

FOR REGISTRATION  
Sharon A. Davis  
REGISTER OF DEEDS  
Durham County, NC  
2018 Jan 09 01:12:56 PM  
BK:8344 PG:634-638  
DEED  
FEE: \$26.00  
INSTRUMENT # 2018000872  
EXCISE TAX: \$26,200.00  
APRILJ



This instrument was prepared by:  
Valerie M Rothschild, Esq.  
c/o 3333 New Hyde Park Road, Suite 100  
New Hyde Park, NY 11042  
  
After Recording return to:  
Sirote & Permutt, PC  
2311 Highland Avenue South  
Birmingham, AL 35205  
Attn: Steven A. Brickman, Esq.

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax \$26,200.00

Recording Time, Book and Page

Tax Lot No.: \_\_\_\_\_  
Parcel Identifier No.: 140104  
Verified by Durham County on the \_\_\_\_\_ day of \_\_\_\_\_, 2018  
By \_\_\_\_\_

Brief description for the Index: 4600 Durham Chapel Hill Blvd

THIS SPECIAL WARRANTY DEED made this 9<sup>th</sup> day of January, 2018 by and between **KIMCO DURHAM LIMITED PARTNERSHIP**, a North Carolina limited partnership, whose mailing address is c/o 3333 New Hyde Park Road, Suite 100, New Hyde Park, NY 10042 (herein referred to as "**Grantor**"), and **TERRACE AT FLORIDA MALL, LP**, a Delaware limited partnership, with an office at: c/o 4121 Clarice Estates Drive, Windermere, Florida 34786 (herein referred to as "**Grantee**").

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, to it in hand paid by Grantee, receipt whereof is hereby acknowledged, does hereby, without representation of warranty of any nature whatsoever, grant, bargain, sell and convey to the said Grantee in fee simple forever, the real property located in Durham County, North Carolina, and more particularly described on Exhibit A attached hereto and made a part hereof (the "**Property**"), together with all buildings, structures, fixtures and improvements located thereon and together with all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

The Property herein conveyed is a portion of the same land as described in that certain Deed from Steven D. Corkin, Thomas K. Albert, Lori D. Campana and J. Grant Monahon, as Trustees of AEW #96 Trust under Declaration of Trust Dated November 6, 1987, a Massachusetts Trust to Kimco Durham 639, Inc., a North Carolina Corporation, dated March 27, 1996, and recorded on March 29, 1996, at 11:46AM in Book 2178, Page 344; which property was later conveyed by that certain North Carolina General Warranty Deed from Kimco Durham 639, Inc., a North Carolina Corporation, to Grantor, dated December 31, 2001, and recorded January 29, 2002, Book 3337, Page 594, at Durham County Registry.

SUBJECT, HOWEVER, to all easements, rights-of-way, covenants, conditions, restrictions, reservations, agreements and similar encumbrances currently of record, taxes for the current year and any non-delinquent general or special assessments against the Property, and all matters which an accurate survey of the Premises or a physical inspection of the Premises would disclose.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property and that Grantor does hereby fully warrant the title to the Property and will defend the same as against lawful claims of the Grantor herein, but against none other, subject to the matters set forth above.

**[Remainder of Page Intentionally Left Blank]**  
**[Signature Page of Grantor to Follow]**

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name, and its official seal to be hereunto affixed, by its proper officers thereunto duly authorized on the day and year above written.

Signed, Sealed and Delivered in Our Presence:

**GRANTOR:  
KIMCO DURHAM LIMITED  
PARTNERSHIP**

By: Kimco North Carolina TRS, Inc.,  
its general partner

By: Valerie M. Rothschild (seal)

Name: Valerie M. Rothschild  
Title: Vice President

Josephine Engle  
(Witness Signature)

Josephine Engle

(Printed Name of Witness)

Janet Verdon  
(Witness Signature)

Janet Verdon  
(Printed Name of Witness)

STATE OF NEW YORK)

) ss:

COUNTY OF NASSAU)

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, an officer duly authorized to take acknowledgments, personally appeared Valerie M. Rothschild, to me known to be the person described in and who as Vice President of Kimco North Carolina TRS, Inc., the general partner of **KIMCO DURHAM LIMITED PARTNERSHIP**, a North Carolina limited partnership, executed on behalf of the corporation; and s/he acknowledged before me that s/he executed the foregoing instrument as an officer of the corporation in name of and on behalf of the corporation; that this act was done by authority of the corporation for the uses and purposes set forth in the instrument; and that the foregoing instrument is the free act and deed of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 5 day of January, 2018, in this State and County.

