



20180817000159030 DEED  
Bk:RB6511 Pg:26  
08/17/2018 04:47:46 PM 1/5

FILED Mark Chilton  
Register of Deeds, Orange Co. NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$21000.00

MK

**SPECIAL WARRANTY DEED**

**PREPARED BY:**

Thomas P. Hockman, Schell Bray PLLC (without the benefit of a title examination)  
230 N. Elm Street, Suite 1500, Greensboro, NC 27401

**AFTER RECORDING RETURN TO:**

Chicago Title Insurance Company  
150 Fayetteville Street, Suite 1120  
Raleigh, NC 27601

Excise Tax \$21,000.00

PIN 9798264030

PIN 9798256018

*JHW per phone  
DDM*

THIS SPECIAL WARRANTY DEED is made and entered into as of this 16<sup>th</sup> day of August, 2018, by **FLAGLER HOLDINGS NORTH CAROLINA, INC.**, a North Carolina corporation (hereinafter called the "Grantor"), whose address is 1 South County Road, Palm Beach, Florida 33480, to **FAIRWAY-GLENWOOD, LLC**, an Alabama limited liability company (hereinafter called the "Grantee"), whose address is 728 Shades Creek Parkway, Suite 210, Birmingham, Alabama 35209.

**WITNESSETH:**

THAT the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which are 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 Town of Chapel Hill, Orange County, North

WPB\_ACTIVE 8499687.3

Submitted electronically by "The Pryzwansky Law Firm"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Orange County Register of Deeds.



Carolina and being more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

The property hereinabove described was acquired by Grantor by instrument recorded in Book 579, Page 452, in the Office of the Register of Deeds of Orange County, North Carolina.

TO HAVE AND TO HOLD the aforesaid Property and all privileges and appurtenances thereto belonging to the Grantee same in fee simple, forever.

AND, the Grantor hereby covenants with the Grantee that the 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, other than the exceptions set forth on Exhibit B attached hereto and incorporated herein by this reference.

The Property does not contain the primary residence of Grantor.

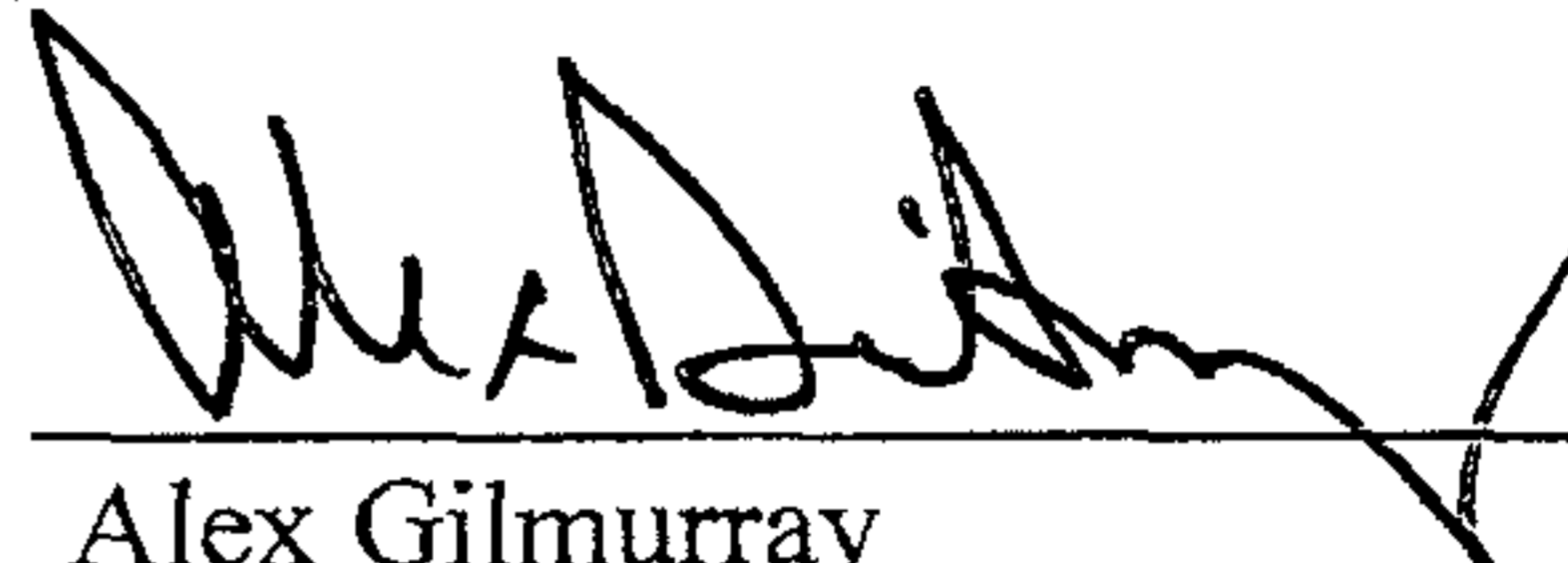
*[remainder of page left intentionally blank; signature page attached]*



