

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2022 Feb 07 08:53 AM
Book: 9607 Page: 981
NC Rev Stamp: \$ 156600.00 Fee: \$ 26.00
Instrument Number: 2022005237
DEED

SPECIAL WARRANTY DEED

NCS 1108480

Prepared by: Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., a North Carolina law firm, James R. Todd

Return to: GRANTEE

No title examination or verification of the legal description made by the drafter of this deed.

The property conveyed does not include the personal residence of the Grantor.

Parcel/Tax ID: 104938

Brief Description for the Index: 539 and 545 Foster St., Durham, NC, containing 1.043 acres, more or less

Excise Tax: \$156,600.00

STATE OF NORTH CAROLINA)
)
COUNTY OF DURHAM)

THIS SPECIAL WARRANTY DEED, effective the 4th day of February, 2022, is made by **BH-AG DURHAM FOSTER, LLC**, a North Carolina limited liability company, whose mailing address is c/o Ben Grinnell, 1111 Haynes Street, Suite 203, Raleigh, NC 27604 ("Grantor"), to **SCG FOSTER ON THE PARK, LP**, a Delaware limited partnership, whose mailing address is c/o Stockbridge Capital Group, 3550 Lenox Road N.E., Suite 2000, Atlanta, GA 30326, Attn: David Nix ("Grantee"). 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 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 and more particularly described as follows (the "Property"): See **Exhibit A** attached.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to the Grantee, their successors and assigns in fee simple forever.

AND THE GRANTOR covenants with the 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 only, subject to the matters described on **Exhibit B** attached hereto and by this reference made a part hereof (the "Permitted Exceptions").

The property which is the subject of this instrument is subject to the Brownfields Agreement attached as Exhibit A to the Notice of Brownfields Property recorded in Book 6888, Page 242, and re-recorded in Book 7225, Page 40, of the Durham County Registry.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Grantor has executed this instrument as of the day and year first above written.

BH-AG DURHAM FOSTER, LLC,
a North Carolina limited liability company

By: Blue Heron Asset Management, LLC
a North Carolina limited liability company
Its Manager

By: *Ron Strom*
Ron Strom, Manager

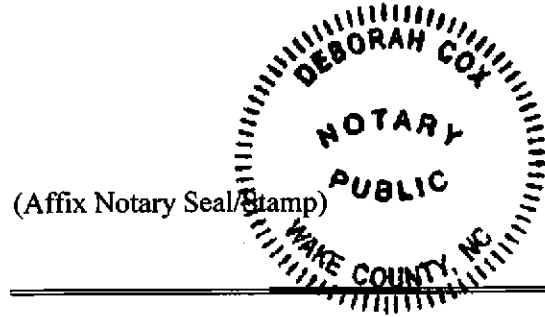
STATE OF NORTH CAROLINA)
)
COUNTY OF Wake)

I, a Notary of the above state and county, certify that the following person personally appeared before me on the 2nd day of February, 2022, acknowledging to me that he signed the foregoing document in the capacity represented and identified herein: Ron Strom, Manager of Blue Heron Asset Management, LLC in its capacity as manager of BH-AG Durham Foster, LLC.

Date: Feb. 2, 2022

Deborah Cox
(official signature of Notary)

Deborah Cox, Notary Public
(Notary's printed or typed name)



My commission expires: 12/4/2024

[Signatory Page to Special Warranty Deed – Foster on the Park]

Exhibit A
Property

BEGINNING at a p.k. nail at the intersection of the southern right-of-way line of Corporation Street (46' wide right-of-way) and the western right-of-way line of Foster Street (56' wide right-of-way), which p.k. nail bears NC grid coordinates of N=819,607.51 and E=2,029,132.67; thence for a first call along and with the western right-of-way line of Foster Street South 5°55'48" West 105.19 feet to a point at the intersection of the western right-of-way line of Foster Street and the northern line of the property of E.L. Clark; thence along and with the northern line of the property of E.L. Clark North 84°09'12" West 162.84 feet to a p.k. nail set in the centerline of Roney Street (50' wide right-of-way); thence along and with the centerline of Roney Street North 3°25'06" East 93.54 feet to a p.k. nail set in the intersection of the centerline of Roney Street and the southern right-of-way line of Corporation Street; thence along and with the southern right-of-way line of Foster Street South 87°44'02" East 161.76 feet to the point and place of Beginning.

