

FOR REGISTRATION
Sharon A. Davis
REGISTER OF DEEDS
Durham County, NC
2019 Feb 01 04:22:45 PM
BK:8588 PG:440-446

DEED
FEE: \$26.00
INSTRUMENT # 2019003183
EXCISE TAX: \$84,000.00 NS: \$25.00
APRILJ



SPECIAL WARRANTY DEED

Excise Tax: **\$84,000.00**

Tax Parcel Identifier No.: 141443

Mail after recording to:

Slutzky, Wolfe and Bailey, LLP
2255 Cumberland Parkway
Building 1300
Atlanta, Georgia 30339

This instrument was prepared without
title examination by:
Williams Mullen
301 Fayetteville Street, Suite 1700
Raleigh, NC 27601
Attn: Thomas Johnson, Esq.

Brief description for the Index:

Lenox Patterson Place Apartments:
100 Rose Garden Lane, Durham, North
Carolina 27707

THIS DEED made this 31st day of January, 2019, by and between:

GRANTOR	GRANTEE
LENOX AT PATTERSON PLACE I, LLC, a Delaware limited liability company 10510 Springboro Pike, Miamisburg, Ohio 45342	CHARTWELL PATTERSON PLACE LLC, a Delaware limited liability company 2213 Middle Street 2 Floor
LENOX AT PATTERSON PLACE II, LLC, a Delaware limited liability company 10510 Springboro Pike, Miamisburg, Ohio 45342	Sullivan's Island, South Carolina 29842

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 for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged Lenox at Patterson Place I, LLC, a Delaware limited liability company and Lenox at Patterson Place II, LLC, a Delaware limited liability company (collectively "Grantor"), have and by these presents does grant, bargain, sell and convey to Chartwell Patterson Place LLC, a Delaware limited liability company, in fee simple, the property more fully described in **Exhibit "A"**.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7902, Pages 265-271, and Book 7924, Pages 574-578 of the Durham County, North Carolina Registry of Deeds (the "Deed").

TO HAVE AND TO HOLD the aforesaid undivided interest in said lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND, SUBJECT TO the title matters expressly set forth on **Exhibit "B"** attached hereto and made a part hereof, Grantor will warrant and forever defend the right and title to the Property unto the Grantee against the claims of all persons claiming by, through or under Grantor.

The property herein above described does not contain the primary residence of Grantor.

IN WITNESS WHEREOF, Grantor has executed this Deed on the day and year first written above.

LENOX AT PATTERSON PLACE I, LLC,
a Delaware limited liability company (SEAL)

By:



Lawrence S. Connor, President

LENOX AT PATTERSON PLACE II, LLC,
a Delaware limited liability company (SEAL)

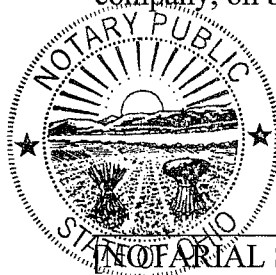
By:



Lawrence S. Connor, President

STATE OF OHIO)
MONTGOMERY COUNTY)

The foregoing instrument was acknowledged before me this 25th day of January 2019, by Lawrence S. Connor, the President of Lenox at Patterson Place I, LLC, a Delaware limited liability company, on behalf of the company.



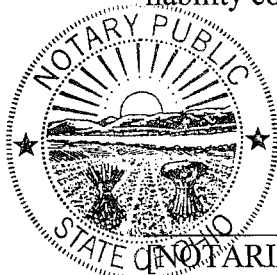
SAMUEL E. DOWSE, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

Samuel E. Dowse

Notary Public
Notary's Printed or Typed Name

STATE OF OHIO)
MONTGOMERY COUNTY)

The foregoing instrument was acknowledged before me this 25th day of January 2019, by Lawrence S. Connor, the President of Lenox at Patterson Place II, LLC, a Delaware limited liability company, on behalf of the company.



SAMUEL E. DOWSE, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

Samuel E. Dowse

Notary Public
Notary's Printed or Typed Name

EXHIBIT "A"
Legal Description

LYING AND BEING in City of Durham, North Carolina, and more particularly described as follows:

