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Subject: Compilation of Survey's and Deeds - Deaver Right Of Way, Allens Creek Road.

This document serves as a compilation of the recent history of the Right of Way adjacent and on Deavers property. There are three (3) main surveys:

- Neal K. Ross, by Herron Associates (now defunct) , 7/11/2017,
- Browning Branch, LLC, by Mountain Heritage (now defunct), 5/2/2018 [Red Line Drawing],
- Browning Branch, LLC, by Mountain Heritage (now defunct), 9/26/2018 [used for NCDOT Driveway Application, approved by Chris Lee].

Diving deep into the LLC's behind this whole shell game:

- Browning Branch, LLC,
- CF and D, LLC

both set up by James Weaver "Kirk" Kirkpatrick the III, who is also the Registered Agent for both.

Who is Marek Hevier? Is he the Russian?

Additionally, there are (historical and current) aerial photos of the intersection of Deaver's Right of Way, Allens Creek Road, and now Katka Loop, from a camera suspended by four (4) propellers. Blow-ups of certain areas of the drawings have been color enhanced to depict the overlapping of roads and right of ways.

Finally, there are Deeds relating to sales of properties from the Register of Deeds Office.

North Carolina Secretary of State Filings.

The following research as turned up interesting stuff on the following entities, all involved in this shell game.

[**Editor's Note:** All of the information below has been compiled into a single pdf file, attached as a supplement to this document.]

- Herron Associates, a surveyor, now appears to be defunct, according to filings. Has been suspended multiple times for "Revenue Suspension". SOS does not have him as a current valid entity.
- Mountain Heritage Land Surveying, PLLC, another surveyor. Has never filed a report with SOS. Status: "Dissolved".
- Browning Branch, LLC, a North Carolina company, formed in 2018. James Weaver "Kirk" Kirkpatrick the III is the registered agent, and Marek Hevier is the Managing Member. This company was set up for the bulk of homes at Lake Buchanan Development, (a.k.a. Browning Branch LLC).
- CF and D, LLC, a North Carolina company, formed in 2018. James Weaver "Kirk" Kirkpatrick the III is the registered agent, and Marek Hevier is the Managing Member. This company was set up for the two homes at the entrance of Lake Buchanan Development, (a.k.a. Browning Branch LLC).

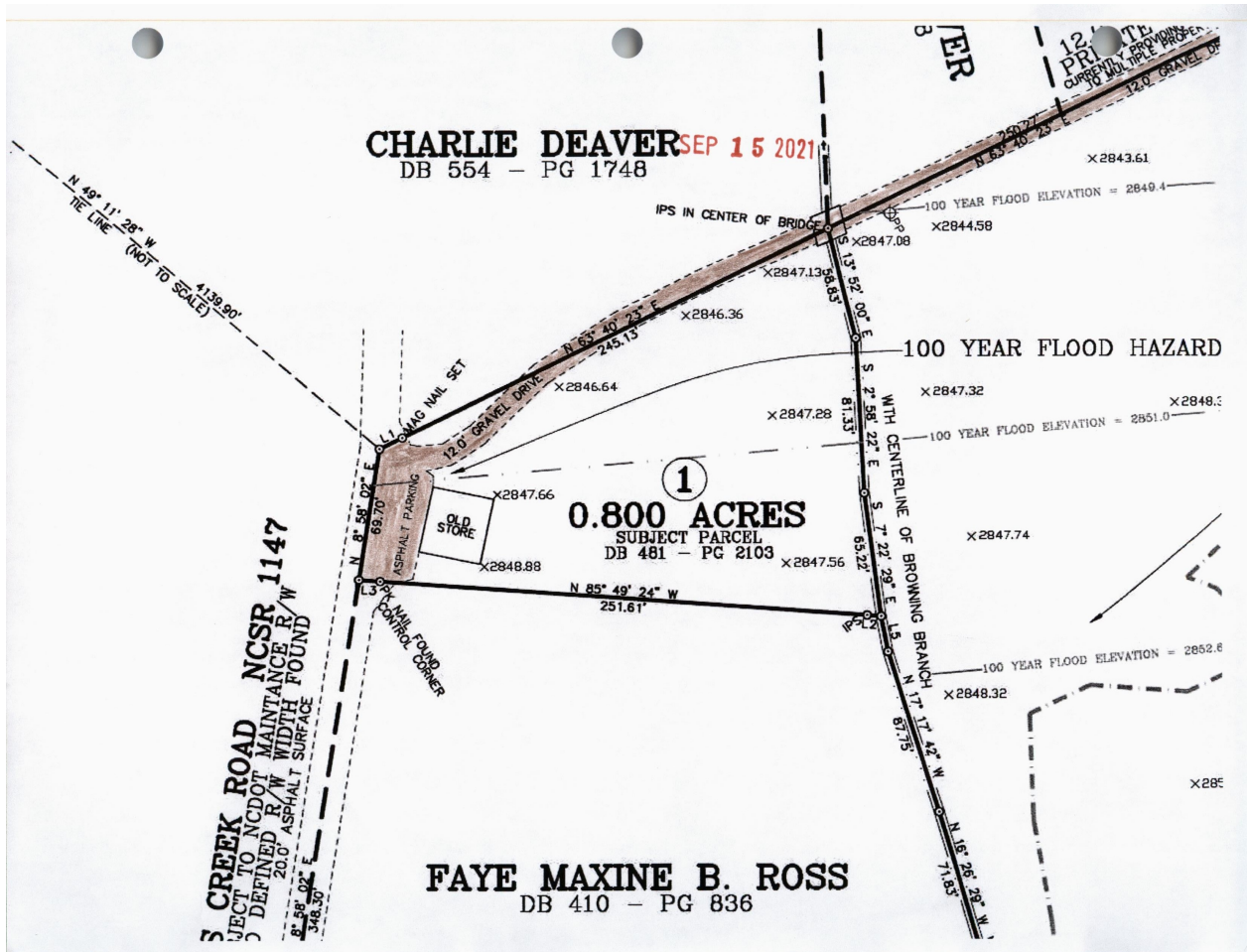
Surveys depicting Deaver's Right of Way.

