

BK 4433 PG 657 - 662 (6)

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Fee: \$26.00

Henderson County, North Carolina

Tax: \$700.00

William Lee King, Register of Deeds

This instrument prepared by Jonathan A. Kendrick, a Licensed NC Attorney, Delinquent taxes, if any, to be paid by the closing attorney To the County Tax Collector upon disbursement of closing proceeds.

Excise Tax \$700.00

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 9568-87-2708

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Mail after recording to: **Kendrick Law PLLC, 513 N. Justice Street, Suite A, Hendersonville, NC 28739**

This instrument prepared by: **Kendrick Law, PLLC, 513 N Justice Street, Suite A, Hendersonville, NC 28739**

**\*\*THE PROPERTY IS NOT THE PRIMARY RESIDENCE OF THE GRANTOR (N.C.G.S. §105-317.2)\*\***

128 3rd Ave E

Brief Description for the index

**NORTH CAROLINA GENERAL WARRANTY DEED**

**THIS DEED made this the 4th day of May, 2026, by and between**

GRANTOR

**The Simons Trust dated October 30, 2017**

GRANTEE

**DS Third Ave LLC, a North Carolina Limited Liability Company**

**126 3rd Ave. East  
Hendersonville, NC 28792**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in **Henderson County, North Carolina** and more particularly described as follows: **SEE ATTACHED EXHIBIT A**

submitted electronically by "Kendrick Law, PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Henderson County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3129, beginning on Page 607.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple:

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

Title to the property hereinabove described is subject to the following exceptions: **APPLICABLE EASEMENTS, RIGHTS OF WAY, RESTRICTIONS OF RECORD.**

