.S. § 160D-802 Applicability

### Definition of “Subdivision” (Previously GS 160 – 8-2)

- (a) ...subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets;...



# What that says is. . .

- A subdivision is when any tract of land is divided
  - Into two or more
    - Lots
    - Building sites
    - Or some other division
  - When any one of those new lots, sites, or divisions are for the purpose of
    - Sale
    - Or building development
  - Whether it is to be immediately done or at sometime in the future
  - And includes any division of land that has
    - A dedication of a new street or a change in an existing street.

GS § 47-30(f) (11)

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- (11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:
- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
  - b. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
  - c. Any one of the following:
    1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
    2. That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.
    3. That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
    4. That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.
  - d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.
  - e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.



## GS § 47-30(f)(11) a.

- a. *That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.*

## GS § 47-30(f)(11) b.

- *b. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.*

# Even though

- A county or a municipality may not have ordinances that regulate the subdivision of land,
- GS 143-214.5 Water supply, watershed protection
  - Establishes the frame work for a Local Ordinance that has the power to establish development control within a county.
- In the absence of a Subdivision Ordinance,
  - a division of land within a Water Supply Watershed Protection Area may require the Surveyor Certification: **G.S. § 47-30(f)(11) a. Survey Creates a Subdivision**



# GS § 47-30(f)(11) c.

- Any of the following:
  - 1. An existing parcel or parcels,
    - One or more existing easements,
    - And does not create a new street
    - Or change an existing street.
  - 2. An existing feature such as
    - A building or other structure
    - A natural feature such as a watercourse.

# GS § 47-30(f)(11) c.

Continued:

- 3. A control survey.
  - Control Surveys are surveys that provides horizontal or vertical data for support or control of other surveys.
  - A control survey cannot be used to define or convey rights of ownership.
- 4. Survey or an proposed easement for a public utility as defined in GS 62-3.
  - Under GS 62-3, municipal systems for water, sewer, and electricity are not considered public utilities or any Authority organized under NC Water and Sewer Authorities Act.

# GS § 47-30(f)(11)c - 1

- Definition of a parcel –

*“an ‘existing parcel’ or an ‘existing easement’ is an area of land described 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.”*



## GS § 47-30(f)(11) d.

- d. That the survey is of another category, such as:
  - the recombination of existing parcels,
  - a court-ordered survey, or
  - other exemption or
  - exception to the definition of subdivision.

# G.S. § 160D-802 Applicability

## Definition of “Subdivision”

- Has the exceptions to the definition of a subdivision.
- 1. Combination or recombination of portions previously subdivided and recorded lots
  - Where the number of lots is not increased and
  - Where the resultant lots are equal to or exceed the minimum lot standards.
- 2. The division into parcels greater than 10 acres
  - where no street right-of-way dedication is involved.

# G.S. § 160D-802 Applicability

## Definition of “Subdivision”

- exceptions continued. . .
- 3. Public acquisition of strips of land for widening or opening public transportation system corridors.
- 4. Division of a tract, in single ownership,
  - whose entire area is less than 2 acres
  - Into not more than three lots
  - Where no street right-of-way dedication is involved
  - And . . .
    - Where the resultant lots are equal to or exceed the minimum lot standards.



# G.S. § 160D-802 Applicability

## Definition of “Subdivision”

- exceptions continued. . .
- 5. Division of a tract in accordance with the terms of a probated will or under the laws of intestate succession.
  - If Farmer Brown wants to record a survey of his property to be divided between his five kids so that each child gets a share of property at the time of his death.
  - The survey dividing his property, does not meet this exception, if Farmer Brown is still living.

- (11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:
- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
  - b. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.

Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

- position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
4. That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.
  - d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.
  - e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to

## GS § 47-30(f)(11) e.

- e. That the information available to the surveyor is such that the surveyor
  - is unable to make a determination
  - to the best of the surveyor's professional ability
  - as to provisions contained in (a) through (d) above
- Because the statute says that the surveyor can only certify to one, if there are two things going on in the plat, the plat needs to be certified as an “e.”
- That will give the review officer a cue that they may need to check multiple things going on in the plat.



# Recombinations / Recombination Plats

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# Why Recombine Lots?

- There are many reasons to Combine tracts of land.
  - Reduce taxes,
  - Add a sliver of land to present ownership,
  - Build across the adjoining line of 2 tracts or lots of land in the same ownership,
  - Reconfigure previously platted lot into a more desirable shape,
  - And many more...

# When using the Recombination Exemption:

- 1. All area within the existing parcels must be included within the new parcels.
  - If a tract or an area is getting cut off a larger tract to be combined with a neighboring parcel,
  - That is not an existing parcel and does not meet the requirement as an existing lot in the exception to the definition of a subdivision.
  - That is a subdivision.



# What is the correct certification for a plat

- That shows a chunk being cut from a larger tract and also shows the chunk as being combined with the neighboring parcel?
- Because the surveyor cannot certify more than one certification under GS 47-30(f)(11):
  - a- creates subdivision
  - b- subdivision in unregulated area
  - c- 1. existing parcels,  
2. existing feature,  
3. control survey,  
4. easement for public utility
  - d- another category such as a recombination
  - e- unable to make a determination,

What do you think should be the correct certification?

# When using the Recombination

## Exemption: continued

- 2. The number of parcels cannot be increased.
- 3. The resultant parcels must meet the minimum requirements of the subdivision ordinance. i.e. area, frontage, depth, width, and setbacks.
  - If a sliver is getting cut off a neighbor's parcel for something like a driveway encroachment, and that sliver is to be combined with the neighboring parcel, the resultant parcel is not the sliver, but the combined parcel after the recombination is accomplished.

# Remember!

- Because GS 47-30(f)(11) c-1 describes a parcel as an area in a single legal description,
- Only parcels in the same ownership may be combined or recombined.
  - Parcels with different owners are not going to be in a single legal description.



## Remember also. . .

- Any grantor selling land to a neighbor,
- Cannot,
- In the deed conveying the land to that neighbor,
- Combine the land he is selling
- With land already owned by the grantee.

# Two reasons why . . .

- 1. GS 22-2 says that anything dealing with land has to be in writing and signed by the owner or someone with the authority to sign.
- 2. GS 47-14(d) says a deed is not effective with regard to parties who have not signed the deed
  - Once all the property to be combined is titled in the name of one owner,
  - That owner has to be the one doing the recombination.
- (That one owner could be multiple persons or entities.)

# Documents of Recombination

- The document types used in the illustrations are a suggestion. There may be other methods that are just as suitable.



Two or more parcels in a single ownership may be combined at the time of transfer to a new owner.

- The transfer of title requires a deed. A “statement of recombination” or “recombination clause can be included in the deed to transfer.