COMMENCING at a point in the intersection of the centerline of Old Chapel Hill Road, SR 2220, an 85 ft. public right-of-way and the centerline of Southwest Durham Drive, an 85 ft. public right-of-way, thence leaving the intersection, N.49-01-03 W. 793.14 feet to an existing iron pipe, marking the northwestern corner of the land conveyed to Lois T. Pendergraph (Tax Map 483-01-016) by instrument recorded in Book 123, Page 290, Durham County Public Registry, and the northeastern corner of the land conveyed to Melba D. Simpson (Tax Map 483-01-015) by instrument recorded in Book 300, Page 355, Durham County Public Registry, the point and place of BEGINNING; thence from the point and place of BEGINNING with the boundary of the Simpson land (now or formerly) two (2) courses and distances as follows: (1) N.82-03-12 W. 272.40 feet to an existing iron pin-control corner; and (2) N. 03-52-38 E. 370.22 feet to a existing iron pin-control corner (with grid coordinates of N=799,154.303 and E=2,004,064.510); thence continuing with the northern boundary of the Simpson land (now or formerly), with the northern boundary of the land conveyed to Boulevard Properties Limited Partnership (Tax Map 483-01-014) by instrument recorded in Book 1934, Page 446, Durham County Public Registry, and with the northern boundary of the land conveyed to The Barnyard (Tax Map 483-01-013) by instrument recorded in Book 1702, Page 230, Durham County Public Registry, N. 84-56-41 W. 281.94 feet to a point; thence with the boundaries of The Barnyard land (now or formerly) six (6) courses and distances as follows: (1) N. 04-57-31 E. 577.01 feet to an existing iron pin; (2) S. 88-51-45 E. 19.66 feet to an existing iron pin; (3) S. 88-55-15 E. 73.27 feet to an existing iron pin; (4) N. 87-56-34 E. 32.33 feet to a point; (5) S. 89-54-27 E. 121.30 feet to an existing iron pin; and (6) N. 05-54-43 E. 26.05 feet to an existing iron pin in the southern boundary of the Boulevard Properties Limited Partnership (Tax Map 483-01-024) (now or formerly); thence with the southern boundary of the Boulevard Properties Limited Partnership land (now or formerly) S. 89-50-27 E. 740.20 feet to an existing iron pin in the western margin of the eighty five foot (85') wide public right-of-way of Southwest Durham Drive f/k/a Watkins Road (SR# 1110); thence with the western margin of the right-of-way of Southwest Durham Drive f/k/a Watkins Road two (2) courses and distances as follows: (1) with the arc of a circular curve to the right having a radius of 2633.39, subtended by a chord bearing and distance of S. 03-41-31 E. 96.25 feet, and an arc distance of 96.26 feet to a point; and (2) S. 00-55-19 E. 183.66 feet to a point in the northern boundary of the land conveyed to Mark B. Heizer (Tax Map 483-01-022) by instrument recorded in Book 1825, Page 970, Durham County Public Registry; thence with the northern, western, and southern boundaries of the Heizer land (now or formerly) three (3) courses and distances as follows: (1) S. 89-25-05 W. 185.31 feet to a point; (2) S. 02-56-39 W. 245.08 feet to an existing iron pin; and (3) N. 89-30-15 E. 201.84 feet to a point in the western margin of the right-of-way of Southwest Durham Drive f/k/a Watkins Road; thence with the western margin of the right-of-way of Southwest Durham Drive f/k/a Watkins Road S. 00-55-19 E. 966.43 feet to a point in the northern margin of the eighty five foot (85') wide public right-of-way of Old Chapel Hill Road (SR# 2220); thence with the northern margin of the right-of-way of Old Chapel Hill Road N. 80-54-56 W. 422.85 feet to a point in the eastern boundary of the Pendergraph land (now or formerly); and thence with the eastern and northern boundaries of the Pendergraph land (now or formerly) two (2) courses and distances as follows: (1) N. 03-11-04 E. 374.50 feet to an existing iron pin; and (2) N. 82-01-08 W. 147.01 feet to the point and place of BEGINNING, containing 24.61 acres, more or less.

Also described as follows:

LYING AND BEING in the City of Durham, Durham County, North Carolina, and more particularly described as follows:

BEGINNING at an existing iron pipe in the northern right-of-way of Old Chapel Hill Road, SR 2220, an 85' public right-of-way, said pipe being a common corner with the property of Bennie T. Goodwin and Christina Goodwin as referenced in Deed Book 3441, Page 559 and recorded in the Durham County Registry; thence leaving the said right-of-way of Old Chapel Hill Road and with the common line of the said Goodwin property, N 03°13'28"E, 374.67 feet to an existing iron pipe; thence N 81°59'39"W, 147.14 feet to an existing