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

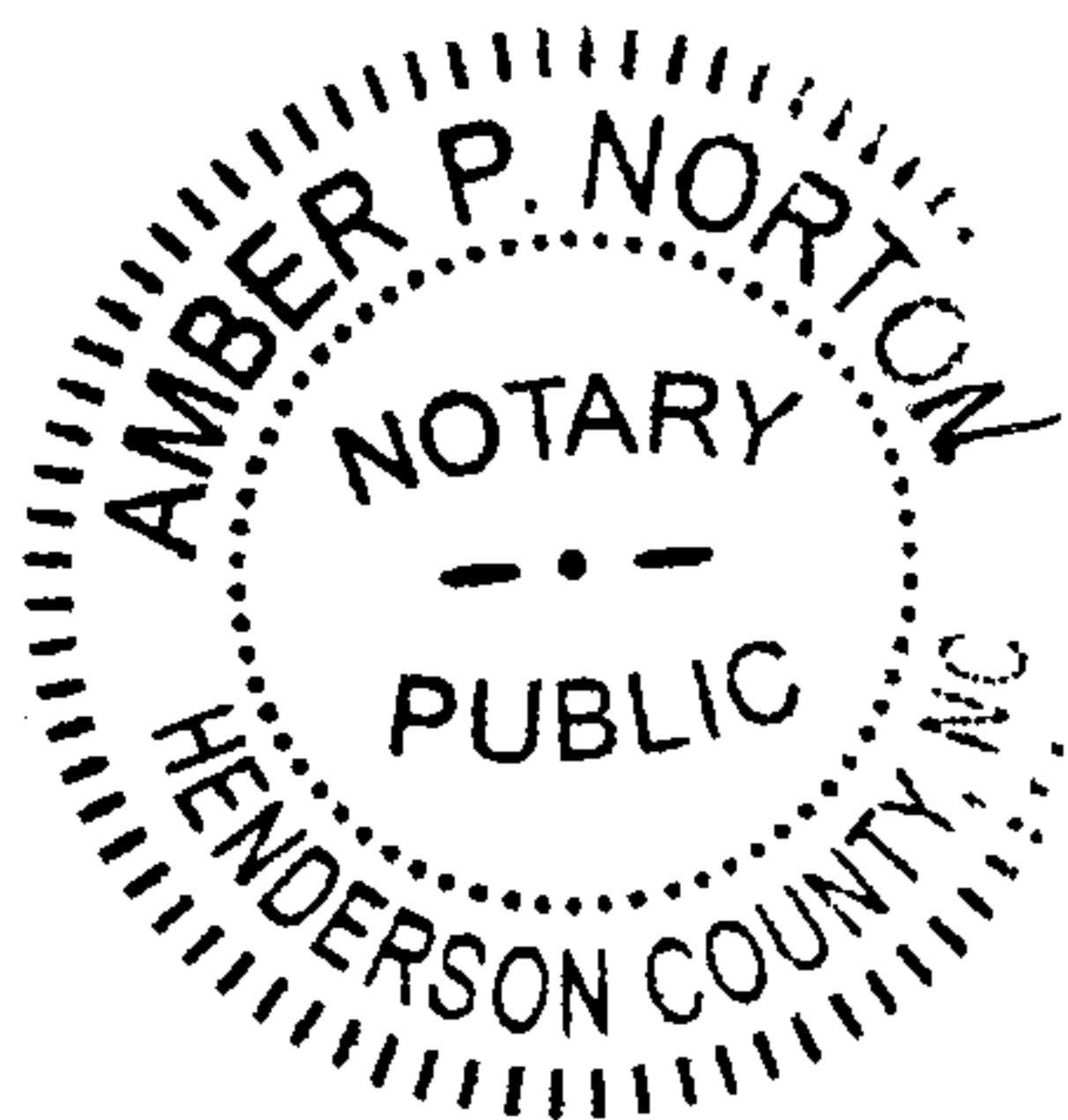
The Simons Trust

BY: John Simons  
John Simons  
Co-Trustee

BY: Rochelle Simons  
Rochelle Simons  
Co-Trustee

SEAL-STAMP

NORTH CAROLINA,  
Henderson COUNTY.



I, the undersigned, a Notary Public of the County and State aforesaid, certify that John Simons and Rochelle Simons, Co-Trustees of The Simons Trust personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 4th day of May, 2026.

My commission expires: 8/26/29 Amber P. Norton Notary Public

## EXHIBIT A

BEGINNING on a point, said point being a building corner located on the southern margin of the sidewalk of Third Avenue East, said point also being located North 81 deg. 04 min. 00 sec. East 30.00 feet from the eastern margin of a ten foot alley and from said beginning point with the southern margin of the sidewalk of Third Avenue East, North 81 deg. 04 min. 00 sec. 29.50 feet to a point, said point being marked by a building corner; thence leaving the southern margin of Third Avenue East and running down and with the Neill line as shown in Deed Book 784 at Page 393, South 09 deg. 12 min. 02 sec. East 70.00 feet to a point in the southern margin of a ten (10) foot alley; thence with the southern margin of said ten (10) foot alley, South 81 deg. 04 min. 00 sec. West 29.52 feet to a point; thence leaving the southern margin of said alley and running with the Survey Properties, Inc. line, North 09 deg. 11 min. 17 sec. West 70.00 feet to the point and place of Beginning and containing 0.05 acres as shown on a map of survey entitled "Luther E. Smith" by Freeland Clinkscales, Inc., dated 17 June, 1994 and further identified as DWG No. HNC14454.

There is excepted from the above-described property a ten (10) foot wide alley running across the southern margin of the above-described property, said alley being subject to the rights of others.

There also are conveyed those wall rights regarding the eastern wall of the above-described property as specified in Deed Book 155 at Page 51, Henderson County Registry, reference to which is hereby made and incorporated herein.

This conveyance is subject to that Deed dated April 25, 1947 and recorded in the office of the Register of Deeds for Henderson County, in Deed Book 272 at Page 49, conveying to Edward L. Kalin, his heirs and assigns, the joint right to use the party wall along the western boundary of the above-described property.