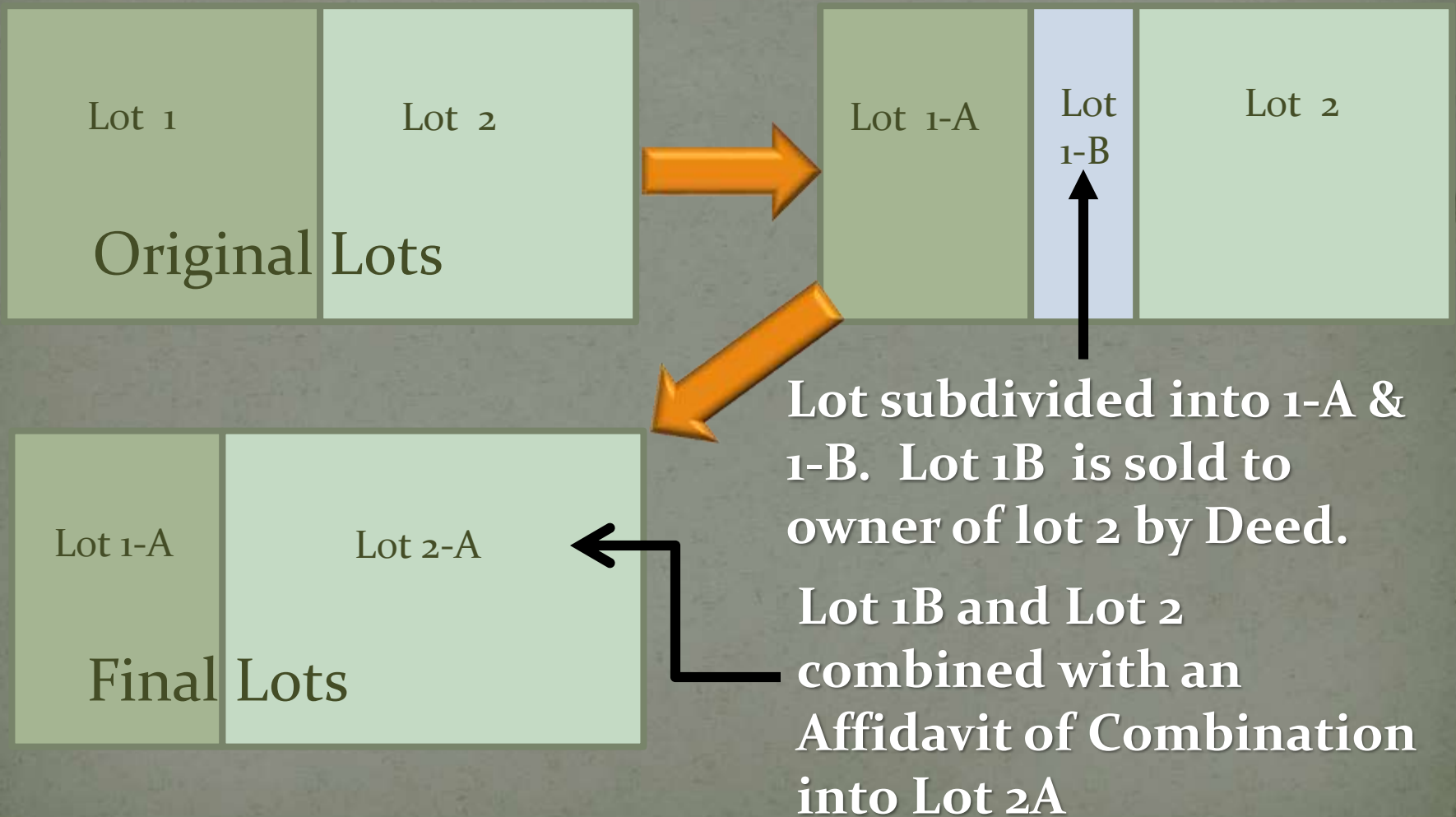


For two or more parcels in single ownership combined into a single parcel, an affidavit of recombination may be substituted for a deed of recombination.

There is no transfer of title, so a deed is not needed.



Neighbor buys a portion of a lot to be combined with what he already owns.





# Why wasn't Lot 1B combined into Lot 2A within the deed from the owner of Lot 1?

- A deed from the owner of Lot 1 cannot change what he does not own, therefore the deed from the owner of Lot 1 cannot combine Lot 1B and Lot 2 into Lot 2A
- GS 22-2 – The Statute of Fraud – states that any transaction dealing with land has to be in writing and signed by the person of authority.
- GS 47-14(d) – states “*Registration of an instrument is not effective with regard to parties who have not executed the instrument*”

# Even if the deed specifically says

- It is the intent of the Grantee
- to combine the tract described in this deed
- with the parcel already owned by the Grantee,
- the deed does not make the combination, because . . .

# Because of GS 22-2 and GS 47-14(d)

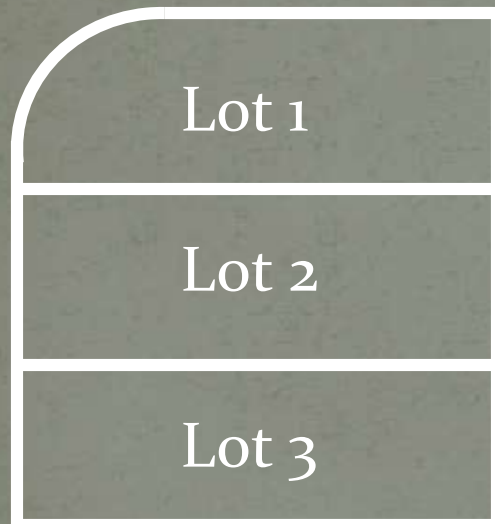
- And
- Because GS 47-30(f)(11) C-1
- says a parcel is “an area in a single legal description.”
- If I purchased my house ,in 2004,
  - And a sliver from my neighbor where my drive encroached on his lot, in 2021,
  - How many legal descriptions do I have?

Two! One for the lot with my house and one for the sliver I just bought from my neighbor.

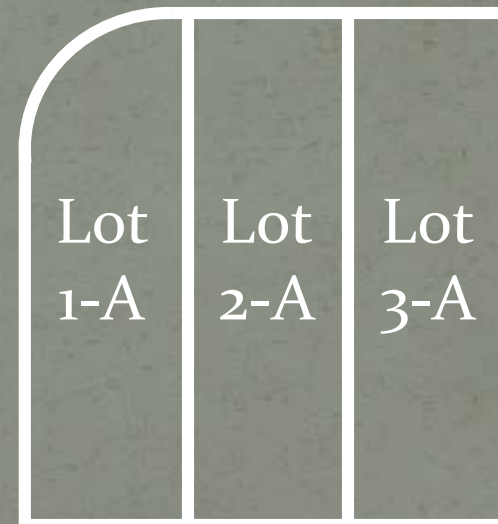


A reconfiguration of lots- no change in number of lots – revision meets minimum subdivision requirements.

Original  
Subdivision



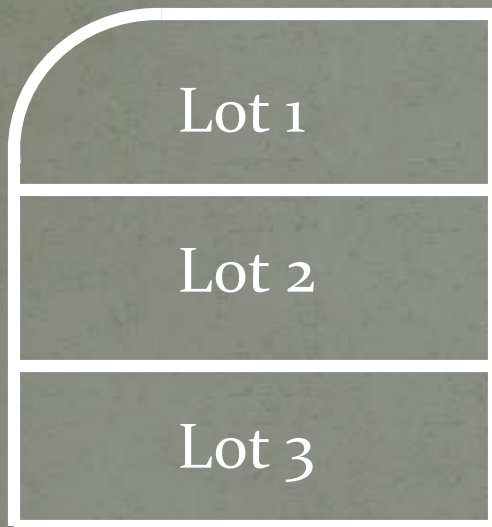
Revised  
Subdivision



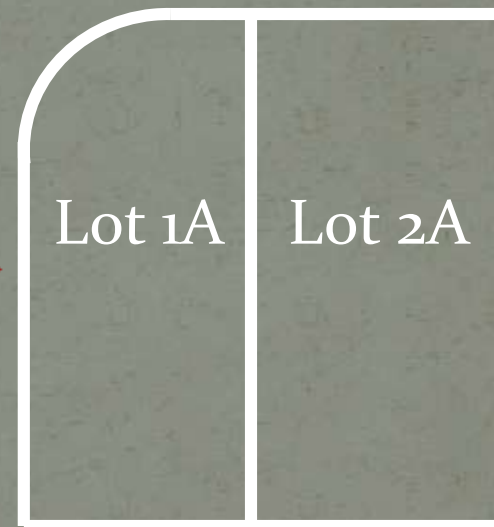
Note: This revision was done under the recombination exemption and could be undone under the same exemption, until one of the new lots is sold.

# A reconfigure of lots- a reduction in number of lots

Original  
Subdivision



Revised  
Subdivision



Note: This revision was done under the recombination exemption and has no effect on title, until an affidavit of recombination is filed or one of the new lots is sold by deed.

# Boundary Line Agreement

- Some jurisdictions will process a Boundary Line Agreement plat as an Exemption under the recombination exclusion to Subdivision review.
- While this may be an acceptable use of the exemption,
- It does not legally transfer title to any property covered by prior deeds or instruments of ownership.
- An attorney should have a Boundary Line Agreement executed and appropriate Quitclaim Deeds recorded.
- The surveyor must reference a legal document to show the agreed upon boundary line or must show the line as a “proposed agreement line.”



# Remember

- 47-14(d): (paraphrase)
- An instrument only affects the interest of those executing the document with a valid acknowledgement, (notarized).

# Owner of Record (requirements)

- Owner of Record document must be:
  - In writing,
  - State the intent of the document
  - Have an adequate description of property
  - Owner/owners must properly sign and be witnessed by a notary, an acknowledgement of the intent.

And

- Recorded in the appropriate Register of Deeds

# Even if a deed meets all the requirements.

- In writing,
- State the intent of the document
- Have an adequate description of property
- Owner/owners must properly sign and be witnessed by a notary, an acknowledgement of the intent

But

- Is recorded in the wrong county,
- The grantee is still not the owner of record.



# A deed simply conveying multiple tracts

- Is not enough to combine the tracts listed on the deed.
- It takes a statement of the intent to combine the parcels included in the body of the deed.
- Why?
  - From the four corners of the deed, without the specific statement, no-one can tell if the grantor wanted to combine the parcels or not;
  - And a single deed can have parcels scattered all over the county, or they can be contiguous.