Len M. Thomas  
Notary Public (Notarial Seal)

My Commission expires:

LENA M. THOMAS  
Notary Public, State of New York  
No. 01TH6015693  
Qualified in Nassau County  
Commission Expires November 2, 2018

Exhibit "A"REAL ESTATE

**PARCEL A:** BEGINNING AT A POINT ON THE NORTHERN RIGHT OF WAY OF CHAPEL HILL BOULEVARD ALSO KNOWN AS U. S. 15/501, SAID BEGINNING POINT IS SOUTH 57 DEG. 22 MIN. 51 SEC. WEST 64.00 FEET FROM THE WESTERN RIGHT OF WAY OF GARRETT ROAD; THENCE FROM SAID BEGINNING POINT SOUTH 57 DEG. 22 MIN. 51 SEC. WEST ALONG THE NORTHERN RIGHT OF WAY OF CHAPEL HILL BOULEVARD 677.56 FEET TO A POINT; THENCE FROM SAID POINT LEAVING THE RIGHT OF WAY OF CHAPEL HILL BOULEVARD NORTH 32 DEG. 37 MIN. 09 SEC. WEST 595.34 FEET TO A POINT; THENCE FROM SAID POINT NORTH 06 DEG. 07 MIN. 25 SEC. EAST 246.53 FEET TO A POINT SAID POINT BEING THE SOUTHERN LINE OF TAX MAP 463 PARCEL 1; THENCE FROM SAID POINT NORTH 78 DEG. 00 MIN. 00 SEC. EAST ALONG THE SOUTHERN LINE OF TAX MAP 463 PARCEL 1 1050.14 FEET TO A POINT SAID POINT BEING ON THE WESTERN RIGHT OF WAY OF GARRETT ROAD, THENCE FROM SAID POINT ALONG SAID RIGHT OF WAY SOUTH 14 DEG. 30 MIN. 32 SEC. WEST 210.00 FEET TO A POINT, THENCE FROM SAID POINT STILL ALONG SAID RIGHT OF WAY SOUTH 23 DEG. 48 MIN. 07 SEC. WEST 61.06 FEET TO THE PC OF A CURVE TO THE LEFT HAVING A RADIUS OF 850.00 FEET AND AN ARC OF 42.29 FEET TO A POINT, SAID POINT BEING THE NORTH EAST CORNER OF OUT PARCEL LOT 1 A, THENCE FROM SAID POINT LEAVING THE RIGHT OF WAY OF GARRETT ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 29.50 FEET AND AN ARC OF 48.44 FEET TO A POINT, THENCE FROM SAID POINT SOUTH 57 DEG. 22 MIN. 51 SEC. WEST 165.36 FEET TO A POINT SAID POINT BEING THE NORTH WEST CORNER OF OUT PARCEL LOT IA, THENCE FROM SAID POINT BEING THE NORTH WEST CORNER OF OUT PARCEL LOT 1A. THENCE FROM SAID POINT SOUTH 32 DEG. 37 MIN. 09 SEC. EAST 217.00 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 13.2438 ACRES MORE OR LESS.

