

2018037354 00161

FORSYTH CO. NC FEE \$26.00

PRESENTED & RECORDED

09/26/2018 03:45:24 PM

LYNNE JOHNSON

REGISTER OF DEEDS

BY: EVELYN R. DIXON

DPTY

BK: RE 3426

PG: 3047 - 3051

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

FORSYTH COUNTY

SUPERIOR COURT DIVISION

18 CVS 3641

D-2 / DAIRIO, LLC,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION,

Defendant.

MEMORANDUM OF TAKING

Take Notice

D-2/Dairio, LLC hereby records pursuant to the provisions of N.C.G.S. § 136-111 this
Memorandum of Action:


1. Plaintiff, D-2/Dairio, LLC, has on or about July 9, 2018, filed in Forsyth County Superior Court a civil action captioned *D-2/Dairio, LLC v. North Carolina Department of Transportation*, 18 CVS 3641 for inverse condemnation.
2. Real property affected by this action has a mailing address of 6401 University Parkway, Winston-Salem, North Carolina REID 6829243480000 (Forsyth County

PIN 6829-24-3480) and is more particularly described by reference to the deed attached as Exhibit "A" hereto.

3. Plaintiff is the only party or entity that owns the property, however, the State of North Carolina claims an interest in the property.
4. The estates or interests in the property which are alleged to have been taken for public use are: takings pursuant to N.C. Gen. Stat. § 136-44.50 by and through a Roadway Corridor Official Map for State Project 34839 (U-2579) in the Forsyth County Register of Deeds on November 26, 2008 at Book 2863 Page 3866, and there has been resulting damage to the subject property.
5. The taking occurred on November 26, 2008, when the Roadway Corridor Official Map for State Project 34839 (U-2579) was filed as described in the paragraph above.

This the 26th day of September, 2018.

**HOWARD, STALLINGS, FROM,
ATKINS, ANGELL & DAVIS, P.A.**

By: 
B. Joan Davis (State Bar No. 17379)
Douglas D. Noreen (State Bar No. 41484)
Post Office Box 12347
Raleigh, North Carolina 27605
(919) 821-7700
Attorneys for Plaintiff

State of NORTH CAROLINA
County of WAKE

(Official/Notarial Seal)

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:

DOUGLAS D. NOREEN

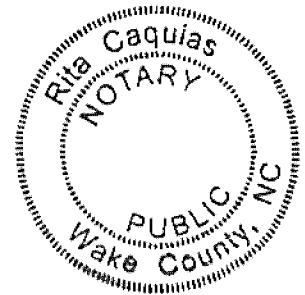
[insert name(s) of principal(s)].

Date: 9/26/18

Rita Caquias
RITA CAQUIAS Notary Public
Notary's Printed or Typed Name

My Commission Expires:

12/15/18



EXHIBIT

A

2006000816 00196

FORSYTH CO, NC FEE \$17.00
STATE OF NC REAL ESTATE EXTX

\$924.00

RECORDED & INDEXED:

01-05-2006 04:07 PM

DICKIE C WOOD
REGISTER OF DEEDS

By: SHANNON BOSTIC-GRIFFITH DPTY

BK: RE 2629

PG: 4297-4298

1304789
14 Brown

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 924.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____

Verified by _____ County on the _____ day of _____ January _____, 20____06
by _____Mail after recording to D-2/Dairio, LLC
P O Box 2167, King, NC 27021This instrument was prepared by J. Tyrone Browder, Attorney at Law at the request of Grantor

Brief description for the Index _____

THIS DEED made this 4th day of January, 2006, by and between

GRANTOR

EAST BEND INVESTMENTS, LLC
A North Carolina Limited Liability Company

GRANTEE

D-2 / DAIRIO, LLC,
A North Carolina Limited Liability Company

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 City of Winston Salem, _____ Township, Forsyth County, North Carolina, and more particularly described as follows:

BEING known and designated as Lot Nos. 18-26 as shown on the map of Clayton Estates, Section 3, which is duly recorded in the Forsyth County Registry in PB 8, PG 98 to which map reference is hereby made for a more particular description; save and except such portions of the above described property lying and being within the right of way of Old Highway #66 (now University Parkway) and Old Hollow Road (now NC Highway #66).

The property hereinabove described was acquired by Grantor by instrument recorded in DB 2576, PG 3041

A map showing the above described property is recorded in Plat Book 2 at Page 92

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:

Easements and restrictions of record, if any.

2006 Forsyth County ad valorem taxes not yet due and payable.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its President, the day and year first above written.

East Bend Investments, LLC

Dr. [Signature] [Signature] (SEAL)

(Corporate Name)

By: _____

(SEAL)

_____, President

(SEAL)

(SEAL)

NORTH CAROLINA, STOKES COUNTY

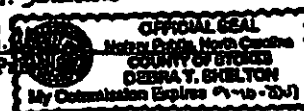
I, a Notary Public of Stokes County and the State aforesaid, certify that Gus Hodges personally came before me this day and acknowledged that he is Manager of East Bend Investments, LLC, a North Carolina Limited Liability Company, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by him as its Manager.

Witness my hand and official stamp or seal this the 5th day of January, 2006.

My Commission Expires: 9-10-2007

Debra T. Shelton

Debra T. Shelton
Notary Public



The foregoing Certificate(s) of _____
certified to be correct. This instrument and this certificate are duly registered on the
day of _____, 2006, in Book _____, Page _____ at _____ o'clock _____ M.

REGISTER OF DEEDS FOR _____ COUNTY

By: _____ Deputy/Assistant-Register of Deeds