**Any  
Questions  
so far?**

College athletes  
question how  
to respond to  
political protests 10

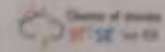


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# The News & Observer

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## New education plan remains focused on testing

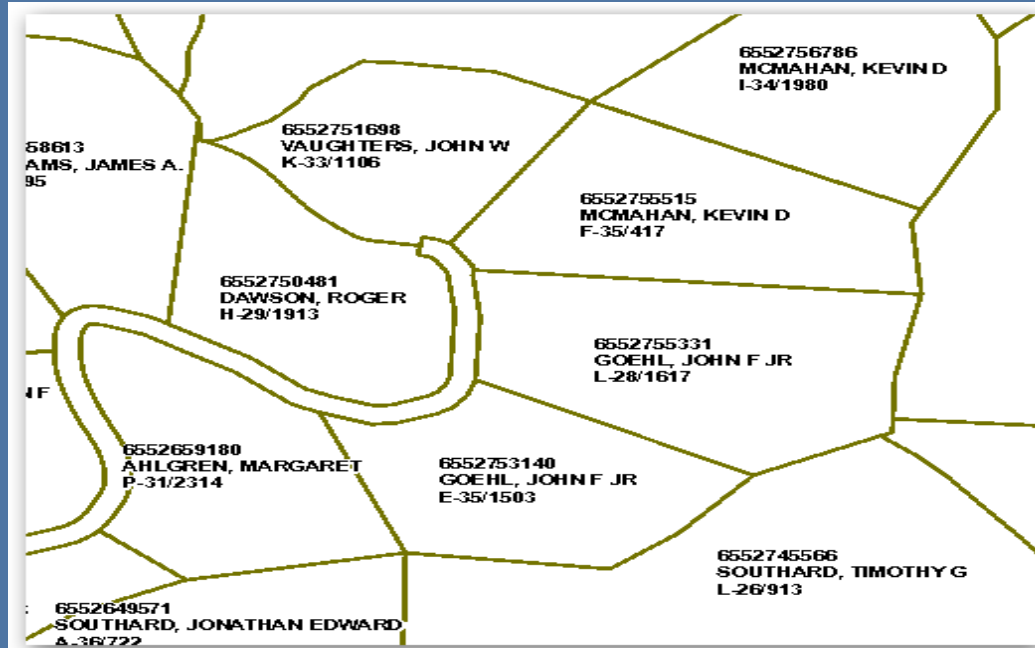
BY T. KEUNG HUI  
thui@newsobserver.com

### 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

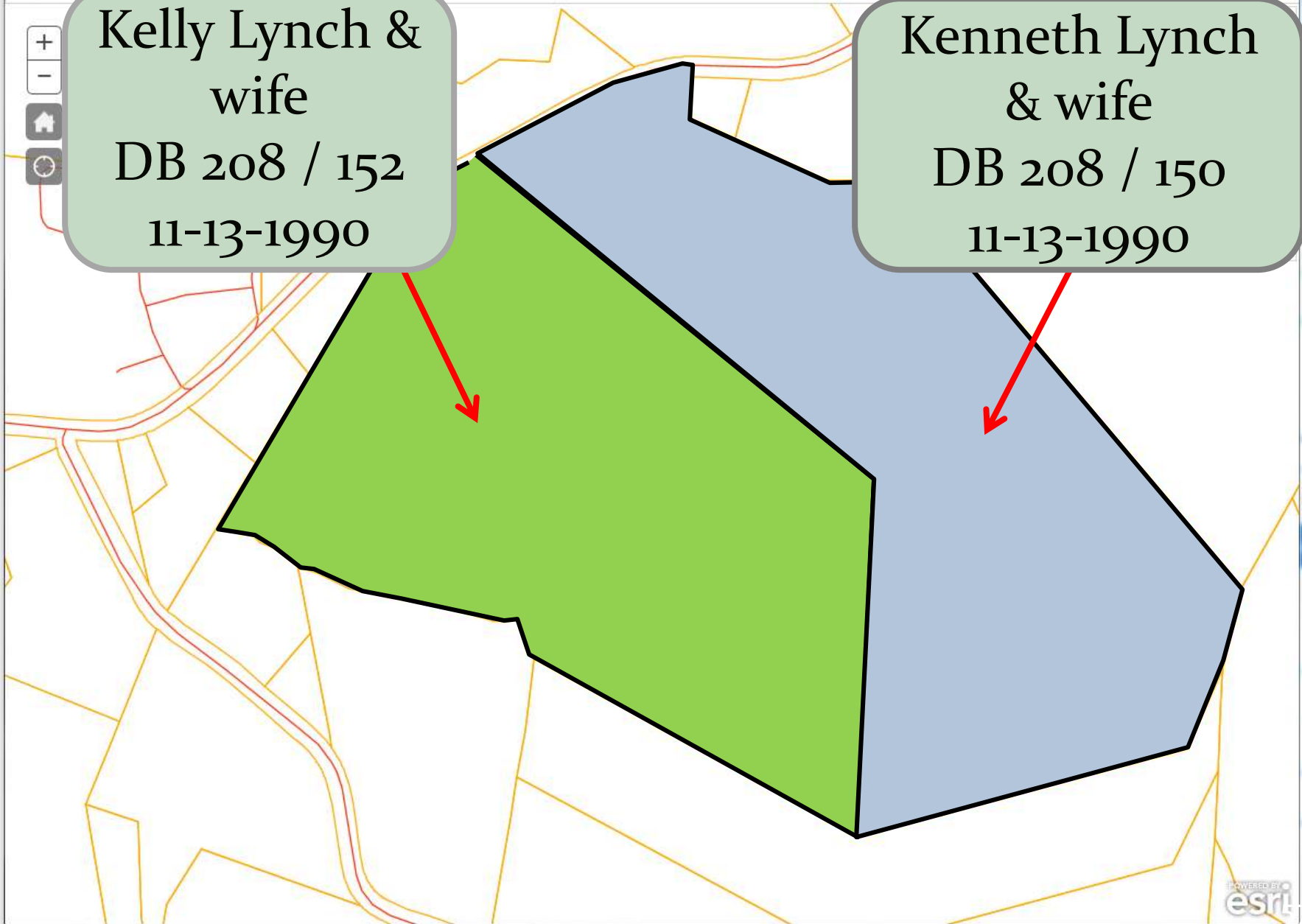






Kelly Lynch &  
wife  
DB 208 / 152  
11-13-1990

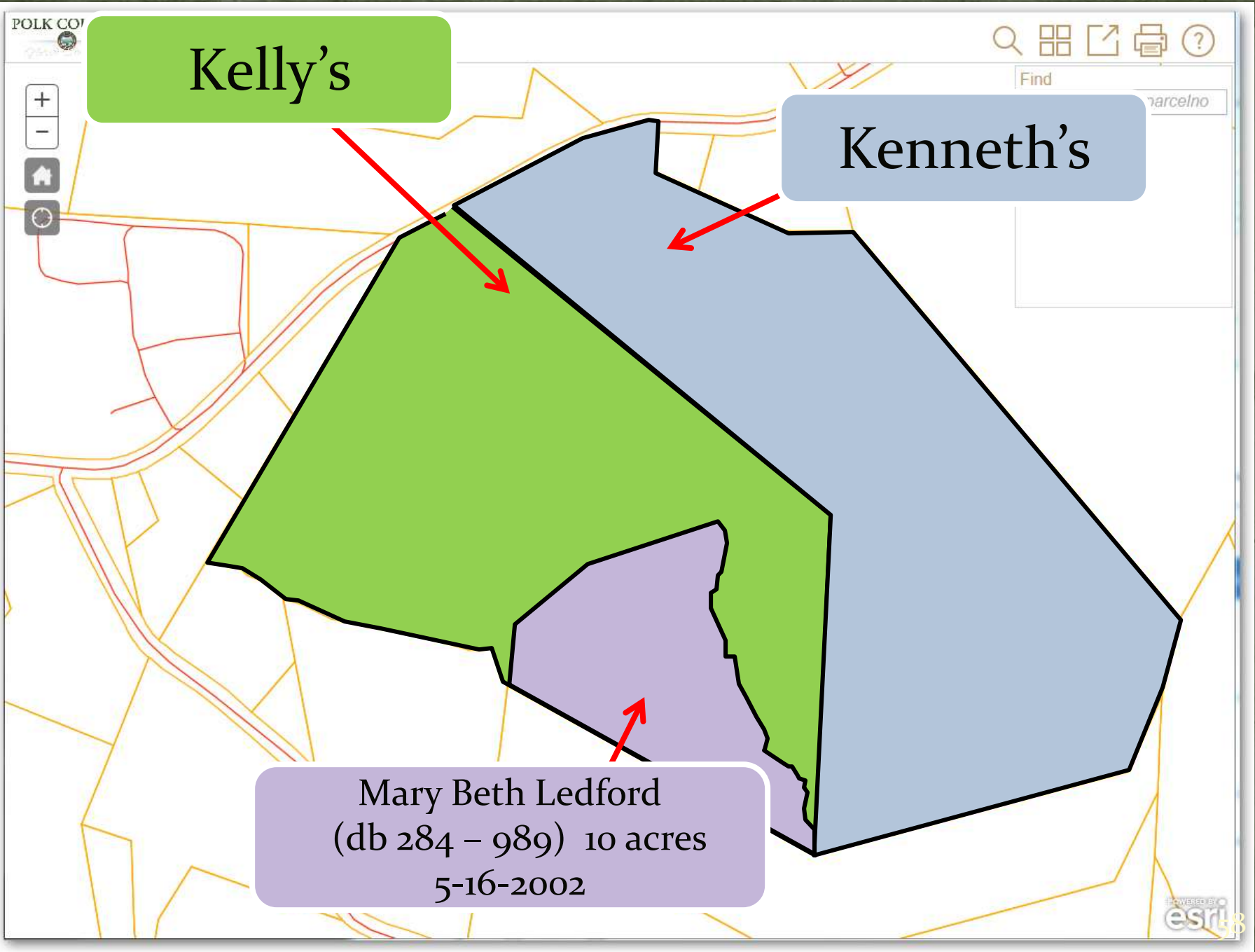
Kenneth Lynch  
& wife  
DB 208 / 150  
11-13-1990



