

PREPARED BY AND  
AFTER RECORDING RETURN TO:

Troutman Sanders LLP  
 305 Church at North Hills Street, Suite 1200  
 Raleigh, NC 27609  
 Attention: Mary Marshall Meredith,  
 A validly licensed attorney in North Carolina

REID#: Part of 02067959  
 PIN#: Part of 1726450719  
 Excise Tax Amount: \$3,400.00

**When Recorded Return To:**  
 Heather Townsend  
 National Commercial Services  
 First American Title Insurance Company  
 Six Concourse Parkway, Ste. 2000  
 Atlanta, GA 30328  
 File No: NCS 920460

SPECIAL WARRANTY DEED

STATE OF NORTH CAROLINA

COUNTY OF WAKE

THIS INDENTURE, made as of Dec-20, 2018, between **HD DEVELOPMENT OF MARYLAND, INC.**, a Maryland corporation ("**Grantor**"), whose address is 2455 Paces Ferry Road, C-19, Atlanta, Georgia 30339, and **TERRE OPPORTUNITY FUND I LLC**, an Indiana limited liability company ("**Grantee**"), whose address is 725 E. 65<sup>th</sup> Street, Suite 300, Indianapolis, Indiana 46220.

**WITNESSETH:** That Grantor, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit A attached hereto and made a part hereof (the "**Property**").

**TO HAVE AND TO HOLD** the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE**.

Without expanding by implication of the limited nature of this warranty, this Deed and the warranty of title contained herein are made expressly subject to the list of permitted exceptions set forth on Exhibit B attached hereto and made a part hereof (collectively, the "**Permitted Exceptions**"). By accepting this

Submitted electronically by "First American - Atlanta"  
 in compliance with North Carolina statutes governing recordable documents  
 and the terms of the submitter agreement with the Wake County Register of Deeds.

Deed, Grantee is deemed to have assumed all of Grantor's obligations relating to the Property under the Permitted Exceptions.

Except as to any claims arising from or with respect to the Permitted Exceptions, Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

The person executing this Deed on behalf of Grantor fully has been empowered by proper action of Grantor to execute and deliver this Deed.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

IN WITNESS WHEREOF, Grantor has signed this deed, the day and year first written above.

**GRANTOR:**

**HD DEVELOPMENT OF MARYLAND, INC.,**  
a Maryland corporation

By: Suzanne Russo  
Name: Suzanne Russo  
Title: Senior Corporate Counsel

STATE OF GEORGIA

COUNTY OF COBB

On this 12 day of December, 2018, before me personally appeared Suzanne Russo, to be known to be the Sr. Corporate Counsel of HD Development of Maryland, Inc., a Maryland corporation, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath that he/she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year first above written.

Barbara Turner  
NOTARY PUBLIC  
Printed Name: Barbara Turner

My Commission Expires: 9/10/22

Barbara Turner  
NOTARY PUBLIC  
Fulton County, GEORGIA  
My Commission Expires 09/10/2022

**Exhibit "A"**

**Legal Description of Property**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF WAKE,  
STATE OF NORTH CAROLINA, AND IS DESCRIBED AS FOLLOWS:

BEING ALL OF LOT 29, CONTAINING .0820 ACRES, MORE OR LESS, AS SHOWN  
ON RECOMBINATION MAP OF LOTS 28 AND 29 NORTH BOULEVARD INDUSTRIAL  
PARK, MADE BY KENNETH CLOSE, INC. LAND SURVEYING, DATED JANUARY 10,  
2005, RECORDED IN BOOK OF MAPS 2005, PAGE 1272 IN WAKE COUNTY  
REGISTER OF DEEDS.

**Exhibit "B"****Permitted Exceptions**

1. Access Easement Agreement by and among Home Depot U.S.A., Inc., a Delaware corporation, Rowann Yeargan, and Sherman A. Yeargan, Jr., as Trustees of the Yeargan Foundation Charitable Trust and Rowan Yeargan, and Sherman A. Yeargan, Jr., as Trustees under that certain Irrevocable Trust Agreement dated May 20, 1988, recorded in Book 11211, Page 913, Wake County Registry.
2. Terms and provisions of that certain unrecorded Lease executed by Home Depot U.S.A., Inc., a Delaware corporation to Rooms To Go North Carolina Corp., a Florida corporation dated November 11, 2005 as evidenced by a Memorandum of which is recorded in Book 11722, Page 562, Wake County Registry.
3. Terms, provisions, covenants, conditions, easements and restrictions as provided in Declaration, recorded in Book 2209, Page 685; Supplemental Declaration recorded in Book 2238, Page 253; Assignment of Declaration recorded in Book 4890, Page 73; Declaration of Consent and Waiver recorded in Book 5962, Page 919; Consent and Approval recorded in Book 6044, Page 879; and Restrictive Covenants recorded in Book 11338, Page 2226, Wake County Registry.
4. Easement to Carolina Power & Light Company recorded in Book 825, Page 270; Book 825, Page 271; Book 972, Page 258; Book 972, Page 262; Book 972, Page 368; Book 1024, Page 255; Book 1395, Page 514; Book 1395, Page 515; Book 1404, Page 619; Book 1411, Page 128; Book 1434, Page 8; Book 1576, Page 171; Book 1933, Page 636; Book 2243, Page 390; Book 2243, Page 414; Book 2749, Page 856; Book 2775, Page 918; Book 2775, Page 920; Book 2871, Page 307; Book 2899, Page 599; Book 3797, Page 879; Book 4657, Page 55; Book 12031, Page 2410; and Book 12031, Page 2417, Wake County Registry.
5. Declaration of Shared Drive and Cross Access Easement to Home Depot U.S.A., Inc., a Delaware corporation recorded in Book 11722, Page 553, Wake County Registry.
6. Transit Easement Agreement by and among Home Depot U.S.A., Inc., a Delaware corporation, The City of Raleigh and Rooms To Go North Carolina Corp., a Florida corporation recorded in Book 11722, Page 570, Wake County Registry.
7. Easements and any other facts as shown on plat recorded in Book of Maps 1944, Page 1954; Book of Maps 2005, Page 1272; and Book of Maps 2004, Page 1904, Wake County Registry.
8. A Contract to Permit Two Water Tap-One by and between Aerotron, Inc. and The City of Raleigh, North Carolina, recorded in Book 2578, Page 758, Wake County Registry.
9. Declaration of Cross Access Easement to Leigh Ventures, a North Carolina general partnership recorded in Book 7468, Page 55, Wake County Registry.