TOGETHER WITH:

BEGINNING at a point which is North 5°55'48" East 105.19 feet from a p.k. nail at the intersection of the southern right-of-way line of Corporation Street (46' right-of-way) and the western right-of-way line of Foster Street (56' wide right-of-way), which p.k. nail bears NC grid coordinates of N=819,607.51 and E=2,029,132.67; thence for a first call along and with the western right-of-way line of Foster Street South 6°12'19" West 100.02 feet to a point; thence continuing along and with the western right-of-way line of Foster Street South 5°54'42" West 42 feet to a point in the northern line of property of the City of Durham; thence along and with the northern line of property of the City of Durham North 84°08'12" West 164.90 feet to a p.k. nail set in the centerline of Roney Street (50' wide right-of-way); thence along and with the centerline of Roney Street North 3°25'06" East 141.99 feet to a p.k. nail set in the centerline of Roney Street; thence along and with the southern line of property of Durham Credo-I, LLC, South 84°09'12" East 162.84 feet to the point and place of Beginning.

ALSO BEING DESCRIBED AS:

BEING all of that certain tract or parcel of land containing 45,418.61 sq. ft. as shown on map entitled "Exempt Map of Correction 539 & 545 Foster Street", prepared by Coulter Jewell Thames, dated July 22, 2014 and recorded May 8, 2017 in Plat Book 197, Pages 165-166, Durham County Registry.

For further reference, see Deeds recorded in Book 7779, Page 308 (correcting Deed Book 7713, Page 884); Book 7779, Page 312 (correcting Deed Book 7713, Page 892); Book 7779, Page 314 (correcting Deed Book 7713, Page 887) and Book 7779, Page 316 (correcting Deed Book 7713, Page 889), all in the Durham County Registry.

Exhibit B
Permitted Exceptions

1. Real Estate Taxes for the year 2022 and subsequent years which are a lien not yet due and payable.
2. Water line easement, sanitary sewer easement, 19' storm water drainage, storm pipe, 25' sanitary sewer easement, concrete retaining wall, 15" RCP, 10" VCP, utility poles, gas line, culverts, and terms of declaration recorded in RB 1510, Page 958, revised declaration of rights and privileges recorded in RB 2298, Page 208, no buildings, structures, fill, embankments, trees or obstructions permitted within the easement area except as allowed by the revised declaration as shown on plat recorded in Plat Book 197, Page 165-166 (Correcting Plat Book 195, Pages 129-130), Plat Book 195, Pages 129-130 as affected by that certain Administrative Notice recorded in Book 7944, Page 142; waterline easement, gas regulator, sanitary sewer easement, 19' storm easement, storm pipe, 25' sanitary sewer easement, gas meter, water manhole, utility poles as shown on Plat Book 196, Page 48; metal guard fence, r/w agreement, gas pipes, gas riser, monitoring well, chain link fence, soil excavation, underground storage tank, soil borings, and land use restrictions as shown on Plat Book 188, Pages 389-391; Plat Book 142, Page 96; 25' sanitary sewer easements subject to the terms stated in the declaration in RE Book 1510, Page 958, sanitary sewer line as shown on Plat Book 131, Page 79; storm drain, sanitary sewer, as shown on Plat Book 106, Page 188; 10" sanitary sewer, 60" storm sewer as shown on Plat Book 39, Page 151; and water line easement, access and maintenance easement, sanitary sewer easement, storm easement as shown on Plat Book 199, Page 26, Durham County Registry.
3. Easement to Duke Energy Carolinas, LLC, a North Carolina limited liability company recorded in Book 8321, Page 829, aforesaid records.
4. Notice of Residual Petroleum recorded in Book 5505, Page 193, aforesaid records.
5. Notice of Brownfields Property recorded in Book 6888, Page 242; and re-recorded in Book 7225, Page 40, aforesaid records.
6. Easement to Duke Energy Carolinas, LLC, a North Carolina limited liability company recorded in Book 8420, Page 338, aforesaid records.
7. Easement Agreement between BH-AG Durham Foster, LLC, a North Carolina limited liability company and the City of Durham, a municipality of the State of North Carolina, made as of May 31, 2018, recorded June 15, 2018, in Book 8445, Page 685, aforesaid records.
8. Stormwater Facility Agreement and Covenants by and between BH-AG Durham Foster, LLC, a North Carolina limited liability company and the City of Durham, a North

Carolina municipal corporation, recorded May 17, 2018, in Book 8425, Page 756, aforesaid records.

9. The following matters as shown on that certain ALTA/NSPS survey made by Thomas E. Teabo, PLS for Bohler Engineering, dated February 3, 2022, under File No. NS211146:
 - (A) Encroachment of concrete steps, 4' metal guardrail, and concrete wall on southerly property line (as affected per Book 8445, Page 685).
 - (B) Sign extends over easterly borderline onto subject land.
 - (C) Overhead wire & utility poles extend over easterly & northerly borderlines of subject land without benefit of an easement.
 - (D) Sanitary sewer line & manholes extend over southerly & westerly borderlines of subject land without benefit of an easement.