

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2017 Nov 09 11:48 AM NC Rev Stamp: \$ 28100.00
Book: 8305 Page: 705 Fee: \$ 26.00
Instrument Number: 2017039576
DEED

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$28,100.00

Tax Lot No. _____ Parcel Identifier Nos. 1073303 and 107200
Verified by _____ County on the ___ day of _____,
By _____

Mail after recording to Manning Fulton & Skinner, P.A., P.O. Box 20389, Raleigh, North Carolina 27619-0389
Attn: Barry D. Mann

This instrument was prepared by Baker Findley, Maynard, Cooper & Gale, P.C., 1901 Sixth Avenue North, Suite 2400,
Birmingham, Alabama 35203

THIS DEED made this 9th day of November, 2017, by and between

GRANTOR

EAGLE POINT 2014, LLC,
a Delaware limited liability company

29 Olmsted Street
Birmingham, AL 35242

GRANTEE

412 PILOT LLC,
a North Carolina limited liability company

10 East 53rd Street, 18th Floor
New York, New York 10022

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 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, that certain lot or parcel of land situated in the City of Durham, Durham County, North Carolina and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property").

All or a portion of the property herein conveyed includes or does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land 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 matters set forth on Exhibit B.

Title to the property hereinabove described is granted subject to the exceptions and reservations set forth on Exhibit B attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the date set forth above.

SIGNATURES ON FOLLOWING PAGE

GRANTOR:

EAGLE POINT 2014, LLC, a Delaware limited liability company

By: Providence Investments, LLC, an Alabama limited liability company
Its Manager

By: _____
Name: John Mejia
Title: Managing Member

STATE OF ALABAMA

COUNTY OF JEFFERSON

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

John Mejia

Witness my hand and official stamp or seal this 7th day of November, 2017.

Notary Public

Kenneth Baker Findley
Notary's printed or typed name
[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: 6-24-18

[NOTARY SEAL] (MUST BE FULLY LEGIBLE)
KENNETH BAKER FINDLEY
Notary Public, Alabama State At Large
My Commission Expires June 24, 2018

EXHIBIT A**LEGAL DESCRIPTION**

All those certain tracts or parcels of land lying and being in Durham, Durham County, North Carolina and is described as follows:

TRACT 1

BEGINNING at an iron pipe set in the eastern right-of-way edge of East Pilot Street, a 60.00 foot public right-of-way, said iron pipe being located North $16^{\circ} 52' 41''$ East a distance of 2606.26 feet horizontal ground distance, 2606.10 feet grid distance (combined grid factor: 0.99993714) from N.C.G.S. Monument "MONROE" (PID: EZ2750, NAD83(2001) Northing: 804,137.13 and Easting: 2,026,227.70) and having North Carolina grid coordinates Northing: 806,630.97 and Easting: 2,026,984.34 (NAD83(2001)), running thence from the point and place of BEGINNING North $42^{\circ} 21' 17''$ East a distance 156.45 feet to an existing concrete monument; thence North $42^{\circ} 59' 13''$ East a distance of 246.02 feet to an pinched existing iron pipe; thence North $42^{\circ} 43' 36''$ East a distance of 418.78 feet to an existing iron pipe in concrete slab in the western right-of-way edge of American Tobacco Trail, formerly owned by Norfolk Southern Railroad; thence following the western right-of-way edge of the American Tobacco Trail South $18^{\circ} 53' 35''$ West a distance of 568.39 feet to an existing iron pipe in the western right-of-way edge of American Tobacco Trail, thence following the western right-of-way edge of the American Tobacco Trail along a curve to the left, said curve having a radius of 1226.64 feet, arc length of 280.67 feet, a chord bearing of South $12^{\circ} 46' 21''$ West and a chord distance of 280.06 feet to a pinched existing iron pipe in the western right-of-way edge of American Tobacco Trail, thence following the western right-of-way edge of the American Tobacco Trail along a curve to the left, said curve having a radius of 994.89 feet, an arc length of 169.49 feet, a chord bearing of South $01^{\circ} 00' 35''$ West and a chord distance of 169.29 feet to a pinched existing iron pipe in the western right-of-way edge of American Tobacco Trail, thence South $37^{\circ} 46' 27''$ West a distance of 211.81 feet to an iron pipe set in the eastern right-of-way edge of East Pilot Street; thence following the eastern right-of-way edge of East Pilot Street North $09^{\circ} 49' 00''$ West a distance of 150.66 feet to a computed point; thence following the eastern right-of-way edge of East Pilot Street along a curve to the left, said curve having a radius of 923.17 feet, an arc length of 234.37 feet, a chord bearing North $16^{\circ} 50' 24''$ West and a chord distance 233.74 feet to an iron pipe set in the eastern right-of-way edge of East Pilot Street; thence following the eastern right-of-way edge of East Pilot Street along a curve to the left, said curve having a radius of 923.17 feet, an arc length of 45.25 feet, a chord bearing North $26^{\circ} 27' 48''$ West and a chord distance 45.25 feet to a computed point in the eastern right-of-way edge of East Pilot Street; thence following the eastern right-of-way edge of East Pilot Street North $26^{\circ} 16' 56''$ West a distance of 146.87 feet to an iron pipe set in the eastern right-of-way edge of East Pilot Street, said iron pipe being the point and place of BEGINNING, containing 4.7605 acres or 207,367 square feet. Said property is the same property described as Tract 1 and as conveyed in that Special Warranty Deed recorded in Book 6530, Page 756, Durham County Registry.

