

SPECIAL WARRANTY DEED

Excise Tax: \$3,600.00

Tax Parcel Identifier No.: A portion of 0742-63-5409 & all of 0742-64-6226

Verified by _____ County on the ____ day of _____ 2019
by _____

Mail after recording to: First American Title Insurance Company
201 S. College Street, Suite 1440
Charlotte, NC 28244
Attn.: Alicia Otten

This instrument was prepared by: Robert Bradley Staley, a validly licensed North
Carolina attorney
Nexsen Pruet, PLLC
4141 Parklake Avenue, Suite 200
Raleigh, NC 27612

Brief Description for the Index:

A 2.857 acre portion of Tract 1 and all of Tract 2, Villages of Apex South Phase 2, BM 2018, pg. 1370-1371.

THIS DEED made this 3rd day of December, 2019, by and between

GRANTOR

GB APEX, LLC,
a Florida limited liability company
c/o The Sembler Company
5858 Central Avenue
St. Petersburg, FL 33707

GRANTEE

LIDL US OPERATIONS, LLC,
3500 S. Clark Street
Arlington, VA 22202

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 Wake County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book ____, Page ____.

Map showing the above-described property is recorded in Map Book ____, Page ____.

All or a portion of the property herein conveyed does not include the primary residence of Grantor.

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 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, except for exceptions stated herein. Title to the aforesaid property is conveyed subject to the following:

SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

[Remainder of Page Left Blank Intentionally – Signature Page Follows]

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its company name by its duly authorized officer, the day and year first above written.

GB APEX, LLC,
a Florida limited liability company

By: The Sembler Company,
a Florida corporation

Its: Manager

By: *Gregory Sembler*
Gregory S. Sembler, President

STATE OF Florida

COUNTY OF Pinellas

I certify that Gregory Sembler, President of The Sembler Company, a Florida corporation, personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing instrument for the purposes stated therein and, in the capacity indicated.

Date: 11/26, 2019

[Official Seal]

Janine M. Smith
Notary Public
Print Name: _____

My commission expires: _____

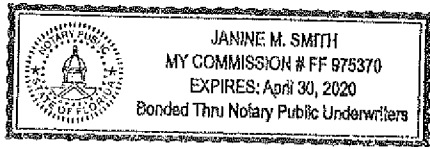


EXHIBIT "A" to Special Warranty DeedLegal Description**LOT 1**

That certain property lying and being in the Town of Apex, County of Wake and State of North Carolina, being known as New Lot 1 in the Exempt Plat for Property of North Carolina II, LP recorded in Map Book 2019, page 2094

ALSO DESCRIBED AS:

Beginning at a point, said point being an iron rebar found, said rebar also being along the westerly rights-of-way of Apex Peakway, said point also being THE POINT OF BEGINNING;

Thence running with the westerly rights-of-way of Apex Peakway the following courses and distances:

S 09° 28' 40" E 47.71' to an iron rebar found;

Thence with a curve to the left, whose arc length is 333.40' and having a radius of 751.58', with a chord bearing of S 22° 11' 10" E and distance of 330.68' to an iron pipe set;

Thence departing the westerly rights-of-way of Apex Peakway the following courses and distances:

S 26° 13' 13" W 192.64' to an iron pipe set;

N 63° 46' 47" W 45.52' to an iron pipe set;

N 63° 46' 47" W 235.07' to an iron pipe set;

N 26° 13' 12" E 58.42' to a capped and tacked iron pipe found;

N 63° 46' 48" W 106.50' to a capped and tacked iron pipe found, said pipe being along the easterly rights-of-way of Grand Central Station;

Thence running with the easterly rights-of-way of Grand Central Station, the following courses and distances:

N 26° 13' 12" E 255.61' to a P.K. nail found;

Thence with a curve to the right, whose arc length is 161.01' and having a radius of 170.00', with a chord bearing of N 53° 21' 14" E and distance of 155.06' to a capped and tacked iron pipe found;

N 80° 29' 16" E 7.81' to a found, capped and tacked, iron pipe;

Thence departing the easterly rights-of-way of Grand Central Station and running with the westerly rights-of-way of Apex Peakway with a curve to the right, whose arc length is 39.29' and having a radius of 25.00', with a chord bearing of S 54° 29' 42" E and distance of 35.37' to an iron rebar found, said rebar being THE POINT OF BEGINNING and containing 124,440 square feet or 2.857 acres, more or less.

The property described hereon is subject to all easements, rights-of-way and restrictions of record.

LOT 2

Beginning at a point, said point being an iron rebar found, said rebar being along the easterly rights-of-way of Apex Peakway, said point also being THE POINT OF BEIGINNING;

Thence running with the easterly rights-of-way of Apex Peakway, with a curve to the left, whose arc length is 474.17' and having a radius of 766.20', with a chord bearing of N 27° 12' 32" W and distance of 466.64' to a capped iron pipe found;

Thence departing the easterly rights-of-way of Apex Peakway and running with the southeasterly line of the Now or Formerly Villages of Apex Master Association, Inc. property, the following courses and distances:

