

FOR REGISTRATION  
Sharon A. Davis  
REGISTER OF DEEDS  
Durham County, NC  
2017 FEB 13 03:39:57 PM  
BK:8124 PG:336-341  
SEE INSTRUMENT  
FEE: \$26.00  
INSTRUMENT # 2017004796

APRILJ



2017004796

Prepared by Matthew S. Moore, III, Esq.  
Return to Fidelity National Title, 421 Fayetteville St., Suite 1304, Raleigh, NC 27601

STATE OF NORTH CAROLINA  
DURHAM COUNTY

**CANCELLATION OF MEMORANDUM OF LEASE**

Cross References: Deed Book 5101, Page(s) 932-937 and Deed Book 8124 Page 330

This Cancellation of Memorandum of Lease is executed as of the 6<sup>th</sup> day of February, 2017, by **SOUTHEASTERN BUILDING CORPORATION**, a North Carolina corporation, successor by merger to Southeastern Development Corporation, a North Carolina corporation ("Landlord") and **401 FOSTER STREET LLC**, a North Carolina limited liability company ("Previous Tenant").

Landlord, as landlord, and Previous Tenant, as tenant, entered into a Lease Agreement dated November 12, 2004 (the "Lease") whereby Landlord leased to Previous Tenant that certain parcel of land and improvements thereon located at 401 - 407 Foster Street, Durham, North Carolina and more particularly described on Exhibit A attached hereto and made a part hereof (the "Property"). A Memorandum of Ground Lease was recorded February 1, 2006 in Book 5101, Page 932-937, Durham County Registry (the "Previous Memorandum of Lease").

The Previous Tenant has assigned its interest in the Lease to Foster Retail LLC, a Georgia limited liability company ("New Tenant"), and Landlord has agreed to certain modifications to the Lease pursuant to a Lease Modification Agreement dated as of the 10<sup>th</sup> day of February, 2017, and a Memorandum of Modification to Ground Lease, executed by Landlord and New Tenant has been recorded on February 13, 2017 in Book 8124, Page 330 (the "New Memorandum of Lease").

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

Since the Previous Tenant has assigned its rights in the Lease to the New Tenant and a New Memorandum of Lease has been filed, upon filing and recording of this Cancellation of Memorandum of Lease, the Previous Memorandum of Lease shall be cancelled of record.

[Signature page follows]

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their duly authorized officers as of the day and year first above written.

LANDLORD:

SOUTHEASTERN BUILDING CORPORATION

By: [Signature]  
Howard P. Satsky, President

PREVIOUS TENANT:

401 FOSTER STREET LLC

By: Scientific Properties, LLC, its managing member

By: \_\_\_\_\_  
Garril Kueber, Limited Manager

State of North Carolina  
County of Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document in the capacity indicated: Howard P. Satsky

Date: 2/10/2017

[Signature]  
Notary Public

(Official/Notarial Seal) **DAVID CARPENTER GADD**  
Notary Public  
Tyrrell County, NC

My commission expires: 3/20/2020

State of \_\_\_\_\_  
County of \_\_\_\_\_

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document in the capacity indicated: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

(Official/Notarial Seal)

My commission expires: \_\_\_\_\_

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their duly authorized officers as of the day and year first above written.

LANDLORD:

SOUTHEASTERN BUILDING CORPORATION

By: \_\_\_\_\_  
Howard P. Satsky, President

PREVIOUS TENANT:

401 FOSTER STREET LLC

By: Scientific Properties, LLC, its managing member

By: \_\_\_\_\_  
Garril Kueber, Limited Manager

State of \_\_\_\_\_  
County of \_\_\_\_\_

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document in the capacity indicated: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

(Official/Notarial Seal)

My commission expires: \_\_\_\_\_

State of NC  
County of WAKE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document in the capacity indicated: GARRIL KUEBER, LIMITED MANAGER

Date: 2.10.17

Christina P. McComas  
Notary Public

(Official/Notarial Seal)

My commission expires: 2.17.18

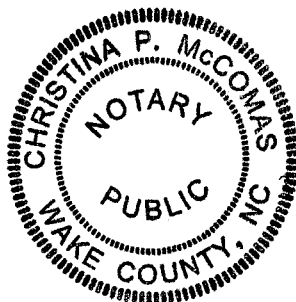
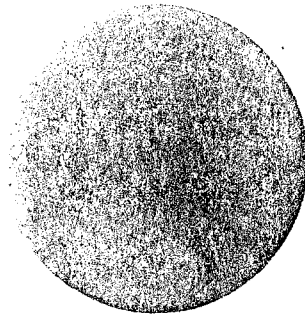
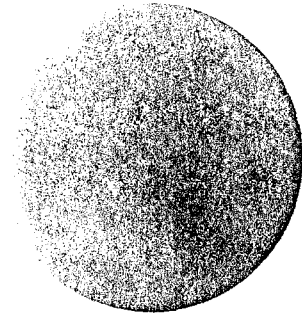
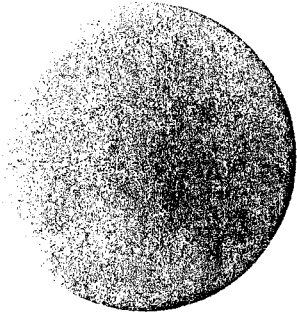


Exhibit A - Property



## EXHIBIT A

Tract 1

BEGINNING at a stake in the inside of the sidewalk on the west side of Foster Street which stake is located South 7 deg. 15 min. 30 sec. West 129.45 feet from the point of intersection of the inside of the sidewalk on the west side of Foster Street with the south side of Hunt Street, said point of beginning designated "Control Corner"; and running thence along and with the inside of the sidewalk on the west side of Foster Street South 7 deg. 15 min. 30 sec. West 140.83 feet to a railroad spike in concrete, the northeast corner of property designated "Sold to Clark & Sorrell"; running thence along and with the northern property line of property designated "Sold to Clark & Sorrell" North 82 deg. 45 min. 00 sec. West 92.53 feet to a stake in the line of Montgomery & Aldridge Investment Company; running thence along and with the eastern property line of Montgomery & Aldridge Investment Company North 7 deg. 26 min. East 135.36 feet to an iron stake at the southwest corner of a 10-foot alley; running thence South 86 deg. 09 min. East 92.28 feet to a stake designated "Control Corner"; the point and place of BEGINNING and being that property designated "W.P. Henry Estate, part of Deed Book 64-563" as shown on plat and survey entitled "Survey for Southeastern Development Corporation", by George C. Love, Jr. dated January 9, 1967, of record in the office of Register of Deeds of Durham County in Plat Book 56 at page 71, to which reference is hereby made for more particular description of same.

Tract 2

BEGINNING at a stake on the West side of Foster Street South 6 deg. 30 min. West 82.33 feet from the south side of Hunt Street at the Southeast corner of Vickers Motor Company as shown on the plat hereinafter referred to, and thence continuing along and with the property line on the West side of Foster Street South 6 deg. 30 min. West 47.04 feet to a stake; thence North 87 deg. 05 min. West 82 feet to a stake in the East side of a 10 foot alley; thence along and with the East side of said alley North 6 deg. 30 min. East 48 feet to a stake; thence South 86 deg. 15 min. East 82 feet to a stake in the property line on the West side of Foster Street; the point of beginning and being the Property of C. Sam Williams as per plat and survey of Hunter Jones C.E. dated December 1947 and now on file in the Office of the Register of Deeds of Durham County in Plat book 20 page 32 to which reference is hereby made for a more particular description.