

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2018 Dec 11 04:55 PM NC Rev Stamp: \$ 37500.00
Book: 8561 Page: 270 Fee: \$ 26.00
Instrument Number: 2018042561
DEED

SPECIAL WARRANTY DEED

\$ <u>37,500.00</u> (Durham County)	Recording Time, Book and Page
Excise Tax \$ - 0 (Orange County)	
Tax Parcel Identifier No. 9799-02-98-4052.DO and 9799-02-97-7491 (Durham County) and 9799-98-1053 (Orange County)	
Verified by _____ County on the ____ day of _____, 2018, by	

Mail after recording to : Riverside Abstract
1 Paragon Drive, Suite 150B
Montvale, NJ 07645
Attention: Aron Mendelovitz

This instrument was prepared by: DLA Piper LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, New York 10020
Attention: Thomas G. Maira, Esq.

Brief description for the Index Preserve at the Park

 NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made as of this 10 day of December, 2018, by and between

GRANTOR	GRANTEE
Waypoint Chapel Hill Owner, LLC, a Delaware limited liability company 3475 Piedmont Road, NE Atlanta, Georgia 30308 Attention: Michael Bippus	Park NC LLC, a Delaware limited liability company, as to an undivided 77% interest as tenant-in-common and LIDO PRESERVE LLC, a Delaware limited liability company , as to an undivided 23% interest as tenant-in- common Addresses: Park NC LLC: 400 Rella Boulevard, Suite 212, Suffern, NY 10901 Lido Preserve LLC: 342 7th Avenue, Brooklyn, NY 11215

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 and Orange Counties, North Carolina, and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

The property hereinabove described was acquired by Grantor by Special Warranty Deed recorded in Book 7632, Pages 168-173 in the Durham County North Carolina Register of Deeds Office and Record Book 5895, Page 48 in the Orange County North Carolina Register of Deeds Office.

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 the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, through or under Grantor except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the permitted exceptions set forth on EXHIBIT "B" attached hereto and made a part hereof.

[execution page follows]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 10 day of Dec., 2018.

GRANTOR:

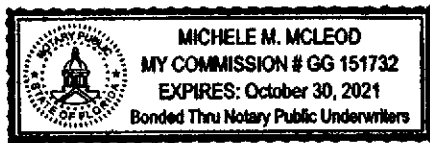
WAYPOINT CHAPEL HILL OWNER, LLC, a Delaware limited liability company

By: Pamela Linder
Name: Pamela Linder
Title: Authorized Signatory

STATE OF Florida
COUNTY OF Palm Beach

I, Michele McLeod, a Notary Public of Palm Beach County, FL, certify that Pamela Linder personally came before me this day and acknowledged that she is a authorized signatory of Waypoint Chapel Hill Owner, LLC, and that she, as said of authorized signatory, being authorized to do so, executed the foregoing instrument on behalf of said limited liability company.

WITNESS my hand and official seal this the 6 day of Dec, 2018.



Michele McLeod
Notary Public

My Commission Expires: _____

The foregoing Certificate of _____ is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds

EXHIBIT A
TO
SPECIAL WARRANTY DEED

Legal Description

[Attached below]

