

**2018004829 00265**

FORSYTH CO. NC FEE \$26.00

PRESENTED &amp; RECORDED

02/09/2018 03:40:44 PM

LYNNE JOHNSON

REGISTER OF DEEDS

BY: EVELYN R. DIXON

DPTY

**BK: RE 3390****PG: 330 - 336**

Prepared by and return to:

Steven I. Holm, Esq.

Levy Holm Pellegrino & Drath LLP

950 Third Avenue, Suite 3101

New York, New York 10022

### **MEMORANDUM OF ASSIGNMENT AND ASSUMPTION OF LEASE**

ALAMANCE ASSOCIATES, LLC, a Delaware limited liability company (“**Assignor**”), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), the premises and other good and valuable consideration to it paid by Y&O WS LLC, a Delaware limited liability company (“**Assignee**”), the receipt and sufficiency of which are hereby acknowledged, has by that certain Bill of Sale and Assignment and Assumption Agreement dated on or about the date hereof ASSIGNED, SOLD and TRANSFERRED unto Assignee, all of the following:

All of Assignor’s right, title and interest, if any, of the “lessor” or “landlord” in, to and under the following lease which encumbers a portion of the Land (as described on Exhibit A hereto):

Lease by and between Alamance Associates, LLC, as successor “Landlord,” and Conn Appliances, Inc., as “Tenant,” dated September 26, 2014. A Memorandum of Lease was recorded in Book 3200, Page 613 of the Forsyth County Registry. Alamance Associates, LLC is the successor “Landlord” under the Lease to Pavilion Winston-Salem, LLC, as evidenced in that certain Memorandum of Assignment and Assumption of Lease recorded in Book 3249, Page 3852 of the Forsyth County Registry.

<sup>043</sup> submitted electronically by "Craig Jenkins Liipfert & Walker LLP" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Forsyth County Register of Deeds.

The parties are entering into this Memorandum of Assignment and Assumption of Lease to memorialize such assignment in the Forsyth County Registry. This Memorandum of Assignment and Assumption of Lease shall be governed by and construed in accordance with the laws of the State of North Carolina.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year above written.

**ASSIGNOR:**

**ALAMANCE ASSOCIATES, LLC**, a Delaware limited liability company

By BayRock Investment Co.  
Its Sole Member

By Bayrock Investment Co., LLC  
Its General Partner

By: Thomas L. Hammons  
Name: Thomas L. Hammons  
Its: Manager

**ASSIGNEE:**


**Y&O WS LLC**,  
a Delaware limited liability company

By: \_\_\_\_\_  
Name:  
Its:

STATE OF FLORIDA

COUNTY OF Sarasota

I, a Notary Public of the County and State aforesaid, certify that Thomas L. Hammons personally came before me on this day and acknowledged that he is the Manager of Bayrock Investment Co., LLC which is the General Partner of BayRock Investment Co., which is the sole Member of Alamance Associates, LLC and that by authority duly given and as the act of the limited liability company, the foregoing instrument was signed in the name of limited liability company by the manager of the limited liability company in its capacity as the general partner of the partnership in its capacity as the sole member, under seal.

Date: 2-7-18


Official Signature of Notary

GINA M. BLAIR

Notary Public's printed or typed name

My Commission expires: \_\_\_\_\_

(Official Stamp or Seal)



**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year above written.

**ASSIGNOR:**

**ALAMANCE ASSOCIATES, LLC**, a Delaware limited liability company

By BayRock Investment Co.  
Its Sole Member

By Bayrock Investment Co., LLC  
Its General Partner

By: \_\_\_\_\_

Name: Thomas L. Hammons

Its: Manager

**ASSIGNEE:**

**Y&O WS LLC**,  
a Delaware limited liability company

By: \_\_\_\_\_  


Name: Steven L. Holm

Its: Authorized Signatory

STATE OF New YorkCOUNTY OF New York

I, a Notary Public of the County and State aforesaid, certify that Steven I. Holm personally came before me on this day and acknowledged that (s)he is the Authorized Signatory of Y&O WS LLC, a Delaware limited liability company, and that by authority duly given and as the act of the limited liability company, the foregoing instrument was signed in the name of limited liability company by the Authorized Signatory of the limited liability company, under seal.

Date: February 6, 2018

MARC S. BRODSKY  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 02BR6320019  
 Qualified in New York County  
 My Commission Expires February 23, 2019

M.S. Brodsky  
 \_\_\_\_\_  
 \_\_\_\_\_ Official Signature of Notary

\_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public's printed or typed name  
 My \_\_\_\_\_ Commission \_\_\_\_\_ expires:  
 \_\_\_\_\_  
 (Official Stamp or Seal)

**EXHIBIT A**  
(Description of Property)

All that tract or parcel of land lying and being in the City of Winston-Salem, Forsyth County, North Carolina, and being shown and designated as Parcel "C", containing approximately 4.972 acres, on that certain subdivision plat entitled "Final Subdivision Plat For: Pavilion Winston-Salem", and recorded in Plat Book 62, pages 104-106 in the Office of the Register of Deeds for Forsyth County, North Carolina.