

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2019 Feb 15 10:51 AM NC Rev Stamp: \$ 10000.00
Book: 8595 Page: 58 Fee: \$ 26.00
Instrument Number: 2019004569
DEED

This instrument prepared by: Kennon Craver, PLLC
Mail after recording to: Grantee

Excise Tax: \$10,000.00

**NORTH CAROLINA
SPECIAL WARRANTY DEED**

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

THIS DEED is made this 14th day of February, 2019, by and between:

GRANTOR: J BOY, LLC,
a North Carolina limited liability company
4711 Hope Valley Road, Suite 4F-205
Durham, NC 27707

and

GRANTEE: WILLIGHT, LLC,
a New York limited liability company
1265 Scottsville Road
Rochester, NY 14624

(The designation of Grantor and Grantees as used herein shall include said parties, their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by the context.)

THE GRANTOR, has and by these presents does grant, bargain, sell and convey unto Grantee, in fee simple, all that certain real property lying and being in Durham County, North Carolina, and more particularly described as follows (and being hereinafter-referred to as the "Property"):

See Exhibit A attached hereto and incorporated herein by reference.

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

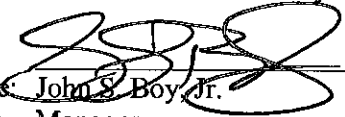
AND THE GRANTOR covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever claiming by, under or through Grantor, except for those exceptions set forth on Exhibit B attached hereto and incorporated herein by reference.

All or a portion of the property herein conveyed does **NOT** include the primary residence of the Grantor.

IN WITNESS WHEREOF, Grantor has executed this document under seal the day and year first above written.

GRANTOR:

J BOY, LLC
a North Carolina limited liability company

By: 
Name: John S. Boy, Jr.
Title: Manager

STATE OF NORTH CAROLINA

COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: John S. Boy, Jr.
(name of person signing in blank)

Date: 02/13/2019

Jenna E. Spain
Notary Public

Print Name: Jenna E. Spain

My Commission Expires: 09/27/2020

[Official Seal]

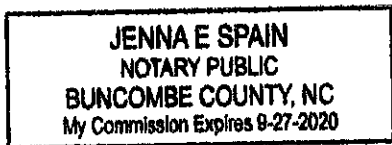


Exhibit ATRACT 1:

Beginning at a point located South 59° 36' 25" East 43.43 feet southeast of and normal to Survey Station 13+86.30 Survey Line Y-71 Revised, said point being located in the southeastern right of way and control of access boundary of State Highway Project 8.1414602; thence South 59° 36' 25" East 24.10 feet to a point; thence South 31° 23' 38" West 11.43 feet to a point; thence North 61° 54' 02" 29.66 feet to a point; thence along an arc of a curve to the left, an arc distance measured 14.24 feet, a radius of 612.9578 feet and a chord bearing and distance of North 54° 11' 20" East 14.24 feet to the point and place of beginning and containing approximately 327 square feet.

This description was taken from a field survey for Sam's Quick Shop, Inc. prepared by the Location and Surveys Unit of the Department of Transportation and are on file in the Offices of the Department of Transportation in Raleigh, N.C.

Prior deed reference: Book 1971, Page 966, Durham County Registry

TRACT 2:

BEGINNING at a stake on the west side of Case Street 83.3 feet in a southerly direction from the south right-of-way line of the Southern Railroad and running thence North 58°41' West 95.4 feet to a stake; thence South 33°16' West 77.9 feet to a stake; thence South 70°7' East 100 feet to a stake on the west side of Case Street; thence along and with the west side of said Case Street North 31°19' East 58 feet to a stake, the place and point of **BEGINNING**, as per plat and survey of the W.A. Erwin Estate now on file in the office of the Register of Deeds of Durham County in Plat Book 16 at Page 45, to which reference is hereby made for a more particular description of same.

Prior deed reference: Book 218, Page 102, Durham, County Registry

TRACT 3:

All right, title, and interest of Grantor in and to all lands owned by Grantor, if any, acquired by or through the closing of Case Street, said street closing recorded in Book 8517, Page 810, Durham County Registry, and related plat recorded in Plat Book 199, Page 326, Durham County Registry.

