

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2019 Apr 23 10:45 AM
Book: 8639 Page: 220
NC Rev Stamp: \$ 290.00 Fee: \$ 26.00
Instrument Number: 2019012822
DEED

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$290.00

Parcel Identifier No. 177591 Verified by _____ County on the ____ day of _____, 20__
By: _____

Mail/Box to: Grantee at 3310 N. Roxboro Street, Durham, NC 27704

This instrument was prepared by: Joseph W. Marion (Without benefit of title examination)

Brief description for the Index: 2.85 acres, more or less

THIS DEED made this _____ day of April, 2019, by and between

GRANTOR	GRANTEE
<p>TICON PROPERTIES, LLC a North Carolina Limited Liability Company</p> <p>Address: 5836 Fayetteville Road, Ste. 201 Durham, NC 27713</p>	<p>88 INVESTMENT GROUP, LLC a North Carolina limited liability company</p> <p>Property Address: 1439 Victory Blvd. Durham, NC 27705</p>

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, _____ Township, Durham County, North Carolina and more particularly described as follows:

submitted electronically by "Liu Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Durham County Register of Deeds.

See attached Exhibit A legal description attached hereto and incorporated by reference

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 6998, Page 959.

A map showing the above described property is recorded in Plat Book _____, Page _____.

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 the Grantor covenants with the 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 following exceptions (all recording references in this Deed are to the Durham County North Carolina Registry):

1. Ad valorem property taxes for 2019 and subsequent years
2. All matters that would be shown by a current and accurate survey of the Property
3. All matters affecting the Property that existed at the time Grantor acquired title to the Property, including, without limitation, rights of way, easements, restrictions, plats, and other matters of record in Durham County, North Carolina
4. Rights of others in and to the continued and uninterrupted flow of waters in all rivers, creeks, streams, and branches, if any, crossing any part of the Property
5. All zoning, land use and building laws, regulations, ordinances, approvals, and permits (including, without limitation, special use permits) affecting the Property
6. Rights or claims of all parties in possession of the Property at the time of Closing, if any, whether or not pursuant to any oral or written lease.

Grantor also conveys the Property to Grantee together with and subject to all of the rights and obligations described in **Exhibit B** to the Deed recorded in Book 6870, Page 1.

(Note The Sign Easement shown on the Plat recorded in Plat Book 168, Page 163 has been revised as shown on the Plat recorded in Plat Book 189, Page 9, resulting in one of the easement areas being abandoned and relocated entirely to the property adjoining the eastern boundary of the Property along Victory Boulevard)

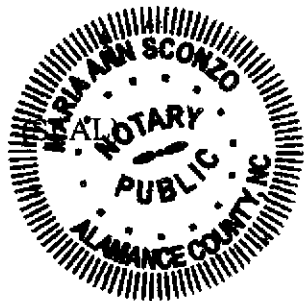
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

TICON PROPERTIES, LLC
a North Carolina limited liability company

By: *W. Jack McGhee*
W. Jack McGhee, Manager

State of North Carolina - County of Durham

I, the undersigned Notary Public of Alamance County and State of North Carolina, do hereby certify that **W. Jack McGhee** personally came before me this day and acknowledged that he is the **Manager of Ticon Properties, LLC, a North Carolina limited liability company**, and that by authority duly given and as the act of such entity, he voluntarily executed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 10th day of April, 2019.



Sign: *Maria Ann Sconzo*

Print: Maria Ann Sconzo
Notary Public

My Commission Expires: 6/2/2023

**EXHIBIT A
PROPERTY DESCRIPTION**

LYING AND BEING in the City of Durham, Durham County, North Carolina, and being more particularly described as follows:

BEGINNING at a point on the southern margin of the right of way of Victory Boulevard (a 60 foot public right of way), said point having North Carolina Grid Coordinates of N=841415 79 and E=2021140 51, said point also being a common corner with the western boundary of a tract of Open Space in the Muirfield Village Subdivision (see plat recorded in Plat Book 165, Page 254, and running with the western boundary of said Open Space, South 23 degrees 27 minutes 38 seconds East 873 69 feet to a point in the center line of a creek, then with the center line of said creek as it meanders in a northwesterly direction along the following eight (8) lines

- (1) North 39 degrees 16 minutes 19 seconds West 88 07 feet to a point,
- (2) North 43 degrees 47 minutes 21 seconds West 39 38 feet to a point,
- (3) North 27 degrees 37 minutes 53 seconds West 53 01 feet to a point,
- (4) North 44 degrees 05 minutes 02 seconds West 115 48 feet to a point,
- (5) North 40 degrees 09 minutes 03 seconds West 138 99 feet to a point,
- (6) North 64 degrees 59 minutes 31 seconds West 50 30 feet to a point,
- (7) North 51 degrees 31 minutes 58 seconds West 50 40 feet, and
- (8) North 76 degrees 46 minutes 13 seconds West 39 71 feet to a point,

