

Register of Deeds

Sharon A. Davis  
Durham County, NC

08/10/2022 09:44:03 AM

BT: OPR B: 9759 P: 164 Pages: 6

DEED - DEED

Fee: \$2526.00 Excise Tax: \$2500.00

INSTRUMENT #2022032501

tredfearn



Prepared by and After Recording Return to:  
Samuel W. Johnson  
Poyner Spruill LLP  
Post Office Box 353  
Rocky Mount, North Carolina 27802

Parcel Identifier Numbers: 0821-14-93-9379 and  
0821-14-82-9117

No Title Examination Performed

Revenue Stamps: \$2500.00

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Grantor states that the Property does not include the primary residence of Grantor.

**NORTH CAROLINA  
DURHAM COUNTY**

**THIS SPECIAL WARRANTY DEED** is made this the 29<sup>th</sup> day of July, 2022 by **RDI LLC**, a North Carolina limited liability company ("**Grantor**"), with a mailing address of 300 South Wesleyan Blvd., Suite 202, Rocky Mount, North Carolina 27804 to **ONATE PROPERTIES LLC**, a North Carolina limited liability company ("**Grantee**"), with a mailing address of 503 Dowd Street, Durham, NC 27701.

**WITNESSETH:**

For and in consideration of \$10.00 cash in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all those certain lots or parcels of land situated in Durham County, North Carolina, which lots or parcels of land are more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Property**").

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

And 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 claiming by, under or through Grantor, except for the matters set forth on Exhibit B attached hereto and incorporated herein by reference (“Title Exceptions”).

The Property is subject to the following leases (the “Leases”):

a. As to 1925 Chapel Hill Road: That certain Lease Agreement with Altaf Husain d/b/a Hussco dated as of May \_\_, 2013 as amended by the Partial Assignment and Assumption of Lease (With Amendment) dated as of August 1, 2018 and a Second Amendment to Lease Agreement dated as of March 1, 2021.

b. As to 1929 Chapel Hill Road: That certain Lease Agreement among Stallings Oil Company, William Carl Collins, James F. King, Jr., Silas J. Snow, Jr., A. Donald Stallings and Boyd M. Tolman (the “Former Owners”), as Lessor, and Ruben Godinez-Ariza and Ireyda Magaly Espriella-Turrubiates (the “Original Lessee”) dated November 25, 2003 (the “Original Lease”) as amended by a certain First Amendment to Lease dated as of August 1, 2013 (the “First Amendment”), an Amendment and Assumption Agreement (With Amendment) dated as of January 1, 2016 (the “Second Amendment”), and a Third Amendment to Lease dated as of March 1, 2021 (the “Third Amendment”), the lessee’s interest under which was assigned to Azteca Grill, LLC by Assignment and Assumption of Lease dated August 11, 2021.

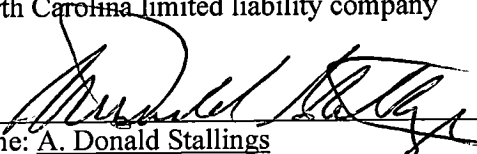
The Property conveyed hereby is conveyed AS IS-WHERE IS and by its acceptance hereof, Grantee hereby releases Grantor of and from any claim of Grantee with respect to the environmental or other condition of the Property.

The designations “Grantor” and “Grantee” as used herein shall include said named parties and their respective heirs, personal representatives, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

[The signature page follows.]

IN WITNESS WHEREOF, Grantor has duly executed the foregoing as of the date set forth above.

**RDI LLC, a**  
North Carolina limited liability company

By:   
Name: A. Donald Stallings  
Title: President

STATE OF NORTH CAROLINA

COUNTY OF Nash

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: A. Donald Stallings, President of RDI LLC, a North Carolina limited liability company.

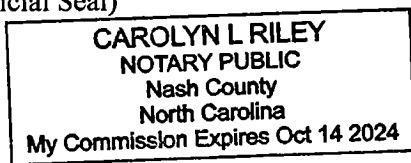
Date: July 29, 2022

Official Signature of Notary: Carolyn L. Riley

Notary's Printed or Typed Name: Carolyn L. Riley, Notary Public

My Commission Expires: Oct. 14, 2024

(Official Seal)



