

For Registration Sharon A. Davis
 Register of Deeds
 Durham County, NC
 Electronically Recorded

2022 Jan 07 03:15 PM

Book: 9583 Page: 872

NC Rev Stamp: \$ 4080.00 Fee: \$ 26.00

Instrument Number: 2022001027

DEED

Excise Tax: \$4,080.00

Tax Parcel ID #: 180584, 180587, 180589
 and 180598

This instrument was prepared by and after recording return to: Moore & Van Allen PLLC; 100 N. Tryon Street, Suite 4700, Charlotte, North Carolina 28202; Attn: Logan E. Reilly

Brief description for the Index: Approximately 18.45 acres located along Roxboro Street, Durham, North Carolina

THIS NORTH CAROLINA SPECIAL WARRANTY DEED

is made as of this LTth day of January, 2022, by and between

<u>GRANTOR</u>	<u>GRANTEE</u>
<p>BI-LO, LLC, a Delaware limited liability company</p> <p><u>Address:</u> 8928 Prominence Parkway, Building 200 Jacksonville, FL 32256</p>	<p>DFS INVESTMENT PARTNERS, LLC, a Wyoming limited liability company</p> <p><u>Address:</u> P.O. Box 654 Bernardsville, NJ 07924</p>

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, receipt of which is hereby acknowledged, has and by these presents does hereby grant, bargain, sell and convey unto Grantee in fee simple, those certain lots or parcels of land, together with the improvements thereon, situated in Durham County, Durham, North Carolina, and more particularly described as follows (collectively, the "Property"):

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

The Property was acquired by Grantor by instruments recorded in Book 3649, Pages 338, 345, 357 and 362, in the Durham County Public Registry.

ALL OR A PORTION OF THE PROPERTY HEREIN CONVEYED DOES NOT INCLUDE THE PRIMARY RESIDENCE OF GRANTOR.

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, other than the exceptions listed on Exhibit "B" attached hereto and made a part hereof.

[signature page follows]

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed as of the day and year first above written.

GRANTOR:

BI-LO, LLC,
a Delaware limited liability company

By: [Signature]
Name: BRIAN F. CARNEY
Title: EXECUTIVE VICE PRESIDENT

STATE OF FLORIDA)
)
COUNTY OF DUVAL)

LEGAL APPROVED
ATTY: [Signature]
DATE: 1/6/22

I MARGRIT GONZALEZ-RODRIGUEZ, Notary Public, do hereby certify that the following individual personally appeared before me by physical appearance this day and acknowledged the due execution of the foregoing instrument: ~~XXXXXX Carolina Special Warrant XXXX~~ in his/her authorized capacity. Brian P. Carney [Signature]

Date: 1/6/2022

[Signature]
Notary Public

[Notarial Seal/Stamp]

MARGRIT GONZALEZ-RODRIGUEZ
Print Name
My commission expires: 06/23/2024

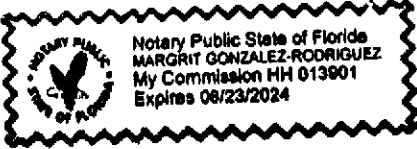


Exhibit "A"

Legal Description

TRACT ONE:

Parcel No. 1

BEGINNING at a stake on the east side of the Durham and Roxboro Road 1200 feet North from the north side of a 20 foot roadway at the Northwest corner of Lot #39 of the plat hereinafter referred to; thence with the east side of said road North 8 degrees 55 minutes West 100 feet to a stake in the southwest corner of Lot #42; thence with the south line of said lot North 81 degrees 05 minutes East 200 feet to a stake in the west line of Tract #1; thence with the line of said tract South 8 degrees 55 minutes East 100 feet to a stake, the northeast corner of Lot #39; thence with the north line of said lot South 81 degrees 05 minutes West 200 feet to the point of beginning, and being Lots 40 and 41 of the Ruffin Land as per plat and survey of J.T. Poe dated November, 1925, which plat is duly recorded in the Office of the Register of Deeds for Durham County, NC, in Plat Book 6 page 70, to which reference is hereby made for a more particular description of same.

Parcel No. 2

BEGINNING at a stake in the North line of Bill Sneed South 74 degrees 30 minutes West 261 feet from Ernest Smith's West line as shown on the plat hereinafter referred to, and running thence North 8 degrees 30 minutes West 133.4 feet to a stake; thence South 81 degrees 05 minutes West 150 feet to a stake; thence South 8 degrees 55 minutes East 151.6 feet to a stake; thence with Bill Sneed's North line North 74 degrees 30 minutes East 150 feet to a stake, the point of beginning and being the Lot designated L.L. Tippet as per plat and survey of the PROPERTY OF F.M. THOMPSON by J. Watts Copley, Land Surveyor, dated May, 1954 and now on file in the Office of the Register of Deeds of Durham County in Plat Book 30 page 192 to which reference is hereby made for a more particular description of same.