then leaving the center line of said creek and running North 09 degrees 02 seconds 04 minutes West 53 72 feet to a point, then North 37 degrees 49 minutes 41 seconds West 1 11 57 feet to a point on the eastern margin of the right of way of Guess Road, then with the eastern margin of the right of way of Guess Road, along a curve to the left, having a radius of 1481 61 feet and a chord bearing and distance of North 17 degrees 04 minutes 28 seconds West 157 07 feet, an arc distance of 157 14 feet to a point on the eastern margin of the right of way of Guess Road at its intersection with the southern margin of the right of way of Victory Boulevard, then with the line that runs from the eastern margin of the right of way of Guess Road to the southern margin of the right of way of Victory Boulevard, North 23 degrees 10 minutes 10 seconds East 48 80 feet to a point on the southern margin of the right of way of Victory Boulevard, then with the southern margin of the right of way of Victory Boulevard, North 65 degrees 44 minutes 54 seconds East 172 41 feet to the point of Beginning, and containing 115494 square feet (2 651 acres), more or less, according to a survey by W Robert Murphy, Professional Land Surveyor, of Murphy Geomatics, dated March 2011, and entitled "Boundary Survey Muirfield Village Commercial" (File Name Muirfield 2011 dwg)

EXHIBIT B RESERVED RIGHTS AND EASEMENTS

The Property is conveyed subject to the following rights and easements reserved by the Grantor and its successors and assigns (including subsequent owners of the Muirfield Village Commercial Tract) for the benefit of the "Muirfield Village Commercial Tract", which is that tract of real property containing 2.651 acres, more or less, as described in Exhibit B to this Deed, the survey referenced in the description of the Muirfield Village Commercial Tract being referred to herein as the "Muirfield Village Commercial Tract Plat"):

1. The right of pedestrian and vehicular ingress, egress, and regress from the Muirfield Commercial Tract to and from Nicklaus Drive (for reference see plat of Muirfield Village recorded in Plat Book 163, Page 341 - the "Muirfield Village Plat") over and upon that portion of the Open Space in Muirfield Village shown on the Muirfield Village Plat that adjoins the eastern boundary of the Muirfield Village Commercial Tract and the western boundary of the right of way of Nicklaus Drive, referred to herein as the "Easement Open Space" (a portion of the eastern boundary of the Muirfield Village Commercial Tract is the line shown on the Muirfield Village Plat that has a bearing and distance of North 17 degrees 35 minutes 00 seconds West 829.07 feet - the actual eastern boundary of the Muirfield Village Commercial Tract extends to the southern boundary of the right of way of Victory Boulevard and is the line shown on the Muirfield Village Commercial Tract Plat that has a bearing and distance of South 23 degrees 27 minutes 38 seconds East 873.69 feet). This right and easement includes the right to install (including paving), use, repair, replace, remove, and maintain driveways and walkways in such locations as are shown on site plans or other development plans for the Muirfield Commercial Tract that are approved from time to time by the City of Durham, North Carolina (the "City of Durham"). The exact location of this access easement shall be as shown on the site plan or other development plan most recently approved by the City of Durham.

2. In connection with the use of the Muirfield Village Commercial Tract, the right and easement to install, use, operate, repair, replace, remove, and maintain in the Easement Open Space, in such locations as approved or required by the City of Durham (or if approval from the City of Durham is not required, adjacent to driveways and walkways running from the Muirfield Commercial Tract to and from Nicklaus Drive), one or more signs and landscaping, irrigation, and lighting.

3. In order to facilitate the provision of various utility services to the Muirfield Village Commercial Tract, the right and easement to install, use, operate, repair, replace, remove, and maintain in the Easement Open Space, one or more lines, pipes, poles, and associated meters and other equipment and facilities, that may be necessary, as determined by the owner of the Muirfield Village Commercial Tract, City of Durham, and/or applicable utility providers, to provide water, sanitary sewer, stormwater, electric, telephone, natural gas, cable television, and other utility services to the Muirfield Village Commercial Tract and for the driveways, walkways, signs, irrigation, and landscaping in the Easement Open Space. This right and easement includes the right to connect such lines, pipes, and associated meters and other equipment to lines, pipes, and associated meters and other equipment that are located in the Easement Open Space or the right of way of Nicklaus Drive. To the extent that it is both practicable and agreeable with the applicable utility provider, the foregoing lines, pipes, and associated meters and other equipment shall be located underground.

4. The foregoing rights and easements are perpetual, are appurtenant to the Muirfield Commercial Tract, and shall run with title to the Muirfield Commercial Tract and the Easement Open Space.

5. Any person or legal entity who exercises any of the foregoing rights and easements shall do so (i) at the sole cost and expense of such person or legal entity, (ii) in accordance with all applicable laws, ordinances, and regulations of the City of Durham and all other governmental entities having jurisdiction over the Muirfield Village Commercial Tract, and (iii) in a manner that does not result in a reduction of the number of residential units allowed in the Muirfield Village residential development by applicable City of Durham ordinances at the time of the recording of the Deed to which this reservation of rights and easements is attached as an Exhibit, The Muirfield Village residential development is the real property shown on the plat recorded in the Durham County, North Carolina Registry in Plat Book 163, Pages 338, 341, 344,347, and 350, except for any portion of the Muirfield Village Commercial Tract shown on said plat.