iron pipe being the northwest corner of the property of The Boulevard Properties Limited Partnership as referenced in Deed Book 2539, Page 695 and also shown on Plat Book 140 Pg. 126, both recorded in the Durham County Registry; thence N 82°04'18"W, 272.42 feet to an existing iron pipe; thence continuing with the said The Boulevard Properties Limited Partnership common line, N 03°52'56"E, 370.12 feet to an existing iron pipe; thence N 84°56'10"W, 281.94 feet to an existing iron pipe, said pipe being a common corner with the property of The Boulevard Properties Limited Partnership as shown in Plat Book 156, Page 25 and recorded in the Durham County Registry; thence continuing with the said The Boulevard Properties Limited Partnership common property line, N 04°56'20" E, 577.01 feet to an existing iron pipe; thence S 89°15'56"E, 19.84 feet to an existing iron pipe; thence S 88°50'32"E, 73.10 feet to an existing iron pipe; thence N 87°56'34"E, 32.33 feet to an iron pipe set; thence S 89°56'42"E, 121.41 feet to an existing iron pipe; thence N 05°56'22"E, 26.07 feet to an existing iron pipe in the common line with the property of L H Boulevard, LLC, as referenced in Deed Book 4143, Page 122 and as shown in Plat Book 159, Page 237, both recorded in the Durham County Registry; thence S 89°48'48"E, 740.20 feet to an iron pipe set on a curve in the western right-of-way of Southwest Durham Drive, an 85' public right-of-way, said curve having a radius of 2633.39 feet, and said pipe also being the southeastern corner of the property of Boulevard Forest & Trees, LLC, as referenced in Deed Book 4659, Page 62 and shown in Plat Book 159, Page 239, both recorded in the Durham County Registry; thence with the said curve as it turns to the right an arc length of 96.51 feet and having a chord bearing of S 04°23'27"E and a chord distance of 96.50 feet to an iron pipe set; thence continuing with the said western right-of-way of Southwest Durham Drive, S 00°47'44"E, 183.66 feet to an existing iron pipe, said pipe being the northeast corner of the property of Mark B. Heizer as shown in Plat Book 165, Page 389 and recorded in the Durham County Registry; thence continuing with the common line of the said Heizer property, S 89°32'42"W, 185.31 feet to an iron pipe set; thence S 03°09'37"W, 245.05 feet to an existing iron pipe; thence N 89°25'54"E, 202.54 feet to an existing iron re-bar in the said western right-of-way of Southwest Durham Drive; thence continuing with the said western right-of-way of Southwest Durham Drive, S 00°52'27"E, 967.89 feet to an existing chiseled X mark in the sidewalk, said mark is where the said western right-of-way of Southwest Durham Drive intersects the said northern right-of-way of Old Chapel Hill Road; thence with the said northern right-of-way of Old Chapel Hill Road, N 80°46'30"W, 422.88 feet to the Point and Place of BEGINNING and containing 24.6286 acres and being the same property as described in Deed Book 6883, Page 822 and recorded in the Durham County Registry.

Exhibit B

Permitted Exceptions

1. Taxes or assessments for the year 2019, and subsequent years, not yet due or payable.
2. The following matters disclosed by plat(s) recorded in:
 - a. Plat Book 124, Page 36:
 - i. 25' Sanitary Sewer Easement.
 - b. Plat Book 140, Page 126:
 - i. 50' Buffer and 100' Buffer Undisturbed Stream Buffer each side of Stream;
 - ii. 25' wide City of Durham Sanitary Sewer Easement subject to terms stated in the Declaration in Real Estate Book 1510, Page 958.
 - c. Plat Book 140, Page 154:
 - i. 50' Buffer and 100' Buffer Undisturbed Stream Buffer each side of Stream;
 - ii. 25' wide City of Durham Sanitary Sewer Easement subject to terms stated in the Declaration in Real Estate Book 1510, Page 958;
 - iii. 0.972 acres in R/W dedication.
3. Stormwater Facility Agreement and Covenant Version 082203 with the City of Durham recorded October 5, 2007, in Book 5763, Page 777 and assumed by Assumption of Stormwater Facility Operation and Maintenance Permit Agreement recorded January 4, 2010 in Book 6396, Page 86, Durham County Registry. Supplemental Stormwater Facility Agreement and Covenants recorded in Book 6906, Page 546, Durham County Registry.
4. Stormwater Facility Operation and Maintenance Permit Agreement recorded in Book 2508, Page 727, Durham County Registry.
5. 6. Easement and Memorandum of Agreement with Time Warner Entertainment-Advance Newhouse Partnership recorded in Book 6035, Page 727, Durham County Registry.
6. Easement to Duke Energy Corporation (formerly Duke Power Company) recorded in Book 2569, Page 643, Durham County Registry.

7. Easement to the City of Durham recorded in Book 1726, Page 81, Durham County Registry.
8. Declaration of Rights and Privileges of the City of Durham in certain sanitary sewer easements recorded in Book 1510, Page 958, Durham County Registry.
9. Deed of Easement to the City of Durham recorded in Book 1621, Page 246, and shown on plat recorded in Plat Book 124, Page 36; Plat Book 140, Page 126 and Plat Book 140, Page 154, Durham County Registry.
10. Easements granted NC Department of Transportation by Memorandum of Action to NC Department of Transportation, recorded in Book 7656, Page 121, and subsequent Consent Judgment recorded in Book 7826, Page 844, Durham County Registry.
11. Rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Land and riparian and/or littoral rights incident to the Land.
12. Rights of tenants in possession, as tenants only, under prior unrecorded residential leases.
13. The following matters disclosed by survey entitled "ALTA/NSPS Land Title Survey of Lenox at Patterson Place" by Dan Gregory, P.L.S., dated September 7, 2018, last revised January 4, 2019:
 - a. Service utilities;
 - b. One-hundred foot (100') Stream Buffer; Fifty foot (50') Stream Buffer; and Fifty foot (50') Undisturbed Stream Buffer;
 - c. Perimeter Landscape Buffer [various widths - ten foot (10), twenty foot (20'), and fifty foot (50')];