

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2020 Jul 08 02:18 PM
Book: 8998 Page: 885
NC Rev Stamp: \$ 17900.00 Fee: \$ 26.00
Instrument Number: 2020026717
DEED

Excise Tax: \$17,900.00

Parcel ID: 104550 and 104567

Prepared by: Brooks, Pierce, McLendon, Humphrey & Leonard LLP, Camden C. Betz, Esq.

Return to: Kilpatrick Townsend & Stockton LLP, 4208 Six Forks Road, Suite 1400, Raleigh, NC 27609, Attn: David R. Fricke, Esq.

Brief Description for the Index: 2306 Elba Street and 400 Elf Street

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED is made as of this 8th day of July, 2020, by and between

GRANTOR	GRANTEE
<p>DURHAM HOTEL PARTNERS, LLC, a Delaware limited liability company</p> <p>with a mailing address of:</p> <p>2999 NE 191st Street, Suite 800 Aventura, FL 33180</p>	<p>DURHAM REALTY, INCORPORATED, a North Carolina non-profit corporation</p> <p>with a mailing address of:</p> <p>324 Blackwell Street, Suite 950 Durham, NC 27701</p>

Enter in appropriate block for each party: name, 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 Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land (the "Property") situated in City of Durham, County of Durham, State of North Carolina, and more particularly described as follows:

Submitted electronically by Kilpatrick Townsend & Stockton LLP in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Durham County Register of Deeds.

See Exhibit A attached hereto and incorporated herein by reference.

The Property was acquired by Grantor by instrument(s) recorded in Book 7820, Page 651 in the Durham County, North Carolina, Public Registry (the "Registry").

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

TO HAVE AND TO HOLD the 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 exceptions hereinafter stated.

Title to the Property hereinabove described is subject to the exceptions listed in Exhibit B attached hereto and incorporated herein by reference.

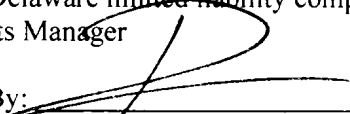
[Signature Page Follows]

IN WITNESS WHEREOF, Grantor has hereunto set its hand the day and year first above written.

GRANTOR:

DURHAM HOTEL PARTNERS, LLC,
a Delaware limited liability company (seal)

By: Durham Hotel Partners Manager, LLC, a
Delaware ~~limited liability~~ company,
Its Manager

By: 
Robert I. Finvarb, Manager

STATE OF Florida


COUNTY OF Miami-Dade

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Robert I. Finvarb.

This the 30 day of June, 2020.

My Commission Expires:

1/21/2023

Notary Public: 

Print Name: Tiffannie Ramos

[Affix Notary Stamp or Seal]


 Tiffannie Ramos
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG291228
Expires 1/21/2023

EXHIBIT A

Lying and being that property in the City of Durham, County of Durham, State of North Carolina, and more particularly described as follows:

Tract 1 - (Elf Street)

Beginning at an existing iron pipe located at the intersection of the western right-of-way of Elf Street and the northern right-of-way of Elder Street said point also being located North $68^{\circ} 08' 41''$ West for 2504.20 feet from NC Geodetic Survey Monument "Petti" and having NC Grid Coordinates (NAD 83) N = 821,609.531, E = 2,021,236.768; thence with the northern right-of-way of Elder Street South $89^{\circ} 48' 36''$ West for 99.90 feet to an existing iron pipe; thence leaving said right-of-way with the line of Durham Asset Management Co. North $00^{\circ} 55' 22''$ East for 173.09 feet to an existing iron pipe in the southern right-of-way of Pratt Ave.; thence with said right-of-way North $88^{\circ} 06' 52''$ East for 99.89 feet to an existing PK Nail at the intersection of the southern right-of-way of Pratt Ave. and the western right-of-way of Elf Street; thence with the western right-of-way of Elf Street South $00^{\circ} 53' 12''$ West for 176.04 feet to an existing iron pipe the point and place of beginning and containing 0.400 acres more or less pursuant to map of survey entitled "ALTA/ACSM Urban Land Title Survey for HH Properties-1, Inc." by James R. Freeland, R.L.S. dated September 24, 1996, as last revised November 21, 1996.