Kelly's

Kenneth's

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

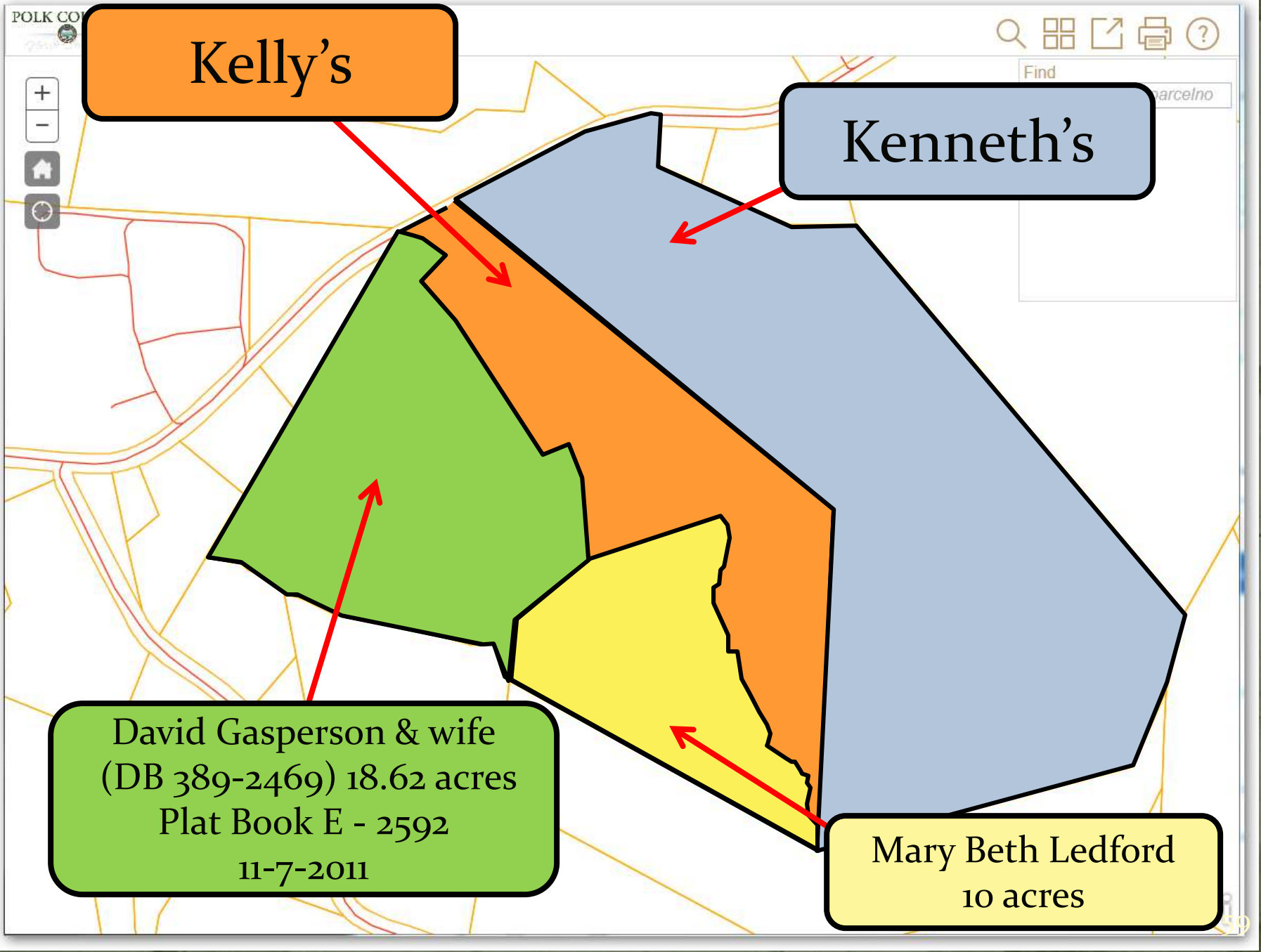


Kelly's

Kenneth's

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

Mary Beth Ledford  
10 acres









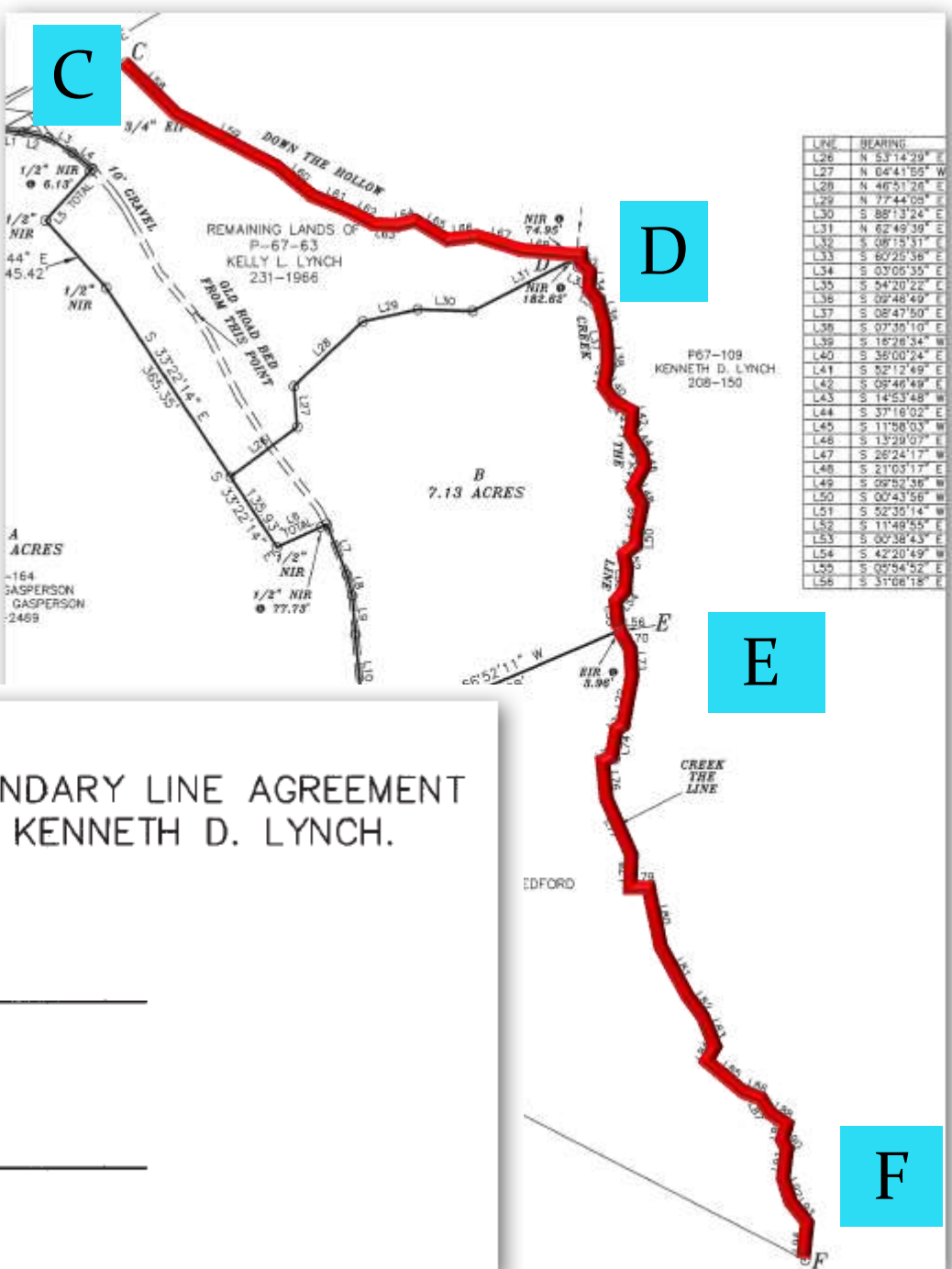


NORTH ARROW BASED ON 18-24-1984 POLK COUNTY RECORDS

NOTE: THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. METRIC SURVEY PERFORMED BY WALKER ASSOCIATES.

