

FOR REGISTRATION
Sharon A. Davis
REGISTER OF DEEDS
Durham County, NC
2017 Jul 28 04:43 PM
BK:8238 PG:332-337

DEED
FEE: \$26.00
INSTRUMENT # 2017026530
EXCISE TAX: \$2,892.00



Prepared By:
Bradley J. Herring
Poyner Spruill LLP
301 Fayetteville Street, Suite 1900
Raleigh, NC 27601

Revenue Stamps: \$2,892.00

After Recording Return:
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, Indiana 46282
Attention: Aaron Aft

NORTH CAROLINA SPECIAL WARRANTY DEED

Grantor states that the Property does not include the primary residence of Grantor.

**NORTH CAROLINA
DURHAM COUNTY**

THIS SPECIAL WARRANTY DEED is made this 28 day of July, 2017 by **INTERNATIONAL BUSINESS MACHINES CORPORATION**, a New York corporation ("Grantor"), having an office at One New Orchard Road, Armonk, New York 10504 to **PATRIOT PARK PARTNERS, LLC**, a Delaware limited liability company, ("Grantee"), having an address of 8900 Keystone Crossing, Suite 100 Indianapolis, IN 46240.

WITNESSETH

For and in consideration of \$10.00 cash in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Durham County, North Carolina, which lot or parcel of land is more particularly described as follows (the "**Property**"):

See Exhibit A attached.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to 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 exceptions described on **Exhibit B** attached hereto and incorporated by reference.

The designation "Grantor", and "Grantee" as used herein shall include said named parties and their respective heirs, personal representatives, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has executed this instrument, under seal, as of the day and year first above written.

INTERNATIONAL BUSINESS MACHINES CORPORATION,
a New York corporation (SEAL)

By: Manley James

Name: Manley James

Title: Program Manager

STATE OF NORTH CAROLINA

COUNTY OF Nash

I, Bradley J. Herring, a Notary Public of the County and State aforesaid, certify that Manley James, Program Manager of International Business Machines Corporation whose identity has been proven by satisfactory evidence, said evidence being:

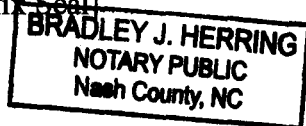
- I have personal knowledge of the identity of the principal(s)
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____
- A credible witness has sworn to the identity of the principal(s).

personally appeared before me this day and acknowledged that he voluntarily executed the foregoing instrument for the purposes stated therein and in the capacity indicated.

WITNESS my hand and notarial seal this the 22nd day of July, 2017.

Bradley J. Herring
Notary Public

[Affix Seal]



My Commission Expires: May 25, 2021

EXHIBIT A

That certain tract or parcel of land located in Durham County, North Carolina identified as "Tract A" containing 17.0311 acres more or less on the Exempt Subdivision Plat titled "Exempt Subdivision Plat" prepared by Bass, Nixon & Kennedy, Inc., Consulting Engineers dated 5-1-17 and certified on 6-5-17 and recorded in _____ Plat Book 197 at Page 312 of the Office of Register of Deeds of Durham County, North Carolina (the "Exempt Plat") and being more particularly bounded and described as follows:

Tract A - 17.0311 acres more or less

Situated in the State of North Carolina, County of Durham, and being 17.0311 acres, and being more particularly bounded and described as follows:

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE SOUTHERN LINE OF PATRIOT DRIVE AND ALSO BEING THE NORTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY ITAC 364 LLC AS RECORDED IN DEED BOOK 8031, PAGE 220, DURHAM COUNTY REGISTRY AND BEING SHOWN IN PLAT BOOK 101, PAGE 17, DURHAM COUNTY REGISTRY; THENCE NORTH 02°19'35" EAST A DISTANCE OF 18.00 FEET TO A NEWLY SET IRON PIPE; THENCE SOUTH 88°14'40" EAST A DISTANCE OF 736.23 FEET TO A NEWLY SET IRON PIPE; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 39.30 FEET, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CHORD DIRECTION OF SOUTH 43°12'46" EAST AND A CHORD DISTANCE OF 35.37 FEET TO A NEWLY SET IRON PIPE; THENCE SOUTH 01°49'49" WEST A DISTANCE OF 927.37 FEET TO A NEWLY SET IRON PIPE; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 39.27 FEET, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CHORD DIRECTION OF SOUTH 46°49'09" WEST AND A CHORD DISTANCE OF 35.36 FEET TO A NEWLY SET IRON PIPE; THENCE NORTH 88°10'51" WEST A DISTANCE OF 716.71 FEET TO A NEWLY SET IRON PIPE LOCATED ON THE EASTERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY MIAMI BLVD WAREHOUSE ENTERPRISES LLC AS RECORDED IN DEED BOOK 4655, PAGE 521 AND BEING SHOWN IN PLAT BOOK 56, PAGE 64, DURHAM COUNTY REGISTRY; THENCE ALONG AND WITH SAID EASTERN PROPERTY LINE NORTH 01°35'33" WEST A DISTANCE OF 412.47 FEET TO AN EXISTING IRON PIPE LOCATED ON THE SOUTHEASTERN PROPERTY CORNER OF SAID LANDS NOW OR FORMERLY OWNED BY ITAC 364 LLC; THENCE ALONG AND WITH SAID EASTERN PROPERTY LINE NORTH 02°19'35" EAST A DISTANCE OF 546.83 FEET TO THE POINT OF BEGINNING, CONTAINING 17.0311 ACRES AND BEING ALL OF TRACT A AS

