

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax \$ 82,491.00

Parcel Identifier No. 0821-94-54-9643

Parcel ID: 119326

Mail after recording to: **Grantee**

This instrument was prepared by:

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Register of Deeds

Sharon A. Davis
Durham County, NC

06/27/2022 11:53:01 AM

BT: OPR B: 9727 P: 482 Pages: 5

DEED - DEED

Fee: \$82542.00 Excise Tax: \$82491.00

INSTRUMENT #2022026295

smarsh



TITLE NOT EXAMINED

Brief Description for the index

NCR-54, Block C, Lot 9-A in Plat Book 108, Page 40
(Portion of Heritage Square Shopping Center)

THIS DEED made as of June 24, 2022, by and between:

GRANTOR	GRANTEE
401 E. Lakewood LLC, a Delaware limited liability company	Heritage Square Portfolio, LLC, a Delaware limited liability company
	Tax Bill Address: c/o Sterling Bay, LLC, 333 N. Green Street, Suite 1100, Chicago, IL 60607, Attn: Property Management

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 the Town of Durham, Durham County, North Carolina and more particularly described as follows (the "Property"):

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

For reference purposes for source of title see instrument recorded in Book 8611, Page 674.

The Property conveyed by this Deed does NOT include the primary residence of the Grantor.

TO HAVE AND TO HOLD the Property 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, except for the following exceptions:

SEE EXHIBIT B ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

[Signature Page Follows]

Exhibit A

Legal 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. All matters of record as of the date hereof.
2. All matters that would be reflected by a current, accurate ALTA "as-built" survey of the Real Property.
3. The lien for taxes for the year 2022 to the extent not yet due and payable.
4. The rights of the following tenant as described in that certain unrecorded lease as further referenced in that certain Memorandum of Lease with Family Dollar Stores of North Carolina, Inc. recorded in Book 9563, Page 318 of the Durham County Registry.
5. The rights of the following tenant as described in that certain unrecorded lease as further referenced in that certain Memorandum of Lease with Family Dollar Stores recorded in Book 1210, Page 616 of the Durham County Registry
6. The rights of the following tenant, as a tenant only: Kwang Sik Lee d/b/a Food World as the tenant under that certain Lease dated April 8, 2019, as amended by that certain First Amendment of Lease dated March 12, 2020.