

For Registration Sharon A. Davis  
Register of Deeds  
Durham County, NC  
Electronically Recorded  
**2022 Feb 22 08:49 AM**  
**Book: 9620 Page: 511**  
NC Rev Stamp: \$ 27000.00 Fee: \$ 26.00  
Instrument Number: 2022007443  
DEED

**SPECIAL WARRANTY DEED**

Excise Tax: \$27,000.00

Tax Lot No.: Parcel Identifier No.: 0718-35-81-8245, 0718-35-50-7245  
Verified by: Durham County on the 18 day of February, 2022  
By:

Mail after recording to: 5839 Capital Boulevard, Raleigh, NC 27616, Attn: Angela O'Daniel

This instrument was prepared by: Greenberg Traurig, LLP; 10845 Griffith Peak Drive, Suite 600, Las Vegas, Nevada 89135, Attn: Emina Kwok

Brief description for the Index: THE PARK @ SOUTHPOINT/LT# 06R, 03T & 05R

THIS DEED, made this the 18th day of February, 2022, by and between:

GRANTOR	GRANTEE
CARS CNI-2 L.P., a Delaware limited partnership c/o Capital Automotive, L.P. 8484 Westpark Drive, Suite 200 McLean, Virginia 22102 Attn: Portfolio Manager	BEGINNING MOON LLC a North Carolina limited liability company 5839 Capital Boulevard Raleigh, NC 27616

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 Grantor, for a valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, subject to the exceptions hereinafter provided, all that

certain lot or parcel of land situated in Durham County, North Carolina and more particularly described on Exhibit A attached hereto and incorporated herein.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4769, Pages 694-698.

A map showing the above described property is recorded in Plat Book 158, Pages 249 and 251.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereunto belonging to Grantee, in fee simple, subject to the exceptions hereinafter provided.

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as the Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to the Permitted Exceptions as set forth in Exhibit B attached hereto and incorporated herein, if any and current year ad valorem taxes.

[SIGNATURE PAGE FOLLOWS]



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

The Land referred to herein below is situated in the County of Durham, State of North Carolina, and is described as follows:

**PARCEL 1:**

**ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATE IN TRIANGLE TOWNSHIP, DURHAM COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEING ALL OF LOT 5R AS SAME IS SHOWN ON PLAT ENTITLED "FINAL PLAT RECOMBINATION THE PARK AT SOUTHPOINT" BY THE JOHN R. MCADAMS COMPANY, INC. RECORDED IN PLAT BOOK 158, PAGE 249 AND 251 IN THE OFFICE OF THE REGISTER OF DEEDS OF DURHAM COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT LOCATED IN THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE, SAID POINT BEING THE NORTHEASTERN CORNER OF LOT 5R AS SHOWN ON THE AFORESAID PLAT. THENCE FROM SAID POINT OF BEGINNING SO LOCATED, ALONG AND WITH THE EASTERN PROPERTY LINE OF LOT 5R THE FOLLOWING COURSES AND DISTANCE: SOUTH 13 - 16 - 40 EAST 7.00 FEET TO A POINT AND SOUTH 13 - 16 - 40 EAST 792.64 FEET TO A POINT; THENCE SOUTH 76 - 35 - 52 WEST 546.27 FEET TO A POINT; THENCE NORTH 10 - 37 - 44 WEST 168.66 FEET TO A POINT; THENCE NORTH 56 - 19 - 23 EAST 80.33 FEET TO A POINT; THENCE NORTH 25 - 48 - 21 EAST 256.27 FEET TO A POINT; THENCE NORTH 34 - 58 - 28 WEST 130.66 FEET TO A POINT; THENCE NORTH 89 - 20 - 42 WEST 174.08 FEET TO A POINT LOCATED IN THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE; THENCE ALONG AND WITH THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE IN A NORTHEASTERN DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 707.50 FEET AN ARC LENGTH OF 180.13 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 48 - 31 - 46 EAST 179.65 FEET) TO A POINT IN THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE; THENCE CONTINUING ALONG AND WITH THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE NORTH 41 - 14 - 08 EAST 129.60 FEET TO A POINT; THENCE CONTINUING ALONG AND WITH THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE IN A NORTHEASTERN DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 441.50 FEET AN ARC LENGTH OF 272.18 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE NORTH 58 - 53 - 47 EAST 267.89 FEET) TO THE POINT OF BEGINNING.**

**EXHIBIT A - 1**

ACTIVE 62999583v2

**PARCEL IA (FOR THE BENEFIT OF PARCEL I):**

NON-EXCLUSIVE EASEMENT RIGHTS AS CREATED UNDER ARTICLE 12 OF THE DECLARATION OF COVENANTS FOR THE PARK AT SOUTHPOINT RECORDED IN BOOK 3886, PAGE 784, DURHAM COUNTY REGISTRY.