**LESS AND EXCEPT** THE PROPERTY CONVEYED IN DEED RECORDED IN BOOK 6094, PAGE 586 DURHAM COUNTY REGISTRY

**BUT INCLUDING, PARCEL B (SEWER AND DRAINAGE EASEMENT):** BEGINNING AT A POINT IN THE SOUTHWESTERN LINE OF OAKCREEK SHOPPING CENTER SAID POINT BEING NORTH 32°37'9" WEST 226.82 FEET FROM THE RIGHT OF WAY OF CHAPEL HILL BOULEVARD, THENCE FROM SAID BEGINNING POINT SOUTH 71 °51'39" WEST 95.77 FEET TO A POINT ON THE EXISTING SANITARY SEWER EASEMENT RECORDED IN DEED BOOK 1101, PAGE 810 DURHAM COUNTY REGISTRY, THENCE ALONG SAID EASEMENT NORTH 38°39'52" WEST 18.01 FEET TO A POINT, THENCE FROM SAID POINT NORTH 31 '24'58' WEST 8.35 FEET TO A POINT, THENCE FROM SAID POINT LEAVING THE EXISTING SANITARY SEWER EASEMENT NORTH 71°51'39" EAST 52.55 FEET TO A POINT, THENCE NORTH 18°08'21" WEST 35.00 FEET TO A POINT, THENCE NORTH 71°51'39" EAST 35.96 FEET TO A POINT ON THE SOUTHWESTERN LINE OF OAKCREEK SHOPPING CENTER, THENCE ALONG SAID LINE SOUTH 32°37'09" EAST 61.97 FEET TO A POINT AND PLACE OF BEGINNING CONTAINING 0.088 ACRES MORE OR LESS.

Said Premises also being described as:

BEING ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, LYING AND BEING SITUATE IN THE CITY OF DURHAM, COUNTY OF DURHAM, STATE OF NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" OPEN TOP PIPE FOUND ON THE NORTHWESTERN RIGHT-OF-WAY OF DURHAM-CHAPEL HILL BOULEVARD (U.S. HIGHWAY 15/501) AND SAID OPEN TOP PIPE ALSO BEING THE COMMON CORNER OF PROPERTY OWNED NOW OR FORMERLY BY BRINKER NORTH CAROLINA INC. (PIN: 0800-02-65-6163), THENCE RUNNING WITH THE NORTHWESTERN RIGHT-OF-WAY OF SAID HIGHWAY S57°22'51"W 677.81 FEET TO A 3/4" OPEN TOP PIPE FOUND AT THE COMMON CORNER OF PROPERTY OWNED NOW OR FORMERLY BY THE COUNTY OF DURHAM (PIN: 0800-04-54-4748), THENCE RUNNING WITH THE COMMON LINE OF SAID COUNTY OF DURHAM PROPERTY N32°33'55"W 595.57 FEET TO A 3/4" OPEN TOP PIPE FOUND, THENCE N06°08'25"E 246.13 FEET TO A 3/4" OPEN TOP PIPE FOUND ON THE COMMON LINE OF PROPERTY OWNED NOW OR FORMERLY BY GF PROPERTY FUNDING CORP. (PIN: 0800-02-55-4898), THENCE RUNNING WITH THE COMMON LINE OF SAID GF PROPERTY FUNDING CORP. N78°01'27"E 1050.31 FEET TO A SCRIBED "X" SET ON THE WESTERN RIGHT-OF-WAY OF GARRETT ROAD, HAVING PASSED OVER A 1" OPEN TOP PIPE FOUND AT 652.65 FEET, THENCE RUNNING WITH THE WESTERN RIGHT-OF-WAY OF GARRETT ROAD S20°17'32"W 40.03 FEET TO A NAIL SET, THENCE S14°35'48"W 209.95 FEET TO A 1" OPEN TOP PIPE FOUND, THENCE S23°42'34"W 81.09 FEET TO A NAIL SET, THENCE WITH A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 42.29 FEET AND A RADIUS OF 850.00 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S09°03'57"W 42.29 FEET TO A NAIL SET ON THE COMMON CORNER OF PROPERTY OWNED NOW OR FORMERLY BY BRINKER NORTH CAROLINA INC. (PIN: 0800-02-65-6163), THENCE RUNNING WITH THE COMMON LINE OF BRINKER NORTH CAROLINA INC. WITH A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 48.44 FEET AND A RADIUS OF 29.50 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N75°31'32"W 43.18 FEET TO A NAIL SET, THENCE S57°24'50"W 165.36 FEET TO A PUNCH HOLE FOUND, THENCE S32°34'25"E 216.74 FEET TO A 3/4" OPEN TOP PIPE FOUND, THE POINT OF BEGINNING, CONTAINING 13.239 ACRES OR 576,684 SQUARE FEET, MORE OR LESS, ACCORDING TO A PLAT ENTITLED "ALTA/NSPS LAND TITLE SURVEY FOR \_\_\_\_\_", DATED 12/19/17, PREPARED BY R. SCOTT BARRETT, PLS, N.C. REGISTRATION NO. L-4513, BEARING JOB NO. 17-175.