

FOR REGISTRATION
Willie L. Covington
REGISTER OF DEEDS
Durham County, NC
2015 DEC 15 01:26:56 PM
BK:7840 PG:773-778
DEED
FEE:\$26.00
EXCISE TAX: \$7,100.00
INSTRUMENT # 2015041368
SCEARNEL



SPECIAL WARRANTY DEED

Kilpatrick Townsend
Return to: *Helen Jordan*
4208 Six Forks Rd, Suite 1400
Raleigh, NC 27609

EXCISE TAX: \$ 7,100-

TAX ID NOS. 121599 AND 121603

~~Mail~~ After Recording to Grantee

This instrument was prepared by (without title examination):

Grayson G. Russell
Morris, Russell, Eagle & Worley, PLLC
2235 Gateway Access Point, Suite 201
Raleigh, NC 27607

Brief description for the Index: 3708 Mayfair Street, Durham, North Carolina

THIS DEED made this 3rd day of December 2015, by and between

GRANTOR	GRANTEE
<p>MAYBERRY REAL ESTATE HOLDINGS, LLC, a North Carolina limited liability company</p> <p>3535 Glenwood Avenue Raleigh, NC 27612</p>	<p>TDC ATLANTIC SOUTH SQUARE, LLC, a Delaware limited liability company</p> <p>c/o The Dilweg Companies, LLC 5310 South Alston Avenue, Suite 210 Durham, NC 27713</p>

Enter 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 DURHAM 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 7721 page 624, Durham County Registry.

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

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:

1. Taxes for the year 2016 and subsequent years, not yet due and payable.
2. Those matters listed on Exhibit B attached hereto.

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

MAYBERRY REAL ESTATE
HOLDINGS, LLC, a North Carolina limited
liability company

By: _____
Name: James M. Fielding
Title: Manager

NORTH CAROLINA

Johnston COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: James M. Fielding

Date: 12-11-15

Rhonda C. Manion
Signature of Notary Public
Printed Name: Rhonda C. Manion
My Commission Expires: 6-19-2020

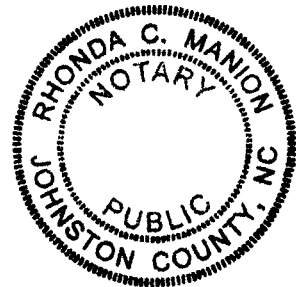


EXHIBIT "A"**Description of the Land****Tract 1:**

BEGINNING at the northeast corner of the subject property at an iron pipe located at the intersection of the southern terminus of the 60-foot right-of-way of Weymouth Street and the northern terminus of the 50-foot private road located to the south of Weymouth Street (said private road being created and described in Deed Book 1148, Page 28, Durham County Registry), such point being the northwestern corner of said private road; continuing from said beginning point along and with the western property line of the 50-foot private road counterclockwise in a general southerly direction along the arc of a curve having a radius of 360.00 feet and a chord bearing and distance of South 09-31-04 East, 301.29 feet, an arc distance of 310.86 feet to an iron pipe; thence continuing with the western line of said private road South 33-59-50 East 5.02 feet to an iron pipe; thence continuing with the western line of said private road clockwise in a general southerly direction along the arc of a curve having a radius of 272.45 feet and a chord bearing and distance of South 21-13-35 East, 126.69 feet, an arc distance of 127.86 feet to an iron pin, thence, continuing along the western line of said private road South 07-48-06 East 146.99 feet to a point in the centerline of a 45-foot access easement; thence with the centerline of said access easement South 82-12-52 West 24.99 feet to a p.k. nail; thence continuing with the centerline of said access easement clockwise in a general westerly direction along the arc of a curve having a radius of 302.24 feet and a chord bearing and distance of North 86-02-38 West, 123.01 feet, an arc distance of 123.88 feet to a p.k. nail in said centerline; thence continuing with the centerline of said access easement North 74-08-08 West 127.85 feet to a p.k. nail in said centerline; thence continuing with the centerline of said access easement counterclockwise in a general westerly direction along the arc of a curve having a radius of 302.02 feet and a chord bearing and distance of North 81-56-09 West 78.30 feet, an arc distance of 78.52 feet to a p.k. nail in said centerline; thence North 08-12-08 West 342.82 feet to an iron pipe; thence South 78-46-38 West 51.26 feet to an iron pipe; thence North 11-13-21 West 145.00 feet to an iron pipe in the common line of the property now or formerly owned by Uzzle Motor Company; thence along said common property line North 78-46-38 East 90.00 feet to an iron pin; thence North 82-45-24 East 99.99 feet to an iron pin located at the southwest corner of the property now or formerly owned by John A. Pickett; thence along the southern property line of the property now or formerly owned by John A. Pickett North 85-50-33 East 169.93 feet to an iron pipe, being the point and place of BEGINNING and being identified as Parcel H, containing 3.976 acres, more or less, as shown on the survey entitled "Survey for Highwoods Realty Limited Partnership, dated April 12, 1992 and last recertified June 8, 1994 to which survey reference is hereby made for a more particular description of same.

TOGETHER WITH all the rights, privileges and easements of Grantor as set forth in those certain Cross-Easement Agreements and Declaration of Easements for Private roadways appearing of public record in the Office of the Register of Deeds of Durham County, North Carolina.

