

FOR REGISTRATION
Sharon A. Davis
REGISTER OF DEEDS
Durham County, NC
2019 Feb 01 04:27:13 PM
BK:8588 PG:492-498
DEED
FEE: \$26.00
INSTRUMENT # 2019003189
EXCISE TAX: \$46,500.00



Prepared by:
Sun Life Assurance Company of Canada
One Sun life Executive Park
Wellesley Hills, MA 02481
By: Alena Tverskoy
Assistant Vice President

When recorded, return to:
John Dangler
Chicago Title Insurance Co.
10 S La Salle St Ste 3100
Chicago IL 60603

Excise Tax: \$46,500.00
PIN: 0810-13-24-0330 and 0810-13-24-8574

Brief Description for Index: 1817 and 1845 Martin Luther King Jr Parkway, Durham, NC

STATE OF NORTH CAROLINA

**NORTH CAROLINA
SPECIAL WARRANTY DEED**

COUNTY OF DURHAM

THIS NORTH CAROLINA SPECIAL WARRANTY DEED is made as of the 31st day of January, 2019 by:

GRANTOR: **SUN LIFE ASSURANCE COMPANY OF CANADA,**
a Canadian corporation

Grantor's Address: One Sun Life Executive Park
Wellesley Hills, MA 02481

to

GRANTEE: **IVT COMMONS AT UNIVERSITY PLACE DURHAM, LLC,**
a Delaware limited liability company

Grantee's Address: 3025 Highland Parkway, Suite 350
Downers Grove, Illinois 60515

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.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does grant, bargain, sell and convey unto Grantee, in fee simple, all of Grantor's right, title and interest in and to that certain real property located in the County of Durham, State of North Carolina more particularly described as follows (the "Land"): See attached Exhibit "A".

TOGETHER with all buildings and improvements on the Land (jointly, the "Improvements"), and all appurtenances, easements, rights of way, licenses, interests, alleys, strips or gores of land located on or pertaining to the Land (the "Appurtenances")(the Land, the Improvements, and the Appurtenances are collectively referenced herein as the "Real Property").

The Real Property hereinabove described was acquired by Grantor by (i) instrument recorded in Book 2430, Page 753 of the Durham County Public Registry, (ii) instrument recorded in Book 2114, Page 98, of the Durham County Public Registry, and (iii) instrument recorded in Book 2597, Page 781 of the Durham County Public Registry

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

A map showing the above described property is recorded in Plat Book 139 page 211 and Plat Book 132 page 91.

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

And Grantor covenants with Grantee that: (i) Grantor is seized of the Land and Improvements in fee simple and otherwise is entitled to the use and enjoyment of the Appurtenances; (ii) Grantor has the right to convey the Land and Improvements in fee simple and to assign the Appurtenances; (iii) that title to the Real Property is marketable and free and clear of all encumbrances, except as set forth below; and (iv) that Grantor will warrant and defend the title against the lawful claims of all persons claiming by and through Grantor only, except for the exceptions hereinafter stated.

Title to the Real Property is subject to the exceptions listed on Exhibit "B" attached hereto.

IN WITNESS WHEREOF, Grantor, by authority duly given, has executed this instrument as of the day and year first above written.

GRANTOR:

SUN LIFE ASSURANCE COMPANY OF CANADA

By: *Thomas V. Pedulla*
Name: Thomas Pedulla
Title: Authorized Signer

By: *Kerrianne Lappin*
Name: Kerrianne Lappin
Title: Authorized Signer

COMMONWEALTH OF MASSACHUSETTS)
)SS.:
COUNTY OF NORFOLK)

BEFORE ME, a Notary Public in and for said County and Commonwealth, personally appeared Thomas V Pedulla and Kerrianne Lappin, authorized signatories of SUN LIFE ASSURANCE COMPANY OF CANADA, a Canadian corporation, and each proved to me through satisfactory evidence of identification, to be person whose name is signed on the preceding or attached documents and who acknowledged that he/she did sign the foregoing instrument for and behalf of said SUN LIFE ASSURANCE COMPANY OF CANADA, and that the same is his/her free act and deed individually and as such officer and the free act and deed of said SUN LIFE ASSURANCE COMPANY OF CANADA.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Wellesley Hills, Norfolk County, Commonwealth of Massachusetts on January 30 2019.

Donna M. Callahan
Notary Public
Commonwealth of Massachusetts

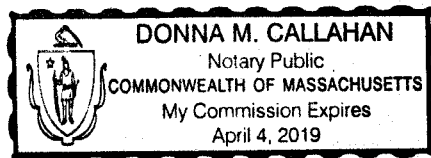


EXHIBIT "A"

Description of Land

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

PARCEL 1:

Being all of Lot 4 as shown on Plat Book 139, Page 211, Durham County Registry.

