

FOR REGISTRATION
Willie L. Covington
REGISTER OF DEEDS
Durham County, NC
2015 MAR 03 10:54:44 AM
BK: 7655 PG: 278-281
DEED
FEE: \$26.00
EXCISE TAX: \$2,489.00 NS: \$25.00
INSTRUMENT # 2015005762
APRILJ



Prepared by:

KIM-MP MULTI STATE, LLC
c/o Barbara E. Briamonte
3333 New Hyde Park Road, Suite 100
New Hyde Park, New York 11042

When recorded, return to:

Lowndes, Drosdick, Doster, Kantor
& Reed, P.A.
450 South Orange Avenue, Suite 200
Orlando, Florida 32801
Attention: Timothy R. Miedona, Esq.

706039 NC 03

Tax PIN Number: 0840-04-80-2567

Transfer Tax Amount: \$ 2,489.00

Return To:

First American Title Insurance-NCS
420 S. Orange Ave., Suite 250
Orlando, FL 32801

Attn: *Andrea Diggs*

SPECIAL WARRANTY DEED

This deed, made the 19 day of February, in the year 2015, between **KIM-MP NORTH CAROLINA, LP**, a North Carolina limited partnership ("**Grantor**"), and **NATIONAL RETAIL PROPERTIES, LP***, a Delaware limited partnership ("**Grantee**"), witnesseth: that in consideration of the sum of ONE MILLION TWO HUNDRED FORTY-FOUR THOUSAND FOUR HUNDRED SIXTY-THREE and 00/100 Dollars (\$ 1,244,463.00), the said Grantor does hereby grant unto the said Grantee, the real estate situated in the City Durham, Durham County, in the State of North Carolina, legally described on Exhibit A hereto, together with the buildings, structures, fixtures and improvements thereon, (collectively, the "**Premises**"), subject to all current taxes and assessments, reservations in patents, all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and other matters as may appear of record, and all matters which an accurate survey of the Premises or a physical inspection of the Premises would disclose, and those permitted exceptions as further set forth on Exhibit B attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee its successors and assigns forever; and Grantor does hereby agree to WARRANT AND FOREVER DEFEND title to the Premises unto said Grantee, its successors and assigns, against all acts of Grantor, but against none other, subject to the matters above set forth.

* 450 S. Orange Ave. Suite 900, Orlando, FL 32801

EXHIBIT A

Legal Description

Site Address:

1605 US Highway 70 East
Durham, North Carolina

All that tract of land located in Oak Grove Township, Durham County, North Carolina, being more particularly described as follows:

Beginning at an iron pipe set in the northeastern right of way line of U.S. Hwy 70 (180 foot right of way), said point being the intersection of said right of way line and the new eastern right of way line of Mineral Springs Road (S.R. 1917, 45 feet from centerline), said point being located North 76 degrees 41 minutes 21 seconds East 146.19 (Grid) feet from N.C.G.S. monument "Alcohol"; thence along the new eastern right of way line of Mineral Springs Road North 20 degrees 09 minutes 45 seconds East 285.36 feet to an iron pipe set; thence along a new line South 41 degrees 25 minutes 45 seconds East 276.62 feet to an iron pipe set; thence along a new line South 48 degrees 34 minutes 15 seconds West 225.35 feet to an iron pipe set; thence along a new line South 22 degrees 01 minutes 54 seconds West 27.24 feet to a PK nail set on the northeastern right of way line of U.S. Hwy 70; thence along said right of way line along a curve to the right, said curve having a delta of 09 degrees 57 minutes 34 seconds, a radius of 881.52 feet, an arc length of 153.23 feet, a tangent of 76.81 feet, and a chord of North 41 degrees 54 minutes 33 seconds West 153.04 feet to the point of beginning, containing 52,800 square feet or 1.212 acres, more or less, and being a portion of the property of Mineral Springs Associates as described in Deed Book 1353, Page 274, Durham County Registry, according to a survey dated July 16, 1991, by Kenneth Close, Inc., Raleigh, N.C. And being all of Lot 2 according to a plat of "Property of Mineral Springs Associates" recorded in Plat Book 122, Page 184.

Less and Except:

Being all of that property conveyed to the North Carolina Department of Transportation recorded on 08/02/00 in Book 2883, Page 896, Durham County Registry.

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Burger King
1605 US Highway 70 East
Durham, North Carolina

EXHIBIT B

Permitted Exceptions

1. Taxes for the year 2015, which are a lien, now due and payable but not yet delinquent, and all subsequent years.
2. Easements and any other facts as shown in Plat Book 122, Page 184, Durham County Registry.
3. Easement to Duke Power recorded in Book 147, Page 602 and Book 1133, Page 580, Durham County Registry.
4. Terms and provisions of that certain unrecorded Lease, including an option to purchase by Lessee, executed by FFCA Acquisition Corporation, a Delaware corporation to National Restaurant Enterprises, Inc., a Delaware corporation as evidenced by a Memorandum of which is recorded in Book 2343, Page 703 as affected by Assignment and Assumption of Leasehold Estate in Book 6009, Page 296 as affected by Memorandum of Assignment and Assumption of Lease Documents in Book 6926, Page 344, Durham County Registry.

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Burger King
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