

FOR REGISTRATION
Willie L. Covington
REGISTER OF DEEDS
Durham County, NC
2015 FEB 13 12:18:38
BK:7647 PG:28-32
DEED
FEE: \$26.00
EXCISE TAX: \$650.00
INSTRUMENT # 2015004274
APRILJ



**NORTH CAROLINA
SPECIAL WARRANTY DEED**

Parcel Ref No. 172583 PIN 0823-08-89-7123
Parcel Ref No. 172584 PIN 0823-08-89-7023
Parcel Ref No. 172585 PIN 0823-08-88-7920

Excise Tax: \$650.00

Mail after recording to: Richard L. Voigt, Esquire Waffle House, Inc. 5986 Financial Drive Norcross, Georgia 30071	This instrument was prepared by: Richard L. Voigt, Esquire Waffle House, Inc. 5986 Financial Drive Norcross, Georgia 30071
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THIS DEED made this 11th day of February, 2015 by and between 088085

GRANTOR:

CARTER BANK & TRUST, a Virginia corporation
1300 Kings Mountain Rd.
Martinsville, Virginia 24112

and

GRANTEE:

WAFFLE HOUSE, INC., a Georgia corporation
5986 Financial Drive
Norcross, GA 30071

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, all that certain lot or parcel of land situated in Durham County, North Carolina, (the "Property") and being more particularly described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

Return To:
First American Title Insurance-NCS
Six Concourse Parkway
Suite 2000
Atlanta, GA 30328
Attn: Terry Wilson

The Property herein described was acquired by Grantor by instrument recorded in Deed Book 5667, Pages157-162. A map showing the above described property is recorded in Plat Book 15, Page 81 and Plat Book 20, Page 114.

This Deed is executed and delivered subject to those permitted exceptions listed on Exhibit "B" attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular rights, privileges and appurtenances thereto in any wise belonging to the Grantee, its successors, heirs and assigns, as the case may be, forever; and Grantor does hereby bind Grantor and Grantor's successors, heirs, executors and administrators, as the case may be, to Warrant and Forever Defend all and singular the said Property unto the said Grantee and Grantee's successors, heirs and assigns, as the case may be, against every person whomsoever claiming, or to claim the same, or any part thereof, except as to the Permitted Exceptions, by, through, or under Grantor, but not otherwise, in fee simple.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

GRANTOR:

CARTER BANK & TRUST,
a Virginia Corporation

By: *Worth Harris Carter, Jr.*
Worth Harris Carter, Jr.
President and Chairman of the Board

Virginia
~~NORTH CAROLINA~~
Henry COUNTY

I, certify that the following person appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Worth Harris Carter, Jr., President and Chairman of the Board, CARTER BANK & TRUST, a Virginia Corporation (Grantor).

Witness my hand and official stamp or seal, this the 10th day of February, 2015.

Tammy C. Sharpe
Notary Public
Print Notary Name: Tammy C. Sharpe
My Commission Expires: 9-30-18

Tammy C. Sharpe
Notary Public
Commonwealth of Virginia
Reg # 149640
My Commission Expires 9-30-18

Exhibit "A"
Property

TRACT ONE:

LYING on the eastern side of North Roxboro Road (US Highway 501 Business), containing 0.539 acre, more or less, and being all of Lots 62, 63 and 64 in Block C of PALO ALTO as per plat and survey thereof on file in Plat Book 15 at Page 81 of the Durham County Public Registry. This property is also shown as the southernmost tract of land on that survey entitled "Property of James Edward Andrews," dated February 16, 1989, and drawn by Kenneth D. Close, RLS. References are expressly made to both the plat and the survey referred to above for a more particular description.

TOGETHER WITH and as an appurtenance to this property a nonexclusive right to use a joint driveway easement reserved in Deed recorded in Book 1178 at Page 493 of the aforesaid Registry together with an existing joint driveway easement running from the southern line of the above-described property to Ryan Street.

