

FOR REGISTRATION
 Willie L. Covington
 REGISTER OF DEEDS
 Durham County, NC
 2016 FEB 10 04:33:05 PM
 BK: 7871 PG: 440-445
 DEED
 FEE: \$26.00
 EXCISE TAX: \$162,690.00
 INSTRUMENT # 2016004004
 APRILJ



2016004004

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: 162,690.00

Tax Parcel Identifier Nos.: 103126, 103113, 103127, and 103115

✗ Mail after recording to: *Blanco Tackabury*
P.O. Drawer 25008, W-5 NC
27114

This instrument was prepared without title examination by:

The Connor Group
 10510 Springboro Pike
 Miamisburg, Ohio 45342
 Attn: ~~Sam Dowse~~

Thomas H. Johnson Jr., Esq.
 Nexsen Pruet, PLLC
 4141 Parklake Avenue, Suite 200
 Raleigh, NC 27612

Brief description for the Index:

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

GRANTOR	GRANTEE
FULLER STREET DEVELOPMENT, LLC a North Carolina limited liability company c/o Federal Capital Partners 5425 Wisconsin Avenue, Suite 202 Chevy Chase, Maryland 20815	WEST VILLAGE DURHAM II, LLC, a Delaware limited liability company 10510 Springboro Pike Miamisburg, Ohio 45342

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 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 piece of land situate, lying, and being in the State of North Carolina, and being more particularly described as follows: See **Exhibit A** attached hereto.

TOGETHER WITH all the buildings and improvements on the Property, erected, made or being; and all and every rights-of-way, alleys, ways, waters, easements, privileges, appurtenances, and advantages, to the same belonging or in anywise appertaining; and all the estate, title, right, interest and claim, either at law or in equity, or otherwise, of the Grantor of, in, to or out of the above-described land and premises, and all right, title and interest of the Grantor in and to the land lying in the bed of any street, road or highway (open or proposed) in front of, adjoining or servicing the above-described land, including condemnation awards or payments in lieu thereof as a result of a change of grade, alignment or access rights.

The Property hereinabove described was acquired by Grantor by instruments recorded in (i) Book 5150, Page 964, (ii) Book 5092, Page 604, and (iii) Book 5053, Page 13, Durham County Registry.

The Property herein above described does not contain 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 the 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 following exceptions:

1. Easements, restrictions, rights of way and other matters of record, governmental regulations, and ad valorem taxes for the current year.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned have duly executed this Deed as of the date set forth above.

GRANTOR:

FULLER STREET DEVELOPMENT, LLC, a North Carolina limited liability company (SEAL)

By: L8, LLC, a North Carolina limited liability company, its Managing Member

By: FCP West Village Phase II, LLC, a Delaware limited liability company, its Manager

By: FCP Fund II Trust, a Maryland real estate investment trust, its Manager

By: [Signature]
Name: Alex J. Marshall
Title: Vice President

* * *

STATE OF MARYLAND

*

* to wit:

COUNTY OF MONTGOMERY

*

I HEREBY CERTIFY that on this 4TH day of February 2016, before me, a Notary Public in and for the State of Maryland, County of Montgomery, personally appeared ALEX J. MARSHALL, known to me (or satisfactorily proven) to be the VICE PRESIDENT of FCP Fund II Trust, the Manager of FCP West Village Phase II, LLC, the Manager of L8, LLC, the Managing Member of Fuller Street Development, LLC, and that such person, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission Expires: 11/7/19

[NOTARIAL SEAL]

Desiree Noel Hyson
NOTARY PUBLIC
Montgomery County, Maryland
My Commission Expires 11/7/2019

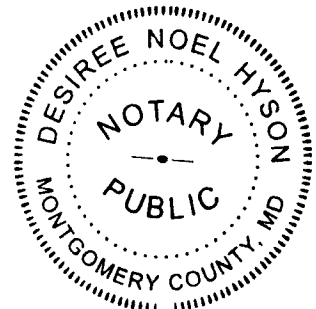


Exhibit ALegal DescriptionLEGAL DESCRIPTION - TRACT 1 - MAIN STREET OFFICE PARCEL

