

FOR REGISTRATION
Willie L. Covington
REGISTER OF DEEDS
Durham County, NC
2016 APR 28 12:55:53
BK:7918 PG:791-797
DEED
FEE:\$26.00
EXCISE TAX: \$37,270.00
INSTRUMENT # 2016012908
MDEGREE



2016012908

SPECIAL WARRANTY DEED

Excise Tax: \$ 37,270.00
Tax Parcel ID No. 125240 Verified by _____ County
on the ___ day of _____, 2016 By: _____

* Mail/Box to: Alicia Otten, First American, 201 S. College St, Suite 1440, Charlotte NC 28244

This instrument was prepared by: Karen D. Geller, General Counsel, Ram Realty Services LLC, 4801 PGA Boulevard Palm Beach Gardens, FL 33418

Brief description for the Index: Lot 1, Plat Book 136, Page 132

THIS DEED, made this the 25 day of April, 2016, by and between

GRANTOR: DURHAM FESTIVAL LLC, a North Carolina limited liability company, whose mailing address is c/o Ram Realty Services LLC, 4801 PGA Boulevard, Palm Beach Gardens, Florida 33418, Attn: Karen D. Geller, General Counsel (hereinafter referred to as "**Grantor**"); and

GRANTEE: EREP DURHAM FESTIVAL I, LLC, a Delaware limited liability company, whose mailing address is 515 Congress Ave., Suite 1925, Austin, Texas 78701 (herein referred to as "**Grantee**").

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided on EXHIBIT "B", the following described property located in the City of Durham, County of Durham, State of North Carolina, more particularly described as follows:

SEE EXHIBIT "A"

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 6262, Pages 481-485, Instrument NO. 2009023091, and being reflected on plat(s) recorded in Plat Book 136, Page 132.

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

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor has done nothing to impair the title as received by Grantor and that Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, through or under Grantor.

This conveyance is made subject to the following Exceptions and Reservations: **SEE EXHIBIT "B"**.

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

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

[SIGNATURE AND ACKNOWLEDGMENT APPEAR ON FOLLOWING PAGE]

DURHAM FESTIVAL LLC,
a North Carolina limited liability company

By: Ram Realty Associates II LLC, a Delaware
limited liability company, its Manager

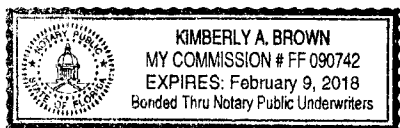
By: *Karen D. Geller*
Karen D. Geller, Vice President

By: *James W. Stine*
James W. Stine, Vice President

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 19 day of April, 2016, by Karen D. Geller and James W. Stine, each as a Vice President of Ram Realty Associates II, a Delaware limited liability company, in its capacity as the Manager of DURHAM FESTIVAL LLC, a North Carolina limited liability company, on behalf of said entities. They are personally known to me.

Witness my hand and official seal, this 19 day of April, 2016.



(Notary Seal)

Kimberly A. Brown
Notary Public – State of Florida
Printed Name: Kimberly A. Brown
My Commission Expires: 219-2018
My commission expires: FF 090742

EXHIBIT "A"

Legal Description

BEING KNOWN AND DESIGNATED AS LOT 1 AS SHOWN ON THE MAP ENTITLED "RECOMBINATION SURVEY OF THE DURHAM FESTIVAL CENTRE AND WEST DURHAM SHOPPING CENTER" RECORDED AT PLAT BOOK 136 AT PAGE 132 OF THE DURHAM COUNTY PUBLIC REGISTRY, REFERENCE TO WHICH IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

EXHIBIT "B"
Exceptions and Reservations

1. Taxes for the year 2016, which are a lien, not yet due and payable, and all subsequent years.
2. Rights of tenants in possession, as tenants only, under the terms of any written, unrecorded Lease as set forth on Exhibit C hereof.
3. Any and all matters shown on that certain Survey dated March 4, 2016 Project Job No. 3415-16, last revised April 25, 2016 by Stephen D. Puckett, Professional Land Surveyor.
4. Operating and Reciprocal Easement Agreement by and between Gator Realty, Inc., Trustee and Durham Festival Centre Limited Partnership recorded in Book 2015, Page 527; as affected by First Amendment to Operating and Reciprocal Easement Agreement recorded in Book 2058, Page 456; as affected by Second Amendment to Operating and Reciprocal Easement Agreement recorded in Book 2244, Page 199, all of the Durham County Registry.
5. Non-Exclusive Right of Way Agreement by and between Gator Realty, Inc., Trustee and Konover Durham Festival Centre Limited Partnership recorded in Book 1991, Page 815; as affected by First Amendment to Non-Exclusive Right of Way Agreement recorded in Book 2244, Page 192, all of the Durham County Registry.
6. Easements and any other facts as shown on plat recorded in Plat Book 136, Page 132, Durham County Registry.
7. Easement to Carolina Power & Light Company, blanket in nature recorded in Book 253, Page 58, Durham County Registry.
8. Easement to Carolina Power & Light Company, blanket in nature recorded in Book 253, Page 59, Durham County Registry.
9. Easement to General Telephone Co. of the Southeast, blanket in nature recorded in Book 261, Page 434, Durham County Registry.
10. Agreement and Easement Deed to the City of Durham recorded in Book 327, Page 440, Durham County Registry.
11. Terms and conditions of Lease by and between Simon Konover, A. Abner Rosen and KR Commercial Associates Limited Partnership, collectively as Lessor to The Kroger Company, Lessee, recorded in Book 1865, page 75; as affected by instrument recorded in Book 2015, page 896 and Lease Amendment No. 1 to The Kroger Co..
12. Restrictions and Easements and rights of others therein in reserved in instrument recorded in Deed Book 2244, Page 206, Durham County Registry, including easements for access (blanket in nature), sanitary sewer and storm drainage.

13. Terms and Conditions of Easement Agreement and rights of others therein recorded in Book 2495, Page 371, Durham County Registry.
14. Terms and provisions of that certain unrecorded Lease executed by Durham Festival LLC, a North Carolina limited liability company to Akzo Nobel Paints LLC, a Delaware limited liability company as evidenced by a Memorandum of which is recorded in Book 6904, Page 759, Durham County Registry.
15. Terms, conditions and provisions of Lease executed by Durham Festival LLC, a North Carolina limited liability company, as Lessor and Hancock Fabrics, Inc., a Delaware corporation, as Lessee recorded in Book 6977, Page 397, Durham County Registry.

EXHIBIT C

LIST OF TENANTS IN POSSESSION

Kroger Limited Partnership I
K & S United Inc.
Peter Enterprises, Inc.
Dolgencorp LLC
Durham Wellness and Fitness, Inc.
Qin Li & Wan Yeung, individually
Hancock Fabrics, Inc.
SunTrust Bank
Antonio Rodriguez & Elsa Guzman, individually
SA Core, LLC
Hung Nguyen, Thanh Ngoc Nguyen and Trang T. Tran, individually
Triangle Hearing Centers, Inc.
Falco, Inc.
Hafdalla Al-Ahdal, individually
PPG Architectural Finishes
DDNC Festival LLC