IN WITNESS WHEREOF, the Grantor has caused these presents to be executed as of the day and year first above written.

GRANTOR:

**FLAGLER HOLDINGS NORTH CAROLINA, INC.**, a North Carolina corporation  
(SEAL)

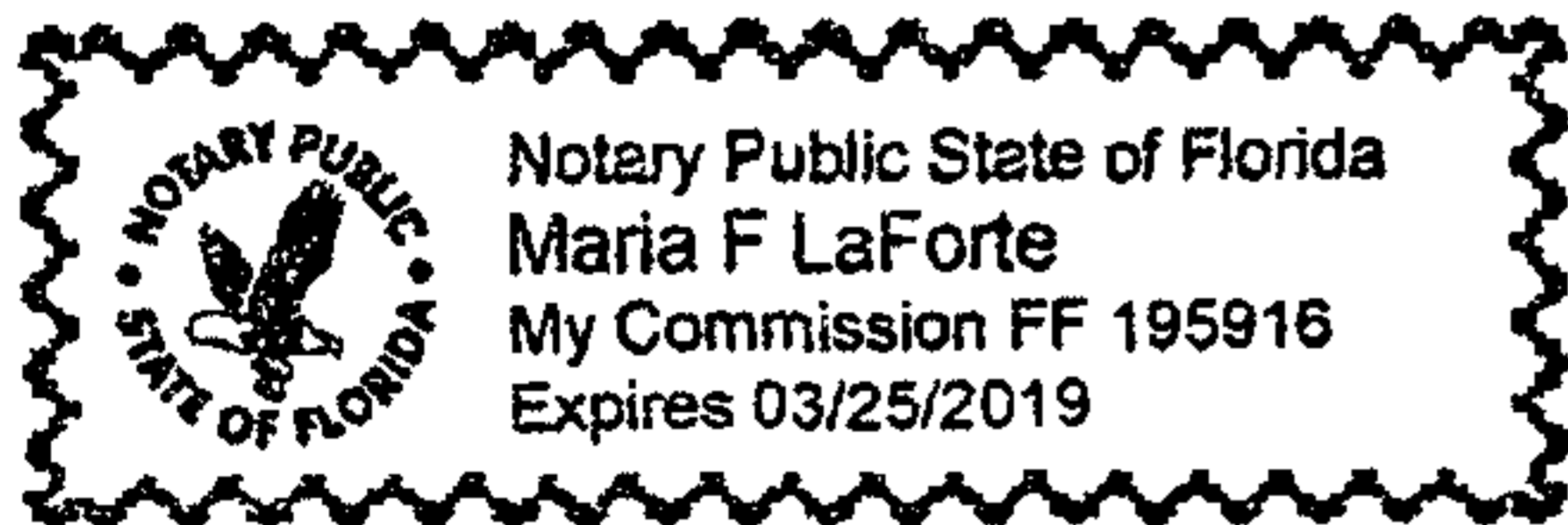
By:   
Alex Gilmurray  
Executive Vice President

State of Florida, County of Palm Beach

I, Maria F. LaForte, a Notary Public, certify that Alex Gilmurray personally came before me this day and acknowledged that he is the Executive Vice President of Flagler Holdings North Carolina, Inc., a North Carolina corporation, and that he as Executive Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 1<sup>st</sup> day of August, 2018.