Exhibit A

Tract 2:

Being all of Parcel "F", containing 0.25 acres, more or less, as shown on the plat recorded in Plat Book 125 at Page 171, Durham County Registry, TOGETHER with all rights, title and interests benefitting Parcel "F" or Tract 1 above granted in that certain Deed of Easement and Maintenance Agreement dated August 14, 1991, and recorded September 9, 1991, in Book 1678, Page 235, Durham County Registry.

Tract 3:

Easement designated "C" on property of General Mills Restaurants.

All easements and other rights benefitting the owner of Tracts 1 and 2 above granted in that certain Deed of Easement and Maintenance Agreement by and between William R. Aikins and wife, Kaye Anne Aikins and Eighteenth Commerce Properties Corporation, a Virginia corporation, dated 8-14-91 and recorded 9-9-91 in Book 1678, Page 211, Durham County Registry, for easement on 5.814 acres and other accesses.

Tract 4:

Easement over apartment land owned by Powells 17.06 acres:

All easements and rights benefitting the property described as Tract 1 and Tract 2 above granted in that certain Cross-Easement Agreement by and among Sunstates Development Company, E. C. Powell and wife, Ruby P. Powell and C. H. Powell and wife Hazel H. Powell, and Robert F. Thompson, and First Financial Service Corporation of Raleigh dated 2-20-84 and recorded 2-23-84 in Book 1148, Page 28, Durham County Registry.

Tract 5:

Easement over Nationwide Property 6.103 acres:

All easements and other rights benefitting the property described in Tract 1 and Tract 2 above granted in that certain Declaration of Restrictions and Grant of Easements by Sunstates Development Company, dated 10-11-83 and recorded 10-18-83 in Book 1133, Page 989, Durham County Registry, for access.

Tract 6:

Easement over Regency Plaza Shopping Center:

All easements and other rights benefitting the property described in Tract 1 and Tract 2 above granted in that certain Declaration of Restrictions and Grant of Easements by Sunstates Development Company, dated 10-11-83 and recorded 10-18-83 in Book 1133, Page 989, Durham County Registry.

Tract 7:

Sanitary Sewer Easement:

All easements and other rights benefitting the property described in Tract 1 and Tract 2 above granted in that certain Declaration of Easement by Rowe Properties XI, a Virginia limited partnership, dated February 4, 1985, and recorded March 15, 1985 in Book 1199, Page 404, Durham County Registry, for sanitary sewer system easement on Tract 1 for the benefit of Tract 1 and 2 of Parcel H of Plat Book 105, Page 193 of the Durham County Registry. The sanitary sewer easement is shown as a 20 foot sanitary sewer easement in Plat Book 113, Page 22, Durham County Registry.

EXHIBIT "B"
Permitted Exceptions

1. Cross-Easement Agreement recorded in Book 1728, Page 611, Durham County Registry.
2. Declaration of Easements for a road for ingress and egress with maintenance agreements recorded in Book 1169, Page 836 and Amendment to Declaration of Easements recorded in Book 1202, Page 357, Durham County Registry.
3. Declaration of Easement for sanitary sewer system easement recorded in Book 1199, Page 404, Durham County Registry.
4. Easement(s) to Duke Power recorded in Book 392, Page 594, Book 388, Page 343, Book 1389, Page 869, Book 1198, Pages 554 & 558, Book 1668, Page 267, Book 199, Page 610, Durham County Registry.
5. Deed of Easement and Maintenance Agreement recorded in Book 1678, Page 235, Durham County Registry.
6. Easement to Sunstates Development Company for 20 foot storm drainage easement recorded in Book 1203, Page 682, Durham County Registry.
7. Forty-Five (45) foot wide non-exclusive access easement recorded in Book 1133, Page 989, Durham County Registry.
8. Ninety (90) foot wide non-exclusive access easement recorded in Book 1202, Page 361, which amends the non-exclusive access easement recorded in Book 1133, Page 989 and Book 1148, Page 28.
9. Access Easement recorded in Book 1678, Page 211.
10. Easement and Declaration recorded in Book 1678, Page 240, Durham County Registry.
11. Easement in favor of GTE South, Inc. as recorded in Book 1685, Page 281, Durham County Registry.
12. Easement in favor of City of Durham for sewage system as recorded in Book 360, Page 678, Durham County Registry.
13. Easement in favor of Southern Bell as recorded in Book 50, Page 660, Durham County Registry.
14. Those matters as disclosed by that certain survey entitled "ALTA/ACSM Land Title Survey South Square Two Tract 1 and Tract 2," prepared by S. D. Puckett & Associates, PC, bearing the seal and certification of Stephen D. Puckett, Professional Land Surveyor, dated January 9, 2015 (field work completed October 13, 2015) (the "Survey"), as follows:
 - (a) Lamps and standard lights;
 - (b) Water meter vaults;
 - (c) Cable TV vault boxes;
 - (d) Junction box; and
 - (e) Fabricated metal catch basin box.
15. Matters revealed by the plats recorded in Plat Book 125, Page 171, Book 105, Page 193, Book 113, Page 22, Book 104, Page 9, Durham County Registry.

Exhibit A