The following shows three (3) surveys showing Deaver's right of way.

[Editor's Note: This set of drawings has also been compiled into a single pdf file, attached as a supplement to this document. Some of the relevant drawings are contained herein.]

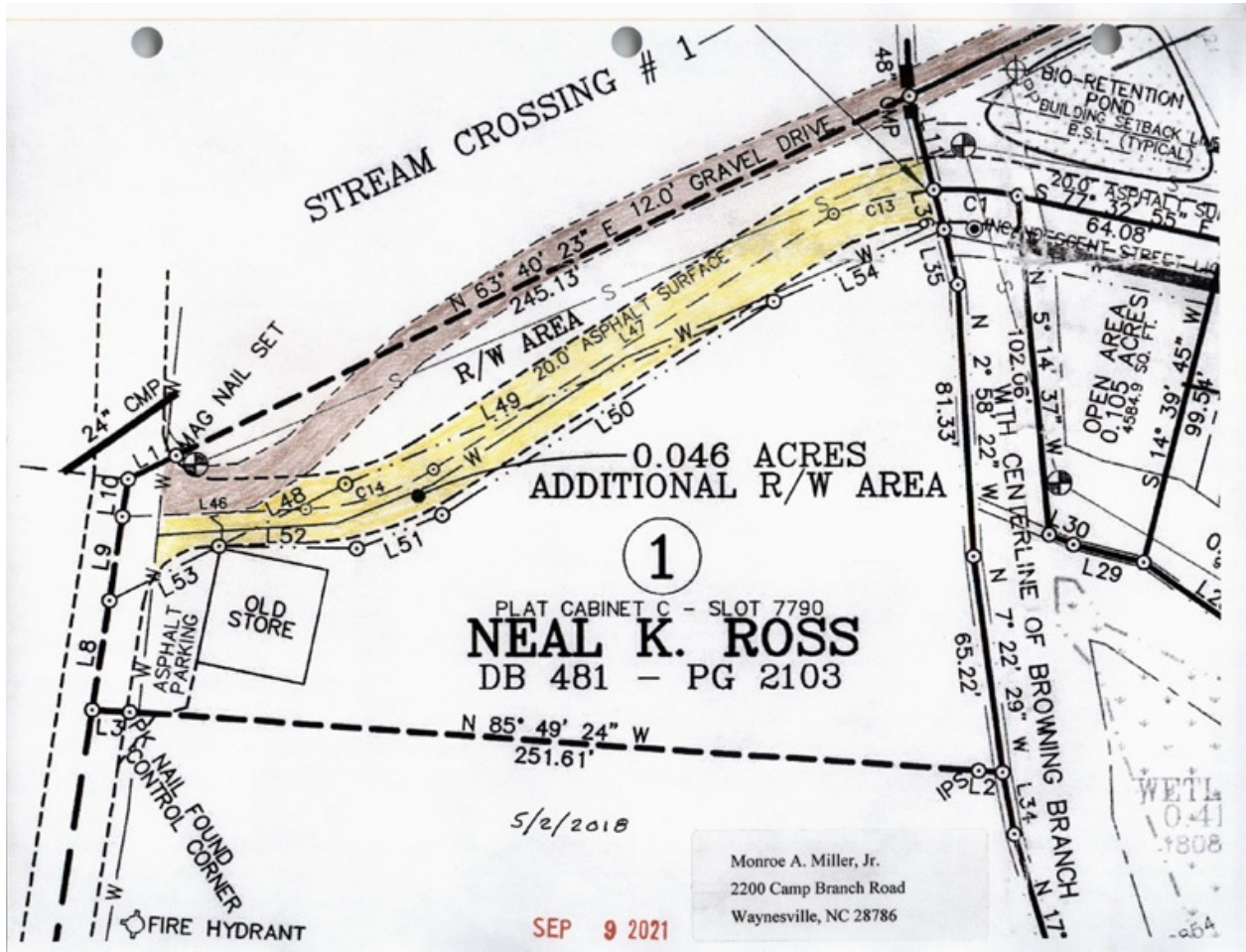
- I. Herron Survey, entitled Neal K. Ross, dated 7/11/2017. This shows two (2) pieces of property, soon to be sold by Neal Ross. See deeds, Book 949, Page 1982 and Book 96, Page 1306, both executed by James Weaver "Kirk" Kirkpatrick the III, shown later.