Legal Descriptions Continue on Following Pages

TRACT TWO:**Tract 1**

BEGINNING at a stake in the eastern property line of Roxboro Road, said stake being at the southeast corner of the William T. Hill property; running thence north $81^{\circ} 5'$ east 250 feet to a stake; thence south $8^{\circ} 55'$ east 150 feet to a stake in the northern property line of the G. S. Mitchell property; thence along and with the northern property line of G. S. Mitchell south $81^{\circ} 5'$ west 250 feet to a stake in the eastern property line of Roxboro Road; thence along and with the eastern property line of Roxboro Road north $8^{\circ} 55'$ west 150 feet to the point and place of beginning, and being the PROPERTY OF CECIL W. MARTIN AND WIFE, VIRGINIA M. MARTIN, as per plat and survey thereof now on file in the office of the Register of Deeds of Durham County in Plat Book 55, page 56, to which plat reference is hereby made for a more particular description; also, known as Lots 35, 36 and 37 and an adjacent tract measuring 50 feet x 150 feet of the Ruffin Land. See Plat Book 6, at page 70 and 71.

Tract 2

BEING all of Lot No. 34 of the RUFFIN LAND as shown on map thereof by J. T. Poe, Surveyor, dated November, 1925, and now recorded in the Durham County Registry in Plat Book 6, at pages 70 and 71, to which map reference is hereby made for a more particular description of said property. See Deed Book 75, at page 472.

TRACT THREE:

Beginning at a stake on the east side of U.S. 501, also known as Roxboro Road, said stake being the southwest corner of Lot 34 of the Ruffin Land as per plat and survey in Plat Book 6A at Page 71, Durham County Registry, and running thence North $81-48-38$ East 250.70 feet to a stake; thence North $72-30-39$ East 202.15 feet to a stake; thence South $15-30-30$ East 299.98 feet to a stake; thence South $73-23-21$ West 240.25 feet to a stake; thence North $8-11-21$ West 130.06 feet to a stake; thence South $81-48-38$ West 251.09 feet to a stake on the east side of U.S. 501, also known as Roxboro Road; thence along and with the eastern right-of-way line of said road, North $8-31-31$ West 170 feet to a stake, the point and place of BEGINNING, containing 2.49 acres and being shown on a survey for Roger E. Elliott and wife, Joyce C. Elliott by Autry Land Surveying, date December 10, 1991, also being know as a portion of Lot 30 and all of Lots 31, 32, and 33 and a portion of Tracts 1 and 3 of the Ruffin Land as per plat and survey thereof now on file in the Office of the Register of Deeds of Durham County in Plat Book 6A at Page 71, to which plats reference is hereby made for a more particular description of same.

Legal Description Continues on Following Page

TRACT FOUR:

Parcel 1:

BEING all of that approximately 1.063 acres situated on U.S. Highway #501 in Lebanon Township, Durham County, and being more particularly identified as Lot 1, according to that plat recorded in Plat Book 109, at Page 125, Durham County Registry.

Parcel 2:

BEING ALL of that approximately 4.03 acres situated on the North side of Infinity Road as more particularly shown on that plat recorded in Plat Book 114, at Page 169, Durham County Registry.

All of Tracts One, Two, Three and Four, as affected by, and being subject to, (i) that certain plat of survey by Stephen D. Puckett, P.L.S., dated September 24, 2002, entitled "Final Recombination Plat for: West Point Village", as recorded in Plat Book 157, Page 153, Durham County Registry, and (ii) that that certain boundary survey recorded at Plat Book 190, Page 255, Durham County Register, and the matters shown thereon.

Exhibit "B"

Permitted Exceptions

1. Taxes for the year 2022, and subsequent years, not yet due and payable.

2. All applicable zoning and other governmental regulations, and all covenants, conditions, easements, restrictions, reservations, prohibitions and encumbrances appearing of public record or imposed by any governmental authority, including, but not limited to, matters appearing on (i) that certain plat of survey by Stephen D. Puckett, P.L.S., dated September 24, 2002, entitled "Final Recombination Plat for: West Point Village", as recorded in Plat Book 157, Page 153, Durham County Registry, and (ii) that that certain boundary survey recorded at Plat Book 190, Page 255, Durham County Register, including, but not limited to, the effect, if any, of such surveys described in (i) and (ii) above, and any matters appearing thereon, and the effect of any other recorded document, on the legal description of the Property, or on Grantor's ownership of any portion of the Property, as described in Exhibit A.

3. The rights, if any of the United States of America, the State of North Carolina, Durham County, North Carolina, and their respective departments or agencies, and the public generally, in and to the waters, shores, and beds, including, without limitation, the right of such governmental entities and agencies to control the use of bulkheads, seawalls, piers, docks and boathouses, the right to control the use of the lands and shores adjacent thereto, and also the right to control the water level therein.

4. Those matters that would be disclosed by an accurate survey of the Property and, if a survey has been obtained by Grantee prior to the date hereof, those matters revealed by such survey.