



20171214000244360 DEED
Bk:RB6402 Pg:84
12/14/2017 03:56:05 PM 1/6

FILED Mark Chilton
Register of Deeds, Orange Co., NC
Recording Fee: \$26.00
NC Real Estate TX: \$19062.00

aw

Excise Tax: \$ 19,062.00

Tax Lot no./Parcel Identifier No.: 9778-28-6372; 9778-27-6920
9778-28-5152 *LKB*

Mail after recording to : Stuart T. Kapp, Esq., 7900 Glades Road, Suite 550
Boca Raton, FL 33434 / *Wyatt Early*

This instrument was prepared by: North Carolina Carrboro Limited Partnership, 380 Union Street, West
Springfield, MA 01089 *David Chabot*

Brief Description for the Index: 3 Tracts; Berkshire Manor Apts.

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made as of the *4th* day of December, 2017, by and between:

GRANTOR:

**NORTH CAROLINA CARRBORO
LIMITED PARTNERSHIP**

Address:
380 Union Street, Suite 300
West Springfield, Massachusetts 01089

GRANTEE:

CARRBORO BERKSHIRE EAST, LLC

Address:
1220 North Fillmore Street Suite 400, Arlington,
Virginia 22201

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.

All or a portion of the property herein conveyed **does not** include the primary residence of the Grantor.

WITNESSETH that Grantor, for good and valuable consideration of \$9,530,925.00 in hand paid to Grantor, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does grant,

NC5899274



bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Carrboro, County of Orange, State of North Carolina, and more particularly described on Exhibit A attached hereto, incorporated herein and made a part hereof, and all improvements thereon, together with Seller's right, title and interest, if any, and without warranty in and to all easements and appurtenances pertaining thereto (collectively, the "Property").

TO HAVE AND TO HOLD the aforesaid Property and all improvements thereon and all privileges and appurtenances thereto belonging to Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor hereby warrants the title to said Property and will defend the same against the lawful claims of all persons claiming by, through, or under the said Grantor but against none other.

Title to the property hereinabove described is subject to the exceptions described on Exhibit B attached hereto, incorporated herein and made a part hereof:

[Signature Page Follows]



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

GRANTOR:

