

WAKE COUNTY, NC 129
 LAURA M RIDDICK
 REGISTER OF DEEDS
 PRESENTED & RECORDED ON
 05/13/2016 12:54:51
 STATE OF NC REAL ESTATE
 EXCISE TAX: \$4,100.00
 BOOK:016383 PAGE:02673 - 02679

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$4,100.00

Tax Lot No. 0036171 Parcel Identifier No. _____
 Verified by _____ County on the _____ day of _____ 20____
 by _____

Mail after recording to: Zachary D. Morgan, McGuireWoods LLP, 201 North Tryon Street, Suite 3000, Charlotte, NC 28202

This instrument was prepared by: Zachary D. Morgan, McGuireWoods LLP, 201 North Tryon Street, Suite 3000, Charlotte, NC 28202

Brief Description for the Index

5.00 acres, West Williams Street

THIS DEED made this 10th day of May, 2016, by and between

GRANTOR

MCIVER FAMILY HOLDINGS LLC, a North Carolina limited liability company

 2130 Olive Chapel Road
 Apex, NC 27502

GRANTEE

LIDL US OPERATIONS, LLC, a Delaware limited liability company

 1500 Sunday Drive, Suite 101
 Raleigh, NC 27607

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

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 the Town of Apex, 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 8770, Page 92.**

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

A map showing the above-described property is recorded in **Book of Maps 2006, Page 2021.**

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 the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

See **Exhibit B** attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

[SIGNATURE PAGE FOLLOWS]

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ REGISTER OF DEEDS FOR _____ COUNTY

By: _____ Deputy/Assistant - Register of Deeds

[SIGNATURE PAGE FOR SPECIAL WARRANTY DEED]

MCIVER FAMILY HOLDINGS LLC, a North Carolina limited liability company

By: *Kent R. McIver*
Kent R. McIver, Manager

STATE OF NORTH CAROLINA

COUNTY OF WAKE
(Place of Acknowledgment)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Kent R. McIver.

Date: May 5, 2016

Mary M. Clark
Notary Public

Printed or Typed Name Mary M. Clark

(Official Seal)