TRACT 4:

BEGINNING at the point of intersection of the property line on the South side of West Pettigrew Street (also right-of-way of Southern Railway) and the property line on the East side of Erwin Road, running thence along and with the property line on the East side of the Erwin Road in a Southerly direction 140.6 feet to a stake; thence South 70° 07' East 122.6 feet to a stake; thence North 33° 16'

East 139.2 feet to a stake in the Right-of-way line of the Southern Railway, also being the property line on the South side of West Pettigrew Street; thence along and with the Southern Railroad Right-of-Way line (and property line on South side of West Pettigrew Street) in a westerly direction 97.2 feet to a stake, the place and point of **BEGINNING** and being Lot #1 of the property of H.L. Smith, as per plat and survey of Hunter Jones, C.E., dated November 1944, and recorded in the Office of the Register of Deeds of Durham County in Plat Book 17, Page 6, to which reference is hereby made for a more particular description of same. Also an easement 6 feet wide for the purpose of installation and maintenance of a sewer line across Lot #2 of the H.L. Smith property as per plat and survey hereinabove referred to, said easement being conveyed by deed of H.L. Smith (widower) to Carl A. Boy, Jr. and James W. Boy, dated February 27, 1946, recorded in Deed Book 163, Page 598, Durham County Registry, to which reference is hereby made for a more particular description of same; together with all of Grantors' buildings, improvements, equipment and other property located on said premises.

This is the same property conveyed by warranty deed dated July 16, 1971, from Carl A. Boy, Jr. et al to Blue Light Restaurants, Inc. in Book 379, at Page 312, Durham County Registry, to which reference is hereby expressly made.

TRACT 5:

BEGINNING at the southwest intersection of right-of-way line of the Southern Railroad and Case Street, and running thence along and with the property line on the south side of the right-of-way of the Southern Railroad in a southwesterly direction 96.0 feet to a stake, the northeast corner of Lot #1, as shown on the plat hereinafter referred to; running thence South 33 degrees 16 minutes West 61.3 feet to a stake; thence South 58 degrees 41 minutes East 95.4 feet to a stake in the property line on the west side of Case Street; thence along and with the property line on the west side of Case Street in a northerly direction 83.3 feet to a stake, the place and point of **BEGINNING**, and being Lot #2 of the PROPERTY OF H.L. SMITH as per plat and survey of Hunter Jones, C.E., dated October 1944, and recorded in the Office of the Register of Deeds of Durham County in Plat Book 17 at Page 6, to which reference is hereby made for a more particular description. **SAVE AND EXCEPTING** a sewer easement six (6) feet wide across and along the southerly side of said lot to Case Street, heretofore conveyed by H.L. Smith to [Carol] Carl Boy, Jr., and James Boy by deed recorded in Deed Book 163, Page 598, to which reference is hereby made.

This is the same property conveyed by warranty deed dated November 12, 1970 from Lula Blanche Jackson Estes (widow) to Blue Light Restaurants, Inc. Book 371 at Page 282, Durham County Registry, to which reference is hereby expressly made.

TRACT 6:

PARCEL 1: BEGINNING at a stake on the east side of the Erwin Road, which stake is 140.6 feet in a southerly direction from the southern Boundary of the right of way of the North Carolina Railroad Company and running thence from said point and place of **BEGINNING** south 72° 32' east 222.9 feet to a stake on the west side of Case Street (formerly Smallwood Avenue) thence along and with the west side of Case Street south 32°28' west 60.5 feet to a stake; thence north 72° 32' west 209.6 feet to a stake; thence north 37° 32' west 27.7 feet to a stake on the east side of the Erwin Road; thence along and with the east side of Erwin Road in a northeasterly direction 50 feet to the point of **BEGINNING** and being the property of Carl A. Boy, Sr. et al as shown on plat recorded in Plat Book 21, Page 8, Durham County Registry, to which reference is hereby made for a more particular description of same.

PARCEL 2: BEGINNING at a stake on the easterly side of the inside line of the sidewalk on Erwin Road, which said stake is 190.6 in a southwesterly direction from the southerly right of way line in the North Carolina Railroad Co., and also being the southwesterly corner of the property which the parties of the first part purchased from the Erwin Cotton Mills Co., by deed dated October 28, 1948, and running thence along and with the inside line of the sidewalk on the easterly side of said Erwin Road in a southwesterly direction of 40 feet to a stake; thence south 52° 19' east 96.8 feet to a stake; thence south 72° 59' east 15 feet to a stake; thence north 34° 03' east 50 feet to the southerly property line of the parties of the first part; thence with said line north 72° 32' west 73.5 feet to a stake; thence north 37° 32' west 27.7 feet to the point or place of **BEGINNING**.

All right, title and interest of the parties of the first part in the properties conveyed by deeds recorded in Book of Deeds 174 at Page 300 and Book of Deeds 192 at Page 406, and Book of Deeds ____ at Page ____, subject to easement described in Book of Deeds 192 at Page 406.