NOTE: PARCEL E IS A PORTION OF T-10 RECORDS WITH A 1927-1934 CURVE RADIUS OF 1000 FT. AND CENTER AT

LINE	BEARING	LENGTH
L1	N 53°14'29" E	1.26
L2	N 04°11'55" W	1.27
L3	N 46°51'20" E	1.28
L4	N 77°44'02" E	1.29
L5	S 88°13'24" E	1.30
L6	N 62°49'39" E	1.31
L7	S 08°19'51" E	1.32
L8	S 80°28'58" E	1.33
L9	S 03°05'55" E	1.34
L10	S 54°20'22" E	1.35
L11	S 02°48'49" E	1.36
L12	S 08°47'50" E	1.37
L13	S 07°35'10" E	1.38
L14	S 16°28'34" W	1.39
L15	S 36°00'24" E	1.40
L16	S 52°12'49" E	1.41
L17	S 02°46'49" E	1.42
L18	S 14°53'48" W	1.43
L19	S 37°18'02" E	1.44
L20	S 11°58'03" W	1.45
L21	S 13°29'07" E	1.46
L22	S 28°24'17" W	1.47
L23	S 21°03'17" E	1.48
L24	S 02°52'36" W	1.49
L25	S 02°43'56" W	1.50
L26	S 52°30'14" W	1.51
L27	S 11°49'55" E	1.52
L28	S 02°38'43" E	1.53
L29	S 42°20'49" W	1.54
L30	S 02°54'52" E	1.55
L31	S 31°08'18" E	1.56



LINE	BEARING	LENGTH
L26	N 53°14'29" E	1.26
L27	N 04°11'55" W	1.27
L28	N 46°51'20" E	1.28
L29	N 77°44'02" E	1.29
L30	S 88°13'24" E	1.30
L31	N 62°49'39" E	1.31
L32	S 08°19'51" E	1.32
L33	S 80°28'58" E	1.33
L34	S 03°05'55" E	1.34
L35	S 54°20'22" E	1.35
L36	S 02°48'49" E	1.36
L37	S 08°47'50" E	1.37
L38	S 07°35'10" E	1.38
L39	S 16°28'34" W	1.39
L40	S 36°00'24" E	1.40
L41	S 52°12'49" E	1.41
L42	S 02°46'49" E	1.42
L43	S 14°53'48" W	1.43
L44	S 37°18'02" E	1.44
L45	S 11°58'03" W	1.45
L46	S 13°29'07" E	1.46
L47	S 28°24'17" W	1.47
L48	S 21°03'17" E	1.48
L49	S 02°52'36" W	1.49
L50	S 02°43'56" W	1.50
L51	S 52°30'14" W	1.51
L52	S 11°49'55" E	1.52
L53	S 02°38'43" E	1.53
L54	S 42°20'49" W	1.54
L55	S 02°54'52" E	1.55
L56	S 31°08'18" E	1.56

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?

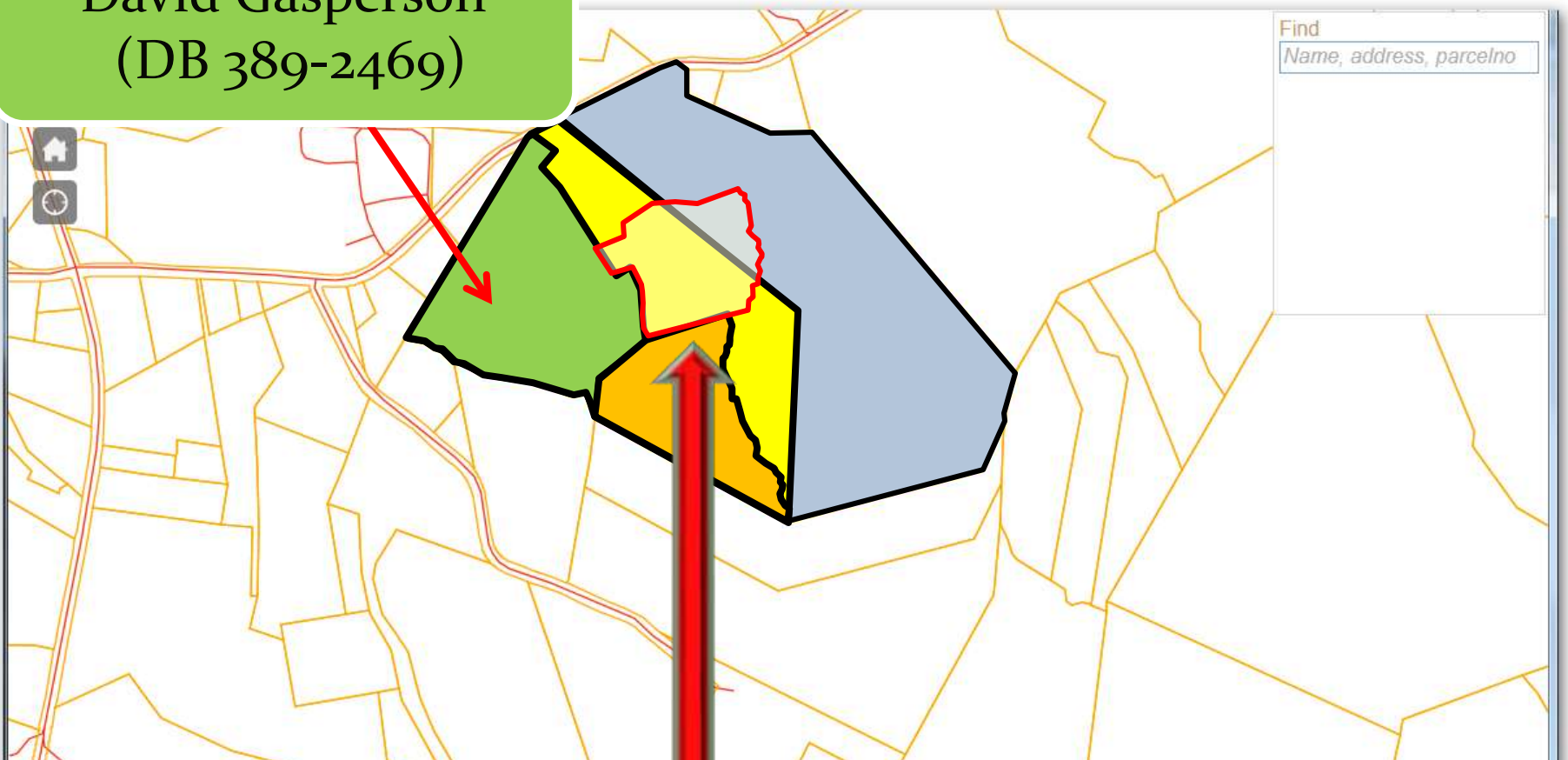
- If Kelly and Kenneth had signed the plat,
  - Even if their signatures had been notarized,
  - The plat still would not have changed the boundary between the two parcels.
- 
- And what about their wives?
  - Plats, on their own, do not convey title.

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

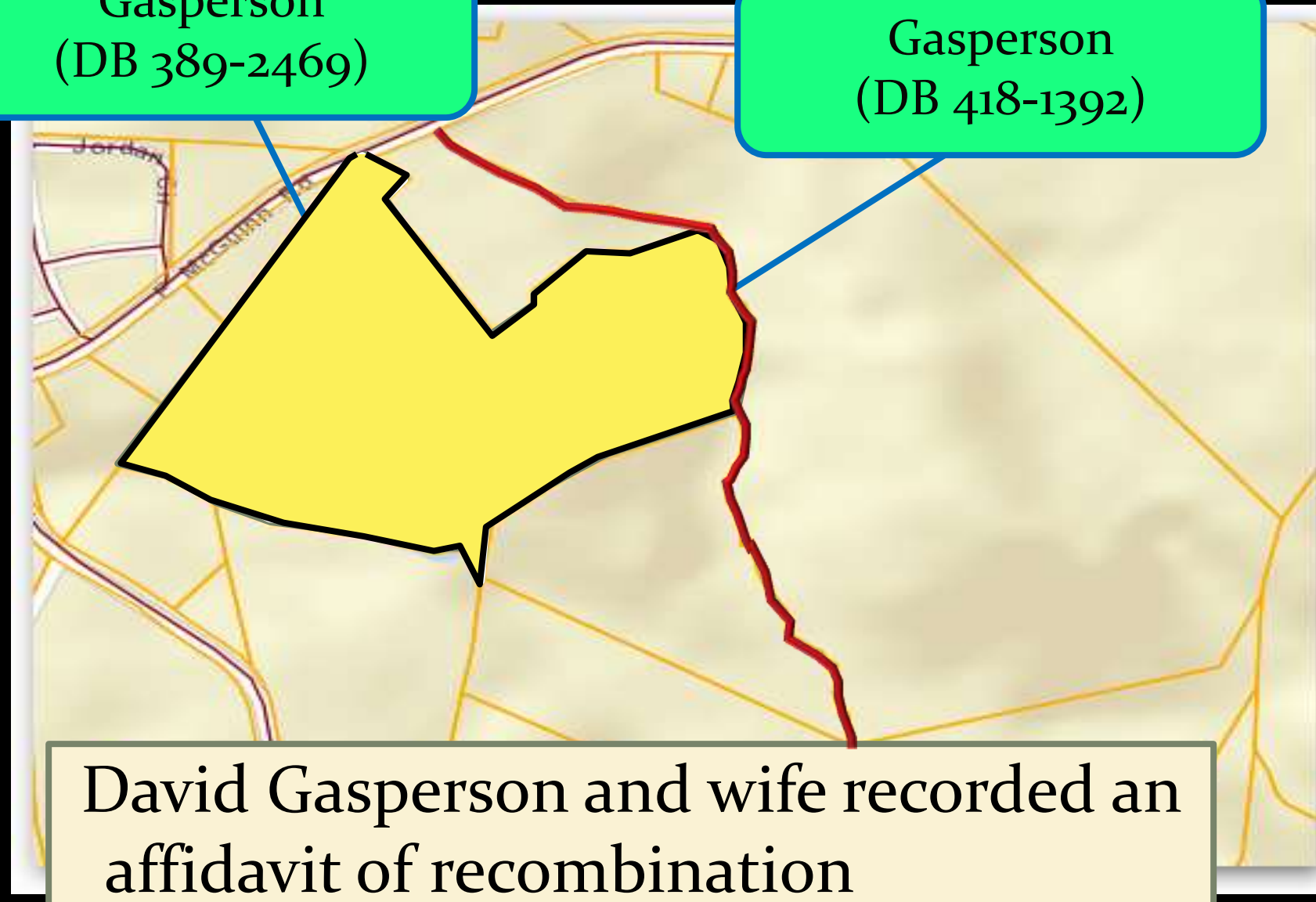
\_\_\_\_\_  
KELLY L. LYNCH

\_\_\_\_\_  
KENNETH D. LYNCH

David Gasperson  
(DB 389-2469)



