

REGISTER OF DEEDS  
Sharon A. Davis  
Durham County, NC  
2021 Dec 20 04:29:09 PM  
BK:9566 PG:537-546  
DEED  
FEE: \$26.00  
INSTRUMENT # 2021064748  
EXCISE TAX: \$215,160.00  
SMMARSH



SPECIAL WARRANTY DEED

Excise Tax: \$215,160.00

Tax Parcel Identifier No.: 103124, 104891

Mail after recording to:

Latham & Watkins LLP  
330 N. Wabash Avenue, Suite 2800  
Chicago, Illinois 60611  
Attn: Rachel Bates, Esq.

This instrument was prepared without  
title examination by:

Dinsmore & Shohl LLP  
255 East 5th Street, Suite 1900  
Cincinnati, Ohio 45202  
Attn: Natalie H. Rauf

Brief description for the Index:

602, 604, 610 W Morgan Street and 210 N  
Duke Street, Durham, NC

THIS DEED made this 16<sup>th</sup> day of December, 2021, by and between:

GRANTOR	GRANTEE
West Village Durham I, LLC, West Village Durham I Starwood, LLC, West Village Durham I Retreat, LLC, each a Delaware limited liability company 10510 Springboro Pike, Miamisburg, Ohio 45342	210 N Duke 602-610 W Morgan (NC) Owner LP, a Delaware limited partnership 345 Park Avenue New York, New York 10154

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 for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged West Village Durham I, LLC, West Village Durham I Starwood, LLC, West Village Durham I Retreat, LLC, each a Delaware limited liability company (collectively "Grantor"), have and by these presents does grant, bargain, sell and convey to 210 N Duke 602-610 W Morgan (NC) Owner LP, a Delaware limited partnership ("Grantee"), in fee simple, the property more fully described in Exhibit "A".

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7871, Pages 484 - 487, of the Durham County, North Carolina Registry.

The property does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid undivided interest in said lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND, SUBJECT TO the title matters expressly set forth on **Exhibit "B"** attached hereto and made a part hereof, Grantor will warrant and forever defend the right and title to the Property unto the Grantee against the claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has executed this Deed on the day and year first written above.

WEST VILLAGE DURHAM I, LLC,  
a Delaware limited liability company (SEAL)

By: [Signature]  
Lawrence S. Connor, President

WEST VILLAGE DURHAM I STARWOOD, LLC,  
a Delaware limited liability company (SEAL)

By: [Signature]  
Lawrence S. Connor, President

WEST VILLAGE DURHAM I RETREAT, LLC,  
a Delaware limited liability company (SEAL)

By: [Signature]  
Lawrence S. Connor, President

STATE OF OHIO )  
MONTGOMERY COUNTY )

The foregoing instrument was acknowledged before me this 14 day of December 2021, by Lawrence S. Connor, the President of West Village Durham I, LLC, West Village Durham I Starwood, LLC, and West Village Durham I Retreat, LLC, each a Delaware limited liability company, on behalf of the company.



MOLLIE COURTNEY  
Notary Public, State of Ohio  
My Commission Expires:  
June 01, 2025

[Signature]  
Notary Public  
Notary's Printed or Typed Name  
Mollie Courtney

[NOTARIAL SEAL]

EXHIBIT A**Parcel 6 – FEE PARCEL:****Parcel ID: 103124 – 602 and 604 W. Morgan Street:**

Beginning at tack in lead in the centerline of an asphalt road which was formerly used as Fuller Street, City of Durham, North Carolina, which said tack in lead is also located in the southern right of way of Fernway Street in the centerline of the intersection of the northern portion of the asphalt road formerly used as Fuller Street and southern margin of Fernway Street; thence from said point and place of beginning, S 53° 40' 38" E 24.97' to a SIP; thence S 53° 42' 09" E 181.64'; thence N. 10° 10' 51" E 8.62' to a tack in lead; thence S 53° 33' 37" W 86.69' to a tack in lead; thence S 11° 31' 24" E 163.93' to a SIP; thence along a curve having a chord bearing of S. 05° 49' 53" E. a radius of 607.16' and a length of 152.25' for a distance of 151.85' to a SIP; thence along a curve having a chord bearing of S. 07° 41' 57" W and a radius of 508.78 feet and a length of 94.47 feet for a distance of 94.33 feet to a SIP in the northern margin of the West Morgan Street right of way; thence along the northern margin of the West Morgan Street right of way he following six calls: N 52° 20' 35" W 0.17' to a SIP, N 53° 37' 36" W 133.35' to a tack in lead, N 53° 37' 36" W 58.83' to a tack in lead, N 53° 35' 42" W 184.55' to a tack in lead; thence N 55° 31' 47" W 24.97' to a tack in lead located in the northern margin of the West Morgan Street right of way as it intersects with the asphalt road formerly used as Fuller Street, City of Durham, North Carolina; thence N 36° 16' 48" E 297.93' to a tack in the lead in the southern margin of the Fernway Street right of way as it intersects with the asphalt road formerly known as Fuller Street, City of Durham, North Carolina, the point and or place of beginning and being 3.07 acres, more or less.