AND BEING that property identified in Deed Book 3129, beginning on Page 607 of the records maintained by the Office of the Register of Deeds for Henderson County, North Carolina.

ADDRESS: 128 3rd Ave E, Hendersonville, NC 28792  
PIN NO.: 9568-87-2708

2603106

Exhibit B

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

PREPARED BY:  
Kendrick Law, PLLC  
513 N. Justice Street, Suite A  
Hendersonville, NC 28739

CERTIFICATION OF TRUST FOR  
THE SIMONS TRUST

\*\*\*\*\*

This Certification of Trust for **The Simons Trust**, made this the 4th day of May, 2026, by **John Simons and Rochelle Simons**, Co-Trustees.

WITNESSETH:

WHEREAS, **John Simons and Rochelle Simons** have been appointed as Co-Trustees to hold title to property and assets located in Henderson County, North Carolina in the name of the "**The Simons Trust**" pursuant to that Agreement and Declaration of Trust dated October 30, 2017; and

NOW THEREFORE, **John Simons and Rochelle Simons**, as Co-Trustees of **The Simons Trust**, and pursuant to NCGS §36C-10-1013 hereby authenticates and certifies as follows:

1. The "**The Simons Trust**" was established pursuant to that Agreement and Declaration of Trust dated **October 30, 2017**.
2. The identity of the settlor is not disclosed and is hereby withheld pursuant to the terms of the trust instruments.
3. **John Simons and Rochelle Simons**, are the acting Co-Trustees of the "**The Simons Trust**", maintaining an address as follows:

**The Simons Trust**

2390 Rosemont Court, Hendersonville, NC 28791

4. **John Simons and Rochelle Simons**, as Co-Trustees have unqualified authority to: execute agreements, contracts, deeds, deeds of trust, mortgages, promissory notes,

and other documents; and to hold and transfer title to real property and assets located in North Carolina in the name of “**John Simons and Rochelle Simons, Co-Trustees of The Simons Trust, dated October 30, 2017**”.

5. The Trust is revocable, and the Trustee may be substituted by direction from an appointed representative who may act independently on behalf of the Settlor of the Trust.
6. **John Simons and Rochelle Simons**, are the sole co-trustees, exclusively holding power to sign or otherwise authenticate documents exercising powers of the Trustee on behalf of the Trust.
7. The taxpayer identification number used by **The Simons Trust** has been (or shall be) provided to any Settlement Agent requiring such number for any tax reporting purposes, but such number is not disclosed herein and is hereby withheld pursuant to the terms of the trust instruments.
8. All assets of the Trust are titled as: “**John Simons and Rochelle Simons, Co-Trustees of The Simons Trust, dated October 30, 2017**”; or as “**The Simons Trust**”.
9. The Agreement and Declaration of Trust dated **October 30, 2017**, establishing the **The Simons Trust**, has not been revoked, modified or amended in any manner that would cause the representations contained in this Certification of Trust to be incorrect and any person, who in good faith, enters into a transaction in reliance upon a Certification of Trust, may enforce the transaction against the trust property as if the representations contained in the Certification were correct.

