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This Instrument Prepared By:

Tax PIN 0773616251

Tillie Benson  
Cherry Petersen Landry Albert LLP  
8350 N. Central Expressway, Suite 1500  
Dallas, Texas 75206Return to:MAXEM CARY LLC  
7845 Colony Road, Suite C4-242  
Charlotte, North Carolina 28226  
Attn: Eric MarkelExcise Stamps: \$ 20,800.<sup>00</sup>SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made effective as of August 8, 2022 between **2001 WALNUT, LLC**, a Texas limited liability company (hereinafter called "**Grantor**"), whose address is 8214 Westchester Drive, Suite 550, Dallas, Texas, 75225, and **MAXEM CARY LLC**, a North Carolina limited liability company, whose address is 7845 Colony Road, Suite C4-242, Charlotte, North Carolina 28226 ("**Grantee**").

## WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt and sufficiency of which are acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, the real property in Wake County, North Carolina, which is more particularly described on Exhibit A attached hereto and made a part hereof for all purposes (the "**Land**"), together with all right, title and interest of Grantor, if any, in (i) all improvements and fixtures on the Land, (ii) all adjacent and/or contiguous streets, roads, avenues, alleys, and rights of way, (iii) all easements, rights of ingress and egress, rights of way, and covenants appurtenant to the Land, and (iv) all permits, approvals, licenses, rights, and authorizations and exemptions of any kind from governmental authorities related to the ownership, maintenance, use, development or operation of the Land or any improvements thereon (the Land together with such rights, titles, being collectively called the "**Property**"), subject to, however, all items set forth on Exhibit B attached hereto, to the extent same are valid and affect the Property (such matters being referred to herein as the "**Permitted Exceptions**").

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, as aforesaid, unto Grantee, its successors and assigns, forever; and, subject to the Permitted Exceptions, Grantor does hereby bind itself and its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

Real property ad valorem taxes and assessments having been prorated to the date hereof, Grantee hereby assumes and agrees to pay when due all such ad valorem property taxes and assessments for the year 2022 and subsequent years.

The Property herein conveyed does not include the primary residence of Grantor.

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

**GRANTOR:**

**2001 WALNUT, LLC,**  
a Texas limited liability company

By: *D.M. MacMahon*  
Douglas M. MacMahon, Manager

STATE OF TEXAS

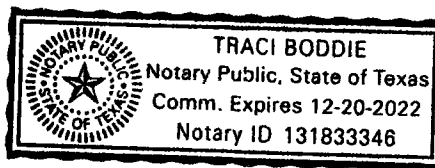
COUNTY OF DALLAS

The foregoing instrument was acknowledged before me by means of  physical presence or \_\_\_\_\_ online notarization, this July 26<sup>th</sup>, 2022 by Douglas M. MacMahon, the Manager of 2001 Walnut, LLC, a Texas limited liability company, on behalf of said limited liability company, who is personally known to me or who as produced \_\_\_\_\_ as identification.

*Traci Boddie*  
Notary Public in and for the State of TEXAS

Traci Boddie  
Printed Name

My Commission Expires: 12-20-2022



**EXHIBIT A**

**PROPERTY**

**TRACT 1**

BEING ALL OF THAT TRACT ENTITLED "BOB EVANS FARMS PARCEL", WALNUT PLAZA SHOPPING CENTER, CONTAINING APPROXIMATELY 2.087 ACRES (90,903 SQ. FT.), AS SHOWN ON THAT PLAT RECORDED IN BOOK OF MAPS 1994, PAGE 1133, WAKE COUNTY REGISTRY.

LESS AND EXCEPT THAT PORTION OF THE PROPERTY CONVEY TO THE TOWN OF CARY BY THAT GENERAL WARRANTY DEED FOR STREET RIGHT OF WAY RECORDED JUNE 4, 2007, IN BOOK 12584, PAGE 1498, AS SHOWN ON THAT CERTAIN PLAT RECORDED IN BOOK OF MAPS 2001, PAGE 728, WAKE COUNTY REGISTRY.