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF DURHAM, COUNTY OF DURHAM, STATE OF NORTH CAROLINA, BOUNDED ON THE NORTH BY WEST MORGAN STREET, ON THE EAST BY FULLER STREET, ON THE SOUTH BY WEST MAIN STREET AND ON THE WEST BY THE PROPERTY NOW OR FORMERLY WV LAB, LLC DESCRIBED AS TRACT 1 ON THE SUBDIVISION PLAT RECORDED IN PLAT BOOK 170, PAGE 218 OF THE DURHAM COUNTY REGISTRY; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK-NAIL SET IN THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET AND THE WESTERLY RIGHT-OF-WAY LINE OF FULLER STREET, SAID IRON PIPE BEING LOCATED THE FOLLOWING COURSES AND DISTANCES FROM NCGS MONUMENT "LARK":

NORTH 83°44'00" EAST 1,350.23 FEET; SOUTH 11°58'02" EAST 12.58 FEET; SOUTH 50°58'24" EAST 237.81 FEET;

AND PROCEEDING FROM SAID POINT OF BEGINNING ALONG AND WITH SAID NORTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET NORTH 50°58'24" WEST 79.73 FEET TO A PK-NAIL; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND PROCEEDING ALONG THE LINE OF THE AFOREMENTIONED TRACT 1 NORTH 36°00'38" EAST 91.45 FEET TO A 5/8" REBAR WITH CAP; THENCE ALONG THE LINE OF TRACT 1 NORTH 54°00'39" WEST 96.61 FEET TO A 5/8" REBAR WITH CAP; THENCE ALONG THE LINE OF TRACT 1 NORTH 27°07'44" EAST 226.94 FEET TO A PK-NAIL SET IN THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST MORGAN STREET; THENCE WITH SAID RIGHT-OF-WAY LINE SOUTH 63°34'31" EAST 210.59 FEET TO A PK-NAIL SET IN THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST MORGAN STREET AND THE WESTERLY RIGHT-OF-WAY LINE OF FULLER STREET; THENCE WITH SAID WESTERLY RIGHT-OF-WAY LINE OF FULLER STREET SOUTH 35°50'04" WEST 321.27 FEET TO A PK-NAIL, THE POINT AND PLACE OF BEGINNING;

SAID TRACT CONTAINING 1.173 ACRES OR 51,100 SQUARE FEET AS CALCULATED BY THE COORDINATE METHOD AND SHOWN ON SURVEY BY TAYLOR WISEMAN & TAYLOR RECORDED IN PLAT BOOK 170, PAGE 218 OF THE DURHAM COUNTY REGISTRY.

LEGAL DESCRIPTION - TRACT 2 - COBB / O'BRIEN BUILDING PARCEL

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF DURHAM, COUNTY OF DURHAM, STATE OF NORTH CAROLINA, BOUNDED ON THE NORTH BY WEST MORGAN STREET, ON THE EAST BY THE PROPERTY NOW OR FORMERLY NATIONAL CHAMPION REAL ESTATE, LLC BEARING DURHAM COUNTY TAX PARCEL #0821-08-78-8377, ON THE SOUTH BY WEST MAIN STREET AND ON THE WEST BY FULLER STREET; BEING A PROPERTY NOW OR FORMERLY LIGGETT GROUP, INC. BEARING DURHAM COUNTY TAX PARCEL #0821-08-78-8546; BEING FURTHER IDENTIFIED AS LOT 4 IN PLAT BOOK 112 PAGES 138 & 141 OF THE DURHAM COUNTY REGISTRY; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK-NAIL SET IN THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET AND THE EASTERLY RIGHT-OF-WAY LINE OF FULLER STREET, SAID PK-NAIL BEING LOCATED THE FOLLOWING COURSES AND DISTANCES FROM NCGS MONUMENT "LARK":

NORTH 87°56'30" EAST 1,298.98 FEET; NORTH 78°00'60" EAST 22.51 FEET; SOUTH 66°23'50" EAST 208.83 FEET; NORTH 33°23'43" EAST 2.78 FEET; SOUTH 65°09'29" EAST 48.78 FEET; NORTH 35°17'54" EAST 67.00 FEET;