**EXHIBIT A  
ATTACHED TO SPECIAL WARRANTY DEED  
FROM  
RDI LLC  
TO  
ONATE PROPERTIES LLC**

**Legal Description**

**Tract 1: 1925 Chapel Hill Road (Lakewood), Durham, NC**

BEGINNING at a point marked by an iron at the intersection of the eastern right-of-way line of Chapel Hill Road with the southern right-of-way line of Palmer Street; thence along the southern right-of-way line of Palmer Street S.  $82^{\circ} 59' 49''$  E. 136.45 feet to a point marked by an iron in the line of, now or formerly, Durham Lodge No. 352 A.F. & A.M.; thence along the line of, now or formerly, Durham Lodge No. 352 A.F. & A.M, S.  $09^{\circ} 08' 00''$  W. 150.03 feet to a point marked by an iron; thence N.  $81^{\circ} 20' 49''$  W. 44.05 feet to a point marked by an iron in the line of, now or formerly, James Aaron Miller, Jr. and along the line of, now or formerly, James Aaron Miller, Jr. S.  $09^{\circ} 03' 04''$  W. 42.89 feet to a point marked by an iron; thence along the line of, now or formerly, William O. King, N.  $81^{\circ} 08' 04''$  W. 38.85 feet to a point marked by an iron in the line of, now or formerly, Williams Oil Company; thence along the line of, now or formerly, Williams Oil Company N.  $57^{\circ} 01' 20''$  W. 147.84 feet to a point marked by an iron on the eastern right-of-way line of Chapel Hill Road; thence in a northeasterly direction along the eastern right-of-way line of Chapel Hill Road on a curve a distance of 152.39 feet (curve data: chord bearing = N.  $41^{\circ} 33' 15''$  E.) to the point of Beginning, the same containing 30,225 square feet and being shown on a certain map entitled "As-Built Survey for: Stallings Oil Company" prepared by Bobbitt Surveying, P.A., dated May 3, 1993. Being the identical property conveyed by Stallings Oil Company to William C. Collins, James F. King, Silas J. Snow, Jr. and Boyd M. Tolman by deed dated July 20, 1985 recorded in Book 1224, Page 147, Durham County Registry and by Deed of Exchange from William C. Collins and wife, Dozia C. Collins, James F. King, Jr. and wife, Ann King, Silas J. Snow, Jr. and wife, Jane M. Snow and Boyd M. Tolman and wife, Mary Jane N. Tolman to Robert L. Beaman and A. Donald Stallings dated April 21, 1988 recorded in Book 1454, Page 164, Durham County Registry. William C. Collins has died devising the said property to the Co-Trustees of the Collins Trust; James F. King, Jr. has died devising the said property to James M. King, Trustee under the will of James F. King, Jr.; and Silas J. Snow, Jr. has died devising the property to his wife, Jane M. Snow.

**Tract 2: 1929 Chapel Hill Road (Lakewood), Durham, NC**

A parcel of land in Durham County, North Carolina, in Durham Township, more particularly described as follows:

BEGINNING at a stake on the eastern edge of Chapel Hill Road at a control corner; thence proceeding in an easterly direction S.  $54^{\circ} 47' 28''$  E. 147.70 feet to a stake; thence proceeding N.

79° 03' 48" W. 11.30 feet to a stake; thence proceeding in a southerly direction S. 10° 56' 01" W. 106.61 feet to a stake and control corner located on the northern edge of Lakewood Avenue; thence proceeding along and with the northern edge of Lakewood Avenue in a westerly direction N. 78° 57' 48" W. 74.09 feet to a stake; thence proceeding in a westerly direction along and with the northern edge of Lakewood Avenue along and with the arc of a curve with a radius of 97.39 feet, 76.94 feet to a stake; thence N. 34° 05' W. 52.74 feet to a stake; thence with the arc of a curve with a radius of 18 feet, 9.93 feet to a stake; thence proceeding with the arc of a curve with a radius of 19.22 feet, 16.05 feet to a stake located on the eastern edge of Chapel Hill Road; thence proceeding along and with the arc of a curve with a radius of 2736.80 feet, 97.66 feet to a stake, the point and place of BEGINNING and being more particularly described as the Property of A. T. Williams Oil Company as recorded in the office of the Register of Deeds in Plat Book 86, Page 26. Being the identical property conveyed by A. T. Williams Oil Company to Robert L. Beaman, W. Carl Collins, James F. King, Jr., Silas J. Snow, Jr., A. Donald Stallings and Boyd M. Tolman by deed dated October 4, 1993 recorded in Book 1901, Page 749, Durham County Registry. William C. Collins has died devising the said property to the Co-Trustees of the Collins Trust; James F. King, Jr. has died devising the said property to James M. King, Trustee under the will of James F. King, Jr.; and Silas J. Snow, Jr. has died devising the property to his wife, Jane M. Snow.

The Property was conveyed to Grantor by deed of A. Donald Stallings et ux et al dated May 13, 2009, recorded at Book 6609, Page 597, Durham County Registry

**EXHIBIT B  
ATTACHED TO SPECIAL WARRANTY DEED  
FROM  
RDI LLC  
TO  
ONATE PROPERTIES LLC**

**Title Exceptions**

1. Taxes for the year 2022 and all subsequent years.
2. All matters of record affecting the Property, including without limitation the Leases as described above, and such matters as would be disclosed by a current survey of the Property.