N 45° 22' 51" E 95.97' to a capped iron pipe found;
 N 08° 26' 55" E 45.42' to a capped iron pipe found;
 N 74° 33' 00" E 12.30' to a computed point;
 N 20° 23' 47" E 11.46' to a computed point;
 N 50° 09' 42" E 28.59' to a computed point;
 N 87° 10' 33" E 13.96' to a computed point;
 N 14° 15' 41" E 13.09' to a capped iron pipe found;
 N 85° 18' 02" E 37.02' to a computed point;
 N 57° 01' 54" E 15.37' to a computed point;
 N 26° 54' 26" E 29.94' to a capped iron pipe found;
 N 66° 54' 25" E 38.67' to a computed point;
 N 24° 33' 17" E 32.83' to a capped iron pipe found;
 S 87° 42' 13" E 16.65' to a computed point;
 N 42° 42' 16" E 14.11' to a computed point;
 N 53° 41' 51" E 19.73' to an iron rebar found;

Thence departing the Now or Formerly Villages of Apex Master Association, Inc. property and running with the westerly line of the Now or Formerly Brookfield Subdivision Phase II (BM 1986, PG 1047), the following courses and distances:

S 00° 03' 40" W 32.17' to an iron pipe found;
 S 00° 10' 13" W 194.55' to a capped iron pipe found;

Thence departing the westerly line of the Now or Formerly Brookfield Subdivision Phase II (BM 1986, PG 1047) property and running with the westerly line of the Now or Formerly Brookfield Subdivision Phase III (BM 1986, PG 1047) property, the following courses and distances:

S 00° 09' 11" W 67.29' to a capped iron pipe found;
 S 00° 09' 11" W 105.00' to a capped iron pipe found;
 S 00° 09' 11" W 96.12' to an iron rebar found;
 S 00° 09' 11" W 102.37' to a capped iron pipe found;
 S 00° 09' 11" W 173.66' to an iron pipe found;
 S 00° 09' 11" W 65.75' to an iron pipe found;

Thence departing the westerly line of the Now or Formerly Brookfield Subdivision Phase III (BM 1986, PG 1047) property and running with the northerly line of the Now or Formerly Apex

Peakway Associates, LLC property N 89° 00' 18" W 32.47' to an iron rebar found, said rebar being along the easterly rights-of-way of Apex Peakway;

Thence departing the northerly line of the Now or Formerly Apex Peakway Associates, LLC property and running with the easterly rights-of-way of Apex Peakway, the following courses and distances:

Thence with a curve to the right, whose arc length is 113.71' and having a radius of 651.58', with a chord bearing of N 14° 28' 39" W and distance of 113.57' to an iron rebar found;

N 09° 28' 40" W 49.50' to an iron rebar found, said rebar being THE POINT OF BEGINNING and containing 111,874 square feet or 2.568 acres, more or less.

The property described hereon is subject to all easements, rights-of-way and restrictions of record.

EXHIBIT "B" to Special Warranty DeedPermitted Exceptions

1. Taxes for the year 2020, which are a lien, but not yet due and payable, and all subsequent years.
2. Memorandum of Action for Taking by the Town of Apex recorded in Book 8519, Page 1834, Wake County Registry and as approximately shown on the Survey by Thomas E. Teabo, PLS for Bohler Engineering NC, PLLC, dated November 5, 2018, last revised _____, 2019 (the "Survey").
3. Easement to Town of Apex, a municipal corporation of the State of North Carolina recorded in Book 13953, Page 2190, Wake County Registry and as approximately shown on the Survey.
4. Easements and any other facts as shown on plat recorded in Book of Maps 2007, Page 2915; Book of Maps 2009, Pages 820-822; Book of Maps 2016, Page 889; and Book of Maps 2017, Page 2633, all of the Wake County Registry and as approximately shown on the Survey.
5. Easements and any other facts as shown on plat recorded in Book of Maps 2018, Pages 1370 and 1371, Wake County Registry and as approximately shown on the Survey.
6. Wet Detention Basin Operation & Maintenance Agreement by North Carolina II, L.P., recorded in Book 16421, Page 1561, Wake County Registry and as approximately shown on the Survey.
7. Easement to Public Service Company of North Carolina, Incorporated, a South Carolina corporation recorded in Book 17237, Page 2467, Wake County Registry and as approximately shown on the Survey.
8. Any inaccuracy in the area, square footage or acreage of the Land to be insured hereunder.
9. Title to and easements in, any portion of the Land lying within any highways, roads, streets or other ways.
10. Any facts, rights, interests or claims that may exist or arise by reason of the following matters disclosed by an ALTA/NSPS survey made by Thomas E. Teabo, PLS for Bohler Engineering NC, PLLC on November 5, 2018, last revised _____, 2019, designated NSR181004:
 - a) Chessie Station - 47.5' Public R/W ;
 - b) Apex Public Drainage Easement;
 - (c) 26' Private R/W;
 - (d) 4' Tree Protection;
 - (e) Existing 15' Type 'E' Thoroughfare Buffer;

- (f) Laura Duncan Road Public R/W;
- (g) Existing Town of Apex Sidewalk Easement;
- (h) Existing Town of Apex Public Utility Easement;
- (i) Existing 52.5' Private R/W;
- (j) Grand Central Station - 70' Public R/W;
- (k) Apex Peakway - 100' Public R/W;
- (l) Existing Structural BMP;
- (m) Existing BMP Maintenance & Access Easement;
- (n) Existing Slope Easement;
- (o) Existing 50' Neuse Buffer;
- (p) Existing Wetlands.

11. Easements and any other facts shown on Plat of Subdivision for _____
prepared by _____, dated _____, 2019 and recorded on _____, 2019 recorded in Book
of Maps _____, Page _____, Wake County Registry.