LESS AND EXCEPT Tract 1 as shown on that certain Recombination Survey prepared by Riley Surveying P.A. and recorded on November 2, 1998 in Plat Book 142, Page 14 Durham County Registry. Being the same property conveyed and described in deed recorded in Deed Book 8611, Page 105.

**APPURTENANT EASEMENTS:****TRACT 1:**

TOGETHER WITH real property interests of the second floor extension bridge traversing Morgan Street, Durham, North Carolina, connecting the north side wall of O'Brien Building and the second floor of Cooper Shop, being the same bridge conveyed by Liggett Group, Inc. to The Trackside Group, LLC by General Warranty Deed dated March 11, 1997, filed in Book 2290 at Page 996 et seq., Durham County Registry; and

**TRACT 2:**

TOGETHER WITH real property interests, if any, contained in that certain Party Wall Agreement dated March 11, 1997, filed in Book 2291, Page 34 et seq., Durham County Registry; and

**TRACT 3:**

TOGETHER WITH the cross access easements contained in the Declaration of Reciprocal Easements and Covenants dated February 27, 2014 and recorded in Book 7450, Page 219, Durham County Registry.

**Parcel 7 – FEE PARCEL:**

**Parcel ID: 104891 – 210 N. Duke Street:**

Beginning at an existing railroad spike located in the centerline of a paved road formerly known as Fuller Street, City of Durham, North Carolina, said spike being located approximately 23 feet south of the centerline of the intersection of former Fuller Street and Fernway Street; thence along the centerline of the asphalt road formerly known as Fuller Street, S.  $36^{\circ} 16' 48''$  W. 297.93 feet to an existing railroad spike located in the centerline of the street formerly known as Fuller Street and in the northern margin of West Morgan Street; thence along the northern margin of West Morgan Street the following two calls: N.  $55^{\circ} 41' 37''$  W. 24.97 feet to an existing tack in lead; N.  $53^{\circ} 41' 00''$  W. 310.69 feet to a tack in lead; thence along the eastern margin of North Duke Street, N.  $27^{\circ} 06' 30''$  E. 304.07 feet to an existing railroad spike in the southern margin of the Fernway Street right of way; thence along the Fernway Street right of way, S.  $53^{\circ} 27' 30''$  E. 359.15 feet to a railroad spike; thence S.  $53^{\circ} 40' 38''$  E. 24.97 feet to an existing railroad spike, the point and place of beginning, and being 2.472 acres, more or less. Parcel ID 104891.

**APPURTENANT EASEMENT:**

TOGETHER WITH the cross access easements contained in the Declaration of Reciprocal Easements and Covenants dated February 27, 2014 and recorded in Book 7450, Page 219, Durham County Registry.

EXHIBIT B

Permitted Exceptions

AS TO FEE PARCEL SIX AND APPURTENANT EASEMENT TRACT 1 AND FEE PARCEL SEVEN:

1. Taxes or assessments for the year 2022, and subsequent years, not yet due or payable.
2. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Durham County Registry:
  - a. Plat Book 112, Page 141:
    - i. Street rights of way;
  - b. Plat Book 141, Page 123:
    - i. Fuller Street abandonment and retention of utility easement;
  - c. Plat Book 142, Page 14:
    - i. Sight distance easement;
    - ii. Catch basin.
3. Declaration of Rights and Privileges of the City of Durham in Certain Sanitary Sewer Easements recorded in Book 1510, Page 958, Durham County Registry.
4. Easement(s) to American Telephone and Telegraph Company recorded in Book 109, Page 317; Book 112, Page 436; and Book 124, Page 311, Durham County Registry.
5. Party Wall Agreement recorded in Book 2291, Page 34, Durham County Registry. (Affects Fee Parcel Six and Appurtenant Easement Tract 1)
6. Declaration of Reciprocal Easements and Covenants recorded in Book 7450, Page 219, Durham County Registry.
7. Terms and conditions of the Deed recorded in Book 2290, Page 996, Durham County Registry.
8. Exception is taken to the rights of others in and to the use of the land underneath the bridge described in Book 2291, Page 34, as traversing (West) Morgan Street, which land is dedicated as a public road; to the rights of utility companies to use (West) Morgan Street for placement of utilities; to loss or damage as a result of the failure of said bridge to have been established as a recognized property right by compliance with state and local condominium and/or air rights laws; and to any other such rights of others in, to and over same. (Affects Fee Parcel Six and Appurtenant Easement Tract 1)
9. Easement to Spectrum Southeast recorded in Book 9460, Page 907, Durham County Registry.

