

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2017 Dec 15 12:41 PM NC Rev Stamp: \$ 9000.00
Book: 8330 Page: 5 Fee: \$ 26.00
Instrument Number: 2017044200
DEED

Excise Tax: \$9,000.00

Parcel Identifier No. 106007 (PIN 0822-11-65-5473)
Mail after recording to: Kilpatrick Townsend & Stockton LLP (DRF), 4208 Six Forks Road, Suite 1400, Raleigh, NC 27609

This instrument was prepared by: Kilpatrick Townsend & Stockton LLP (DRF)

Brief description for the Index: 2.53 Acres - 1058 West Club Blvd

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made as of this 13th day of December, 2017 by and between

GRANTOR	GRANTEE
<p>MACY'S RETAIL HOLDINGS, INC., a New York corporation 7 West Seventh Street Cincinnati, OH 45202</p>	<p>DURHAM REALTY, INCORPORATED, a North Carolina non-profit corporation 324 Blackwell Street, Suite 950 Durham, NC 27701</p>

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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 the City of Durham, Durham County, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Submitted electronically by Kilpatrick Townsend and Stockton LLP in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Durham County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument(s) recorded in Book 1932 at Page 445 in the Durham County Registry.

The property herein conveyed does not include the primary residence of a Grantor.

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 Grantor covenants with Grantee, that Grantor has done nothing to impair such title as 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 subject to the following exceptions: See Exhibit B attached hereto and incorporated herein by reference.

(signature appears on the following page)

EXHIBIT A

LEGAL DESCRIPTION

ALL that certain piece or parcel of land lying and being in the City of Durham, County of Durham, State of North Carolina and being described as follows:

BEGINNING at a point having North Carolina Grid Coordinates of N=825,214.76 and E=2,026,674.22, said Beginning Point being located North 57-02-12 West 469.09 feet from the City of Durham concrete monument #383 having North Carolina Grid Coordinates of N=824,959.56 and E=2,027,067.73; and running thence from said Beginning Point in a southerly and southwesterly direction with the arc of a circular curve to the right having a radius of 15.00 feet (and a chord course and distance of South 46-17-53 West 20.72 feet) an arc distance of 22.88 feet to a point; thence South 89-59-29 West 110.10 feet to a point; thence North 87-23-42 West 242.20 feet to a point; thence North 02-36-18 East 42.91 feet to a point; thence in a northeasterly direction with the arc of a circular curve to the left having a radius of 30 feet (and a chord course and distance of North 25-23-30 East 23.24 feet) an arc distance of 23.86 feet to a point; thence North 02-36-18 East 277.67 feet to a point; thence South 87-23-42 East 90.00 feet to a point; thence South 02-36-18 West 45.00 feet to a point; thence South 87-23-42 East 267.50 feet to a point; thence South 02-36-18 West 276.99 feet to the point or place of Beginning; containing 110,277 square feet or 2.53 acres, all as shown on a survey entitled "Parcel To Be Conveyed To The May Company" by Ballentine & Riley Surveyors dated November 11, 1993, as last revised December 17, 1993.

TOGETHER WITH AND SUBJECT TO the Construction, Operation and Reciprocal Easement Agreement dated as of December 20, 1993 and recorded on December 23, 1993 in Book 1932, Page 447, Durham County Registry, as amended by Amendment to Construction, Operation and Reciprocal Easement Agreement dated May 27, 2005 and recorded in Book 4820, Page 176, Durham County Registry.