I have enlarged the section of this survey by the Old Store, and penciled in Deaver's right of way in brown pencil. In this survey, Randy Herron actually shows that the asphalt parking lot in front of the Old Store is part of his right of way.



II. Browning Branch, LLC, by Mountain Heritage (now defunct), 5/2/2018 [Red Line Drawing]. This drawing was actually part of evidence to be presented to the Waynesville Planning Board, but never made it. Red lines depict problems with code. This is basically the drawing (without the red lines) that the Planning Board pencil whipped approval for this development.

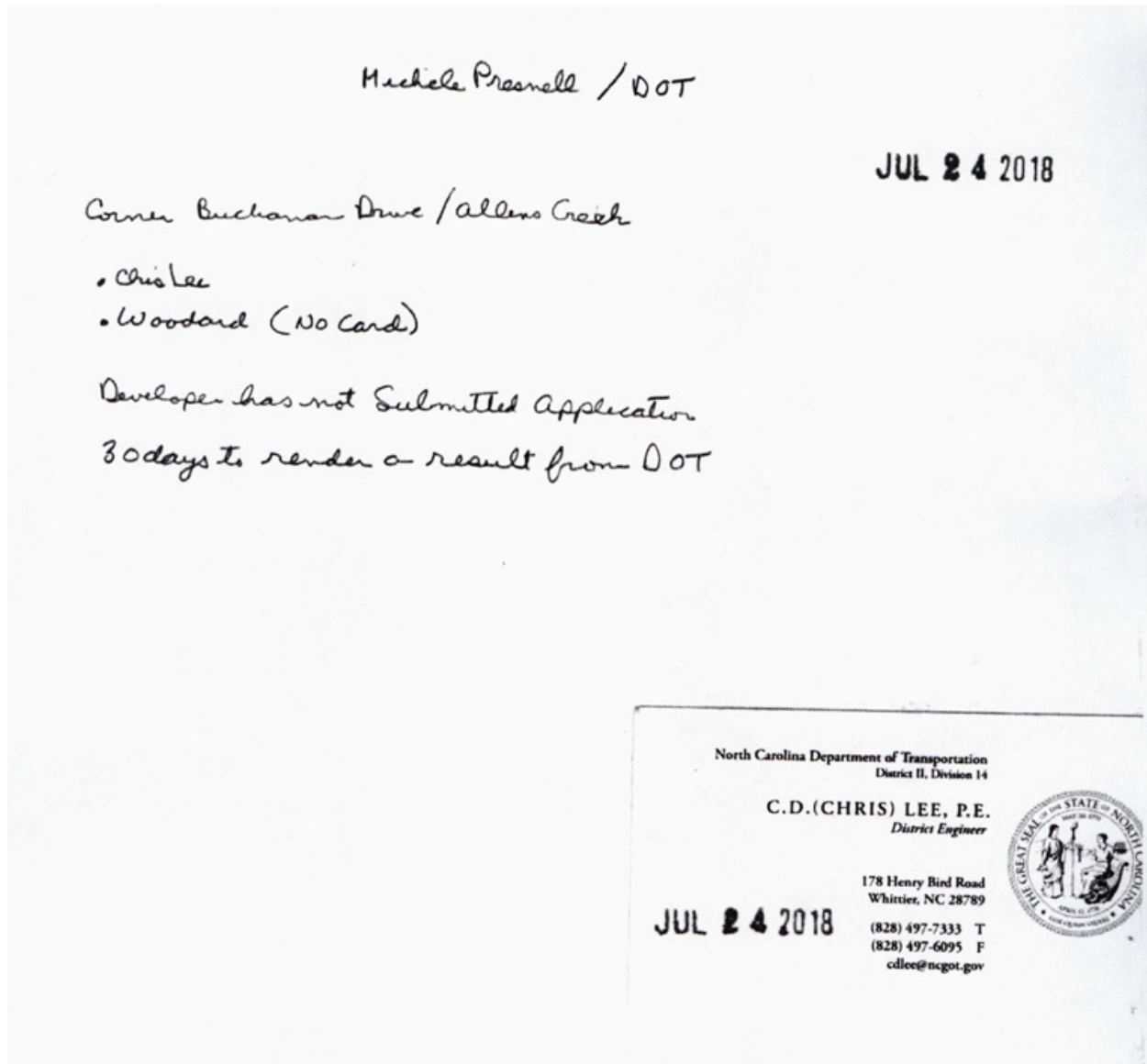
I have enlarged the section of this survey by the Old Store. Yes, the Old Store was still here at the time. I have penciled in two sections of road. First, Deaver's right of way, in brown pencil, and the road leading into Lake Buchanan (a.k.a Browning Branch, LLC) in yellow. The two roads merge into one at Allens Creek Road. WTF? Note that on this survey, the property where the Old Store is located is still owned by Neal Ross.



