

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2021 Jun 10 11:24 AM
Book: 9357 Page: 585
NC Rev Stamp: \$ 104300.00 Fee: \$ 26.00
Instrument Number: 2021029259
DEED

Revenue: \$104,300.00 (For Recording Data)

Parcel Identifier/Tax Account/PIN No.: 140112 and 140089

Brief Description for the Index: 4210 and 4230 Garrett Road, Durham

After recording, mail to: Durham Holdings 500 LLC, 300 Frank W. Burr Blvd., Suite 68,
Teaneck, NJ 07666

Prepared by: Richard O. Bolton, Ragsdale Liggett, PLLC

NORTH CAROLINA SPECIAL WARRANTY DEED

This Deed is made as of this the ^{4th} ~~3rd~~ day of June, 2021, by and between by **ACV XIII LLC**, a Delaware limited liability company ("Grantor"), with a mailing address of 6525 The Corners Parkway, Suite 216, Peachtree Corners, Georgia 30092 to **DURHAM HOLDINGS 500 LLC**, a Delaware limited liability company ("Grantee"), with a mailing address of 300 Frank W Burr Blvd., Suite 68, Teaneck, NJ 07666.

For valuable consideration paid by the Grantee to the Grantor, the receipt and sufficiency of which is hereby acknowledged, the Grantor has and by these presents does hereby grant, bargain, sell and convey unto the Grantee in fee simple absolute all of that certain lot or parcel of land (the "Premises") located in the City of Durham, Durham County, North Carolina, and more particularly described as:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Submitted electronically by "Madison Title Agency, LLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Durham County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8391, Page 967 and Book 8391, Page 975, Durham County Registry.

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

TO HAVE AND TO HOLD the Premises and all privileges and appurtenances thereto belonging to the Grantee in fee simple absolute.

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 following exceptions:

Such matters set forth as Permitted Exceptions on Exhibit B attached hereto and incorporated herein by reference.

The designation of the Grantor and the Grantee as used in this Deed includes the parties expressly named herein, their heirs, successors, and assigns and shall include the singular, plural, masculine, feminine or neuter as required by context.

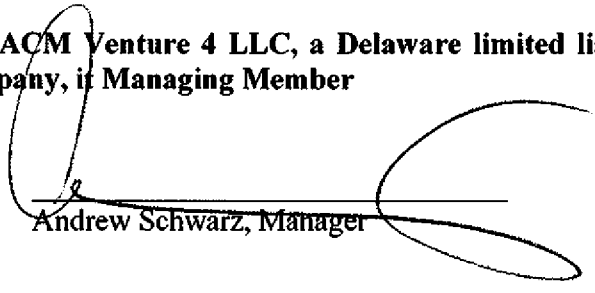
IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal, the day and year first above written all by authority duly given.

(separate signature and acknowledgement page attached)

ACV XIII, LLC, a Delaware limited liability company

By: ACV LCP Venture 3 LLC, a Delaware limited liability company, its Member

By: ACM Venture 4 LLC, a Delaware limited liability company, its Managing Member


By: 
Andrew Schwarz, Manager

STATE OF Georgia
COUNTY OF Gwinnett

I, a Notary Public of the County and State aforesaid, certify that the following person(s) personally appeared before me this day, each acknowledging that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Andrew Schwarz, as Manager or ACM Venture 4, LLC, as Managing member of ACV LCP Venture, LLC, as Member of ACV XIII LLC, a Delaware limited liability company.

Date: June 1, 2021

(SEAL)


Printed Name: A. Giles
Notary Public

My commission expires: 2/29/2024

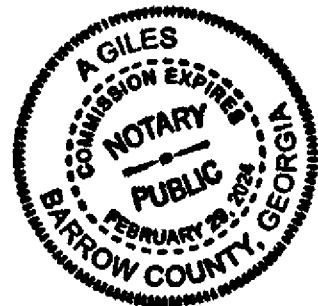


EXHIBIT A

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Durham, County of Durham, State of North Carolina.