This is the same property conveyed by warranty deed dated November 1, 1951 from Carl A. Boy, Sr. et al to Blue Light Restaurants, Inc. in Book 203 at Page 548, Durham County Registry, to which reference is hereby expressly made.

TRACT 7:

A certain tract or parcel of land being located in the City of Durham, Durham Township, Durham County, North Carolina, known as Lot 9 and a portion of Lot 8 of the property of Erwin Cotton Mills recorded in Plat Book 50, Page 193, in the Office of the Register of Deeds of said county, more particularly described as follows:

BEGINNING at a corner marked by an iron pipe in the Northeastern right-of-way line of Case Street and a common corner with Lot 9 of the property of Burlington Industries (formerly Erwin Cotton Mills) and the Blue Light Restaurants, Inc. property, said pipe being located in a Southwesterly direction along and with the Northeastern right-of-way line of Case Street (40 feet right-of-way) with its intersection with the Northwestern right-of-way line of Pettigrew Street, thence with the Northwestern right-of-way line of Case Street South 33° 41' West 68.2 feet to a corner with Lot 8; thence again with said right-of-way line South 33° 41' West 22.00 feet more or less to a monument in the Northern right-of-way line of the East-West Expressway; thence with and along the Northern right-of-way line of East-West Expressway North 58° 54' West 203.53 feet to a point; thence North 34° 06' East 13.8 feet to a point and corner with the line of said Restaurant, the following courses and distances: South 52° 19' East 56.5 feet; South 71° 37' East 15.00 feet; North 33° 41' East 16.20 feet to a corner with Lots 8 and 9 of the property of Erwin Cotton Mills (now Burlington Industries, Inc.) In the line of said Restaurant; thence with said Restaurant North 33° 41' East 33.8 feet to a corner; thence with line of Blue Light Restaurants, Inc. South 71° 37' East 142.00 feet to an iron pipe, the point of **BEGINNING**.

The forgoing property was acquired by Burlington Industries, Inc. by merger of Erwin Mills, Inc. into Burlington Industries, Inc. as of the beginning of business on October 4, 1970 and a copy of the Articles of Merger is recorded in Deed Book 27, Pages 322-324, in the Office of the Register of Deeds of Durham County, North Carolina.

The property is conveyed subject to an easement by Erwin Mills, Inc. (now Burlington Industries, Inc.) Dated June 22, 1955, for a sanitary sewer easement.

This property is also conveyed subject to an easement to the City of Durham, a municipal corporation, by Burlington Industries, Inc. dated May 28, 1973, for a sanitary sewer easement.

This is the same property conveyed by a warranty deed April 19, 1978 from Burlington Industries, Inc. to Blue Light Restaurants, Inc. in Book 970 at Page 536, Durham County Registry, to which reference is hereby expressly made.

SAVING, EXCEPTING, AND SUBJECT TO the taking by the North Carolina Department of Transportation as set forth in that certain Memorandum of Action recorded in Book 1461, Page 813, Durham County Registry, and related Consent Judgment recorded in Book 1824, Page 397, Durham County Registry, provided that the North Carolina Department of Transportation conveyed a portion of that property taken back to Grantor's predecessor in interest, such lands being Tract 1 herein conveyed.

EXHIBIT B

1. Taxes for the year 2019 and subsequent years;
2. Easements, setback lines and any other matters shown or noted on plats recorded in Plat Book 16, Page 45; Plat Book 17, Page 6; Plat Book 21, Page 8; Plat Book 50, Page 193; Plat Book 195, Page 115; Plat Book 199, Page 326; and Plat Book 199, Page 384, Durham County Registry;
3. Easement to Duke Energy Carolina, LLC recorded in Book 8472, Page 235, Durham County Registry;
4. Easements reserved in Consent Judgment in connection with 88-CVS-2162, recorded March 9, 1993 in Book 1824, Page 397, Durham County Registry;
5. Easements referenced in Deed recorded in Book 970, Page 536, Durham County Registry;
6. Easements reserved in Deed recorded in Book 163, Page 598, Durham County Registry;
7. Agreement with the City of Durham recorded in Book 251, Page 238, Durham County Registry;
8. Easement reserved in Deed recorded in Book 192, Page 406, Durham County Registry; and
9. Terms, conditions and provisions of Agreement and Grant of Right of Way recorded in Book 227, Page 82 and as shown on plat recorded in Plat Book 29, Page 203, Durham County Registry.
10. Conditions and reservations set forth in street closing order recorded in Book 8517, Page 810, Durham County Registry.