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 yellow-shaded land parcel with a black outline. A red line follows the eastern and southern boundaries of the parcel. Two blue callout boxes point to the parcel: one on the left and one on the right. A text box at the bottom contains a statement about an affidavit of recombination.

Gasperson  
(DB 389-2469)

Gasperson  
(DB 418-1392)

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



Kelly Lynch  
& wife

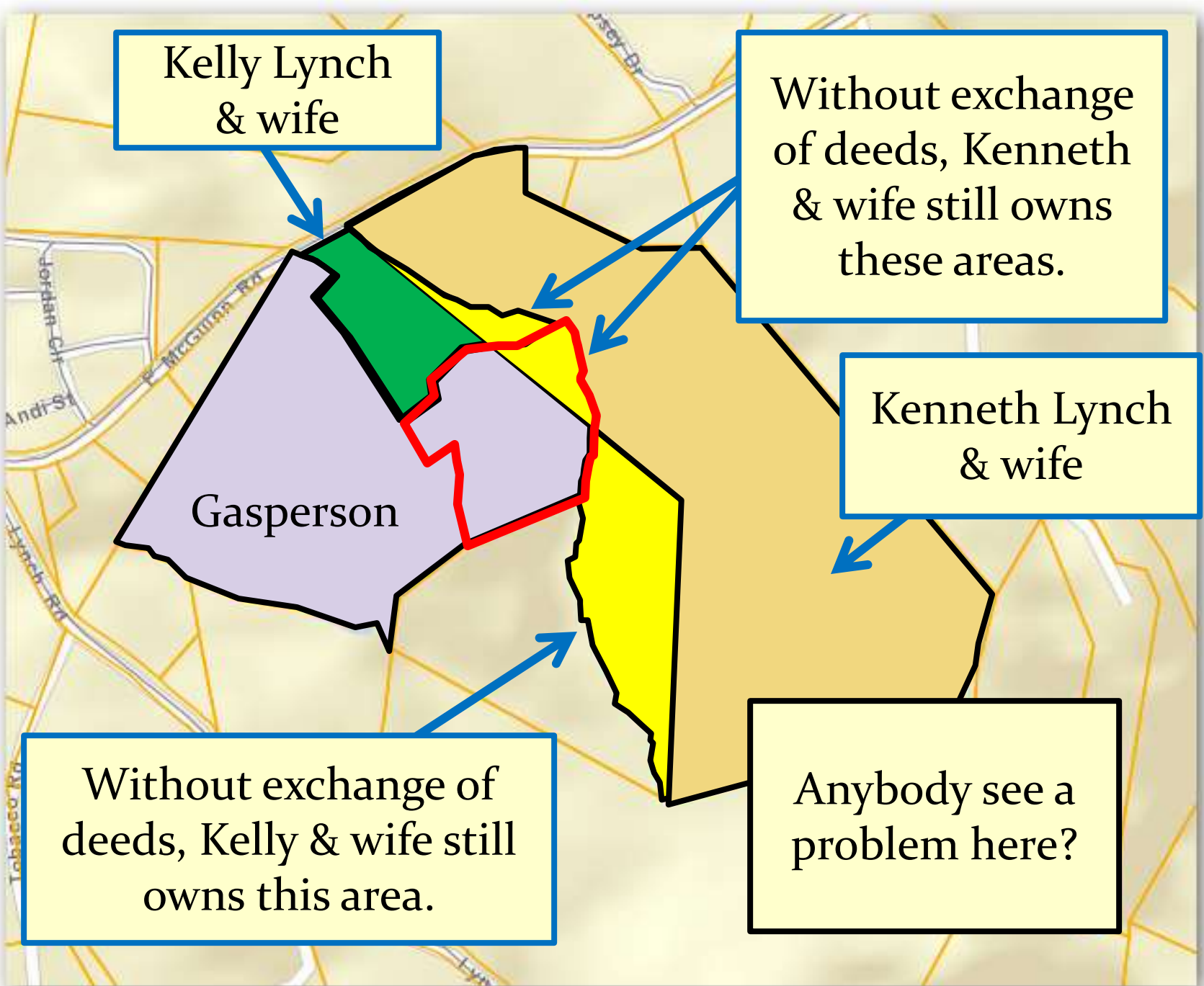
Without exchange  
of deeds, Kenneth  
& wife still owns  
these areas.

Kenneth Lynch  
& wife

Gasperson

Without exchange of  
deeds, Kelly & wife still  
owns this area.

Anybody see a  
problem here?



College athletes  
question how  
to respond to  
political protests 10

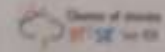


FOUNDED 1994  
VOLUME 132 No. 240

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# The News & Observer

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## New education plan remains focused on testing

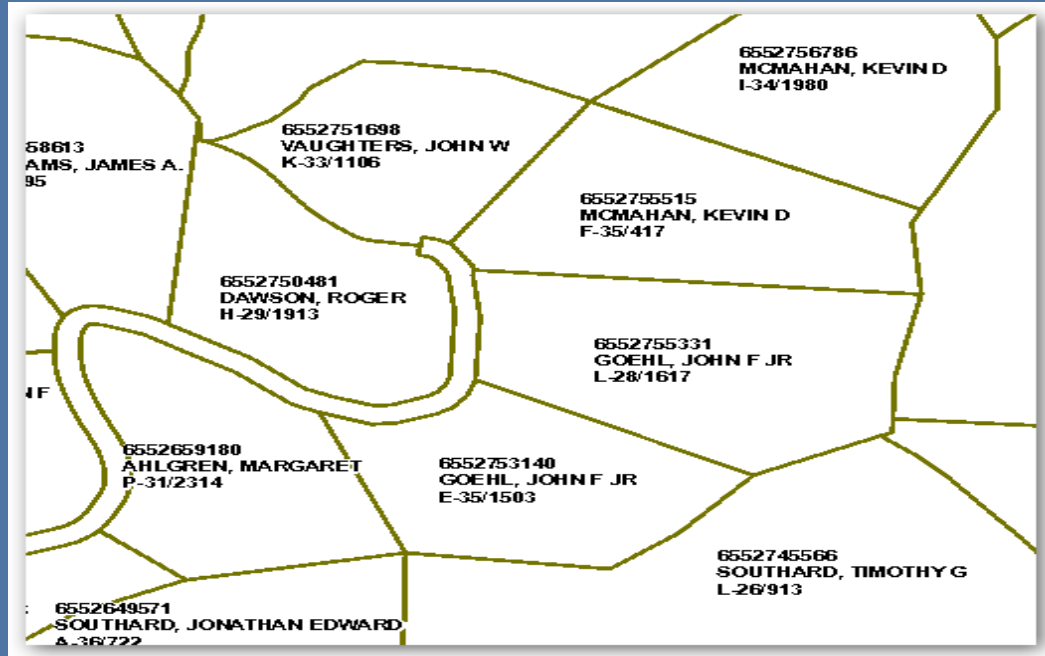
BY T. KEUNG HUI  
thui@newsobserver.com

### 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



# Deed: 804 / 716 Recorded 7-15-1992

## 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. 42.74 feet to an iron stake replacing  
of Ray Franklin (517-768),  
-S. 44-00-24 E. 125.00 feet to an iron stake replacing an existing stake;  
-S. 39-20-30 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  
-S. 17-00-00 E. 55.15 feet to an existing iron stake; thence with the line of  
Lovedahl,

.....(SEAL)  
.....(SEAL)  
.....(SEAL)

Secretary (Corporate Seal)

USE BLACK INK OF

.....(SEAL)  
.....(SEAL)  
.....(SEAL)  
OF DEEDS FOR..... COUNTY  
Instant Register of Deeds.



