

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$78,000.00

Tax Parcel Identifier No. 0768549715

Mail after recording to: HW Properties, LLC, 2900 Highwoods Blvd., Suite 200, Raleigh, NC 27604

This instrument was prepared without title examination by:
Paul M. Fogleman, Esq., Womble Bond Dickinson (US) LLP

Brief description for the Index: LO9 BRIER CREEK CORPORATE CENTER - PARCEL J
PHI BM2006-01638

**NORTH CAROLINA
WAKE COUNTY**

THIS SPECIAL WARRANTY DEED is made this 28th day of December, 2021 by **BRIER CREEK SOUTH, LLC**, a North Carolina limited liability company ("Grantor"), with a mailing address of 1411 Commonwealth Drive, Suite 301, Wilmington, North Carolina 28403, Attention: Kevin L. McCarthy, to **HW PROPERTIES LLC**, a North Carolina limited liability company ("Grantee"), with a mailing address of 2900 Highwoods Boulevard, Suite 200, Raleigh, North Carolina 27604, Attention: Sessa Debnam.

WITNESSETH

For and in consideration of \$10.00 cash in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Wake County, North Carolina, together with all of the improvements situated thereon, which lot or parcel of land is more particularly described as follows (the "**Property**");

See Exhibit A attached.

The Property was acquired by Grantor by instruments recorded in Book 17662, Page 2123, Wake County Registry.

Grantor states that the Property does not include the primary residence of Grantor.

A map showing the above-described Property is recorded in Book of Maps 2006, Page 1638, Wake County Registry.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to 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, other than the exceptions described on **Exhibit B** attached hereto and incorporated by reference.

The designation "Grantor", and "Grantee" as used herein shall include said named parties and their respective heirs, personal representatives, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the day and year first above written.

BRIER CREEK SOUTH, LLC,
a North Carolina limited liability company

By: Southmark Capital, LLC,
a North Carolina limited liability company,
its Manager

By: [Signature]
Print Name: Kevin L. McCarthy
Title: Manager

STATE OF North Carolina
COUNTY OF New Hanover

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Kevin L. McCarthy

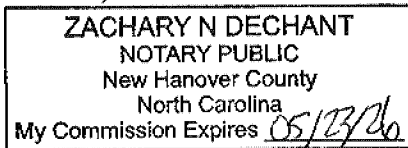
Date: 12/27/2021

Official Signature of Notary: [Signature]

Notary's Printed or Typed Name: Zachary N Dechant, Notary Public

My Commission Expires: 05/23/2026

(Official Seal)



**EXHIBIT A
ATTACHED TO DEED
FROM
BRIER CREEK SOUTH, LLC
TO
HW PROPERTIES, LLC

LEGAL DESCRIPTION**

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Raleigh, County of Wake, State of North Carolina.

Lot 9, containing 5.43 acres, as shown on "Brier Creek Corporate Center Parcel J Subdivision Ph. 1, Open Space Ph. 2-4 & Tree Conservation Area Ph. 1-4 Plat" recorded in the Wake County Registry in Book of Maps 2006, pages 1636-1645.

TOGETHER WITH the appurtenant easement(s) contained in that certain Master Declaration of Easements, Covenants and Restrictions recorded in Book 12113, page 2630, Wake County Registry.

TOGETHER WITH the appurtenant easement(s) contained in that certain Declaration of Easements, Covenants and Restrictions recorded in Book 8002, page 638, as supplemented and/or amended in Book 8219, page 642; Book 8438, page 1406; Book 8507, page 2351; Book 8535, page 1370; Book 8718, page 915; Book 8728, page 1399; Book 8834, page 787; Book 8866, page 1435; Book 8923, page 725; Book 8971, page 519; Book 8975, page 1726; Book 8997, page 1008; Book 9405, page 170; Book 9405, page 184; Book 9554, page 2227; Book 9954, page 56; Book 9954, page 130; Book 10139, page 2630; Book 10195, page 1442; Book 10363, page 207; Book 10778, page 2264; Book 10968, page 913; Book 11046, page 794; Book 11114, page 989; Book 11131, page 1158; Book 11146, page 502; Book 11159, page 822; Book 11330, page 419; Book 11473, page 1609; Book 11595, page 1480; Book 11581, page 1828; Book 11634, page 1732; Book 11635, page 2482; Book 11684, page 674; Book 11753, page 1942; Book 11760, page 2427; Book 11776, page 2448; Book 11795, page 1612; Book 11808, page 65; Book 11871, page 1471; Book 11991, page 353; Book 12024, page 2289; Book 12110, page 1949; Book 12159, page 601; Book 12198, page 193; Book 12219, page 2148; Book 12247, page 2258; Book 12695, page 1352; Book 12760, page 55; Book 12883, page 1850; Book 13218, page 97; and Book 13279, page 135, all Wake County Registry.