TOGETHER WITH A PERPETUAL NONEXCLUSIVE RIGHT OF INGRESS, EGRESS AND REGRESS pursuant to the terms and conditions of that certain Declaration of Access Easement, dated June 12, 1995, by University Place Retail Associates, L.L.C., recorded at Book 2091, Page 349, Durham County Registry, as amended by that certain First Amendment to Declaration of Access Easement, recorded in Book 2114, Page 87, Durham County Registry.

TOGETHER WITH A PERPETUAL NONEXCLUSIVE EASEMENT for vehicular and pedestrian access and for existing underground utilities and drainage lines over and across that portion of the real property which is described in but which is not a part of Lot 4, together with a right to maintain and repair any roadway, utility lines and drainage lines within such easement tract as set forth in the Deed recorded in Book 2114, Page 98, Durham County Registry.

TOGETHER WITH A PERPETUAL NONEXCLUSIVE RIGHT OF INGRESS, EGRESS AND REGRESS pursuant to the terms and conditions of that certain Joint Driveway Easement and Maintenance Agreement, dated August 11, 1993, between Anthony Properties, Ltd. and University Commons Investment Group, recorded in Book 1880, Page 391, Durham County. See also Plat Book 129, Page 157, Durham County Registry.

TOGETHER WITH AN PERPETUAL EASEMENT for surface water drainage from Lot 4 as shown on the Plat recorded in Plat Book 132, Page 91, Durham County Registry, and a perpetual easement to maintain rip rap located along the eastern boundary of Lot 3, as described in the Plat recorded in Plat Book 132, Page 91, Durham County Registry.

PARCEL 2:

Being all of Lot 1 containing 1.046 acres as shown on plat entitled "Property of University Place Retail Associates", dated July 14, 1994, prepared by S.D. Puckett & Associates, and recorded in Plat Book 132, Page 91, Durham County Registry.

Beginning at a point at the Northernmost point in the shopping center located in the right-of-way line of Martin Luther King, Jr. Parkway, and said point being located the following two (2) courses and distances from the North Carolina Department of Transportation ("NC DOT") right-of-way monument located at the intersection of the rights-of-way of the said Martin Luther King, Jr. Parkway and the right-of-way of University Drive: (1) South 67 degrees 09 min. 33 seconds East 288.69 feet to a NC DOT right-of-way monument; and (2) South 78 degrees 13 minutes 13 seconds East 114.38 feet to the point and place of BEGINNING; and running from said BEGINNING point thus

established with the said right-of-way line of Martin Luther King, Jr. Parkway South 78 degrees 13 minutes 13 seconds East 175.26 feet to a point; thence on six (6) new lines with University Place Retail Associates, LLC: (1) South 01 degree 09 minutes 53 seconds West 192.10 feet to a point; (2) South 88 degrees 50 minutes 07 seconds East 225.19 feet to a point; (3) North 01 degree 09 minutes 53 seconds East 7.15 feet to a point; (4) on a curve to the left with a radius of 220.50 feet, a chord bearing and distance of North 05 degrees 24 minutes 09 seconds West 50.44 feet, an arc distance of 50.55 feet; (5) North 11 degrees 58 minutes 12 seconds West 46.36 feet to a point; and (6) on a curve to the left with a radius of 415 feet and a chord bearing and distance of North 30 degrees 44 minutes 32 seconds East 140.25 feet, an arc distance of 140.93 feet, to the point and place of BEGINNING; being all of Lot No. 1 on a recorded plat of survey, recorded at Plat Book 132, Page 91 in the Durham County Registry, prepared for University Place Retail Associates, LLC prepared by S.D. Puckett & Assoc., Inc., bearing the seal of Stephen D. Puckett, RLS No. L2683, dated July 14, 1994, and bearing his File No. 9409012, containing 45,549 square feet of land.

TOGETHER WITH THE PERPETUAL RIGHT OF INGRESS, EGRESS AND REGRESS over the following described Access Easement: Beginning at an existing iron pin in the southern right of way line of Martin Luther King, Jr. Parkway (variable right of way), said pipe being in the western line of property (now or formerly) of the AP Consolidated Theaters Limited Partnership and having North Carolina Grid Coordinates $N=804,509.633$ and $E=2,012,418.480$; runs thence North $02^{\circ} 30' 47''$ East 15 feet to a point; runs thence along a curve to the right having a radius of 1083.74 feet and an interior chord bearing and distance of North $89^{\circ} 59' 43''$ East 24.90 feet an arc distance of 24.96 feet to a point; runs thence North $89^{\circ} 19' 35''$ East 28.73 feet to a point; runs thence South $00^{\circ} 42' 25''$ East 67.47 feet to a new iron pin; runs thence along a curve to the right having a radius 505 feet and an interior chord bearing and distance of South $03^{\circ} 33' 46''$ West 75.20 feet an arc distance of 75.27 feet to a new iron pin; runs thence South $07^{\circ} 49' 57''$ West 112.90 feet to a new iron pin; runs thence along a curve to the left having a radius of 25 feet, an exterior chord bearing and distance of South $10^{\circ} 40' 24''$ East 15.98 feet an arc distance of 16.27 feet to a point; runs thence along a curve to the right having a radius of 3 feet, an exterior chord bearing and distance of South $50^{\circ} 09' 27''$ East 2.12 feet an arc distance of 2.17 feet to a point; runs thence South $19^{\circ} 36' 52''$ West 44.56 feet to a new iron pin; runs thence due West 37.91 feet to a point in the eastern line of property of University Place Retail Associates L.L.C.; runs thence with said Associates eastern line the following courses and distances: North $02^{\circ} 32' 41''$ East 78.10 feet to an existing iron pin and North $02^{\circ} 30' 47''$ East 220.27 feet to the point and place of beginning, and being shown on that certain survey entitled "Property of University Place Retail Associates, L.L.C.", dated July 12, 1994, revised July 14, 1994, prepared by S.D. Puckett & Assoc., Inc. See also instrument recorded in Book 1880, Page 391, Durham County Registry and plat recorded in Plat Book 132, Page 91, Durham County Registry.