# Deed: 804 / 716

## Recorded 7-15-1992

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, contains more or less, as shown on a plat prepared for Michael Groc Barkers Creek Township, Jackson County, North Carolina, bearing revised 7-7-92, as mapped and platted by Turlington Land & Surveying Company, Inc. **COMPREHENDING** the same lands recorded in Book 617, page 100 of the Public Registry.

of 1.94 acres  
Cathy Riggins,  
e of 11-22-85,

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

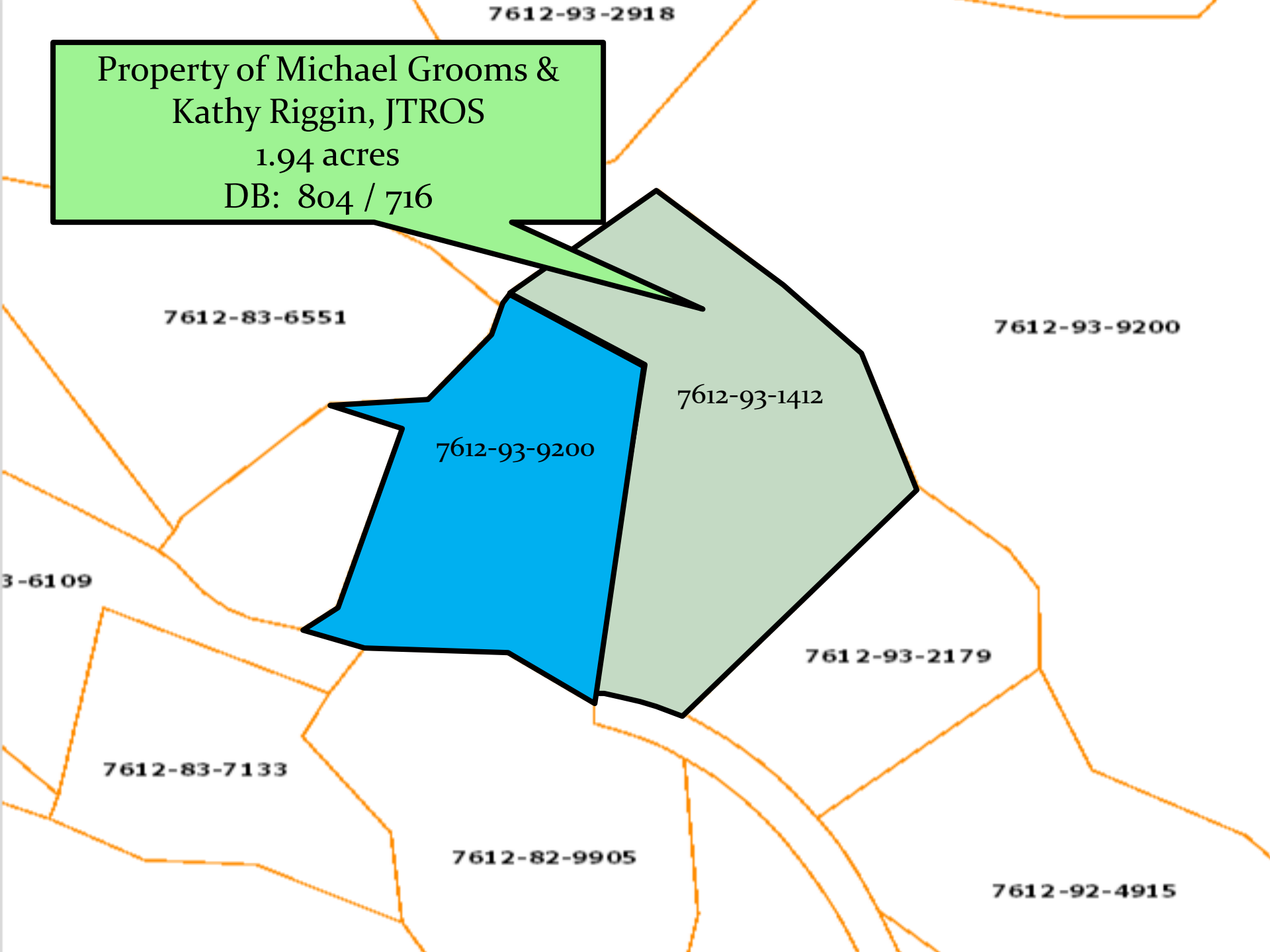
3-6109

7612-93-2179

7612-83-7133

7612-82-9905

7612-92-4915



# Deed: 1010 / 689 Recorded 8-5-1998

WITHOUT TITLE EXAMINATION

## NORTH CAROLINA GENERAL WARRANTY DEED

... August 1998 ... ROBERT  
L. CLEGG, joined in this conveyance by his wife, ELOIS J. ...  
MICHAEL GROOMS and wife, KATHY RIGGIN GROOMS of ...  
Whittier, North Carolina, 28780, Grantees. (The designation Grant ...  
herein shall include said parties, their heirs, successors and as ...

BEGINNING, existing 10' gravel road ...  
and Kathy Riffin, now or former ...  
the point of Beginning, leaving the margin ...  
the line of Grooms and Riffin,  
-N. 08-38-48 E. 297.56 feet to a 5/8" iron pipe set; thence ...  
of Grooms and Riffin and running the following severance lines,  
-S. 27-16-29 W. 49.69 feet to a 5/8" iron pipe set; thence,  
-S. 02-59-55 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.

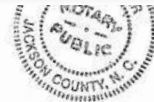
BEING AND COMPREHENDING a portion of the lands described in  
and conveyed by deed which is recorded in the office of the Register of  
Deeds for Jackson County, North Carolina, in Book 614 at page 633, to  
which reference is hereby had, and this conveyance is made  
TOGETHER WITH all appurtenances thereunto belonging and  
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.

TAX ASSessor'S OFFICE  
AUG 5 1998

NORTH CAROLINA  
JACKSON COUNTY



... This instrument was presented for registration and recorded in this ...  
... at 10:23 o'clock A.M.

What's happened  
between 1992 and 1998?



# Deed: 1010 / 689

## Recorded 8-5-1998

and sold, and by these presents do bargain, sell, and convey unto the Grantees, in fee simple, all that certain lot or parcel of land situated in Barkers Creek Township, Jackson 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. 02° 28' 12" E. 207.56 feet to a 5/8" iron pipe set; thence leaving the line

-S. 02-59-55 W. 161.2

0.04 of an acre, mo

Survey - Robert L.

ing the following severance lines,

5/8" iron pipe set; thence,

the point of BEGINNING, consisting of as shown on a plat entitled "Division of Barkers Creek Township, Jackson County, North Carolina" by Baker & Associates, P.A., dated 8-6-97,

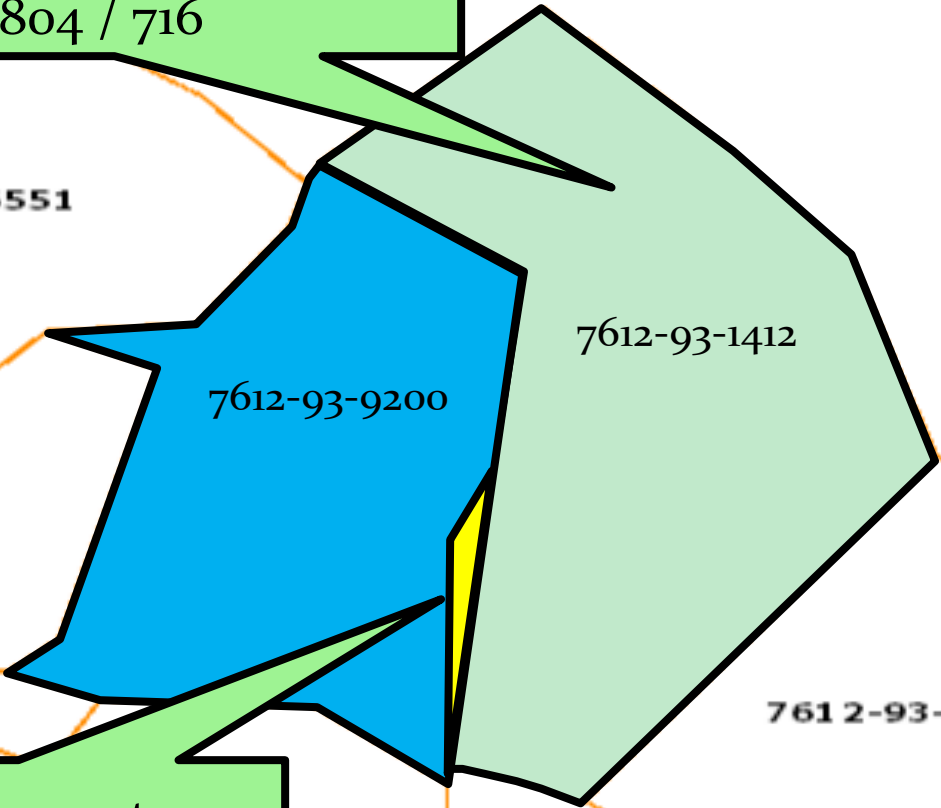
revised 1-5-98, Drawing No. 082897.

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

7612-93-2179

3-6109

7612-82-9905

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

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.