TOGETHER WITH the appurtenant easement(s) contained in that certain Cross Parking and Access Agreement recorded in Book 13002, page 1940, as amended by the First Amendment to Cross Parking and Access Agreement recorded in Book 13279, page 119, Wake County Registry.

TOGETHER WITH the appurtenant easement(s) contained in that certain Declaration of Cross Easements recorded in Book 8933, page 142, Wake County Registry.

TOGETHER WITH the appurtenant easement(s) contained in that certain Mutual Easement Agreement recorded in Book 7431, page 551, Wake County Registry.

TOGETHER WITH the appurtenant easement(s) contained in that certain Conduit Sleeving Easement recorded in Book 13180, page 484, Wake County Registry.

TOGETHER WITH the appurtenant easement(s) contained in that certain Declaration of Permanent Conservation Easement recorded in Book 12113, page 2784, Wake County Registry.

**EXHIBIT B
ATTACHED TO DEED
FROM
BRIER CREEK SOUTH, LLC
TO
HW PROPERTIES, LLC**

1. Taxes or assessments for the year 2022, and subsequent years, not yet due or payable.
2. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 8535, page 1405.
3. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 12113, page 2630.
4. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 8002, page 638, as supplemented and/or amended in Book 8219, page 642; Book 8438, page 1406; Book 8507, page 2351; Book 8535, page 1370; Book 8718, page 915; Book 8728, page 1399; Book 8834, page 787; Book 8866, page 1435; Book 8923, page 725; Book 8971, page 519; Book 8975, page 1726; Book 8997, page 1008; Book 9405, page 170; Book 9405, page 184; Book 9554, page 2227; Book 9954, page 56; Book 9954, page 130; Book 10139, page 2630; Book 10195, page 1442; Book 10363, page 207; Book 10778, page 2264; Book 10968, page 913; Book 11046, page 794; Book 11114, page 989; Book 11131, page 1158; Book 11146, page 502; Book 11159, page 822; Book 11330, page 419; Book 11473, page 1609; Book 11595, page 1480; Book 11581, page 1828; Book 11634, page 1732; Book 11635, page 2482; Book 11684, page 674; Book 11753, page 1942; Book 11760, page 2427; Book 11776, page 2448; Book 11795, page 1612; Book 11808, page 65; Book 11871, page 1471; Book 11991, page 353; Book 12024, page 2289; Book 12110, page 1949; Book 12159, page 601; Book 12198, page 193; Book 12219, page 2148; Book 12247, page 2258; Book 12695, page 1352; Book 12760, page 55; Book 12883, page 1850; Book 13218, page 97; and Book 13279, page 135.
5. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Book of Maps 2006, pages 1636-1645.
6. Any discrepancy, conflict, matters regarding access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claim of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean highwater mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the title that would be disclosed by a current inspection and accurate and complete land survey of the Property occurring subsequent to November 14, 2019, being the date of a survey entitled "ALTA/NSPS Land Title Survey" by Jason M. Failla, PLS; and any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the title regarding the following matters disclosed by said survey:
 - a. Service utilities;
 - b. Retaining walls; and
 - c. The rights of others in and to the use of the sidewalks crossing the Property.
7. Terms and conditions of the Cross Parking and Access Agreement recorded in Book 13002, page 1940, as amended by that First Amendment recorded in Book 13279, page 119, and the rights of others in and to the use thereof.

8. Terms and conditions of the Declaration of Cross Easements recorded in Book 8933, page 142, and the rights of others in and to the use thereof.
9. Transit Easement to the City of Raleigh recorded in Book 12113, page 2667.
10. Stormwater Replacement Protection Easement and Access Maintenance Agreement and Installation Replacement Contribution Agreement with the City of Raleigh recorded in Book 12113, page 2678.
11. Easement to Carolina Power and Light Company d/b/a Progress Energy Carolinas recorded in Book 12332, page 1523.
12. Zoning Allocation Agreements recorded in Book 7431, page 541 and Book 7687, page 293.
13. Easements and or rights of way to Carolina Power and Light Company recorded in Book 928, page 37; Book 1113, page 394; Book 1319, page 381; Book 1551, page 520; and Book 5905, page 145.
14. Easements and/or rights of way to General Telephone Company of the Southeast recorded in Book 1487, page 193.
15. Easements and/or rights of way to Durham Public Service Company recorded in Book 771, page 358.
16. Terms and conditions of that Conduit Sleeving Easement recorded in Book 13180, page 484, and the rights of others in and to the use thereof.
17. Terms and conditions of that Declaration of Permanent Conservation Easement recorded in Book 12113, page 2784, and the rights of others in and to the use thereof.