

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax: \$72,800.00

Parcel Identifier No. 1840-30-1692 Verified by Wake County on the \_\_\_ day of \_\_\_\_\_, 2018

By: \_\_\_\_\_

Mail/Box to: Carrie Tullis, Old Republic National Title Insurance Company, 1125 Sanctuary Parkway,  
Ste. 140, Alpharetta, GA 30009This instrument was prepared by: Robbie J. Dimon, Esq., 1125 Sanctuary Parkway, Ste. 140, Alpharetta,  
GA 30009

Brief description for the Index: Tract 1, Book of Maps 2013, Page 762

THIS DEED made this 31<sup>st</sup> day of January, 2018, by and between:Submitted Electronically by Old Republic National Commercial Services in compliance with North  
Carolina Statutes governing recordable documents and the terms of the Submitter Agreement with the Wake  
County Register of Deeds. GS 47-14 (a)(5)**GRANTOR**CAPITAL CREEK APARTMENTS, LLC  
a Georgia limited liability company  
3060 Peachtree Road NW, Suite 960  
Atlanta, GA 30306**GRANTEE**WAYPOINT CAPCREEK MF OWNER, LLC  
a Delaware limited liability company  
9 West Broad Street, Suite 800  
Stamford, CT 06902Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate,  
character of entity, e.g. corporation or partnership.

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 Wake Forest Township, Wake County, North Carolina and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 015902, Page 01649.

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 Book of Maps 2013, Page 762.

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.

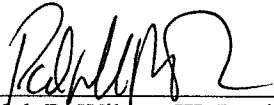
And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

**SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE**

[SIGNATURES ON FOLLOWING PAGE]

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

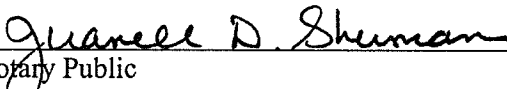
**CAPITAL CREEK APARTMENTS, LLC**  
a Georgia limited liability company

By:  (SEAL)  
Ralph B. Wilson, III, President

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State of Georgia – County of Fulton

I, the undersigned Notary Public of the County of Fulton and State aforesaid, certify that Ralph B. Wilson, III personally came before me this day and acknowledged that he is the President of Capital Creek Apartments, LLC, a Georgia limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 26<sup>th</sup> day of January, 2018.

  
Notary Public

Juanell D. Sherman  
Notary's Printed or Typed Name

My Commission Expires: 7/10/2021

(Affix Seal)



EXHIBIT "A"

## LEGAL DESCRIPTION

Lying and being in Wake Forest Township, Wake County, North Carolina and being more particularly described as follows:

Commencing at North Carolina Geodetic Survey Monument "T 217" having NAD 1983 (2011) coordinates of Northing: 807,663.04, Easting: 2,143,020.71; thence, South 06 Degrees 25 Minutes 38.6 Seconds East a distance of 6,632.35 feet to an existing iron pipe in the southern right of way of Rogers Road, THE POINT OF BEGINNING; thence, from the point of beginning so located, with the eastern property line of Ammons and Lucas (Deed Book 9197, Page 1160), South 03 Degrees 03 Minutes 43 Seconds East a distance of 580.41 feet to a point; thence, along a new line the following (24) calls, North 79 Degrees 15 Minutes 29 Seconds West a distance of 178.10 feet to a point; thence, North 36 Degrees 39 Minutes 35 Seconds West a distance of 40.49 feet to a point; thence, North 06 Degrees 04 Minutes 21 Seconds East a distance of 34.30 feet to a point; thence, North 49 Degrees 20 Minutes 43 Seconds West a distance of 97.65 feet to a point; thence, North 80 Degrees 59 Minutes 56 Seconds West a distance of 45.09 feet to a point; thence, South 84 Degrees 55 Minutes 17 Seconds West a distance of 86.16 feet to a point; thence, North 56 Degrees 10 Minutes 58 Seconds West a distance of 118.95 feet to a point; thence, South 11 Degrees 37 Minutes 43 Seconds West a distance of 130.21 feet to a point; thence, South 52 Degrees 47 Minutes 48 Seconds East a distance of 103.77 feet to a point; thence, North 57 Degrees 22 Minutes 03 Seconds East a distance of 30.30 feet to a point; thence, North 80 Degrees 04 Minutes 46 Seconds East a distance of 73.37 feet to a point; thence, South 71 Degrees 09 Minutes 42 Seconds East a distance of 48.88 feet to a point; thence, South 14 Degrees 47 Minutes 19 Seconds East a distance of 62.55 feet to a point; thence, South 01 Degrees 49 Minutes 52 Seconds West a distance of 44.46 feet to a point; thence, with the arc of a curve to the right, having a Radius of 40.62 feet, an Arc Length of 111.79 feet, a Chord Bearing of South 80 Degrees 40 Minutes 58 Seconds West and a Chord Distance of 79.70 feet to a point; thence, North 20 Degrees 27 Minutes 54 Seconds West a distance of 26.99 feet to a point; thence, North 83 Degrees 20 Minutes 25 Seconds West a distance of 38.91 feet to a point; thence, with the arc of a curve to the right, having a Radius of 82.00 feet, an Arc Length of 55.81 feet, a Chord Bearing of South 26 Degrees 09 Minutes 22 Seconds West and a Chord Distance of 54.73 feet to a point; thence, South 45 Degrees 39 Minutes 10 Seconds West a distance of 62.07 feet to a point; thence, with the arc of a curve to the right, having a Radius of 112.50 feet, an Arc Length of 119.97 feet, a Chord Bearing of South 76 Degrees 12 Minutes 14 Seconds West and a Chord Distance of 114.37 feet to a point; thence, South 51 Degrees 47 Minutes 47 Seconds West a distance of 232.13 feet to a point; thence, South 76 Degrees 40 Minutes 38 Seconds West a distance of 75.80 feet to a point; thence, North 89 Degrees 21 Minutes 01 Seconds West a distance of 353.58 feet to the southeastern corner of Lot C2 as shown in Book of Maps 2004, Page 2021; thence, with the eastern line of Lot C2 the following (2) calls, North 00 Degrees 45 Minutes 46 Seconds East a distance of 186.20 feet to a point; thence, North 00 Degrees 14 Minutes 08 Seconds West a distance of 280.46 feet to a point in the southern line of Lot D2 as shown in Book of Maps 2007, Page 2421; thence, with the southern line of Lots D2 and D1 the following (7) calls, North 85 Degrees 49 Minutes 58 Seconds East a distance of 52.69 feet to a point; thence, South 69 Degrees 18 Minutes 48 Seconds East a distance of 79.09 feet to a point; thence, South 89 Degrees 12 Minutes 25 Seconds East a distance of 73.06 feet to a point; thence, North 62 Degrees 33 Minutes 38 Seconds East a distance of 88.98 feet to a point; thence, North 33 Degrees 32 Minutes 20 Seconds East a distance of 113.98 feet to a point; thence, North 47 Degrees 31 Minutes 52 Seconds East a distance of 111.14 feet to a point; thence, South 75 Degrees 56 Minutes 49 Seconds East a distance of 12.39 feet to the southeastern corner of Lot D1; thence, with the eastern line of Lot D1, North 00 Degrees 20 Minutes 14 Seconds West a distance of 168.00 feet to a point in the southern right of way of Rogers Road; thence, with the southern right of way of Rogers Road, North 84 Degrees 09 Minutes 51 Seconds East a

distance of 736.78 feet to The Point Of beginning, containing 651,086.21 square feet, 14.95 acres, more or less.

Said property being the same as Tract 1 depicted on that certain Subdivision and Easement dedication plat recorded in Book of Maps 2013, Page 762, recorded May 30, 2013 in the Wake County Registry.

TOGETHER WITH Rights and Easements set forth in that certain Declaration of Easements dated August 19, 2013 by Andy L. Ammons, Jeanette E. Ammons, James A. Lucas and Dubba Lucas and Ammons Property Limited Partnership, recorded in Book 15412, Page 2199 in the Wake County registry.

**EXHIBIT "B"**

**PERMITTED EXCEPTIONS**

1. Taxes for the year 2018 and thereafter which are not yet due and payable.
2. Riparian rights of others in and to any creek, stream branches or wetlands bounding or crossing the subject property.
3. Rights of tenants in possession under unrecorded leases.
4. All matters shown in Book of Maps 2001, Page 1585, recorded August 30, 2001; Book of Maps 2007, Page 1212, recorded May 25,2007; and Book of Maps 2007, Page 2421, recorded August 2, 2007, Wake County Registry.
5. All matters as shown on Subdivision and Easement dedication plat recorded in Book of Maps 2013, Page 762, recorded May 30,2013, Wake County Registry.
6. Declaration of Easements dated August 19, 2013, recorded August 21, 2013 by Andy L. Ammons, Jeanette E. Ammons, James A. Lucas and Dubba Lucas and Ammons Property Limited Partnership, recorded in Book 015412, Page 02199, Wake County Registry.
7. Easement and Memorandum of Agreement by and between Capital Creek Apartments, LLC and Time Warner Cable Enterprises, LLC at Book 16065, Page 2100, Wake County Registry.
8. Electric Line Right of Way Easement by and between Capital Creek Apartments and Wake Electric Membership Corporation at Book 16286, Page 2687, Wake County Registry.

**Affects Easement**

9. General Warranty Deed Easement for Sanitary Sewer Purposes between Andrew L. Ammons, Jeanette F. Ammons, James A. Lucas, Jr. & Dubba Lucas to the City of Raleigh dated January 9, 2015, recorded January 12, 2015 in Book 015889, Page 01697, Wake County Registry.