AND PROCEEDING FROM SAID POINT OF BEGINNING ALONG AND WITH THE EASTERLY RIGHT-OF-WAY LINE OF FULLER STREET NORTH 38°11'21" EAST 313.25 FEET TO A COMPUTED POINT; THENCE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF W. MORGAN STREET SOUTH 54°58'03" EAST 312.43 FEET TO A PK-NAIL; THENCE WITH THE WESTERLY LINE OF THE AFOREMENTIONED NATIONAL CHAMPION REAL ESTATE, LLC PROPERTY SOUTH 34°21'02" WEST 312.17 FEET TO A PK-NAIL SET IN THE NORTHERLY RIGHT-OF-WAY LINE OF W. MAIN STREET; THENCE WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 55°07'12" WEST 322.47 FEET TO A PK-NAIL, THE POINT AND PLACE OF BEGINNING;

SAID TRACT CONTAINING 2.279 ACRES OR 98,255 SQUARE FEET AS CALCULATED BY THE COORDINATE METHOD.

LEGAL DESCRIPTION - TRACT 3 - WALKER BUILDING PARCEL

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF DURHAM, COUNTY OF DURHAM, STATE OF NORTH CAROLINA, BOUNDED ON THE NORTH BY WEST MAIN STREET, ON THE EAST BY THE 20' RAILROAD RIGHT-OF-WAY BELONGING TO NORFOLK & WESTERN RAILWAY CO., ON THE SOUTH BY THE 200' RAILROAD RIGHT-OF-WAY BELONGING TO NORTH CAROLINA RAILROAD AND ON THE WEST BY THE PROPERTY NOW OR FORMERLY FULLER STREET DEVELOPMENT, LLC DESCRIBED AS TRACT 2 IN PLAT BOOK 171 PAGE 293 OF THE DURHAM COUNTY REGISTRY; BEING A PROPERTY NOW OR FORMERLY LIGGETT GROUP, INC. BEARING DURHAM COUNTY TAX PARCEL #0821-08-78-7100; BEING FURTHER IDENTIFIED AS TRACT 3 ON THE AFOREMENTIONED PLAT BOOK 171 PAGES 293; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK-NAIL SET IN THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET, SAID PK-NAIL BEING LOCATED THE FOLLOWING COURSES AND DISTANCES FROM NCGS MONUMENT "LARK":

NORTH 87°56'30" EAST 1,298.98 FEET; NORTH 78°00'50" EAST 22.51 FEET; SOUTH 55°23'50" EAST 208.83 FEET; NORTH 33°23'43" EAST 2.76 FEET; SOUTH 56°09'29" EAST 48.78 FEET; SOUTH 55°29'12" EAST 330.84 FEET; SOUTH 55°13'24" EAST 33.07 FEET; SOUTH 55°35'55" EAST 34.77 FEET;

AND PROCEEDING FROM SAID POINT OF BEGINNING ALONG AND WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET SOUTH 55°35'55" EAST 204.08 FEET TO A PK-NAIL SET IN THE WESTERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED NORFOLK & WESTERN RAILWAY CO.; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF MAIN STREET AND PROCEEDING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED NORFOLK & WESTERN RAILWAY CO. THE FOLLOWING TWO CALLS:

ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 583.68 FEET; AN ARC LENGTH OF 85.11 FEET; A CHORD BEARING OF SOUTH 20°38'39" WEST AND A CHORD DISTANCE OF 85.08 FEET TO A 5/8" REBAR WITH CAP SET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 410.32 FEET; AN ARC LENGTH OF 218.26 FEET; A CHORD BEARING OF SOUTH 02°03'45" WEST AND A CHORD DISTANCE OF 215.89 FEET TO A PK-NAIL FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED NORTH CAROLINA RAILROAD COMPANY; THENCE WITH SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 55°55'52" WEST 333.13 FEET TO A 5/8" REBAR WITH CAP SET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND PROCEEDING ALONG THE EASTERLY LINE OF THE AFOREMENTIONED FULLER STREET DEVELOPMENT, LLC TRACT NORTH 33°59'12" EAST 247.39 FEET TO A PK-NAIL, THE POINT AND PLACE OF BEGINNING;

SAID TRACT CONTAINING 1.421 ACRES OR 61,893 SQUARE FEET AS CALCULATED BY THE COORDINATE METHOD AND SHOWN ON SURVEY BY TAYLOR WISEMAN & TAYLOR RECORDED IN PLAT BOOK 171, PAGE 293 OF THE DURHAM COUNTY REGISTRY.