My commission expires: October 3, 2018

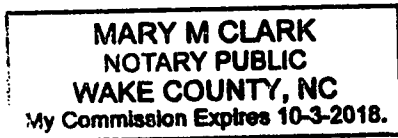


EXHIBIT A

Legal Description

Lying and being in White Oak Township, Wake County, North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pipe being the common corner of the property owned by Yorktown 1031 LLC (now or formerly) as described in that instrument recorded in Book 12433, Page 1977 and shown on Book of Maps 2006, Page 2021 and in the eastern boundary line of property owned by Spring Arbor of Apex Limited Partnership(now or formerly) as described in that instrument recorded in Book 8326, Page 2273 in the Wake County Public Registry, said existing iron pipe being located South $76^{\circ} 54' 27''$ East 15,634.31 feet from N.C.G.S. Monument "Roger" having NAD 83 (2011) North Carolina State Plane Grid Coordinates $N=726,051.44$ feet and $E=2,025,090.57$ feet, with a combined grid reduction factor of 0.99989851; thence with the southern boundary of aforesaid property the following nine (9) courses and distances: (1) South $48^{\circ} 42' 02''$ East 68.33 feet to an existing PK Nail and (2) South $81^{\circ} 10' 51''$ East 146.59 feet to an existing iron pipe and (3) North $72^{\circ} 23' 18''$ East 30.41 feet to an existing iron pipe and (4) North $79^{\circ} 49' 28''$ East 27.92 feet to an existing iron pipe and (5) South $81^{\circ} 09' 41''$ East 85.26 feet to an existing iron pipe and (6) North $08^{\circ} 43' 00''$ East 39.03 feet to an existing iron pipe and (7) South $81^{\circ} 09' 41''$ East 110.63 feet to an existing iron pipe and (8) North $84^{\circ} 13' 18''$ East 47.23 feet to an existing iron pipe and (9) North $69^{\circ} 35' 51''$ East 16.32 feet to a computed point on the western margin of West Williams Street (also known as NC Highway 55) having a 100 foot public right-of-way; thence with the western margin of the right-of-way of aforesaid street the following three (3) courses and distances: (1) with a curve to the right having a radius of 2939.35 feet and an arc length of 45.23 feet, having a chord of South $21^{\circ} 42' 13''$ East 45.23 feet to a computed point and (2) South $21^{\circ} 13' 50''$ East 5.77 feet to an computed point and (3) South $21^{\circ} 18' 22''$ East (passing an iron pipe at 349.04 feet) for a total distance of 381.23 feet to an existing iron pipe being the common corner of the property owned by the United States Postal Service as described in that instrument recorded in Book 3972, Page 16 in that aforesaid Registry; thence leaving aforesaid street and following the northern boundary of aforesaid property North $85^{\circ} 42' 33''$ West 280.39 feet to an existing iron pipe, continuing with aforesaid property North $85^{\circ} 38' 49''$ West 155.03 feet to an existing iron pipe marking the northeast corner of the property owned by Don E. Thomas (now or formerly) as described in that instrument recorded in Book 6803, Page 244 in that aforesaid Registry; thence with the northern boundary of aforesaid property North $85^{\circ} 32' 28''$ West 69.92 feet to an existing iron pipe marking the northwest corner of aforesaid property and the northeast corner of property owned by Jane F. Seeger (now or formerly) as described in that instrument recorded in Book 15602, Page 1601 in that aforesaid Registry; thence with the northern boundary of aforesaid property North $85^{\circ} 41' 13''$ West 155.09 feet to an existing iron pipe marking the northwest property corner of aforesaid property and marking the northeast corner of property owned by Michael Herbert (now or formerly) as described in that instrument recorded in Book 15146, Page 1573 in that aforesaid Registry; thence with the northern boundary of aforesaid property North $84^{\circ} 58' 20''$ West 27.53 feet to an existing railroad rail marking the southeast corner of property owned by Glen Arbor Townhome Associations Inc. (now or formerly) as described in that instrument recorded in Book 9747, Page 2515 in that aforesaid Registry; thence with eastern boundary of aforesaid property North $02^{\circ} 05' 59''$ East 277.43 feet to an existing iron pipe marking the northeast corner of the aforesaid property and marking the southeast corner of the

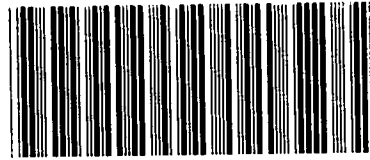
property owned by Spring Arbor of Apex Limited Partnership (now or formerly) as described in that instrument recorded in Book 8326, Page 2273 in that aforesaid Registry; thence with the eastern boundary of aforesaid property North 02° 09' 12" East 107.66 feet to the POINT OR PLACE OF BEGINNING, containing 5.00 acres, more or less, as shown on survey titled "ALTA/ACSM Land Title Survey of Lands For: MGP Retail Consulting, LLC, West Williams Street (aka: NC Highway 55), dated March 18, 2015, and prepared by Michael D. Case of SEPI Engineering & Construction, N.C.P.L.S. No. L-2828.

BEING part of the property conveyed to McIver Family Holdings, a North Carolina limited liability company, by deed dated December 28, 2000 and recorded in Book 8770, Page 92 in the aforesaid Registry.

EXHIBIT B

Permitted Exceptions

1. The lien of all taxes for the year 2016 and thereafter, which are not yet due and payable.
2. The following matter(s) as shown on survey by Michael D. Case, dated March 18, 2015 and last revised April 17, 2015, and any easement(s) or right(s)-of-way associated therewith:
 - a. Various utility lines with boreholes, guy wires, lamp poles, power poles, storm manholes, catch basins, drop inlets, RCPs, CPPs located on the Land.
 - b. Twenty (20) foot side yard setbacks and twenty (20) foot rear yard setback.
 - c. Fifteen (15) foot storm drainage easement.
 - d. Thirty (30) foot thoroughfare buffer.
 - e. Twenty (20) foot and forty (40) foot landscape buffers.
 - f. Stream.
 - g. Detention pond.
3. Building restriction lines, easements, and any other matters shown on map or plat recorded in Book of Maps 2006, Page 2021; Book of Maps 2004, Pages 165-166; Book of Maps 2000, Page 2283; Book of Maps 2003, Page 1417 and Book of Maps 1976, Page 315.
4. Easement and Restriction Agreement with MD/CP-Apex, LLC recorded in Book 11303, Page 499.



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Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

**Laura M. Riddick
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

 1 # of Pages *P*