TOGETHER WITH the easements in Declaration of Cross Access and Parking recorded in Book 2058, Page 982, as amended by First Amendment to Declaration of Cross Access and Parking and Supplemental Declaration for Lots 2, 3 and 4 recorded in Book 2114, Page 79, Durham County Registry, Durham County Registry.

EXHIBIT B

1. Intentionally Deleted.

PARCEL 1:

2. Terms, provisions, options, covenants, conditions, restrictions, easements, charges, assessments, and liens provided for in instrument(s) filed for record in Book 2310, Page 446, Durham County Registry, and any related maps, plans, bylaws and other document(s) and amendment(s).
3. 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 22, Page 9; Plat Book 42, Page 70; Plat Book 60, Page 14; Plat Book 66, Page 20; Plat Book 122, Page 22; Plat Book 136, Page 16; Plat Book 138, Pages 7-8; Plat Book 132, Page 91; Plat Book 96, Page 151; Plat Book 129, Page 157 and Plat Book 139, Pages 211-212, Durham County Registry.
4. Unrecorded lease in favor of Harris Teeter, Inc., as evidenced by Amended and Restated Memorandum of Lease recorded in Book 2059, Page 504, Durham County Registry.
5. Easement to Duke Power Company recorded in Book 2042, Page 353, Durham County Registry.
6. Easement to General Telephone Company recorded in Book 2026, Page 451, Durham County Registry.
7. Declaration of Cross Access and Parking recorded in Book 2058, Page 982, as affected by First Amendment to Declaration of Cross Access and Parking and Supplemental Declaration for Lots 2, 3 and 4 recorded in Book 2114, Page 79, Durham County Registry.
8. Terms and conditions of, and rights of others in and to the Declaration of Access Easement recorded in Book 2091, Page 349, as affected by First Amendment to Declaration of Access Easement recorded in Book 2114, Page 87, Durham County Registry.
9. Easement to the City of Durham for a thirty (30) foot sanitary sewer outfall recorded in Book 1020, Page 450, Durham County Registry.
10. Terms and conditions of, and rights of others in and to the Joint Driveway Easement and Maintenance Agreement recorded in Book 1880, Page 391, Durham County Registry.
11. Terms and conditions of the nonexclusive easement for ingress, egress and utilities contained in Deed recorded in Book 2114, Page 98, Durham County Registry.
12. Unrecorded Lease in favor of Kechu Wang and Yaai Zheng, as evidenced by a Memorandum of Lease recorded in Book 6793, Page 887, Durham County Registry.

13. Sewer Easement recorded in Book 397, Page 45, Durham County Registry.
14. Sewer Easement recorded in Book 397, Page 51, Durham County Registry.
15. Sewer Easement recorded in Book 397, Page 58, Durham County Registry.
18. Rights, reservations, non-exclusive easements and restrictions as shown in instrument recorded in Book 1566, Page 770, Durham County Registry.

PARCEL 2:

19. Terms, provisions, options, covenants, conditions, restrictions, easements, charges, assessments, and liens provided for in instrument(s) filed for record in Book 1843, Page 595, Durham County Registry, and any related maps, plans, bylaws and other document(s) and amendment(s).
20. 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 132, Page 91; and Plat Book 138, Pages 7-8, Durham County Registry.
21. Rights, reservations, non-exclusive easements and restrictions as shown in Book 2058, Page 992, Durham County Registry.
22. Terms and conditions of, and rights of others in and to the Declaration of Cross Access and Parking recorded in Book 2058, Page 982, as affected by First Amendment to Declaration of Cross Access and Parking and Supplemental Declaration for Lots 2, 3 and 4 recorded in Book 2114, Page 79, Durham County Registry.
23. Easement to Duke Power Company recorded in Book 2042, Page 353, Durham County Registry.
24. Easement to General Telephone Company of the South recorded in Book 2026, Page 451, Durham County Registry.
25. Terms and conditions of, and rights of others in and to the Joint Driveway Easement and Maintenance Agreement recorded in Book 1880, Page 391, Durham County Registry.