

For Registration Sharon A. Davis  
Register of Deeds  
Durham County, NC  
Electronically Recorded  
**2021 Oct 22 11:13 AM**  
**Book: 9504 Page: 1**  
NC Rev Stamp: \$ 29978.00 Fee: \$ 26.00  
Instrument Number: 2021054050  
DEED

**SPECIAL WARRANTY DEED**

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After Recording Mail to: Phillips Lytle LLP, One Canalside, 125 Main Street, Buffalo, New York 14203-2887, Attn: John A. Pappano.

This instrument was prepared by: Alexander Ricks PLLC, 1420 E. 7<sup>th</sup> Street, Suite 100, Charlotte, NC 28204 (prepared without title examination)

Parcel ID: 137069

Brief description for the Index: 1.068 acres, PB 139, PG 130

Excise Tax: \$29,978.00

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THIS SPECIAL WARRANTY DEED, made this the 21 day of October, 2021, by and between:

**GRANTOR: 3302 PETTY, LLC**, a North Carolina limited liability company whose address is: 1420 E. 7<sup>th</sup> Street, Suite 150, Charlotte, North Carolina 28204 (**Grantor**) and

**GRANTEE: LIFE STORAGE LP**, whose address is: 6467 Main Street, Buffalo, New York 14221 (**Grantee**)

WITNESSETH:

FOR VALUABLE CONSIDERATION from Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, the following described real property, located in the County of Durham, State of North Carolina, more particularly described in attached Schedule A, together with all buildings and improvements thereon (collectively "Property").

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

The Property was acquired by Grantor by instrument recorded in Book 7979 at Page 640 in the Office of the Durham County Register of Deeds.

TO HAVE AND TO HOLD the Property unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple.

AND GRANTOR hereby warrants to Grantee that Grantor has done nothing to impair the title to the Property as received by Grantor and that Grantor will warrant and defend the title to the Property against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise, other than the exceptions set forth in Schedule B.

All references to Grantor and Grantee as used herein shall include the parties as well as their successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

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Submitted electronically by "Harrold Law Firm, PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Durham County Register of Deeds.

[ Signature page to Special Warranty Deed ]

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

3302 PETTY, LLC,  
a North Carolina limited liability company

By: PDM Storage Holding Company, LLC  
Its: Sole Member and Manager

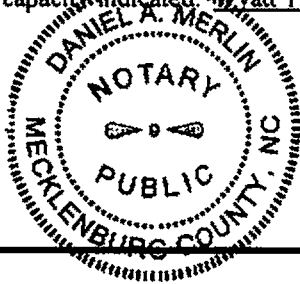
By: Proffitt Dixon Partners, LLC  
Its: Manager

By: [Signature]  
Name: Wyatt T. Dixon, III  
Title: Manager

State of North Carolina  
County of Mecklenburg

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document in the capacity indicated: Wyatt T. Dixon, III.

Date: October 19, 2021



[Signature], Notary Public  
Notary's Printed or Typed Name: Daniel A. Merlin

(Official/Notarial Seal)

My commission expires: 6/9/25

The foregoing Certificate(s) of \_\_\_\_\_  
is/are certified to be correct. This instrument and certificate are duly registered at the date and time and in the Book and page shown on the first page hereof.

By: \_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County  
Deputy/Assistant - Register of Deeds

10009832.2

SCHEDULE A TO DEED

## Legal Description

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

Beginning at a new iron pipe on the eastern right of way of US Highway 15-501 bypass (Variable R/W), said iron pipe being the following eight calls from NCGS survey monument "CAPRI," said monument having NC grid coordinates (NAD 83) of N=805,205.935, E=2,007,271.773; North 59°06'31" East 4,807.16 feet to the northern right of way of Chapel Hill Boulevard, US Highway 15-501 (Variable R/W), thence from the said right of way North 47 degrees 50' 10" West 55.46 feet to an existing right of way monument on the eastern right of way of US Highway 15-501 bypass (Variable R/W), thence with said right of way North 20 degrees 21'05" West 83.03 feet to an existing right of way monument, thence North 31 degrees 37'25" East 42.59 feet to a new spike, thence North 12 degrees 49'32" East 144.62 feet to a new spike, thence North 01 degrees 09'22" West 53.91 feet to an existing right of way monument, thence North 17 degrees 55'10" East 32.35 feet to an existing right of way monument, thence North 23 degrees 47'27" East 48.16 feet to an existing right of way monument, thence North 25 degrees 52'14" East 36.53 feet to an existing right of way monument, thence North 42 degrees 43' 45" East 48.49 feet to a new iron pipe, thence North 56 degrees 20'50" East 42.49 feet to a new iron pipe, thence North 87 degrees 49'14" East 68.60 feet to an existing right of way monument on the southern right of way of U.S. Highway 15-501 Bypass Ramp (Variable R/W), whence with said right of way South 75 degrees 20'49" East 152.53 feet to an existing right of way monument on the western right of way of Petty Road (Variable R/W) thence with said right of way along the curve to right of way along a curve to the right having a radius of 1,170.00 feet, an arc length of 180.94 feet, and a chord bearing the distance of South 12 degrees 41'18" West 180.76 feet to a new iron pipe, thence leaving said right of way North 74 degrees 46'26" West 290.07 feet to the point and place Beginning containing 1.068 Acres more or less as recorded in Durham County Plat Book 139, Page 130.

Together with the non-exclusive easement rights set forth in that certain Declaration of Easements and Restrictive Covenants recorded in Book 2445, Page 87 in the Office of the Register of Deeds for Durham County, North Carolina, as amended by that certain Amendment to Declaration of Easements and Restrictive Covenants recorded in Book 4767, Page 787 in the Office of the Register of Deeds for Durham County, North Carolina.

**SCHEDULE B TO DEED**

**Exceptions**

1. Taxes or assessments for the year 2022, and subsequent years, not yet due or payable.
2. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 2445, Page 87, Durham County Registry, as amended in instrument recorded in Book 4767, Page 787, Durham County Registry, and any related maps, plans, bylaws and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Company insures the LENDER against loss or damage resulting from the inability to construct and operate a 785-unit storage facility on the insured premises as a result of enforcement of any provision of the foregoing Covenants.
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 41, Page 70; Plat Book 41, Page 71; Plat Book 139, Page 130, and Plat Book 198, Pages 284-285, Durham County Registry.
4. Easement(s) to Duke Power Company recorded in Book 199, Page 589, Durham County Registry.
5. Deed of Easement in favor of the City of Durham recorded in Book 272, Page 245, Durham County Registry.
6. Deed of Easement in favor of General Telephone Company of the South (GTE) recorded in Book 1758, Page 838, Durham County Registry.
7. Stormwater Facility Agreement and Covenants with the City of Durham, recorded in Book 8088, Page 332, Durham County Registry.
8. Easement to Duke Energy Carolinas, LLC recorded in Book 8229, Page 112, Durham County Registry.
9. Rights of tenants in possession, as tenants only, under unrecorded leases, with no rights of purchase.
10. Access by way of US 15-501 Bypass, a controlled access highway, is not insured.
11. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title regarding the following matters disclosed by PRELIMINARY survey entitled "ALTA/NSPS LAND TITLE SURVEY, CubeSmart Self Storage Durham, 3302 Petty Road" by GRS Group, P.L.S., dated September 20, 2021.  
dated September 20, 2021.
  - a. Service utilities.