FURTHER TOGETHER WITH AND SUBJECT TO the Development and Operating Agreement dated October 4, 1971 between Northgate Associates, a North Carolina limited partnership, and Sears, Roebuck and Co., a New York corporation, a memorandum of which is recorded in Book 396, Page 805, Durham County Registry, as amended by Amendment to Development and Operating Agreement dated January 9, 1985 and recorded in Book 1191, Page 677, Durham County Registry; as further amended by Second Amendment to Development and Operating Agreement dated March 7, 1989; as further amended by that Amendment to Agreement dated March 7, 1989; as further amended by that Agreement dated June 19, 1991; as further amended by that Amendment to Agreement dated March 16, 1993; as further amended by that Third Amendment to Operating Agreement dated November 19, 1993 and recorded in Book 1932, Page 402, Durham County Registry; as further amended by that Fourth Amendment to Operating Agreement dated July 22, 1994 and recorded in Book 2990, Page 593, Durham County Registry; and as further amended by that Fifth Amendment to Operating Agreement dated June 9, 2000 and recorded in Book 2992, Page 826, Durham County Registry.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2018 and subsequent years, not yet due and payable.
2. Development and Operating Agreement dated October 4, 1971 between Northgate Associates, a North Carolina limited partnership, and Sears, Roebuck and Co., a New York corporation, a memorandum of which is recorded in Book 396, Page 805, Durham County Registry, as amended by Amendment to Development and Operating Agreement dated January 9, 1985 and recorded in Book 1191, Page 677, Durham County Registry; as further amended by Second Amendment to Development and Operating Agreement dated March 7, 1989; as further amended by that Amendment to Agreement dated March 7, 1989; as further amended by that Agreement dated June 19, 1991; as further amended by that Amendment to Agreement dated March 16, 1993; as further amended by that Third Amendment to Operating Agreement dated November 19, 1993 and recorded in Book 1932, Page 402, Durham County Registry; as further amended by that Fourth Amendment to Operating Agreement dated July 22, 1994 and recorded in Book 2990, Page 593, Durham County Registry; and as further amended by that Fifth Amendment to Operating Agreement dated June 9, 2000 and recorded in Book 2992, Page 826, Durham County Registry.
3. Construction, Operation and Reciprocal Easement Agreement dated as of December 20, 1993 and recorded on December 23, 1993 in Book 1932, Page 447, Durham County Registry, as amended by Amendment to Construction, Operation and Reciprocal Easement Agreement dated May 27, 2005 and recorded in Book 4820, Page 176, Durham County Registry.
4. Easement(s) in favor of Duke Power Company as recorded in Book 273, Page 295 and Book 1713, Page 271, Durham County Registry.
5. Joint, mutual and nonexclusive easement, including all of the terms and conditions therein, for road, street and driveway use for vehicular and pedestrian traffic and access, ingress and egress in, over and across as easement twenty-five (25) feet in width extending from the southerly line of Tract 2 "to an internal Loop Road in Northgate Mall if and when Northgate constructs such internal Loop Road within Northgate Mall" granted to Helen F. Miller by Agreement recorded in Book 1750, Page 363, Durham County Registry.
6. Sanitary Sewer conveyance recorded in Book 421, Page 895, as amended by agreement recorded in Book 1464, Page 487; together with Sanitary Sewer Easement recorded in Book 1464, Page 479, Durham County Registry. The sewer is shown on the following plats recorded in Plat Book 83, Page 3 and Plat Book 118, Page 79 and Plat Book 130, Page 154, Durham County Registry.
7. Easement(s) in favor of Duke Power Company as recorded in Book 273, Page 295; Book 410, Page 848 and Book 410, Page 850, Durham County Registry.
8. Agreements with State Highway Commission recorded in Book 288, Page 499 and Book 301, Page 545, Durham County Registry.
9. The following matters as shown on the survey dated October 30, 2017 by Eric M. Manturuk, PLS: a) electric meters, transformers, storm drain pipe, water vault, fire department connector, sanitary sewer lines and cleanouts; b) building encroaches 0.15' over property line.
10. Easements, setback lines and any other matters shown on plat recorded in Plat Book 130, Page 206, Durham County Registry. Note: The 60-foot ingress, egress and regress access easement shown thereon was released in Book 1927, Page 870, Durham County Registry.