It was at this point that I requested assistance from Michele Presnell, then NC Legislative Representative for our area. She set up a meeting with NCDOT to review this entrance. I met with two guys from NCDOT on 7/24/2018 at the Old Store”

- Chris Lee
- a guy named Woodard.

Here are my notes from that day...



At that point, the road coming out of the Lake Buchanan Development was staked. The stake was about four (4) feet from the side door at the Old Store. I made the comment that anyone coming out that door might get run over.



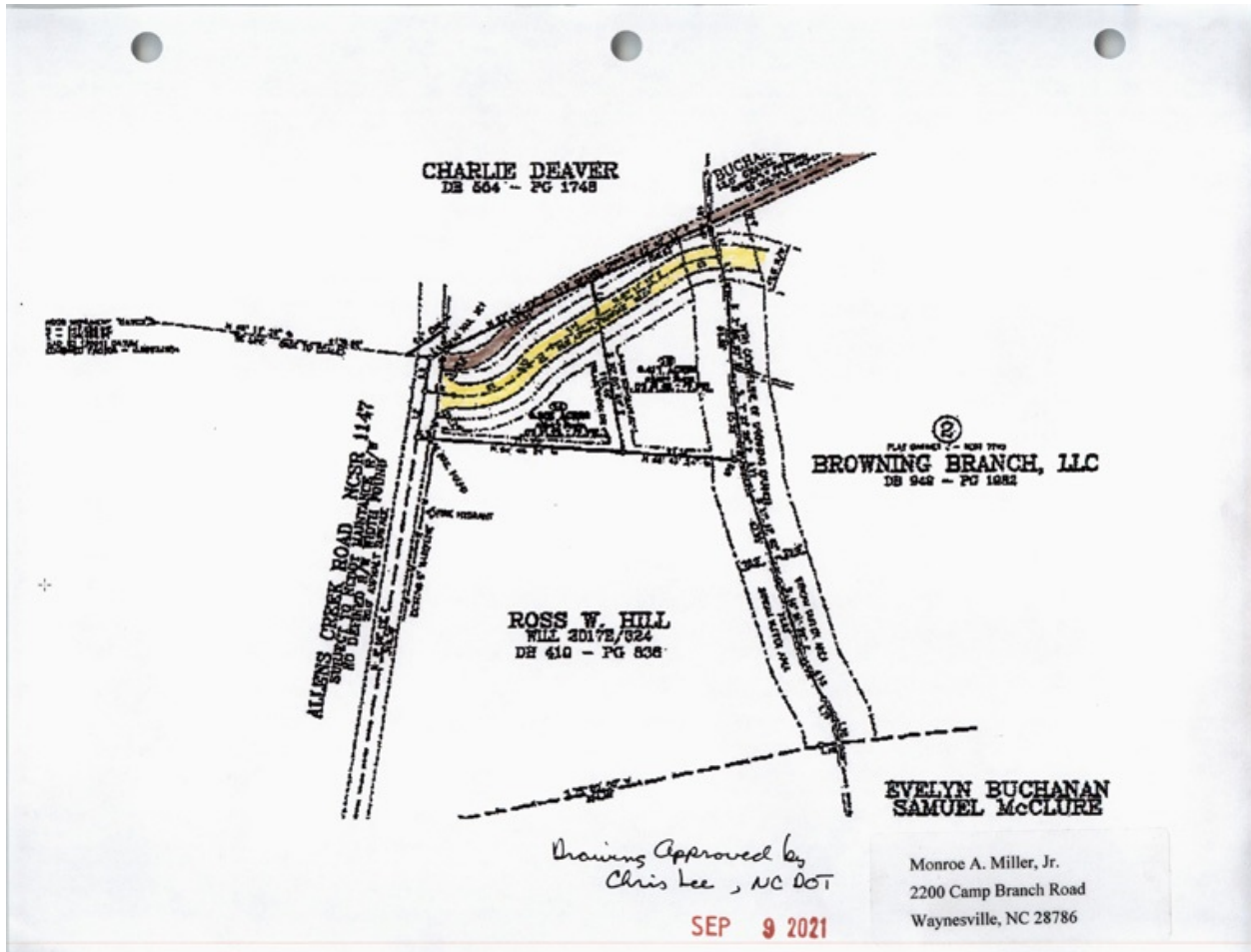
The following is an aerial photo of the Old Store, taken on 7/19/2018.