SHOWN ON PLAT ENTITLED "EXEMPT SUBDIVISION PLAT" BY BASS, NIXON & KENNEDY, INC. DATED MAY 1, 2017.

TOGETHER WITH THE UNOBSTRUCTED, NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS A CERTAIN 84 FOOT WIDE ROAD RIGHT OF WAY LEADING EASTERLY FROM HIGHWAY 70-A (OLD RALEIGH-DURHAM HIGHWAY) NOW S. MIAMI BOULEVARD, TO THE WESTERN LINE OF THE ABOVE-DESCRIBED PROPERTY, WHICH RIGHT OF WAY IS SHOWN ON MAP OF PARK CENTER INDUSTRIAL PARK RECORDED IN MAP BOOK 101, AT PAGE 17, OF THE DURHAM COUNTY REGISTRY, AND ALL EASEMENTS AND/OR RIGHTS OF WAY (EXISTING AND PROPOSED) FOR SEWER LINES, WATER LINES, ELECTRICAL POWER AND TELEPHONE LINES REFERRED TO IN ARTICLE V OF THE AMENDMENT TO DECLARATION OF CONDITIONS, COVENANTS, RESTRICTIONS AND RESERVATIONS RECORDED IN BOOK 1091, AT PAGE 456, DURHAM COUNTY REGISTRY AND WHICH ARE SHOWN ON THE AFORESAID RECORDED MAP.

FURTHER, TOGETHER WITH THOSE EASEMENTS DESCRIBED IN THAT CERTAIN DECLARATION OF EASEMENTS BY INTERNATIONAL BUSINESS MACHINES CORPORATION RECORDED IN BOOK 8238 AT PAGE 307 OF THE DURHAM COUNTY REGISTRY LOCATED ON THE LAND REFERENCED AS TRACT 1 THEREIN.

FURTHER, TOGETHER WITH THOSE EASEMENTS DESCRIBED AND LOCATED ON LAND REFERENCED AS "TRACT 1" WHICH ARE FOR THE BENEFIT OF THE PROPERTY CONVEYED HEREBY AS SHOWN ON MAPS RECORDED IN PLAT BOOK 143 AT PAGE 123 AND IN PLAT BOOK 141 AT PAGE 195 OF THE DURHAM COUNTY REGISTRY.

EXHIBIT B

1. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Property regarding the following matters disclosed by Survey entitled "ALTA/NSPS Land Title Survey, Property of International Business Machines Corporation, Triangle Twsp., Durham County, North Carolina" by Dan Gregory, PLS, Bass, Nixon & Kennedy, Inc., Consulting Engineers, dated June 14, 2016, last revised 7-28-17, 2017, signed and sealed 7-28-17, 2017, and designated as Job Number 16068.
2. Federal, state and local laws affecting the Property, including environmental, health and safety laws, zoning, subdivision, planning, development, use, occupancy and building ordinances, and governmental regulations, provided the same have not been violated.
3. Unpaid real estate taxes not due and payable on or before the date hereo other than rollback taxes or assessments for the period prior to the date hereof.
4. Covenants, conditions, restrictions, easements, and liens provided for in that Declaration of Restrictive Covenants recorded in Book 1083, Page 124, as amended by that Amendment to Declaration of Restrictive Covenants recorded Book 1091, Page 456, and as affected by that Termination of certain provisions of that Declaration of Restrictive Covenants recorded in Book 1095, Page 391; and those Declaration of Restrictions, Covenants and Requirements recorded in Book 1519, Page 333, Durham County Registry.
5. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Plat Book 143, Page 123; Plat Book 142, Page 73; Plat Book 141, Page 195, Durham County Registry.
6. Deed of Easement to Postal Telegraph Cable Company recorded in Book 97, Page 8, Durham County Registry.
7. Rights of others in and to the continuous and uninterrupted flow of the waters of Stirrup Iron Creek and Stirrup Iron Creek Tributary B bounding or crossing the Land as shown on Survey.
8. Terms and conditions set forth in Declaration of Easement by International Business Machines Corporation, a New York corporation recorded in Book 8238 at Page 307 Durham County Registry.