

FOR REGISTRATION  
Sharon A. Davis  
REGISTER OF DEEDS  
Durham County, NC  
2016 NOV 10 03:14:17 PM  
BK:8064 PG:158-162  
DEED  
FEE:\$26.00  
EXCISE TAX:\$10,000.00  
INSTRUMENT # 2016039511  
SMMARSH



2016039511

\* Return to: Wyatt Early Harris Wheeler, LLP (David N. Woods) PO Drawer 2086, High Point, NC 27261

**SPECIAL WARRANTY DEED**

Excise Tax \$10,000.00

Parcel ID# 148183/PIN # 0729-03-10-2635

~~Mail after recording to:~~ Grantee

This instrument was prepared by Stephanie C. Powell, Morningstar Law Group, 630 Davis Drive, Suite 200, Morrisville, NC 27560. (Without title examination.)

Brief description for the Index: Portion of Lot 2, MC Durham Company, Plat Book 142, Page 33, City of Durham, Triangle Township.

THIS SPECIAL WARRANTY DEED is made effective as of the 8 day of November, 2016, by and between BRICKMAN DFC LLC, a Delaware limited liability company (the "Grantor"), and HTA-DFC, LLC, a Delaware limited liability company with a mailing address of 16435 North Scottsdale Road, Suite 320, Scottsdale, Arizona 85254 (the "Grantee").

**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 the City of Durham, Triangle Township, Durham County, North Carolina, and more particularly described as follows (the "Property"):

Located on the West side of Fayetteville Road, BEING all of Lot 2 per plat of survey thereof titled "MC Durham Company - Fayetteville Road" by S. D. Puckett & Assoc. Inc. dated October 8, 1998, recorded November 13, 1998, in Plat Book 142, page 33, Durham County Register of Deeds, to which reference is hereby made for a more particular description of same.

LESS that property conveyed to the City of Durham by that North Carolina General Warranty Deed dated February 15, 1999, and recorded September 17, 1999, in Book 2710, page 488, and designated as a 4657.17 square foot tract shown per plat of survey thereof titled "Final Plat Showing Easement Required for American Tobacco Trail - M. C. Durham Property" by Donald F. Greeley, Registered Land Surveyor, dated November 10, 1998, recorded September 17, 1999, in Plat Book 144, page 106, Durham County Register of Deeds, to which reference is hereby made for a more particular description of same.

Together with all rights of the Grantor in and to any and all roads, streets, and highways bordering the property and all rights of the Grantor in and to all property abandoned or to be abandoned by the North Carolina Department of Transportation contiguous to the Property and contiguous to the property shown on Tax Map 522-02-003B identified as owned by the City of Durham.

LESS AND EXCEPT the right-of-way reflected on the surveys titled "Final Plat Showing Easements and Right of Way Required for Fayetteville Road" by Barbara H. Mulkey Engineering, Inc. dated May 2, 2002, and recorded June 3, 2002, in Plat Book 155, pages 261 and 263, Durham County Registry.

ALSO LESS AND EXCEPT that fee simple interest in property conveyed by MC Durham Co. to the City of Durham, a North Carolina municipal corporation, by that Deed dated August 27, 2002, and recorded September 17, 2002, in Book 3575, page 717, Durham County Registry.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor has done nothing to impair such title as the Grantor received, and the Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under, or through the Grantor, except for the exceptions hereinafter stated: (i) general real estate taxes for the year of the Closing and subsequent years, (ii) all easements and rights of ways, covenants, agreements, restrictions, development agreements, or other matters affecting the Property which are of record in the Durham County Register of Deeds (the "Registry"), (iii) all site plans, development plans, zoning ordinances, regulations and any other ordinances or regulations affecting the Property, (iv) easements, rights of way and encroachments and other matters which would be disclosed by an accurate survey or inspection of the Property, (v) rights of way of streets, (vi) that certain lease dated as of April 22, 2005, by and between OurFirst LLC and, by way of an assignment of a fifty percent (50%) interest effective as of April 24, 2006, The Gary M. Hock Penn L.L.C., as original landlords (together, "Original Landlord") and Duke University Health System, Inc. ("DUHS"), as tenant, titled "Lease" as amended by that certain Amendment to Lease by and between Original Landlord and DUHS made and effective the 12th day of May, 2006, and further amended by that certain Second Amendment to Lease by and between Original Landlord and DUHS made and effective as of the 1st day of November, 2006, and assigned by Original Landlord to Grantor pursuant to that certain Assignment and Assumption of Lease Agreement between Original Landlord and Grantor dated July 11, 2007, and as evidenced by that certain Memorandum of Lease recorded in Book 4967, Page 63, of the Registry, (vii) all matters shown on plats recorded in Book 142, page 33 and Book 155, pages 261 and 263 of the Registry, (viii) that certain Stormwater Facility Agreement and Covenant Version 082203 dated the 11th day of April, 2008, by and between Grantor and the City of Durham and recorded in Book 5931, Page 661, of the Registry, secured by a certificate of deposit in the amount of \$44,139.00, and (ix) other matters listed on Exhibit A attached hereto.

Grantor acquired the Property by instrument recorded in Book 5682, page 229, Durham County Registry.

A map showing the Property is recorded in Plat Book 142, page 33, Durham County Registry.

The Property is not the personal residence of the Grantor.

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 the context.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed by their duly authorized managers to be effective as of the day and year first above written.

**GRANTOR:**

BRICKMAN DFC LLC, a Delaware limited liability company

By: *Bruce S. Brickman*

Name: Bruce S. Brickman

Title: President and Treasurer

STATE OF *NY*  
COUNTY OF *NY*

I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Bruce S. Brickman  
(name of person signing)

*Monica B. Pacifico*  
Notary Public

Date: *11/1/16*

Print Name: *Monica B. Pacifico*

My commission expires: *12/31/18*

SEAL - STAMP  
MONICA B. PACIFICO  
Notary Public, State of New York  
No. 01PA4820213  
Qualified In Queens County  
Commission Expires Dec. 31, *2018*

**EXHIBIT A**

**TO DFC SPECIAL WARRANTY DEED**

EXCEPTIONS

1. Easements to Duke Power Company recorded in Book 235, Page 365, and Book 1337, Page 994, Durham County Registry.
2. Stormwater Facility Agreement and Covenant Version 082203 recorded in Book 4862, Page 19, Durham County Registry.