

FOR REGISTRATION  
Sharon A. Davis  
REGISTER OF DEEDS  
Durham County, NC  
2017 Oct 19 10:48:11 AM  
BK:8291 PG:673-678

DEED  
FEE: \$26.00  
INSTRUMENT # 2017036870  
EXCISE TAX: \$13,044.00



TAX STAMP EXCISE TAX: \$13,044.00

RECORDING INFORMATION

Tax Map Reference: 149556

PIN: 0718-02-96-6793

Description for Index: LOT 2 SOUTH POINT CENTER, PLAT BK 161 PG 50

\* Prepared by and after recording return to: OLD REPUBLIC NATIONAL TITLE CO

521 FIFTH AVENUE  
23RD FLOOR  
NEW YORK NY 10175

MICHAEL BALDUCCI, ESQ.

MORRISON COPEN LLP

909 THIRD AVE

NEW YORK, NY 10022

**SPECIAL WARRANTY DEED**

STATE OF NORTH CAROLINA §

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DURHAM §

THAT, DURHAM DRUG LLC, a New York limited liability company, having an address at 46 Westchester Avenue, Pound Ridge, New York 10576 (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto CEDAR CROSSING ENTERPRISES, INC., a Florida corporation, having an address at 11555 Central Parkway, Suite 1004, Jacksonville, Florida 32224 (hereinafter referred to as "Grantee"), that certain real property located in Durham County, North Carolina, being more particularly described by platted legal description on Exhibit "A" attached hereto and fully made a part hereof by reference for all purposes (the "Land"), together with all

improvements located thereon and all rights and appurtenances thereto in anywise belonging to Grantor, including but not limited to, all rights, titles and interests, if any, of Grantor in (a) any land lying in or under the bed of any highway, avenue, street, road, alley, open or proposed, in, on, across, abutting or adjacent to the Land, and (b) all rights, titles and interests of Grantor, if any, in and to any awards made, or to be made in lieu thereof, for damage by reason of change in grade of any such highway, avenue, street, road or alley (all of said Land, property and interest being collectively referred to herein as the "Property"), subject, however, to all exceptions to title set forth on **Exhibit "B"** attached hereto and fully made a part hereof by reference for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the above described Property, subject to the Permitted Exceptions, together with any and all the rights and appurtenances thereto in anywise belonging to Grantor, unto the said Grantee, its legal representatives, successors and assigns FOREVER, and Grantor does hereby bind itself and its legal representatives, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, its successors, legal representatives and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

**EXCEPT AS EXPRESSLY SET FORTH HEREIN, GRANTEE ACCEPTS THE PROPERTY "AS IS, WHERE IS AND WITH ALL FAULTS". EXCEPT AS EXPRESSLY SET FORTH HEREIN, NOTHING HEREIN OR IN ANY INFORMATION DELIVERED TO GRANTEE INCIDENT TO THIS SPECIAL WARRANTY DEED SHALL BE CONSTRUED TO IMPLY OR EXPRESS ANY WARRANTY OR REPRESENTATION BY GRANTOR WITH RESPECT TO (a) MERCHANTABILITY, CONDITION, WORKMANSHIP, HABITABILITY, FITNESS OR SUITABILITY FOR USE OR PURPOSE OF THE PROPERTY, OR ANY PART THEREOF, OR (b) COMPLIANCE OF THE PROPERTY OR ITS USE WITH ANY REGULATIONS, AND IN NO EVENT SHALL GRANTOR BE LIABLE FOR ANY CONSEQUENTIAL DAMAGES.**

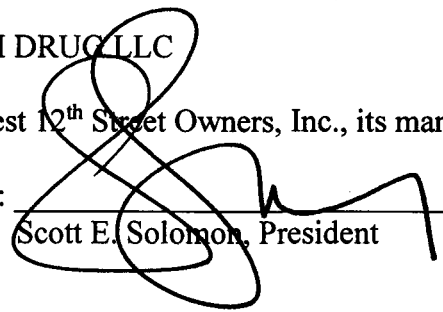
[Signatures follow on the next page.]

EXECUTED and EFFECTIVE as of the 13<sup>th</sup> day of October, 2017.

Grantor:


DURHAM DRUG LLC

By: West 12<sup>th</sup> Street Owners, Inc., its managing member

By:   
Scott E. Solomon, President

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF NEW YORK    )

On the 12 day of October, in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Scott E. Solomon, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public (SEAL)

GERALDINE FOLEY  
Notary Public, State of New York  
No. 01FO5088095  
Qualified in New York County  
Commission Expires Sept. 23, 2018

#7400344 v3 \023243 \0126

Sig Pg: Deed  
Durham Drug LLC

**Exhibit "A"**

**Legal Description of the Land**

Being all of Lot 2 of South Pointe Center according to the Final Recombination Plat and R/W Dedication Plat thereof recorded in Plat Book 161, Pages Page 47 and 50, Durham County Registry to which plats reference is hereby made for a more particular description of the same.

Exhibit "B" to Deed

**PERMITTED EXCEPTIONS**

1. All taxes or special assessments for the year 2017 and subsequent years, not yet due and payable.
2. Declaration of Access Easement and Restrictions recorded in Book 4411, page 969, Durham County Registry.
3. Eighteen foot public stormwater drainage easement, thirty foot City of Durham Sanitary Sewer Easement, twenty-five foot front and fifteen foot side and side street minimum building setback lines, site triangles, ten foot by twenty foot Duke Power easement, cross access, utilities and stormwater detention, and building restriction lines as shown on plat recorded in Book of Maps/Plat Book 161, page 47 and page 50, Durham County Registry.
4. Ten foot by twenty foot Duke Power Company easement as shown on plat recorded in Book of Maps/Plat Book 153 page 131 Durham County Registry.
5. Terms, use restrictions, right of first refusal, covenants and conditions contained in unrecorded lease between Piedmont Fayetteville Partners, L.P., and Walgreen Company dated April 8, 2004, as evidenced by a Memorandum of Lease recorded in Book 4411, Page 946, affected by Subordination, Nondisturbance and Attornment Agreement recorded in Book 4411, Page 958, Durham County Registry. With respect to the lease, landlord's interest was assigned by Assignment of Lease, Indemnity and Assumption Agreement recorded in Book 4946 Page 844, Durham County Registry.
6. Stormwater Facility Agreement and Covenant recorded in Book 4476 page 89 corrected in Book 4512 page 444, as affected by Assumption of Stormwater Facility Operation and Maintenance Permit Agreement recorded at Book 4723, Page 367, Durham County Registry.
7. Stormwater Facility Agreement and Covenants recorded in Book 4476 page 98 corrected in Book 4512 page 454, Durham County Registry.
8. Revised Declaration of Rights and Privileges of the City of Durham in Storm Water Management Facility Easements recorded in Book 2298, Page 208 (as referenced in Plat Book 161, Page 47).
9. Declaration of Rights and Privileges of the City of Durham in Certain Sanitary Sewer Easements in Book 1510, Page 958 (as referenced in Plat Book 161, Page 47).
10. Easement to Duke Power Company in Book 2036, Page 840.
11. Easement to Union & Durham Telephone as set forth in the Bill of Sale recorded in Book

145, Page 414.

12. Subject to dedication of certain property as a permanent open space subject to landscape and signage easement in Plat Book 134, Page 25.

All recording references herein shall refer to the Public Records of Durham County, North Carolina.