**PARCEL IB (FOR THE BENEFIT OF PARCEL I):**

NON-EXCLUSIVE EASEMENTS CREATED AND CONVEYED IN DEED RECORDED IN BOOK 3890, PAGE 86, DURHAM COUNTY REGISTRY.

**PARCEL II:**

BEING ALL OF LOT 6R AS SAME IS SHOWN ON PLAT ENTITLED "FINAL PLAT RECOMBINATION THE PARK AT SOUTHPOINT" BY THE JOHN R. MCADAMS COMPANY, INC. RECORDED IN PLAT BOOK 158, PAGE 249 AND 251 IN THE OFFICE OF THE REGISTER OF DEEDS OF DURHAM COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED IN THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE, SAID POINT BEING THE NORTHWESTERN CORNER OF LOT 6R AS SHOWN ON THE AFORESAID PLAT. THENCE FROM SAID POINT BEGINNING SO LOCATED, ALONG AND WITH THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE IN A SOUTHEASTERN DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 434.50 FEET AN ARC LENGTH OF 204.09 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 89 - 59 - 20 EAST 202.22 FEET) TO A POINT IN THE SOUTHERN RIGHT OF WAY LINE OF AUDUBON LAKE DRIVE; THENCE SOUTH 18 - 04 - 03 EAST 746.50 FEET TO A POINT; THENCE SOUTH 76 - 13 - 04 WEST 85.99 FEET TO A POINT; THENCE SOUTH 76 - 13 - 25 WEST 173.16 FEET TO A POINT; THENCE NORTH 13 - 16 - 40 WEST 792.64 FEET TO THE POINT OF BEGINNING.

**PARCEL IIA (FOR BENEFIT OF PARCEL II):**

NON-EXCLUSIVE EASEMENT RIGHTS AS CREATED UNDER ARTICLE 12 OF THE DECLARATION OF COVENANTS FOR THE PARK AT SOUTHPOINT RECORDED IN BOOK 3886, PAGE 784, DURHAM COUNTY REGISTRY.

**PARCEL IIB (FOR THE BENEFIT OF PARCEL II):**

NON EXCLUSIVE EASEMENTS CREATED AND CONVEYED IN DEED RECORDED IN BOOK 3890, PAGE 102, DURHAM COUNTY REGISTRY.

**EXHIBIT B**

**PERMITTED EXCEPTIONS**

1. Taxes and Assessments for the year 2022 and subsequent years which are a lien not yet due and payable at Date of Policy.
2. Easements and any other facts as shown on plat recorded in Book 158, Pages 249 and 251, Durham County Registry.
3. Terms, provisions, covenants, conditions, easements and restrictions as provided in instrument recorded in Book 3886, Page 784 and Book 3890, Pages 86 and 102, Durham County Registry, but omitting any covenant, condition, easement, and/or restriction, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, source of income, disability, handicap or national origin unless and only to the extent that the covenant, condition, easement or restriction (a) is exempt under Title 42 of the United States Code or (b) related to a handicap, but does not discriminate against handicapped persons.
4. Easement to Duke Power Company recorded in Book 147, Page 342, Durham County Registry.
5. Easement to Durham Telephone Company recorded in Book 147, Page 163, Durham County Registry.
6. Right(s) of way to Duke Energy Corporation, and its successors and assigns, subsidiaries and divisions recorded in Book 4247, Page 775, Durham County Registry.
7. Assignment and Relocation of Impervious Surface Rights Agreement by and between CAR AAG NC L.L.C., a Delaware limited liability company (for Lot 6R and 5R) and Reveille LLC, recorded in Book 4688, Page 333, Durham County Registry.
8. Declaration of Easement to CARS-CNI-2 L.P., a Delaware limited partnership recorded in Book 7971, Page 166, Durham County Registry.
9. Rights of others in and to the use of appurtenant easements set forth in Exhibit A herein.
10. Rights of parties in possession as tenants only, under unrecorded leases(s) or rental agreement(s).
11. Encroachments, overlaps, boundary line disputes, deficiency in amount of area, rights, easements, ditches, cartways, setbacks, rights of parties in possession, interests or claims which would be revealed by a current and accurate survey and inspection of the Land subsequent to that certain ALTA/ACSM survey made by Millman National Land Services on August 25, 2014, last revised October 1, 2014, designated Job Number MSI Project No. 34290.

12. Any facts, rights, interests or claims that may exist or arise by reason of the following matters disclosed by an ALTA/ACSM survey made by Millman National Land Services on August 25, 2014, last revised October 1, 2014, designated Job Number MSI Project No. 34290:
  - a. 5 foot wide concrete sidewalk crossing subject property over the Northwesterly corner;
  - b. 2 foot high temporary fence and gravel outside Northeast corner of subject property a maximum distance of 21.4 feet.

EXHIBIT B-2

ACTIVE 62999583v2