



Drafted by: Thomas T. Crumpler  
Return to: VonCannon Box 317

BK1754 P3618

NORTH CAROLINA )  
FORSYTH COUNTY )

WARRANTY DEED

THIS DEED is made this 28th day of August, 1992 by and between East Winston Community Development Corporation, Inc., a North Carolina non-profit corporation ("Grantor") and Thirty Six East Limited Partnership, a North Carolina limited partnership ("Grantee"). 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.

W I T N E S S E T H:

WHEREAS, on December 11, 1991, the Grantor executed a limited partnership agreement of Thirty Six East Limited Partnership as its general partner and original limited partner, and upon such execution, attempted to create a limited partnership to take title to and own the herein described property; and

WHEREAS, the Grantor by deed dated December 11, 1991 and recorded in Book 1730, Page 3431, Forsyth County Registry (the "First Deed"), conveyed the herein described property to Thirty Six East Limited Partnership, purportedly a North Carolina limited partnership; and

WHEREAS, pursuant to North Carolina General Statute §59-102(8), a limited partnership means a partnership formed by two or more persons under the laws of the state of North Carolina, and having one or more general partners and one or more limited partners; and

WHEREAS, at the time of the conveyance evidenced by the First Deed, Thirty Six East Limited Partnership consisted of only one party (such party being the Grantor herein), and therefore could not (and did not) exist as a limited partnership under N.C.G.S. §59-102(8) referenced above; therefore, the First Deed had no grantee (as its purported grantee did not exist) and consequently the First Deed was void for lack of a grantee, and thus did not transfer the property described therein; and

WHEREAS, the Grantor, as general partner, and Wachovia Bank of North Carolina, N.A., as limited partner, have executed a new agreement of limited partnership of Thirty Six East Limited Partnership which is now a valid entity capable of owning real estate, and the Grantor herein executes this deed to the Grantee because the First Deed was void and failed to transfer the property to the purported grantee for the reasons set forth above.

NOW, THEREFORE, 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 those certain lots or parcels of land situated in the City of Winston-Salem, Winston Township, Forsyth County, North Carolina, and more particularly described on Exhibit "A" which is attached hereto and incorporated herein by reference.

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 is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

For Excise Stamps - See Book 1730 Page 3431

BK1754 P3619

- (1) Easements, rights of way and restrictions of record, if any;
- (2) Ad valorem taxes; and
- (3) Deeds of trust to the City of Winston-Salem, as follows:
  - (a) Securing a \$280,800 note, recorded in Book 1730, Page 3409, Forsyth County Registry;
  - (b) Securing a \$710,000 note, recorded in Book 1730, Page 3415, Forsyth County Registry;
  - (c) Securing a \$28,950 note, recorded in Book 1730, Page 3423, Forsyth County Registry.

The Grantee herein does hereby expressly assume the above-referenced deeds of trust and agrees to pay the same.

IN WITNESS WHEREOF the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

EAST WINSTON COMMUNITY DEVELOPMENT CORPORATION, INC.

(Corporate Seal)

Attest:

Nancy N. Young  
Secretary

By:

James Grace, Jr.  
President

STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

I, PATTI C. HUFFMAN, a Notary Public of the county and state aforesaid, do certify that NANCY N. YOUNG personally came before me this day and acknowledged that ~~he~~/she is the Secretary of EAST WINSTON COMMUNITY DEVELOPMENT CORPORATION, INC., a North Carolina non-profit corporation, and by authority duly given and as an act of said corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested to by NANCY N. YOUNG as its Secretary.

WITNESS my hand and notarial seal, this the 27 day of AUGUST, 1992.

