

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2019 Mar 13 02:32 PM NC Rev Stamp: \$ 15352.00
Book: 8611 Page: 674 Fee: \$ 26.00
Instrument Number: 2019007707
DEED

PREPARED BY:

Nelson Mullins
4140 Parklake Avenue
Suite 200
Raleigh, NC 27612

RETURN TO:
Grantee

Parcel Id No. 0821-16-94-6419

Excise tax: \$15,352

NORTH CAROLINA SPECIAL WARRANTY DEED

HERITAGE SQUARE INVESTMENTS, LLC ("Grantor") with an address of Post Office Box 496, Hillsborough, NC 27278, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto **401 E. LAKEWOOD LLC**, a North Carolina limited liability company with an address of 201 West Fifth Street, 11th Floor, Austin, Texas 78701 ("**Grantee**") the tracts or parcels of land in Durham County, North Carolina, described in Exhibit A, together with all rights, titles, and interests appurtenant thereto including, without limitation, Grantor's interest, if any, in any and all adjacent streets, alleys, rights of way and any adjacent strips and gores (such land and interests are hereinafter collectively referred to as the "**Property**").

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to all easements, rights of ways, restrictions, reservations and covenants now of record, zoning and subdivision ordinances, building codes and other legal requirement applicable to the Property conveyed hereby, and further subject to all matters that a current, accurate survey of the Property would show, together with the matters described in Exhibit B attached hereto and incorporated herein by this reference, to the extent the same are validly existing and applicable to the Property (hereinafter referred to collectively as the "**Permitted Exceptions**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns, in fee simple forever, and Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said 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, except for the Permitted Exceptions.

The property conveyed hereby is NOT the primary residence of Grantor.

EXHIBIT A**Property Description**

Being all of certain parcel of land lying in Durham Township, Durham County, North Carolina bounded on the north by NC 147 (variable width public right-of-way), on the east by Heritage Square Associates Tract 2 (PIN 0821-16-94-8293), on the south by Lakewood Avenue (80' public right-of-way) and on the west by St. Mark AME Zion Church (PIN 0821-16-94-1698) and being more particularly described as follows:

Beginning at an existing iron pipe (5/8") "POB1" on the northern right-of-way of Lakewood Avenue, said pipe being located the following three calls from the centerline intersection of said Lakewood Ave. and Fayetteville Street: N 32°30'28"W 74.85' to an existing iron pipe (5/8"), N 65°32'13"W 89.64' to an existing iron pipe (5/8"), and with the arc of a curve to the right having a radius of 1643.17' (chord N 61°50'40"W 211.94') for a length of 212.08' to the true point of beginning; thence, with said northern right-of-way of said Lakewood Avenue the following two calls: with the arc of a curve to the right having a radius of 1643.17' (chord N 54°13'44"W 224.56') for a length of 224.74' to an existing iron pipe (5/8") and with the arc of a curve to the left having a radius of 2679.95' (chord N 54°25'01"W 384.96') for a length of 385.29' to an existing iron pipe (1/2") a corner common to St. Mark AME Zion Church; thence, leaving said northern right-of-way and with the eastern line of said St. Mark N 30°51'10"E 392.48' to an existing iron pipe (1/2") on the southern right-of-way of NC 147; thence, with said southern right-of-way the following two calls: S 72°38'51"E 4.69' to an existing concrete monument, and with the arc of a curve to the right having a radius of 1875.18' (chord S 63°42'48"E 604.68') for a length of 607.33' to a set iron pipe (5/8") a corner common to Heritage Square Associates Tract 2; thence, leaving said southern right-of-way and with the western line of said Heritage Square S 30°50'42"W 492.72' to the point and/or place of beginning containing 6.3731 acres, as shown on survey prepared by Riley Surveying, P.A. and dated October 15, 2007 and being the same property shown as NCR-54, Block C, Lot 9-A on that plat recorded in Plat Book 108, Page 40, Durham County Registry.

Together with that certain Storm Drainage Easement recorded in Book 1226, Page 359, Durham County Registry.

EXHIBIT B

Permitted Exceptions

1. Taxes and assessments for the year 2019 and subsequent years, not yet due and payable.
2. Covenants, conditions, and restrictions as set forth in instruments recorded Book 1213, Page 495; Book 1179, Page 870, Durham County Registry. (Certificate of Completion recorded in Book 1268, Page 104, Durham County Registry).
3. Easements, setback lines and any other matters shown on plat recorded in Plat Book 108, Page 40 and Plat Book 103, Page 10, Durham County Registry
4. Easement(s) in favor of GTE as recorded in Book 1225, Page 945, of the Durham County Registry
5. Easement(s) in favor of Duke Power Company as recorded in Book 1236, Page 668, of the Durham County Registry.
6. Terms and Conditions of Storm Drainage Easement recorded in Book 1226, Page 359, Durham County Registry
7. Lease with Family Dollar Stores recorded in Book 1210, Page 616, Durham County Registry.
8. Rights of tenants in possession, as tenants only.