III. Fast forward to Chris Lee approving the NCDOT Street Driveway Access Permit Application for the Lake Buchanan Development (a.k.a Browning Branch, LLC), submitted by Neal K. Ross. Drawings obtained from Elizabeth Teague, and also found in the Elizabeth Teague 5/20/2019 Agenda Packet for the Planning Board, pages 22-25 are low resolution, but also created by Mountain Heritage on 9/26/2018.

- Browning Branch, LLC, by Mountain Heritage (now defunct), 9/26/2018 [used for NCDOT Driveway Application, approved by Chris Lee].

Remember, the application submitted by Neal Ross was on 10/4/2018, over a week after this drawing was created. Again, I have blown up the section of this drawing where the Old Store used to be, and is now replaced by two (2) separate lots. I have again penciled in the two roads that Chris Lee approved, Deaver's right of way in brown, and the road leading to the Lake Buchanan Development in yellow.



It appears that there may be a physical separation of the two roads, but who can be sure, since the resolution of the drawing is so poor. One cannot make out the Deed and Book numbers on the two lots, where the Old Store used to be.

The following is an aerial photo taken at the entrance of Allens Creek Road - Katka Loop - Buchanan Drive on 9/14/2021.



This photo shows a minivan traveling on Allens Creek Road, a sidewalk in front of one of the houses where the Old Store used to be, and some little trees planted in the roadway, separating Katka Loop from Deaver's right of way. This is problematic, as Browning Branch, LLC never completed the little planted trees out to Allens Creek Road.

To visualize further problems at this intersection, see:

<https://www.haywoodtp.net/pubII/210913Teague-7.pdf>

Deeds relating to sales of properties from the Register of Deeds Office.

Wait just a God [expletive deleted] minute!

Neal K. Ross still owned the property where the Old Store used to be on the date he filed the NCDOT Street Driveway Access Permit Application, up until one (1) day after Chris Lee approved the application. At least that was one thing on the Application Neal Ross got right - he was the owner of that property.

Deed records show that:

- Browning Branch, LLC purchased the 7.038 acre tract from Neal Ross on 4/16/2018.
- CF and D, LLC, purchased the .8 acre tract from Neal Ross on 10/16/2018, one day after Chris Lee approved the Permit.
- Juan Segura and Diana Trujillo purchased the other of the two lots (that evidently CF and D partitioned into two lots, and what had been drawn by Mountain Heritage and submitted with the Permit Application) on 12/10/2019.
- Susan Howell purchased one of the two lots (that evidently CF and D partitioned into two lots, and what had been drawn by Mountain Heritage and submitted with the Permit Application) on 7/15/2020.

All of these transactions were handled by James Weaver “Kirk” Kirkpatrick the III!

It would appear that everyone was aware of this little shell game, and James Weaver “Kirk” Kirkpatrick the III is at the center of it.

[**Editor’s Note:** Shell game - guess which shell the developer is under].

[**Editor’s Note:** The above mentioned deeds have been compiled into yet another single pdf file, attached to this document.]

I don’t know about you, but this appears to be fraud in my book. Chris Lee has some explaining to do why he approved a NCDOT Street Driveway Access Permit Application in which he knew Neal K. Ross not to be the developer.

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