Tract 2 - (Elba Street)

Beginning at an existing iron pipe located in the southern right-of-way of Elder Street said point being the Northwest corner of the property now or formerly owned by M-S Partnership, as described in Deed Book 1435, Page 958, Durham County Registry, said point also being located North $70^{\circ} 00' 22''$ West for 2579.61 feet from N.C. Geodetic Survey Monument "Petti" and having NC Grid Coordinates (NAD 83) N = 821,609,531, E = 2,201,236,768 thence with the common line of M-S Partnership, South $01^{\circ} 09' 09''$ West for 219.38 feet to an existing iron pipe in the northern right-of-way of Elba Street; thence with the northern right-of-way of Elba Street South $89^{\circ} 56' 07''$ West for 197.56 feet to an existing iron pipe; thence North $41^{\circ} 41' 36''$ West for 26.51 feet to an existing iron pipe in the eastern right-of-way of Fulton Street; thence with the eastern right-of-way of Fulton Street North $00^{\circ} 33' 36''$ East for 180.05 feet to an existing iron pipe; thence North $42^{\circ} 09' 50''$ East for 25.29 feet to an existing iron pipe in the southern right-of-way of Elder Street; thence with the southern right-of-way of Elder Street North $89^{\circ} 43' 18''$ East for 200.87 feet to an existing iron pipe the Point of Beginning and being Tract 2 containing 1.081 acres, pursuant to map of survey entitled "ALTA/ACSM Land Title Survey for HH Properties-I, Inc." by James R. Freeland, R.L.S. dated September 24, 1996 as last revised November 21, 1996.

EXHIBIT B

1. Taxes and assessments for the year 2020 and subsequent years, not yet due and payable.
2. Matters affecting the property as shown on plat recorded in Plat Book 112, Page 76, Durham County Registry.
3. Easement to Duke Power Company recorded in Book 1157, Page 154, Durham County Registry.
4. Memorandum of Rooftop Antenna Attachment Lease recorded in Book 2173, Page 336, Durham County Registry. Lease Assignment and Assumption Agreement recorded in Book 2261, Page 135, Durham County Registry. Memorandum of Second Amendment to Rooftop Antenna Attachment Lease recorded in Book 8408, Page 569, Durham County Registry.
5. Right of Way Agreement to Duke Energy Carolinas, LLC recorded in Book 6932, Page 198, Durham County Registry, as shown on the Survey.
6. Terms and provisions of agreement as evidenced by Memorandum of Amendment to PCS Site Agreement by and between HH Properties I, Inc., and SprintCom, Inc., recorded in Book 5424, Page 764, Durham County Registry.
7. The following matters as shown on the ALTA/NSPS Land Title Survey dated July 31, 2019, by Dwayne R. Kroeze, PLS (the "Survey"):
 - Tract 1 - 400 Elf Street: (a) overhead utility lines, guy wire, storm drain lines and manholes, electric transformer, cleanouts, fire department connection, underground gas line, gas meter, water meters, utility hand holes, curb inlets, ; b) wooden ramp encroaches a maximum of 1.7' onto adjoining property; c) 6' fence encroaches 1.7' onto adjoining property and 0.6' into the right of way; d) wooden ramp encroaches 0.5' into the right of way; f) 4' fence encroaches 3' and 1.8' into the right of way.
 - Tract 2 - 2306 Elba Street: (a) overhead utility lines and poles, guy wire, fiber optic lines, water meter, underground gas lines, gas meters, fire department connection, electric transformer, electric meters, underground electric lines, storm drain lines, cleanouts, curb inlets, telephone phone vault; b) curb encroachments.