OFFICIAL SEAL  
Notary Public, North Carolina  
COUNTY OF FORSYTH  
PATTI C. HUFFMAN  
MY COMMISSION EXPIRES 12/3/95

My commission expires:

12/3/95

Patti C. Huffman  
Notary Public

BK1754 P3620

STATE OF NORTH CAROLINA—Forsyth County

The foregoing (or annexed) certificate of Patti C. Hoffman NP  
PRESENT (here give name and official title of the officer signing the certificate passed upon)  
Forsyth REGISTER OF DEEDS

is ~~(is)~~ certified to be correct. This the 31 day of Aug 1992

'92 AUG 31 P3:38

L. E. Speas, Register of Deeds

L. E. SPEAS

By

Janet Bottoms

Deputy-Asst. Reg.

Probate and Filing Fee \$ 10.00

REGISTER OF DEEDS  
FORSYTH CO. N.C.

Janet Bottoms

4.00 addl fee pd. 9-8-92

Exhibit "A"

1754  
BOOK PAGE 3620

Tract #1:

(1521 East 18th Street)  
(Tax Block 1240, Lots 107A,  
107B, 108A & 108B)

Being known and designated as Lots 107 and 108 as shown on the map of "Property of George DeWitt Hodgkin Estate" located in Winston-Salem, North Carolina, as surveyed and platted by J. E. Ellerbe, C.E., said map being recorded in Plat Book 14, Page 14, in the office of the Register of Deeds of Forsyth County, North Carolina, reference to which is hereby made for a more particular description.

Tract #2:

(1225 East 18th Street)  
(Tax Block 337, Lot 1)

BEGINNING at a stone in the north line of Eighteen Street, approximately 410 feet east of the east line of Cleveland Avenue, and running thence northwardly 201.7 feet to a stone; thence westwardly 100 feet to a stake; thence southwardly 203.4 feet to a stake in the north line of Eighteenth Street; and thence with the north line of Eighteenth Street 100 feet to the place of BEGINNING, being lot number one (1) as shown on the plat of property formerly owned by C. Knott recorded in the Office of the Register of Deeds of Forsyth County, North Carolina in Book 45 of deeds at page 568. The lot is shown as lot number (1) in Block 337 on the official tax map of Forsyth County and the City of Winston-Salem.

Being the same property conveyed to Miss Juanita Masten by Jerry Lewis Newton, Jr., as trustee of the real property of J.L. (Jerry Lewis) Newton, Sr., deceased, by deed recorded in Deed Book 651, page 421 in the office of the Register of Deeds of Forsyth County, North Carolina.

Tract #3:

(1210 & 1216 19th Streets)  
(Tax Block 337, Lots 14W & 15W)

dp  
Being known and designated as Lots Nos. 14 and 15 as set out upon the revised map of property of Wilson-Covington Construction Company, said map being recorded in Plat Book 14 at Page 8 in the office of the Register of Deeds of Forsyth County, North Carolina, reference to which is hereby made for a more particular description.

Tract #4:

(1821 Cleveland Avenue)  
(Tax Block 337, Lots 12W & 13W)

BEGINNING at an iron stake in the southeast intersection of Cleveland Avenue and 19th Street and running thence with the southern right-of-way of 19th Street South 89° 05' East 57.30 feet

C:\WP\PC\NEWCD\LEGAL

to an iron stake; thence South 01° 25' West 121.91 feet to an iron stake; thence North 88° 50' West 86.40 feet to an iron stake in the eastern right-of-way line of Cleveland Avenue; thence with the eastern right-of-way line of Cleveland Avenue, as it curves to the left (the chord of said curve being North 16° 17' East 101.10 feet) to an iron stake, and continuing with said eastern right-of-way line of Cleveland Avenue North 08° 56' East 24.27 feet to an iron stake, the point of the BEGINNING. The above-described property is also known as Lots Nos. 12 and 13 on map of Wilson-Covington Construction Company property recorded in Plat Book 14, Page 8.

Tract #5:

(1805 & 1811 Locust Street)  
(1818 Dunleith Avenue)  
(Tax Block 1241, Lots  
141, 148, 149 & 150)

Being all of Lots Nos. 141, 148, 149 & 150 as designated and shown on the Map of Liberty Heights recorded in Plat Book 3, at Page 30A(2) as well as Deed Book 97, at Page 573, in the Forsyth County Registry.

28