TRACT TWO:

BEGINNING at a stake on the eastern side of North Roxboro Road (US Highway 501 Business) at the northwestern corner of Tract One described above and running thence along and with the eastern side of said Road, North 00° 21' 22" East 108.00 feet to a stake; thence South 89° 34' 24" East 165.28 feet to a stake; thence South 03° 04' 45" West 108.29 feet to a stake, the northeastern corner of said Tract One; thence with the northern line of said Tract One, North 89° 30' 40" West 160.13 feet to a stake on the eastern side of North Roxboro Road, the point and place of Beginning, containing 0.404 acre, more or less, and being all of Lots 60, 61 and a portion of Lot 59, all in Block C of PALO ALTO as per plat and survey thereof on file in Plat Book 15 at Page 81 of the Durham County Public Registry. This property is also shown as the northernmost tract of land on that survey entitled "Property of James Edward Andrews," dated February 16, 1989, and drawn by Kenneth D. Close, RLS. References are expressly made to both the plat and the survey referred to above for a more particular description.

TRACT THREE:

LYING on the eastern side of North Roxboro Street, and being all of Lot 3 of the C. O. BAGBY PROPERTY, as per plat and survey thereof on file in Plat Book 20 at Page 114 of the Durham County Public Registry, to which plat reference is expressly made for a more particular description.

TRACT FOUR:

BEGINNING at a right of way monument 44.5 feet easterly of and normal to survey station 150+45 survey line L-5 on State Highway Project 8.1413401, Durham County; thence in a northerly direction all points being 10.5 feet easterly of the existing curb and gutter along and with US 501 Business (Roxboro Road) to a right of way monument located 23 feet easterly of and normal to survey station 150+81 survey line L-4; thence in an easterly direction along and with the common property line of Department of Transportation (formerly John Thomas Blalock, Jr.) (now or formerly James E. Andrews) and George Preston Tilley now or formerly to a point 49.6 feet easterly of and normal to survey station 150+87 survey line L-4; thence along and with the existing right of way in a straight line in a southerly direction to a point 46.8 feet easterly of and normal to survey station 150+44.5 survey line L-5; thence in a westerly direction a straight line to the point and place of Beginning and containing approximately 0.235 acre, more or less.

This description was taken from the Master Plans for State Highway Project 8.1413401, Durham County. For further reference, see Sheet 26 of said Plans attached to Declaration of Abandonment and Disclaimer dated March 19, 1996, and recorded in Book 4536 at Page 506 of the Durham County Public Registry.

TOGETHER WITH:

A non-exclusive right to use an easement for ingress, egress and regress reserved in that certain North Carolina Special Warranty Deed, from Grantor to M & F North, LLC, dated September 5, 2014, recorded in Deed Book 7564, Pages 334-335, Durham County Registry, over and across Lots 65, 66 and 67 in Block C of PALO ALTO as per plat of survey by S. M. CREDLE, C.E., dated October, 1945, and recorded in Plat Book 15 at Page 81, for the benefit of the Property. Said easement is located within the drive aisles as they now exist on the parking lot(s) now located on Lots 65, 66 and 67 in Block C of PALO ALTO or as said drive aisles may be relocated.

Exhibit "A"

Exhibit "B"

Permitted Exceptions

- ✓ 1. Taxes for the year 2015, which are a lien, but not yet due, and all subsequent years.
2. Terms, provisions, covenants, conditions, easements and restrictions as provided in instrument recorded in Book 181, Page 506 (Tract 2) and Book 176, Page 469 (Tract 3), Durham County Registry, but omitting any covenant, condition, easement, and/or
- ✓ restriction, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, source of income, disability, handicap or national origin unless and only to the extent that the covenant, condition, easement or restriction (a) is exempt under Title 42 of the United States Code or (b) related to a handicap, but does not discriminate against handicapped persons.
- ✓ 3. Easements and any other facts as shown in Plat Book 15, Page 81 and Plat Book 20, Page 114, Durham County Registry.
4. City of Durham Easements recorded in Book 389, Page 368 and Book 410, Page 495
- ✓ (Tract 1); Book 389, Page 48 (Tract 2); Book 392, Page 686 (Tract 3); further shown on map recorded in Plat Book 72, Page 65, Durham County Registry.
- ✓ 5. N.C. Department of Highway Right of Way recorded in Book 996, Page 334, Durham County Registry.

Notwithstanding anything in this instrument to the contrary, the above-referenced Permitted Exceptions shall only affect the Property to the extent that such Permitted Exceptions are valid and effective as of the date of this instrument and the mere reference to such Permitted Exceptions in this instrument shall not be deemed to impose, re-impose, or reinstate such Permitted Exceptions if such Permitted Exceptions are not valid and effective as of the date of this instrument.

Exhibit "B"