(Official Notarial Seal)



Maria F. LaForte  
Signature of Notary

Maria F. LaForte, Notary Public  
Printed or typed name

My commission expires: 03/25/2019



**EXHIBIT A**

**PROPERTY**

Lying and being situate in Orange County, NC, and being more particularly described as follows:

All those certain lots or parcels of land, situated, lying and being in Chapel Hill Township along the southern margin of N.C. Highway 54, known and designated as Lots No. 2, 3, 4, 5, 6, 7 and 8, and part of Lot No. 1 of Block A, according to the plat of the W.C. Coker property as surveyed and platted by E.C. Leonard in August, 1950, a copy of which is recorded in Plat Book 4 at Page 140, Orange County Registry, and being more particularly described as follows:

**PARCEL ONE:**

PIN 9798264030

BEGINNING at an existing iron pin located in the southern right-of-way of North Carolina Highway 54 East (a 120 foot right-of-way) and the eastern right-of-way of Ramp "D" of US Highway 15-501; and running thence South 70° 39' 45" East 498.16 feet to an iron pin in the eastern property line of an unnamed road; running thence South 19° 16' 00" West 367.13 feet to an iron pin in the northern property line of Prestwick Road; running thence along a curve in a counterclockwise direction with a radius of 984.03 feet a distance of 260.66 feet to an iron pin; running thence North 78° 52' 15" West 140.06 feet to an iron pin; running thence along a curve in a clockwise direction with a radius of 578.00 feet a distance of 224.95 feet to an iron pin in the eastern property line of the aforementioned ramp; running thence along a curve in a counterclockwise direction with a radius of 140.23 feet a distance of 39.84 feet; and running thence North 36° 32' 48" East 358.72 feet to an iron pin, the point and place of BEGINNING, all as shown on that certain unrecorded plat of survey entitled "Boundary Survey – Property of Flagler Motels of North Carolina, Incorporated" by Credle Engineering Company, Inc., dated 20 February 1985 and as revised on 8 March 1985.

**PARCEL TWO:**

PIN 9798256018

TOGETHER WITH, all right, title and interest, if any, in a portion of the right-of-way closed pursuant to that certain Resolution Approving Closure Of An Unnamed Right-of-Way West of Hamilton Road, Between Route 54 and Prestwick Road (85-R-221A) recorded in Book 565, Page 177, Orange County Registry.

**EASEMENT PARCEL:**

PIN 9798258108

TOGETHER WITH any and all real estate interests described in that certain easement set forth in Easement Agreement between Kenan Oil Company, Inc. and Talbert's Food Mart #2, Inc., as Grantors, and Flagler Holdings North Carolina, Inc., as Grantee, dated June 10, 1986, and recorded in Book 580, Page 310, Orange County Registry.

**EXHIBIT B**



**PERMITTED EXCEPTIONS**

1. Taxes or assessments for the year 2019, and subsequent years, not yet due or payable.
2. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Plat Book 1, Page 178; Plat Book 1, Page 185; Plat Book 1, page 193; Plat Book 4, Page 140; Plat Book 6, Page 44; Plat Book 7, Page 43; Plat Book 41, Page 74; Plat Book 44, Page 161; and Plat Book 48, Page 80, and shown on the Survey (as hereinafter defined).
3. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by survey entitled "ALTA/NSPS LAND TITLE SURVEY PREPARED FOR: FAIRWAY-GLENWOOD, LLC" by Andrew B. Baker, P.L.S., of R.B. Pharr & Associates, P.A., P.L.S., dated May 16, 2018 and bearing Job No. 88497 (the "Survey").
4. Easement(s) to Duke Power recorded in Book 577, page 389.
5. Easement(s) to Town of Chapel Hill recorded in Book 131, page 130.
6. Deeds to Orange Water and Sewer Authority recorded in Book 678, page 300 and Book 678, page 305, and shown on the Survey.
7. Terms and conditions of that certain Easement Agreement between Kenan Oil Company, Inc. and Talbert's Food Mart #2, Inc., as Grantors, and Flagler Holdings North Carolina, Inc., as Grantee, recorded in Book 580, page 310, and shown on the Survey.
8. Resolution of Road Closure recorded in Book 565, page 177, and shown on the Survey.
9. Memorandum of Lease to Harris-Teeter Super Markets, Inc., recorded in Book 663, page 557; as amended and restated in Book 4357, page 584, wherein the lease was assigned to The Fresh Market, Inc.
10. Memorandum of Lease to Kerr Drugs, Inc. recorded in Book 663, page 569.
11. Rights of tenants in possession pursuant to written leases.