10. The correctness of the square footage/acreage computation contained in the description of the Land is not insured.
11. Lease by and between Fuller Street Development, LLC and VV Durham, LLC, a memorandum of which is recorded in Book 7670, Page 539, Durham County Registry.
12. Rights of tenants in possession, as tenants only, under unrecorded leases.
13. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by survey entitled "ALTA/NSPS Land Title Survey Prepared for The Connor Group, Durham Township, Durham County, N.C." by Riley Surveying, P.A., P.E.S., dated October 12, 2021, last revised 12/9/21.
  - a. Parcel Six:
    - i. Service utilities;
    - ii. Natural gas without benefit of easement;
    - iii. Building encroaches into easement(s);
    - iv. Fire escape/stairs encroach into right-of-way;
    - v. Curb cut extends into right of way of West Morgan Street and Fernway Street;
    - vi. Rights of others in and to the sidewalks affecting the Land.
  - b. Parcel Seven:
    - i. Service utilities;
    - ii. Metal awnings, overhead I-beams and electric junction box encroach into rights-of-way;
    - iii. Rights of others in and to the sidewalks affecting the Land.
  - c. Parcel Six Appurtenant Easement Tract 1:
    - i. Service utilities.

AS TO PARCEL SIX APPURTENANT EASEMENT TRACT 2:

1. Taxes or assessments for the year 2022, and subsequent years, not yet due or payable.
2. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Durham County Registry:
  - a. Plat Book 112, Page 141:
    - i. Street rights of way;
  - b. Plat Book 170, Page 218:
    - i. Two (2) cross access easements and canopy encroachment;
  - c. Plat Book 171, Page 293:
    - i. Building encroachments;
    - ii. Shared parking and cross access easements;
    - iii. Easement retained by the City of Durham over former Cigarette Street in Book 1144, Page 681.

3. Terms and Conditions of Party Wall Agreement recorded in Book 2291, Page 34, Durham County Registry.
4. Easement(s) and/or right(s) of way in favor of American Telephone and Telegraph Company recorded in Book 109, Page 317; Book 112, Page 436; and Book 124, Page 311, Durham County Registry.
5. Order Permanently Closing Cigarette Street Between Main Street and the Southern Railroad Right of Way recorded in Book 1144, Page 681, Durham County Registry, as affected by that certain Deed recorded in Book 1427, Page 256, Durham County Registry.
6. Declaration of Cross Access Easement(s) recorded in Book 5092, Page 599, Durham County Registry.
7. Declaration of Cross Access Easement(s) recorded in Book 5150, Page 957, Durham County Registry.
8. Declaration of Reciprocal Easements and Covenants recorded in Book 7450, Page 219, Durham County Registry.
9. Right(s) of way to Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC recorded in Book 5416, Page 355, Durham County Registry.
10. Right(s) of way to Duke Energy Carolinas, LLC recorded in Book 6425, Page 42, Durham County Registry.
11. An Ordinance Providing for the Designation of the Former Liggett and Meyers Tobacco Complex - West Village Expansion, recorded in Book 6477, Page 502, Durham County Registry.
12. Access and Walkway Easement Agreement recorded in Book 6782, Page 92, Durham County Registry.
13. Stormwater Facility Agreement recorded in Book 5685, Page 418, Durham County Registry.
14. Stormwater Facility Agreement recorded in Book 5685, Page 427, Durham County Registry.
15. Exception is taken to the rights of others in and to the use of the land underneath the bridge described in Book 2291, Page 34, as traversing (West) Morgan Street, which land is dedicated as a public road; to the rights of utility companies to use (West) Morgan Street for placement of utilities; to loss or damage as a result of the failure of said bridge to have been established as a recognized property right by compliance with state and local condominium and/or air rights laws; and to any other such rights of others in, to and over same.
16. Lease by and between Fuller Street Development, LLC and VV Durham, LLC, a memorandum of which is recorded in Book 7670, Page 539, Durham County Registry.
17. Memorandum of Parking Lease by and among Fuller Street Development, LLC; FSD Master

Tenant, LLC; Walker

18. CST, LLC and HCP/LFREP Durham, LLC, recorded in Book 6782, Page 82, Durham County Registry.
19. Rights of tenants in possession, as tenants only, under unrecorded leases.
20. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by survey entitled "ALTA/NSPS Land Title Survey Prepared for The Connor Group, Durham Township, Durham County, N.C." by Riley Surveying, P.A., P.L.S., dated October 12, 2021, last revised 12/9/21.
  - a. Service utilities.