TRACT I - FEE SIMPLE:

BEGINNING at an iron stake set in the western right of way line of Garrett Road, said stake being located South 33 degrees 16 minutes 31 seconds East 412.00 feet from the corner at the southwest quadrant of the intersection of Garrett Road and Durham Chapel Hill Boulevard (U.S. Highway 15-501) Service Road; thence with the western right-of-way line of Garrett Road South 33 degrees 16 minutes 31 seconds East 160.00 feet to a control corner, also a corner with the lands shown as Lot No. 1 on the plat of record in Plat Book 105, Page 134, Durham County Registry; thence with the line of said Lot No. 1 (being also the northern property line of Oak Creek Village Apartments), South 58 degrees 41 minutes 29 seconds West 1006.95 feet to a stake; thence with the line of City of Durham (now or formerly) North 08 degrees 13 minutes 12 seconds West 126.02 feet to a stake; thence continuing with the line of City of Durham (now or formerly) North 26 degrees 13 minutes 48 seconds West 32.37 feet to a stake; thence continuing with the line of City of Durham (now or formerly) North 52 degrees 20 minutes 14 seconds West 47.28 feet to a stake; thence continuing with the line of City of Durham (now or formerly) South 54 degrees 09 minutes 18 seconds West 158.79 feet to a stake; thence continuing with the line of County of Durham (now or formerly) North 33 degrees 16 minutes 31 seconds West 140.11 feet to a stake; thence North 58 degrees 41 minutes 29 seconds East 161.90 feet to a stake, also the southeast corner of County of Durham as recorded in Plat Book 136, Page 82 of Durham County Register of Deeds; thence North 33 degrees 19 minutes 31 seconds West 218.13 feet to a stake set in the eastern right-of-way line of the Durham Chapel Hill Boulevard (U.S. Highway 15-501); thence with said right-of-way North 56 degrees 40 minutes 29 seconds East 648.39 feet to a stake, corner with the lands of (now or formerly) M.M. Fowler Inc.; thence with the M.M. Fowler Inc. line South 33 degrees 19 minutes 31 seconds East 400.96 feet to a stake; thence North 58 degrees 41 minutes 29 seconds East 312.93 feet to the point and place of **BEGINNING**.

TRACT II - FEE SIMPLE:

Commencing at an iron stake set in the western right-of-way line of Garrett Road, said stake being Located South 33 degrees 16 minutes 31 seconds East 572.00 feet from the corner at the southwest quadrant of the intersection of Garrett Road and Durham Chapel Hill Boulevard (U.S. Highway 15-501) Service Road, and thence with the western right-of-way line of Garrett Road South 33 degrees 07 minutes 31 seconds East 275.00 feet to an iron stake, the point and place of **BEGINNING**; thence from said point of True Beginning with the western right-of-way line of Garrett Road South 33 degrees 07 minutes 31 seconds East 40.00 feet to a stake, corner with the lands platted of record in Plat Book 114, Page 192, Durham County Registry; thence with the line of said lands South 58 degrees 41 minutes 29 seconds West 284.99 feet to a stake and South 33 degrees 07 minutes 31 seconds East 70.29 feet to a stake, the northwest corner of Lot B as shown on the plat of record in

Plat Book 114, Page 192, Durham County Registry, thence along a clockwise curve having a chord bearing and distance of South 26 degrees 52 minutes 31 seconds East 560.15 feet, a delta angle of 12 degrees 30 minutes, a tangent of 281.75 feet, an arc length of 561.26 feet and a radius of 2,572.65 feet to a stake; thence continuing with the line of Lot No. 1 as shown in the plat of record in Plat Book 112, Page 155, Durham County Registry, South 20 degrees 37 minutes 31 seconds East 307.29 feet to a stake just on the south side of Sandy Creek; thence South 43 degrees 04 minutes 29 seconds West 76.78 feet to a stake on the south bank of Sandy Creek as it meanders in a generally westerly direction, the following calls (tie lines): South 82 degrees 25 minutes 29 seconds West 55.52 feet, North 84 degrees 42 minutes 31 seconds West 64.63 feet, South 51 degrees 44 minutes 29 seconds West 88.14 feet, South 45 degrees 33 minutes 29 seconds West 227.53 feet, South 52 degrees 26 minutes 29 seconds West 171.59 feet and South 54 degrees 22 minutes 29 seconds West 305.81 feet to the confluence of Sandy Creek and New Hope Creek; thence up the run of New Hope Creek (the run of the creek being the line) the following calls (tie lines along the creek): North 05 degree 30 minutes 31 seconds West 62.77 feet, North 62 degrees 08 minutes 31 seconds West 92.60 feet, North 15 degrees 45 minutes 31 seconds West 67.13 feet, North 30 degrees 51 minutes 31 seconds West 225.10 feet, North 04 degrees 28 minutes 31 seconds West 114.33 feet, North 32 degrees 45 minutes 31 seconds West 108.74 feet, North 34 degrees 34 minutes 31 seconds West 251.94 feet, North 41 degrees 13 minutes 31 seconds West 99.42 feet, North 23 degrees 31 minutes 31 seconds West 247.95 feet and North 08 degrees 21 minutes 31 seconds West 84.42 feet to a control corner with the lands of (now or formerly) County of Durham, described in Book 2047, Page 578, Durham County Registry; thence with the line of County of Durham and Wellington Apts, North 58 degrees 41 minutes 29 seconds East 965.91 feet to a stake, also being the northwest corner of Lot #1, Plat Book 105, Page 134, Durham County Registry; thence with the west line of Lot #1, South 33 degrees 07 minutes 31 seconds East 275.00 feet to a stake, the southwest corner of Lot #2, Plat Book 105, Page 134; thence continuing with the south line of Lot #2, North 58 degrees 41 minutes 29 seconds East 284.99 feet, to a stake set in the western right-of-way of Garrett Road, being the point and place of BEGINNING.

