



2009042337 00168

FORSYTH CO, NC FEE \$29.00
PRESENTED & RECORDED:

09-22-2009 03:03:00 PM

C. NORMAN HOLLEMAN
REGISTER OF DEEDS
BY: E. NAVARRO
DPTY

BK: RE 2913

PG: 2264-2269

This instrument prepared by and return to:
Mallory M. Oldham
Bell Davis and Pitt, P.A. (Box 106)

STATE OF NORTH CAROLINA)
)
COUNTY OF FORSYTH)

MEMORANDUM OF LEASE

This MEMORANDUM OF LEASE is made under and pursuant to the provisions of Section 47-118 of the General Statutes of North Carolina for the purpose of registration as follows:

(1) **Names of Parties:** Brookstown Development Partners, LLC, a North Carolina limited liability company, as Landlord, and the City of Winston-Salem, a municipal corporation, as Tenant.

(2) **Leased Property:** The leased property consists of land and all improvements thereto located in Forsyth County, North Carolina which land is more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

(3) **Lease:** The terms and conditions of the Lease are set forth in that certain Lease between the Landlord and Tenant, dated as of September 21, 2009 (the "Lease"), and such terms and conditions are hereby incorporated by reference in this Memorandum of Lease.

(4) **Lease Term:** The initial Term of Lease commences on or about September 21, 2009, as more particularly described in the Lease (the "Commencement Date") and shall

continue until September 30, 2014 (the "Term"), unless terminated earlier or extended in accordance with the terms of the Lease.

(5) **Renewal Options:** None.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the parties hereto have hereunto caused this Memorandum of Lease to be executed as of the 21st day of September, 2009.

LANDLORD:

BROOKSTOWN DEVELOPMENT PARTNERS, LLC, a North Carolina limited liability company

By: [Signature]
Name: Billy D. Prim
Title: Manager

TENANT:

CITY OF WINSTON-SALEM, a municipal corporation

Approved as to form and legality.
This 21st day of September 20 09
By [Signature] Attorney

By: [Signature]
Name: Lee D. Garity
Title: City Manager

STATE OF NORTH CAROLINA- COUNTY OF FORSYTH

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 herein and in the capacity indicated: Billy D. Prim (name) manager (title) of Brookstown Development Partners, LLC, a North Carolina limited liability company

Date: September 18, 2009 [Signature]
Official Signature of Notary

(Official Seal)



Lucille B. Weaver
Notary's printed or typed name

My commission expires: February 27, 2012

STATE OF NORTH CAROLINA- COUNTY OF FORSYTH

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 herein and in the capacity indicated: Lee D. Garrity, (name)
City Manager (title) of the City of Winston-Salem, a municipal corporation

Date: September 18, 2009

Lucille B. Weaver
Official Signature of Notary

(Official Seal)

Lucille B. Weaver
Notary's printed or typed name



My commission expires: February 27, 2012

Exhibit "A"TRACT 1: (Tax Block 0098, Lots 003A, 101A, 201, 202A and 003B, Forsyth County)

Commencing at an existing 1" iron pipe, the point of intersection of the east right of way line of Green Street and the south right of way line of Brookstown Avenue; thence along the east right of way line of Green Street South 05° 38' 44" East 187.66 feet to an existing 1¼" iron pipe, the point of beginning; thence from the point of beginning, leaving the east right of way line of Green Street North 80° 43' 07" East 63.95 feet to an existing ¾" iron pipe; thence South 79° 01' 40" East 153.57 feet to an existing 1" iron pipe on the west right of way line of Broad Street; thence along the west right of way line of Broad Street South 15° 41' 15" East 66.87 feet to an existing ¾" iron pipe; thence leaving the west right of way line of Broad Street North 85° 38' 31" West 86.97 feet to an existing ¾" iron pipe; thence North 01° 35' 47" East 9.59 feet to an existing ¾" iron pipe; thence North 86° 53' 57" West 139.42 feet to an existing iron pipe on the east right of way line of Green Street; thence along the east right of way line of Green Street North 06° 02' 00" West 59.90 feet to the point of beginning, containing 0.3369 acres. For further reference, see an unrecorded plat by DSA Design Group of NC, Inc., dated March 19, 1992.

TRACT 2: (Tax Block 0098, Lots 101C Forsyth County)

Being a portion of Parcel 101B in Tax Block 98, DB 1669, page 80, situated in the Winston Township, Forsyth County, North Carolina, and more particularly described as follows: Beginning at an existing 1" iron pipe, the point of intersection of the east right of way line of Green Street and the south right of way line of Brookstown Avenue; thence from the point of beginning along the south right of way line of Brookstown Avenue South 67° 47' 28" East 74.65 feet to a new iron pipe; thence leaving the south right of way line of Brookstown Avenue, a new line South 05° 38' 44" East 136.08 feet to a new iron pipe; thence a new line South 04° 06' 22" West 12.83 feet to an existing ¾" iron pipe; thence South 80° 43' 07" West 63.95 feet to an existing 1¼" iron pipe, a point on the east right of way line of Green Street; thence along the east right of way line of Green Street North 05° 38' 44" West 187.66 feet to the point of beginning, containing 0.2544 acres. For further reference, see an unrecorded plat prepared by DSA Group of N.C., Inc., dated March 19, 1992, having Job Number of 90108.05ESMTS1.

TRACT 3: (Tax Block 0103, Lots 106 and 107, Forsyth County)

Beginning at a point in the western right-of-way of Brookstown Avenue, said point being the southeastern corner of that property conveyed to Nugent Properties, LLC in Deed Book 2322, Page 2238, Forsyth County Registry, and running thence along the western right-of-way line of Brookstown Avenue South 42° 51' 45" East 305.92 feet to a point; thence leaving the western right-of-way line of Brookstown Avenue and running South 43° 42' 27" West 204.68 feet to a point in the southeastern corner of that property conveyed to Brookstown Development Partners, LLC in Book 2744, Page 3013, Forsyth County Registry; thence with the eastern boundary of said Brookstown Development Partners, LLC property and the eastern boundary of property

conveyed to Brookstown Development Partners, LLC in Book 2802, Page 3951, Forsyth County Registry, North 56° 34' 54" West 157.04 feet to a point in the eastern corner of property conveyed to R. David Mecum and wife, Susan Mecum, in Book 2201, Page 4288, Forsyth County Registry; thence with said Mecum property North 59° 35' 15" West 63.36 feet and North 54° 52' 19" West 63.03 feet to a point in the southeastern corner of property conveyed to Fisk Electric Co. in Book 2667, Page 1736, Forsyth County Registry; thence with the eastern boundary of Fisk Electric Co. property North 57° 38' 38" West 13.43 feet to a point in the southwestern corner of the Nugent property referenced above; thence with the southeastern boundary of said Nugent property, North 38° 07' 36" East 276.27 feet to the point and place of BEGINNING, containing 1.613 acres, more or less.

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