

It appears to the Court that at the time of plaintiff's purchase of said premises, he was a bona fide purchaser for value thereof, and said deed to the Forfeited Land Commission constituted no notice to plaintiff. In this particular instance, as said property was sold in May, 1940, the delinquent tax collector was negligent in waiting almost eight years in executing a deed therefor to the Forfeited Land Commission, since it is his duty to execute deeds for property sold for delinquent taxes as soon as possible after the twelve months' statutory period has expired subsequent to the date of such sale. It is also the duty of the Forfeited Land Commission to immediately record such deeds as are executed to it by the delinquent tax collector as soon as convenient after the delivery of such deed by said delinquent tax collector.

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It further appears that by deed dated July 30, 1948, recorded in deed book 354 at page 382, plaintiff herein conveyed the property in question to Mrs. Lura McLister, who is the present owner thereof. Further, that recently Mrs. McLister received a letter from Arthur Hill, stating that said property belonged to the Forfeited Land Commission by reason of said tax deed; that upon receipt of such letter, Mrs. McLister called upon plaintiff, under the terms of her general warranty deed, to get the matter adjusted. Plaintiff being a bona fide purchaser for value and said tax deed being void as to him, the same holds true for Mrs. McLister or any subsequent purchaser. Under these circumstances, said tax deed does constitute a cloud upon the title to said property. Now, upon motion of W. Victor Yie and Robert J. Holm, attorneys for plaintiff, it is

ORDERED, ADJUDGED AND DECREED: That the deed herein referred to, executed by W. L. Ashmore, Delinquent Tax Collector, to Forfeited Land Commission, recorded in the L. C. office for Mecklenburg County in deed book 344, page 357, be, and the same is hereby, declared to be void.