AS TO PARCEL SIX APPURTENANT EASEMENT TRACT 3; PARCEL 7 APPURTENANT EASEMENT:

1. Taxes or assessments for the year 2022, and subsequent years, not yet due or payable.
2. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Durham County Registry:
  - a. Plat Book 112, Page 141:
    - i. Street rights of way;
  - b. Plat Book 170, Page 218:
    - i. Cross access easements;
  - c. Plat Book 171, Page 293:
    - i. Building encroachments;
    - ii. Shared parking and cross access easements;
    - iii. Easement retained by the City of Durham over Cigarette Street in Book 1144, Page 681, Durham County Registry.
3. Party Wall Agreement recorded in Book 2291, at Page 34, Durham County Registry.
4. Right(s) of way to Duke Power Company LLC d/b/a Duke Energy Carolinas, LLC recorded in Book 5416, Page 355, Durham County Registry.
5. Right(s) of way to Duke Energy Carolinas, LLC recorded in Book 6425, Page 42, Durham County Registry.
6. Easement(s) and/or right(s) of way in favor of American Telephone and Telegraph Company recorded in Book 109, Page 317; Book 112, Page 436; and Book 124, Page 311, Durham County Registry.
7. Order Permanently Closing Cigarette Street Between Main Street and the Southern Railroad Right of Way recorded in Book 1144, Page 681, Durham County Registry, as affected by that

- certain Deed recorded in Book 1427, Page 256, Durham County Registry.
8. Declaration of Cross Access Easement(s) recorded in Book 5092, Page 599, Durham County Registry.
  9. Declaration of Cross Access Easement(s) recorded in Book 5150, Page 957, Durham County Registry.
  10. Stormwater Facility Agreement recorded in Book 5685, Page 418, Durham County Registry.
  11. Stormwater Facility Agreement recorded in Book 5685, Page 427, Durham County Registry.
  12. Terms and conditions of that Declaration of Reciprocal Easements and Covenants recorded in Book 7450, Page 219, Durham County Registry.
  13. An Ordinance Providing for the Designation of the Former Liggett and Meyers Tobacco Complex - West Village Expansion, recorded in Book 6477, Page 502, Durham County Registry.
  14. Access and Walkway Easement Agreement recorded in Book 6782, Page 92, Durham County Registry.
  15. Prohibition Against Condominium Conversion Agreement recorded in Book 7871, Page 530, Durham County Registry.
  16. Exception is taken to the rights of others in and to use of the land underneath the bridge described in Book 2291, Page 34, as traversing (West) Morgan Street, which land is dedicated as a public road; to the rights of utility companies to use (West) Morgan Street for placement of utilities; to loss or damage as a result of the failure of said bridge to have been established as a recognized property right by compliance with state and local condominium and/or air rights laws; and to any other such rights of others in, to and over same.
  17. Lease by and between Fuller Street Development, LLC and VV Durham, LLC, a memorandum of which is recorded in Book 7670, Page 539, Durham County Registry.
  18. Memorandum of Parking Lease by and among Fuller Street Development, LLC; FSD Master Tenant, LLC; Walker CST, LLC and HCP/LFREP Durham, LLC, recorded in Book 6782, Page 82, Durham County Registry.
  19. Rights of tenants in possession, as tenants only, under unrecorded leases.
  20. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by survey entitled "ALTA/NSPS Land Title Survey Prepared for The Connor Group, Durham Township, Durham County, N.C." by Riley Surveying, P.A., P.L.S., dated October 12, 2021, last revised 12/9/21.
    - a. Parcel Six:
      - i. Service utilities;
      - ii. Natural gas without benefit of easement;

- iii. Building encroaches into easement(s);
- iv. Fire escape/stairs encroach into right-of-way;
- v. Curb cut extends into right of way of West Morgan Street and Fernway Street;
- vi. Rights of others in and to the sidewalks affecting the Land.

b. Parcel Seven:

- i. Service utilities;
- ii. Metal awnings, overhead I-beams and electric junction box encroach into rights-of-way;
- iii. Rights of others in and to the sidewalks affecting the Land.