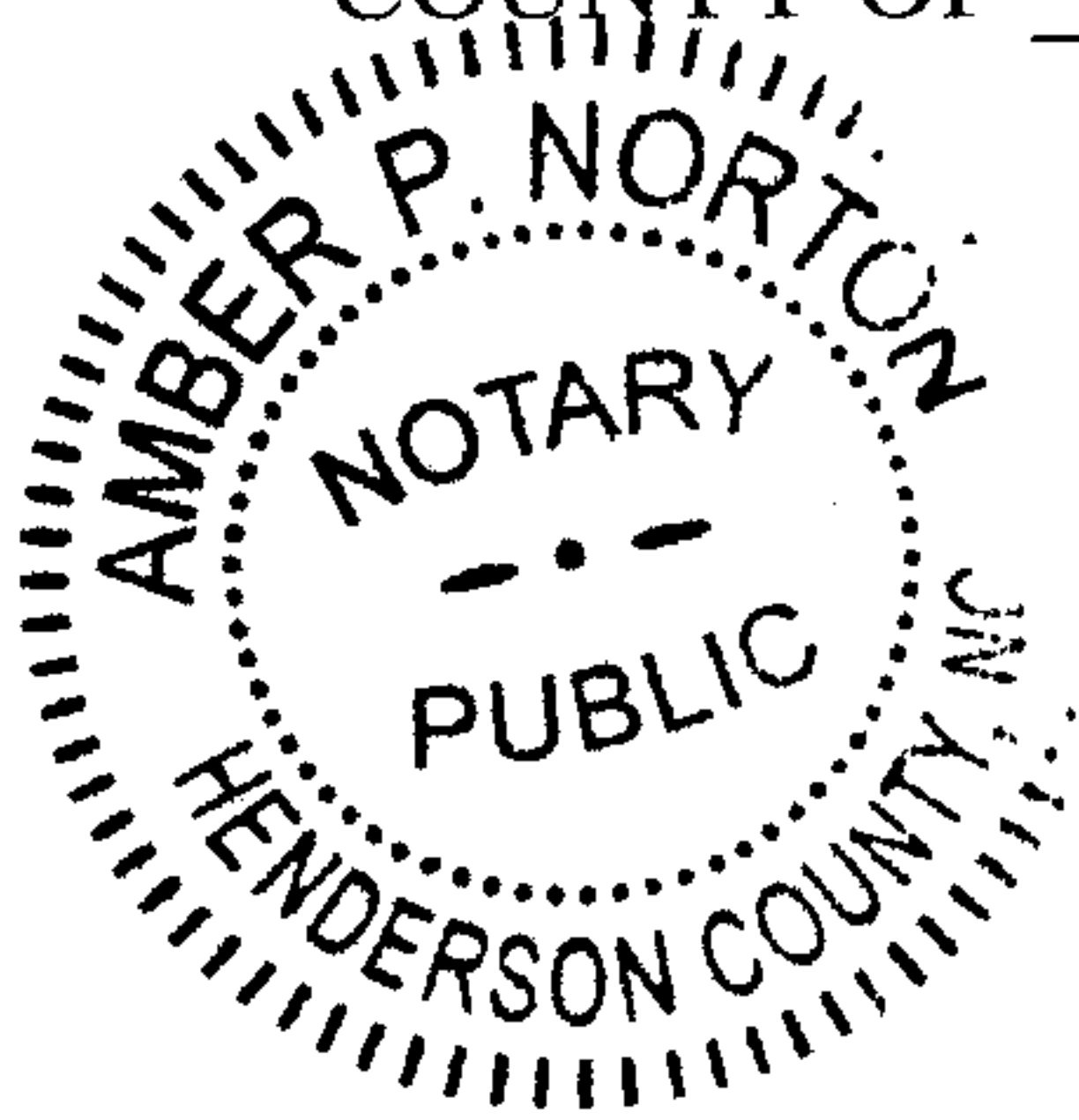
IN WITNESS WHEREOF, **John Simons and Rochelle Simons**, as Co-Trustees, have hereunto set their hand and seal, as of the day and year first above written.

**The Simons Trust**

By: *John Simons*  
**John Simons, Co-Trustee**

By: *Rochelle Simons*  
**Rochelle Simons, Co-Trustee**

STATE OF North Carolina  
COUNTY OF Henderson



The undersigned, a Notary Public for said County and State, does hereby certify that **John Simons and Rochelle Simons, Co-Trustees of The Simons Trust** personally appeared before me this day and acknowledged execution of the foregoing instrument. Witness my hand and official stamp or seal on this the 4th day of May, 2026.

My Commission Expires: 8/16/2019

*Amber P. Norton*  
Notary Public