

FOR REGISTRATION
 Willie L. Covington
 REGISTER OF DEEDS
 Durham County, NC
 2016 MAR 16 11:03:12 AM
 BK:7890 PG:503-506
 DEED
 FEE:\$26.00
 EXCISE TAX:\$21,000.00
 INSTRUMENT # 2016007717
 APRILJ



2016007717

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$21,000.00

Parcel ID: 154139/PIN: 0738-04-45-3695L00 Verified by _____ County on the ____ day of _____, 20____
 By: _____

Prepared by: Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P. (FCB) Post Office Box 2611, Raleigh, North Carolina 27602-2611 (no title opinion is expressed or implied by our preparation of this deed)
 After recording send to: Grantee

Brief description for the Index: Tract 1, BOM 183, Page 112, Durham, North Carolina

THIS DEED made this 14 day of March, 2016, by and between

GRANTOR	GRANTEE
Sumitomo Electric Lightwave Corp., a North Carolina corporation 201 South Rogers Lane Suite 100 Raleigh, North Carolina 27610	SunCap Durham, LLC, a Delaware limited liability company 6101 Carnegie Blvd., Suite 180 Charlotte, North Carolina 28209-4609

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 Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Durham, Durham Township, Durham County, North Carolina and more particularly described as follows:

See **Exhibit A** attached hereto and incorporated herein by reference for legal description.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1999, Page 175, Durham County Registry.

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

A map showing the above described property is recorded in Plat Book 183, Pages 112-113, Durham County Registry.

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 Grantor covenants with 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 exceptions listed in Exhibit B, attached hereto and incorporated herein by reference. The inclusion in Exhibit B of any instrument of record before the vesting of title to the above described real property in Grantor shall not expand the limited warranty of title in this paragraph.

IN WITNESS WHEREOF, Grantor has duly executed this Deed on or as of the day and year first above written.

SUMITOMO ELECTRIC LIGHTWAVE CORP.,
a North Carolina corporation

By: *Fred McDuffee*
Fred McDuffee, President and CEO

State of North Carolina - Wake County

I, the undersigned Notary Public of the County of Wake and State aforesaid, certify that Fred McDuffee personally came before me this day and acknowledged that he is the President and CEO of Sumitomo Electric Lightwave Corp., a North Carolina corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 7th day of March, 2016.

My Commission Expires: 8/1/2020
(Affix Seal)

J. Loren Rapp
J. Loren Rapp Notary Public
Notary's Printed or Typed Name

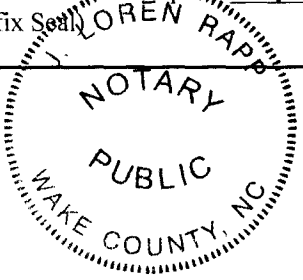


Exhibit A

Legal Description

TRACT ONE

All that certain tract or parcel of land in the City of Durham, Durham County, North Carolina, being more particularly described as follows: Tract 1 as shown on the plat entitled "Recombination and Exempt Subdivision Map for Sumitomo Electric Lightwave Corp.," dated September 25, 2008, prepared by Withers & Ravenel Kenneth Close Surveying, and recorded in Plat Book 183, Pages 112-113 in the Office of the Register of Deeds of Durham County, North Carolina.

TRACT TWO

TOGETHER WITH easements described in Declaration of Temporary Access Easement recorded in Book 7829, Page 717, Durham County Registry and in Declaration of Utility Easements recorded in Book 7829, Page 700, Durham County Registry over "Tract 2", which tract is shown on that certain subdivision plat entitled "Recombination and Exempt Subdivision Map for Sumitomo Electric Lightwave Corp." recorded in Plat Book 183, Pages 112-113, Durham County Registry.

Exhibit B

Permitted Exceptions

1. Taxes or assessments for the year 2016, and subsequent years, not yet due or payable.
2. All matters of record, including, but not limited to, the following:
 - a. 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 119, Page 175; Plat Book 183, Pages 112-113; Plat Book 189, Page 21; and Plat Book 149, Page 195, and as shown on the Survey.
 - b. Right(s) of Way and Easement(s) to Public Service Company of North Carolina, Inc. recorded in Book 263, page 57; Book 1162, page 770; and Book 6038, page 400, and as shown on the Survey.
 - c. Easement(s) to Duke Power Company recorded in Book 6331, page 357, and as shown on the Survey; Book 177, page 182; Book 177, page 183; Book 177, Page 197; Book 1136, page 588; and Book 1364, page 220.
 - d. Private Sanitary Sewer Easement to Southeastern Freight Lines, Inc. recorded in Book 6900, page 992, and as shown on the Survey.
 - e. Declaration of Utility Easements recorded in Book 7829, page 700.
 - f. Declaration of Temporary Access Easement recorded in Book 7829, page 717
3. Zoning ordinances and other governmental regulations applicable to the real property described herein.
4. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by survey entitled "ALTA Land Title Survey for Suncap Property Group, LLC" by Richard W. Penci, P.L.S. of Stewart, Inc., dated June 12, 2015, last revised February 4, 2016 (the "Survey").
5. As to TRACT TWO ONLY:
 - a. Covenants, conditions, restrictions, easements, and liens provided for in Amended and Restated Conditions, Covenants, Restrictions and Reservations Affecting the Research Triangle Park recorded in Book 7559, page 1.
 - b. Notice of Residual Petroleum recorded in Book 5437, page 67.
 - c. Access Easement by and between Sumitomo Electric Lightwave Corp. and Research Triangle Foundation of North Carolina recorded in Book 6108, page 30, and as shown on the Survey.