TRACT III - EASEMENT:

Together with easements granted in that Easement Dedication and Maintenance Agreement recorded in Book 1119, Page 882, Durham County Registry.

TRACT IV - EASEMENT:

Together with Encroachment Easement made by and between DNN Properties, LLC and RCP Wellington Two, LLC, recorded August 21, 2015 in Book 7770 Page 725.

NOTE FOR INFORMATION: Being Parcel No. 140112 (PIN # 0800-04-64-5119), 140089 (PIN #0800-63-73-9382), Tax Map of the City of Durham, County of Durham.

Address reference (for information only): 4210 & 4216 and 4230 Garrett Road, Durham, North Carolina 27707.

EXHIBIT B

Permitted Exceptions

1. Rights of tenants, as tenants only, pursuant to unrecorded leases as set forth on the certified rent roll delivered by Grantor of even date herewith.
2. Taxes for the year 2021 and all subsequent years, a lien not yet due and payable.
3. The rights of upper and lower riparian owners and the rights of others to the free and unobstructed flow of the water of the Sandy Creek and New Hope Creek extending through the subject land, without diminution or pollution.
4. Right of Way Easement to Durham Public Service Company recorded May 17, 1938 in Book 121 Page 128.
5. Right of Way Easement to Durham Public Service Company recorded May 17, 1938 in Book 121 Page 129.
6. Easement to Duke Power Company recorded September 25, 1953 in Book 199 Page 543.
7. Right of way to State Highway Commission recorded September 30, 1953 in Book 215 Page 56.
8. Easement to Duke Power Company recorded June 1954 in Book 219 Page 81.
9. Easement to Duke Power Company recorded October 18, 1957 in Book 245 Page 594.
10. Easement to Duke Power Company recorded January 30, 1959 in Book 254 Page 704.
11. Easement to Duke Power Company recorded April 28, 1961 in Book 275 Page 149.
12. Right of way Agreement to State Highway Commission recorded September 22, 1967 in Book 336 Page 132.
13. Right of way Agreement to State Highway Commission recorded September 22, 1967 in Book 336 Page 138.
14. Right of way Agreement to State Highway Commission recorded September 27, 1967 in Book 336 Page 198.
15. Easement Deed to the City of Durham recorded March 22, 1968 in Book 341 Page 553.
16. Easement Deed to the City of Durham recorded March 22, 1968 in Book 341 Page 559.
17. Easement to Duke Power Company recorded on December 10, 1968 in Book 349 Page 538.

18. Easement(s) as contained in Deeds to John W. Blanchard recorded December 1, 1972 in Book 396 Page 330 and Book 396 Page 335.
19. Sewer Easement to the City of Durham recorded in Book 429 Page 873.
20. Easement Dedication and Maintenance Agreement made between Broadmoor Apartments of Durham and Town and Campus Apartments, Inc. recorded on June 24, 1983 in Book 1119 Page 882.
21. Declaration of Rights and Privileges of the City of Durham recorded March 6, 1989 in Book 1510 Page 958.
22. Right of Way Agreement granted to Duke Energy Carolinas LLC recorded May 17, 2007 in Book 5608 Page 645.
23. License and Memorandum of Agreement with Time Warner Entertainment/Advance Newhouse Partnership recorded August 12, 2008 in Book 6035 Page 747.
24. Encroachment Easement made by and between RCP Wellington Two, LLC and DNN Properties, LLC, recorded August 21, 2015 in Book 7770 Page 725.
25. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 59 Page 60.
26. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 101 Page 199.
27. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 103 Page 56. (affects Tract III)
28. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 105 Page 134.
29. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 112 Page 155. (affects Tract III)
30. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 172 Page 263.
31. Survey prepared by Jimmy F. Cain of Cain Surveying, P.C., on behalf of CREsurveys, LLC., Project/Job Number 21-7017 Site #001 dated 3/26/2021, last revised 06/04/2021, discloses the following:
 - a. Walkway slightly extends beyond northeasterly property line.
 - b. Rights of others, both public and private, in and to utility lines, pond, well, manholes and signs on or crossing subject property.