LEGAL DESCRIPTION - TRACT 4 - OLD CIGARETTE FACTORY PARCEL

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF DURHAM, COUNTY OF DURHAM, STATE OF NORTH CAROLINA, BOUNDED ON THE NORTH BY WEST MAIN STREET, ON THE EAST BY THE PROPERTY NOW OR FORMERLY FULLER STREET DEVELOPMENT, LLC DESCRIBED AS TRACT 3 IN PLAT BOOK 171 PAGE 293 OF THE DURHAM COUNTY REGISTRY, ON THE SOUTH BY THE 200' RAILROAD RIGHT-OF-WAY BELONGING TO NORTH CAROLINA RAILROAD AND ON THE WEST BY THE PROPERTY NOW OR FORMERLY NCF DEVELOPMENT, LLC DESCRIBED AS TRACT 1 IN PLAT BOOK 171 PAGE 293 OF THE DURHAM COUNTY REGISTRY; BEING FURTHER IDENTIFIED AS TRACT 2 ON THE AFOREMENTIONED PLAT BOOK 171 PAGES 293; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK-NAIL SET IN THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET, SAID PK-NAIL BEING LOCATED THE FOLLOWING COURSES AND DISTANCES FROM NCGS MONUMENT 'LARK':

NORTH 87°56'30" EAST 1,298.98 FEET; NORTH 76°00'50" EAST 22.51 FEET; SOUTH 55°23'50" EAST 208.83 FEET; NORTH 33°23'43" EAST 2.76 FEET; SOUTH 58°09'29" EAST 39.15 FEET;

AND PROCEEDING FROM SAID POINT OF BEGINNING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET THE FOLLOWING FOUR CALLS: SOUTH 58°09'29" EAST 9.63 FEET TO A PK-NAIL; SOUTH 55°29'12" EAST 330.94 FEET TO A PK-NAIL (THE NORTHWESTERN CORNER OF FORMER CIGARETTE STREET); SOUTH 55°13'24" EAST 33.07 FEET TO A PK-NAIL (THE NORTHEASTERN CORNER OF FORMER CIGARETTE STREET); SOUTH 55°35'55" EAST 34.77 FEET TO A PK-NAIL;

THENCE WITH THE AFOREMENTIONED PROPERTY NOW OR FORMERLY FULLER STREET DEVELOPMENT, LLC (TRACT 3 IN PLAT BOOK 171 PAGE 293) SOUTH 33°59'12" WEST 247.39 FEET TO A 5/8" REBAR WITH CAP IN THE NORTHERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED 200' RAILROAD RIGHT-OF-WAY BELONGING TO NORTH CAROLINA RAILROAD; THENCE WITH SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE CALLS:

NORTH 55°55'52" WEST 29.60 FEET TO A PK-NAIL; NORTH 55°51'57" WEST 32.98 FEET TO A DRILL HOLE SET IN A DRAINAGE INLET RIM; NORTH 55°53'37" WEST 347.47 FEET TO A 5/8" REBAR WITH CAP;

THENCE LEAVING THE SAID RIGHT-OF-WAY LINE AND PROCEEDING ALONG THE EASTERLY LINE OF THE AFOREMENTIONED NCF DEVELOPMENT, LLC PROPERTY NORTH 34°25'58" EAST 260.27 FEET TO A PK-NAIL IN THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST MAIN STREET, THE POINT AND PLACE OF BEGINNING;

SAID TRACT CONTAINING 2.339 ACRES OR 101,899 SQUARE FEET AS CALCULATED BY THE COORDINATE METHOD AND AS SHOWN ON SURVEY BY TAYLOR WISEMAN & TAYLOR RECORDED IN PLAT BOOK 171, PAGE 293 OF THE DURHAM COUNTY REGISTRY.