What happens when either spouse dies?

What happens if they divorce?

Is there a difference between:  
Tenancy by the Entirety?  
&  
Joint Tenancy with Right of Survivorship



# Deed of Trust: 1993 / 603

## Recorded 6-11-2013

### 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, NC 289

Tax/Parcel ID: 7612931412

This is the  
original deed for  
1.94 acres.

7612-93-2918

The county still had the  
single tax parcel.

7612-83-6551

7612-93-9200

7612-93-9200

7612-93-1412

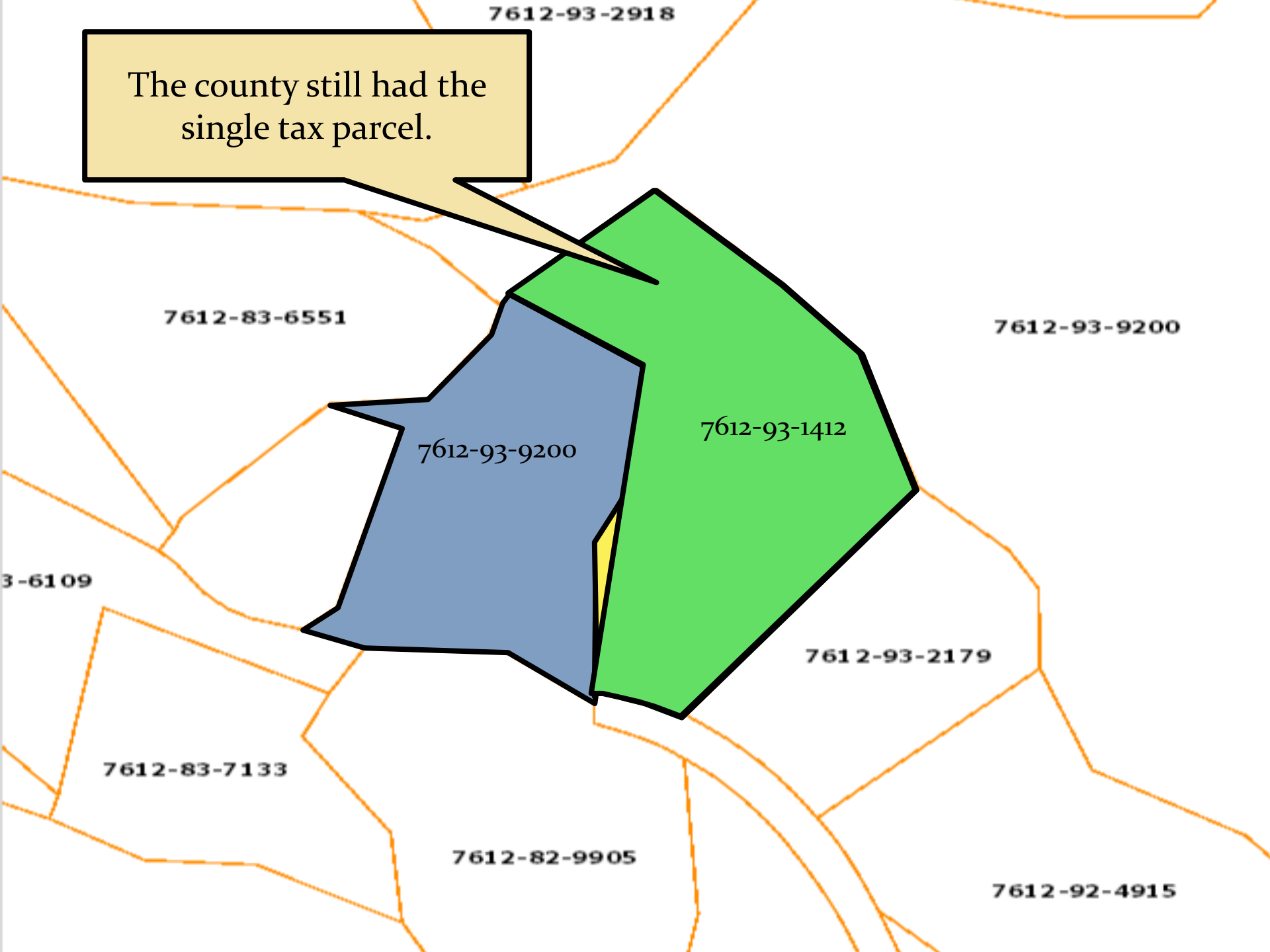
3-6109

7612-93-2179

7612-83-7133

7612-82-9905

7612-92-4915



# Trustee's Deed: 2194 / 886

## Recorded 6-7-2017

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  
-S. 41-31-00 W. 306.57 feet to the point of beginning, consist plat prepared for Michael Grooms and Cathy Riffin, Bakers Carolina, bearing date of 11-22-85, revised 7-7-92, as mapped being and comprehending the same lands recorded in book 61

Together with a right of way for a roadway 16' in width extending

line of Lovedahl,  
1.94 acres, more or less  
k Township, Jackson C

The county still had the  
single tax parcel,

7612-83-6551

12-93-2918

7612-93-9200

7612-93-9200

7612-93-1412

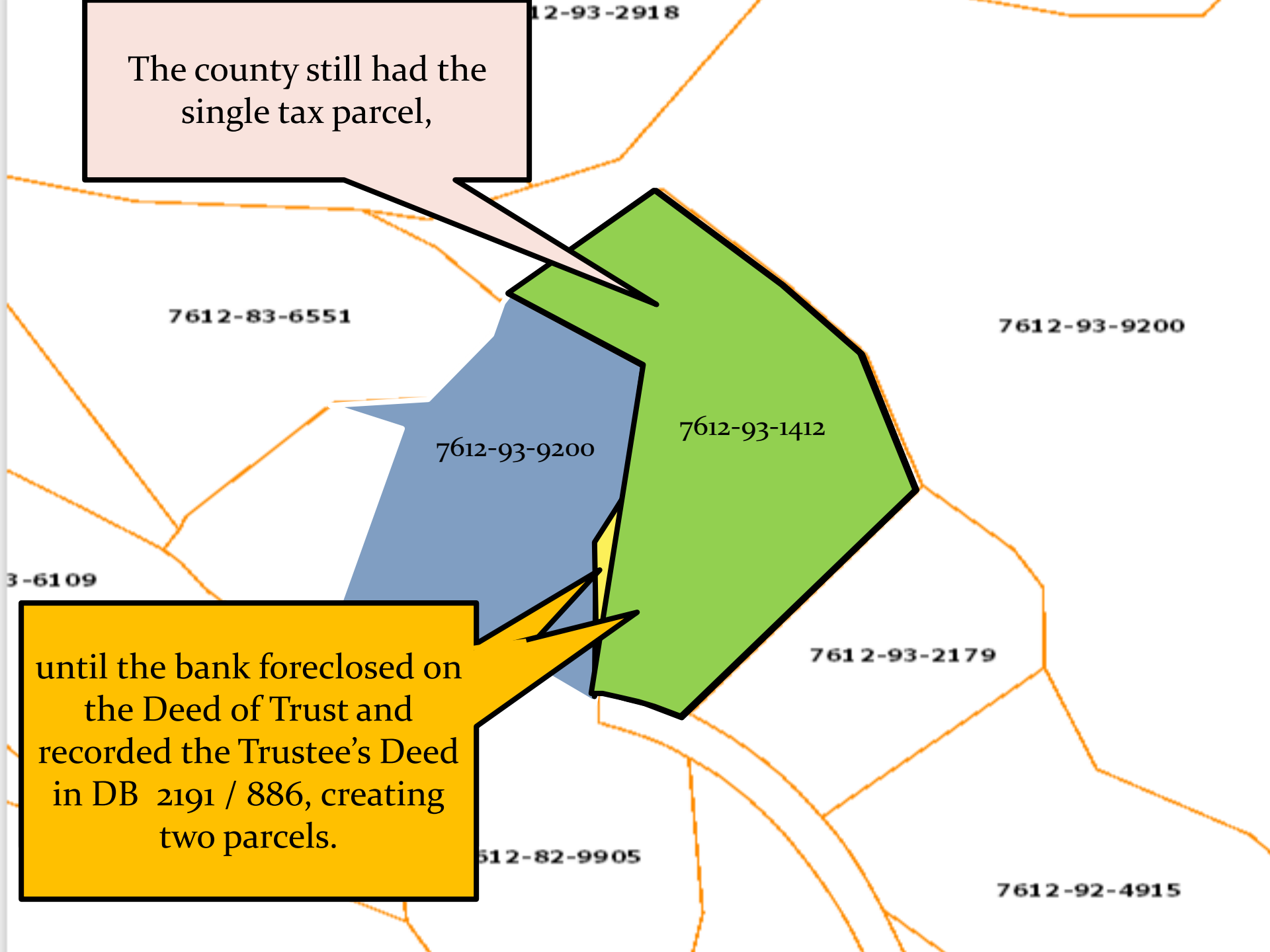
3-6109

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

7612-93-2179

512-82-9905

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.

Let's take a break