**TRACT 2 (EASEMENT)**

TOGETHER WITH ALL EASEMENTS CONTAINED IN THOSE CERTAIN DOCUMENTS AS FOLLOWS: (I) RECIPROCAL EASEMENT AGREEMENT EXECUTED AMONG HOOKER ATLANTA (7) CORPORATION; NCNB NATIONAL BANK OF NORTH CAROLINA AS TRUSTEE FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF OHIO, AND CARY CROSSROADS ASSOCIATES AND RECORDED IN BOOK 4230, PAGE 524, WAKE COUNTY REGISTRY, AS AMENDED BY AMENDMENT TO RECIPROCAL AGREEMENT EXECUTED AMONG THE SAME PARTIES AND RECORDED IN BOOK 4767, PAGE 73, WAKE COUNTY REGISTRY; (II) DEED OF EASEMENT BETWEEN NATIONS BANK OF NORTH CAROLINA, N. A, AS TRUSTEE FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF OHIO AND BIRKS HIRE INVESTMENT COMPANY AND RECORDED IN BOOK 5917, PAGE 924, WAKE COUNTY REGISTRY, (III) RECIPROCAL EASEMENT AND OPERATION AGREEMENT EXECUTED AMONG BIRKSHIRE INVESTMENT COMPANY, DAYTON HUDSON CORPORATION, AND HOME DEPOT, U.S.A., INC. AND RECORDED IN BOOK 5917, PAGE 936, WAKE COUNTY REGISTRY, AS AMENDED BY AMENDMENT TO RECIPROCAL EASEMENT AND OPERATION AGREEMENT EXECUTED THE SAME PARTIES AND RECORDED IN BOOK 6275, PAGE 650, WAKE COUNTY REGISTRY; AND (IV) DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS EXECUTED BETWEEN OFFICE DEPOT, INC. AND BIRKSHIRE INVESTMENT COMPANY AND RECORDED IN BOOK 6275, PAGE 680, AND RE-RECORDED IN BOOK 6331, PAGE 89, WAKE COUNTY REGISTRY.

**TRACT 3 (EASEMENT)**

TOGETHER WITH A NON-EXCLUSIVE, PERPETUAL EASEMENT AND RIGHT OF INGRESS, EGRESS AND REGRESS OVER AND ACROSS THAT CERTAIN STRIP OF LAND APPROXIMATELY TEN FEET IN WIDTH NOW OWNED BY CARY CROSSROADS ASSOCIATES AND LYING BETWEEN CAITBOO AVENUE AND THE NORTHERN BOUNDARY LINE OF THE TRACT OR PARCEL BEING CONVEYED HEREIN.

**EXHIBIT B****PERMITTED EXCEPTIONS**

1. Standby fees, taxes and assessments by any taxing authority for the year 2022, and subsequent years, which are not yet due and payable.
2. Agreement Regarding Covenants, Conditions, and Restrictions recorded in Book 4767, Page 154 and Book 4767, Page 210; Declaration of Restrictions and Grant of Easement recorded in Book 6275, Page 680 and re-recorded in Book 6331, Page 89 as affected by First Amendment to Declaration of Restrictions and Grant of Easements recorded in Book 17582, Page 2696 and any amendments and/or supplements thereto.
3. The following matter(s) as shown on map or plat recorded in Map Book 1994, Page 1133:
  - a. right of way inset
  - b. no access to Walnut Street
4. The following matter(s) as shown on map or plat recorded in Map Book 1995, Page 826-827:
  - a. water valve, water lines, fire hydrant, clean out, sanitary sewer manhole, 8"x6" reducer, blow off valve
  - a. 20' waterline easement
  - b. 20' sanitary sewer easement
  - c. 4" water service stub
5. The following matter(s) as shown on map or plat recorded in Map Book 2001, Page 728:
  - a. dedication of new right of way line
  - b. 30' Carolina Power and Light Company easement
6. Easement(s) or right(s)-of-way in favor of Carolina Power and Light Company recorded in Book 4222, Page 747; Book 5613, Page 154 and Book 12628, Page 1496.
7. Easement(s) or right(s)-of-way in favor of Office Depot, Inc. recorded in Book 8538, Page 1020.
8. Easement(s) or right(s)-of-way in favor of North Carolina Department of Transportation recorded in Book 12584, Page 1501 and Book 12584, Page 1504.
9. Reciprocal Easement agreement recorded in Book 4230, Page 524; as amended by Amendment to Reciprocal Easement Agreement recorded in Book 4767, Page 73; and Agreement Regarding Reciprocal Easement Agreement and Grant of Easement recorded in Book 4767, Page 125.
10. Reciprocal Easement and Operation Agreement recorded in Book 5917, Page 936; amended in Book 6275, Page 650; and Approval and Consent recorded in Book 6275, Page 670.
11. The following matter(s) as shown on survey by R. Scott Barrett, PLS, dated May 31, 2022, and any easement(s) or right(s)-of-way associated therewith:
  - a. Various utility lines with utility pole, telephone vault, electric meter, light pole, storm drain line, drop inlet, grease trap manhole, clean out, water valve, gas meter, trash compactor, electric transformer, fire department connector, fire hydrant, overhead utility, traffic signal vault, electric vault, traffic signal lines, wall, underground utilities and pressure indicator valve located on the Land; and

b. Concrete sidewalk.