TRACT 2

BEGINNING at an existing iron pipe in the western right-of-way edge of East Pilot Street, said iron pipe being located North $22^{\circ} 07' 09''$ East a distance of 2257.93 feet horizontal ground distance, 2257.79 feet grid distance (combined grid factor: 0.99993714) from N.C.G.S. Monument "MONROE" (PID: EZ2750, NAD83(2001) Northing: 804,137.13 and Easting: 2,026,227.70) and having North Carolina grid coordinates Northing: 806,228.75 and Easting: 2,027,077.83 (NAD83(2001)), running thence from the point and place of BEGINNING along the western right-of-way edge of East Pilot Street South $09^{\circ} 46' 02''$ East a distance of 209.41 feet to an existing rebar; thence South $36^{\circ} 34' 42''$ West a distance of 854.27 feet to an existing iron pipe; thence North $19^{\circ} 43' 07''$ West a distance of 137.98 feet to a computed point in Rocky Creek; thence North $67^{\circ} 04' 19''$ West a distance of 195.00 feet a computed point in Rocky Creek; thence North $35^{\circ} 27''$ West a distance of 408.05 feet

to an existing iron pipe; thence South 54° 28' 34" East a distance of 64.17 feet to an existing iron pipe; thence South 54° 43' 13" East a distance of 311.86 feet to an iron pipe set; thence North 36° 34' 59" East a distance of 570.43 feet to an existing iron pipe; thence North 71° 52' 01" East a distance of 163.86 feet to an existing iron pipe in the western right-of-way edge of East Pilot Street, said iron pipe being the point and place of BEGINNING, containing 6.2653 acres or 272,917 square feet. Said property is the same property described as Tract 2 and as conveyed in that Special Warranty Deed recorded in Book 6530, Page 756, Durham County Registry.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes for the year 2018, and subsequent years, a lien, which are not yet due and payable.
2. Rights of tenants in possession as of the date hereof, as tenants only, under prior unrecorded residential leases.
3. Rights of the public, county, state or municipality in and to that portion of the land taken or used for Pilot Street and Fayetteville Street.
4. Right of Way by I.B. Realty Company to Duke Power, recorded May 4, 1965 in Book 311, Page 236, Durham County Registry.
5. Easement and Memorandum of Agreement by Ivy Commons LP to Time Warner Entertainment recorded August 22, 2007 in Book 5721, Page 444, Durham County Registry.
6. Twenty-five foot City of Durham sanitary sewer easement as described in Special Warranty Deed recorded December 1, 1982 in Book 1098, Page 467, Durham County Registry. (As to Tracts 1 and 2)
7. Fourteen foot branch as described in Special Warranty Deed recorded December 1, 1982 in Book 1098, Page 467, Durham County Registry. (As to Tract 1)
8. Third Fork Branch along the western boundary line as described in Special Warranty Deed recorded December 1, 1982 in Book 1098, Page 467, Durham County Registry. (As to Tract 2)
9. Rights of upper and lower riparian owners in and to the free and unobstructed flow of the water of the Rocky Creek extending through the land, without diminution.
10. The ALTA/ACSM survey prepared by John A. Edwards and Company, dated April 23, 2014, entitled "Survey for Eagle Point 2014, LLC", discloses the following:
 - a. Rights both public and private in and to: 25' City of Durham Sanitary Sewer Easements; 14' Branch; Right of Way of E. Pilot Street; Third Fork Branch also known as Rocky Branch; 15' unimproved alley; sanitary sewer manholes; sanitary sewer line; riparian buffers; creek; power poles; metal fences; metal fences; AC units; water meter; light poles; dumpsters; overhead electrical lines; clean outs; concrete flume; 100 year floor plan; transformer pad; telephone pedestal; cable pedestal; mail kiosk; signs; wetlands;
 - b. Possible easements for underground sewer, water and utility facilities not shown; and
 - c. Metal Fence encroaches.