

WAKE COUNTY, NC 425
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
08/07/2008 AT 15:04:21

BOOK:013206 PAGE:01876 - 01880

Instrument Prepared by: Raleigh City Attorney's Office
Brief Description for Index: Athens Grove Subdivision, Sidewalk Easement
Parcel Identifier: 0783.10-37-0217; 0783.10-27-7236; 0783-37-4220
Mail After Recording To: City Clerk's Office
P. O. Box 590, Raleigh, N. C. 27602

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**GENERAL WARRANTY DEED
EASEMENT FOR PUBLIC SIDEWALK PURPOSES**

THIS DEED OF EASEMENT is made and entered into this 7th day of April, 2008 by **BGM INVESTMENT COMPANY**, a North Carolina corporation (the "Grantor"), **JOHN S. TOWLES** (the "Trustee") and **PARAGON COMMERCIAL BANK** (the "Bank") to the **CITY OF RALEIGH**, a municipal corporation of the State of North Carolina (the "City") (the designation Grantor and City as used in this instrument shall include the named parties, their heirs, personal representatives, successors, assigns, agents, invitees, permittees, and guests and shall include singular, plural, masculine, feminine or neuter as required by context).

WITNESSETH:

NOW, THEREFORE, for and in consideration of the premises, the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant, sell, and convey to the City, its successors and assigns, the right, privilege and easement, now and hereafter, to construct, improve, reconstruct, replace, inspect, repair, maintain, and use for public sidewalk purposes, including related and customary uses of sidewalk right-of-way such as curb and gutter, bike path, sanitary sewer, storm drainage, water supply, cable television, electric power and telephone transmission purposes in, upon and across the property of the Grantor described in an instrument recorded in Book 11778, Page 2452, Wake County Registry, the area subject to this easement being more particularly described as follows:

That area designated as " 5' sidewalk easement" along the western line of Lot 43 as shown on that plat entitled "Subdivision Plat Athens Grove", recorded in Plat Book 2008, Page 1554 , Wake County Registry.

TO HAVE AND TO HOLD the aforesaid easement interest and all privileges and rights thereunto belonging to the City of Raleigh, its successors and assigns forever.

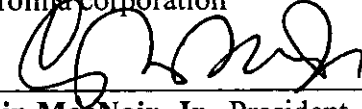
THIS EASEMENT shall be perpetual and shall be binding upon the heirs, successors and assigns of the Grantor.

And the Grantor covenants that it is vested of the premises in fee and has the right to convey the same in fee simple, that the same is free from encumbrances except as hereinabove stated; and that it will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

The Bank and Trustee execute this Sidewalk Easement solely for the purpose of subordinating the lien of that deed of trust dated January 18, 2006, executed by Grantor to the Trustee for the benefit of the Bank and recorded in Book 11778, Page 2456, Wake County Registry to the terms and provisions contained herein.

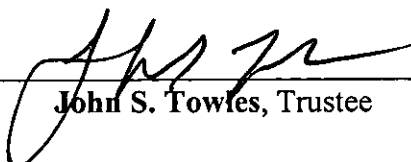
IN WITNESS WHEREOF, this instrument is executed as of the day and year first above written.

BGM INVESTMENT COMPANY,
a North Carolina corporation

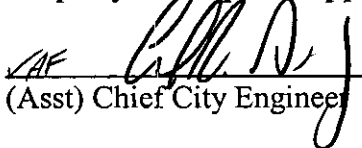
By:  (SEAL)
Colin MacNair, Jr., President

PARAGON COMMERCIAL BANK

By: W. Michael Worsham
W. Michael Worsham, Sr. Vice President


John S. Fowles, Trustee

Property Description Approved:


(Asst) Chief City Engineer

Approved As To Form:

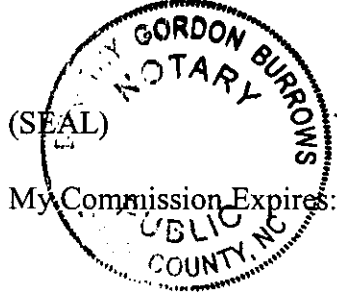

(Associate) City Attorney

NORTH CAROLINA

COUNTY OF WAKE

I, the undersigned Notary Public, certify **Colin MacNair, Jr.** personally came before me this day, being personally known to me, and acknowledged he/she is the (title) President of **BGM Investment Company** (name of entity) a (circle one) corporation, limited liability company, general partnership, and that he/she as such officer being authorized to do so voluntarily executed the foregoing instrument on behalf of said entity.

WITNESS my hand and official stamp seal this 7th day of April, 2008.



My Commission Expires: 1-4-2011

Dorothy Gordon Burrows
Notary Public
Dorothy Gordon Burrows
Printed or Typed Name of Notary

NORTH CAROLINA

WAKE COUNTY

ACKNOWLEDGEMENT

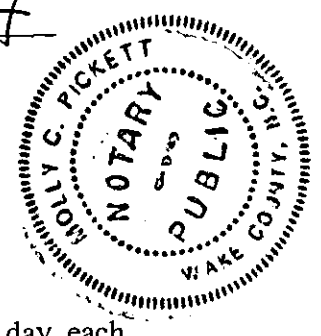
I, the undersigned Notary Public, certify that W. Michael W. Schum personally came before me this day and acknowledged that he is the SU President of Paragon Commercial Bank, a North Carolina banking corporation, and that he, as such officer, being authorized to do so voluntarily executed the foregoing instrument on behalf of said entity.

WITNESS my hand and official stamp or seal this 8 day of April, 2008.

(SEAL)

Molly C Pickett
Notary Public
Printed Name: Molly C Pickett

My Commission Expires: 12/16/08



NORTH CAROLINA

WAKE COUNTY

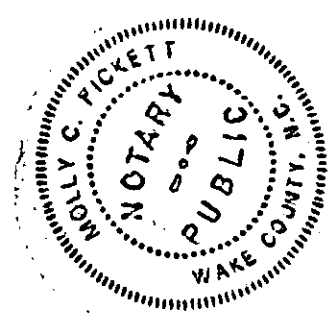
ACKNOWLEDGEMENT

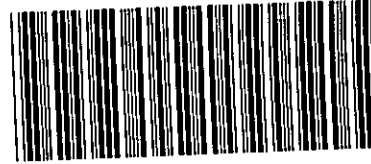
I certify that the John S. Towles, Trustee, personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

WITNESS my hand and official stamp or seal this 8 day of April, 2008.

(SEAL)

Molly C Pickett
Notary Public
Printed Name: Molly C Pickett





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**Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.**



**Wake County Register of Deeds
Laura M. Riddick
Register of Deeds**

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