Being all of that certain parcel or tract of land situated, lying and being in the Town of Chapel Hill, Durham and Orange Counties, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pipe lying on the southern right-of-way of Old Chapel Hill-Durham Road (a variable public right-of-way) and being located South $87^{\circ}47'06''$ West 1,750.92 feet from North Carolina Gird Monument "Pope" which has NAD83 Grid coordinates of N=798,912.03 E=2,001,615.50, said iron pipe also being the northwesterly corner of the Jack R. Cheek property as described in Deed Book 207, Page 157 in the Durham County Public Registry; thence with the westerly line of the Cheek property South $08^{\circ}07'27''$ West a distance of 416.86 feet to an existing iron pipe being the northwesterly corner of Lot A. Knollwood Subdivision as recorded in Map Book 141, Page 37 (aforesaid registry); thence with the westerly line of Lot A, Knollwood Subdivision and continuing with the westerly line of Lot 3, Lot 4, Lot 5, Lot 6 and Lot 7, White Oak Park as recorded in Map Book 120, Page 116 (aforesaid registry) South $01^{\circ}18'53''$ West a distance of 788.32 feet to a calculated point lying within a 40" Oak tree, said point being the northeasterly corner of the Elizabeth Faye Webster McNaull, Trustee property as described in Deed Book 6039, Page 879 (aforesaid registry); thence with the northerly and westerly line of the McNaull property the following two (2) courses and distances as follows: 1) North $83^{\circ}31'34''$ West a distance of 105.13 feet to an existing iron rod, 2) South $36^{\circ}21'47''$ East a distance of 429.06 feet to an existing iron pipe lying on the northern right-of-way of Lakeside Drive (a 60' public right-of-way); thence with the northerly right-of-way of Lakeside Drive, South $47^{\circ}28'25''$ West a distance of 108.00 feet to an existing iron pipe on the easterly line of the William T. Vaughn, Jr. property as described in Deed Book 6772, Page 508 (aforesaid registry); thence with Vaughn's line the following three (3) courses and distances as follows: 1) North $38^{\circ}20'45''$ West a distance of 253.07 feet to an existing pipe, 2) North $83^{\circ}32'26''$ West a distance of 334.59 feet to an existing iron pipe, 3) South $02^{\circ}46'58''$ West a distance of 497.00 feet to an existing iron pipe on the northern line of Lot 5. Lassiter Currie Subdivision as recorded in Map Book 92, Page 29 (aforesaid registry); thence with the northerly line of Lot 5 North $85^{\circ}51'14''$ West a distance of 192.95 feet to an existing iron pipe being the southeast corner of Pickard Oaks as recorded in Map Book 87, Page 124 in the Orange County Public Registry; thence with the easterly line of Pickard Oaks the following two (2) courses and distances as follows: 1) North $01^{\circ}48'36''$ West a distance of 1,171.90 feet to an existing iron pipe, 2) North $06^{\circ}13'11''$ East a distance of 494.79 feet to a new iron rod on the southerly right-of-way of Old Chapel Hill-Durham Road; thence with the southerly right-of-way Old Chapel-Hill Road the following three (3) courses and distances as follows: 1) North $76^{\circ}24'07''$ East a distance of 57.66 feet to an existing iron pipe, 2) North $74^{\circ}39'16''$ East a distance of 164.95 feet to an existing iron pipe, 3) North $74^{\circ}29'59''$ East a distance of 499.16 feet to the point and place of BEGINNING containing 982,818 square feet or 22.5624 acres of land, as shown on a survey by R.B. Pharr and Associates, P.A dated November 15, 2014, last revised December 22, 2014 (Map File W-3830B)

Less and except that property conveyed to the Department of Transportation recorded in Book 6253, page 562, Orange County Registry and Book 8111, page 799, Durham County Registry.

LESS AND EXCEPT all areas taken in that certain Consent Judgment recorded on November 1, 2018 in Book 8539, Page 421, Durham County Register of Deeds.

EXHIBIT B
TO
SPECIAL WARRANTY DEED

Permitted Exceptions

[Attached below]

SCHEDULE B, PART II
Exceptions

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. The lien of all taxes for the year 2018 and thereafter, which are not yet due and payable.
3. Easement(s) and right(s)-of-way for roads or public/private utilities.
4. Rights or claims of parties in possession as tenants under unrecorded leases.
5. Discrepancies, variances, shortages or overages in the acreage of the Land.
6. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
7. Statutory liens of mechanics, laborers and materialmen that have performed or furnished labor, professional design or surveying services, or furnished materials or rental equipment of which no notice appears of record. (NOTE: This exception will be deleted only upon receipt of documentation satisfactory to the Company satisfying the Material and Labor Liens requirement set out in Schedule B-1 of this Commitment.)
8. Memorandum of Action recorded in Book 6253, Page 562
9. Memorandum of Action recorded in Book 8111, 799
10. The following matters as disclosed on Plat of Utility Easement The Knolls recorded in Plat Book 45, Pages 139-140, Orange County, and Plat Book 112, Pages 73-74, Durham County, and shown on the Survey:
 - a. 50' buffer zibe
 - b. 20' sanitary sewer easement
 - c. 20' water line easement
 - d. 40' OWASA Easement
 - e. 40' water and sewer easement
11. Any right, setback, interest, claim, encroachment, violation, variation, or other adverse circumstance affecting the Title regarding the following matters disclosed by survey entitled "Waypoint Residential Services LLC" by Andrew B. Baker, P.L.S., dated November 15, 2014, last revised December 3, 2014:

Tract I:

 - a. Service utilities
 - b. 8' interior setback and 22' Street setback;
 - c. 8" dips
 - d. Drainage ditches and rip-rap; and
 - e. Varying width reinforced concrete pipes and corrugated concrete pipes

Tract II:

 - a. 14' Interior setback and 28' street setback;
 - b. Drainage ditches; and
 - c. Service utilities

12. Easements to Orange Water and Sewer Authority recorded in Book 662, Page 523, Book 662, Page 530 and Book 3779, Page 279, all Orange County Registry, and shown on survey.
13. Easements to Orange Water and Sewer Authority recorded in Book 1354, Page 468, Book 1381, Page 628 and Book 181, Page 634, all Durham County Registry, and shown on survey.
14. Easements to Duke Power recorded Book 170, Page 218, Book 219, Page 25, Book 267 and Book 1271, Page 745, all Durham County Registry.
15. Easement to General Telephone Company of the Southeast recorded in Book 1262, Book 222, Durham County Registry.
16. Easement and Memorandum of Agreements with Time Warner Entertainment-Advance Newhouse Partnership recorded in Book 6650, Page 681, both Durham County Registry.