NORTH CAROLINA CARRBORO LIMITED PARTNERSHIP

By: Nepsa Property Investors, Inc. Its General Partner

By: [Signature] Name: Jeremy Pava Title: Treasurer

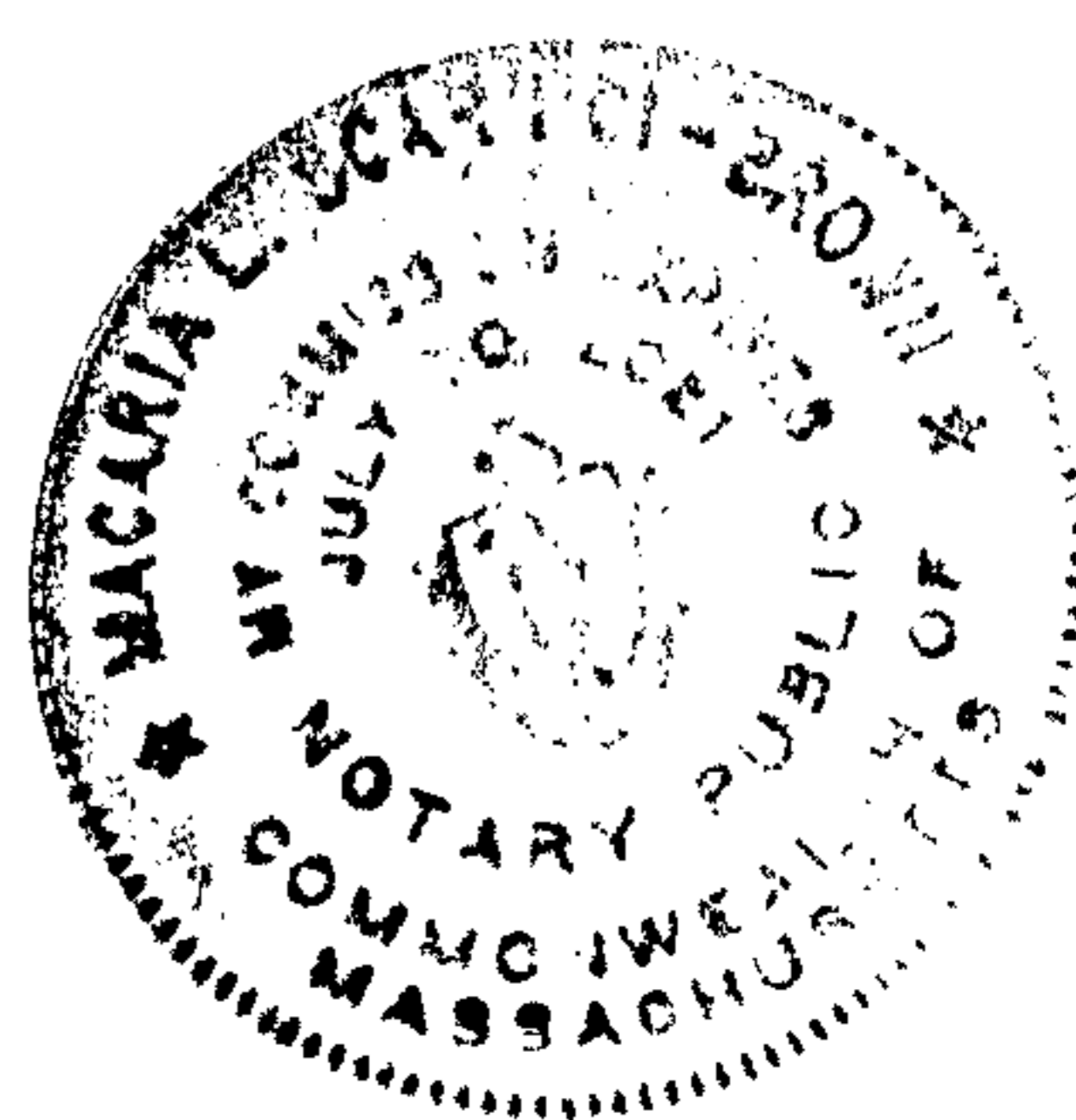
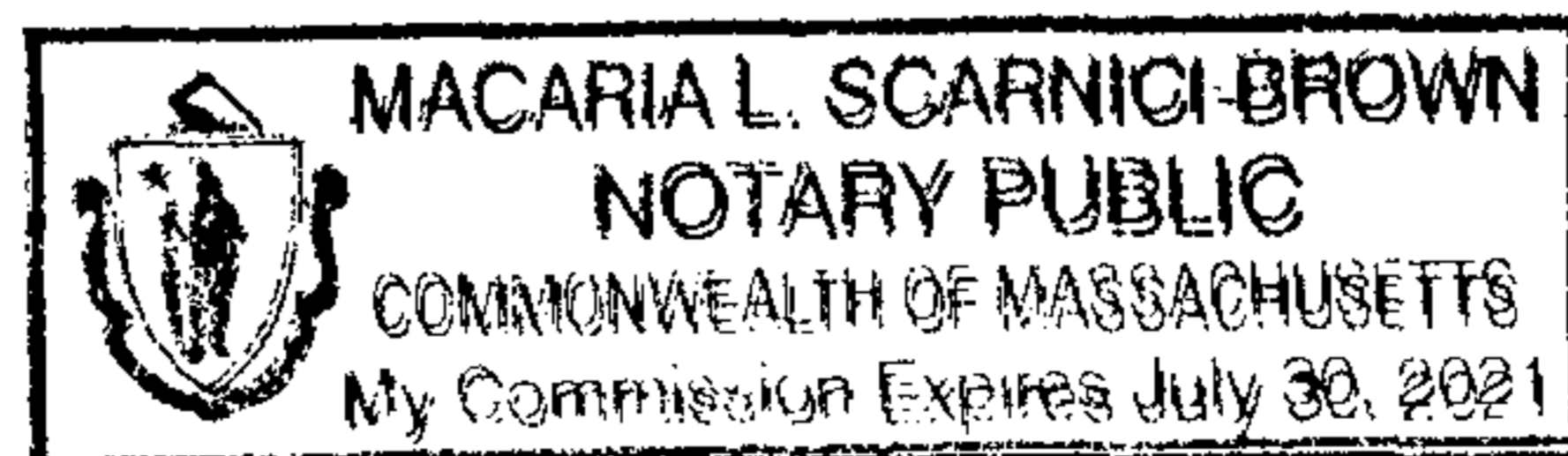
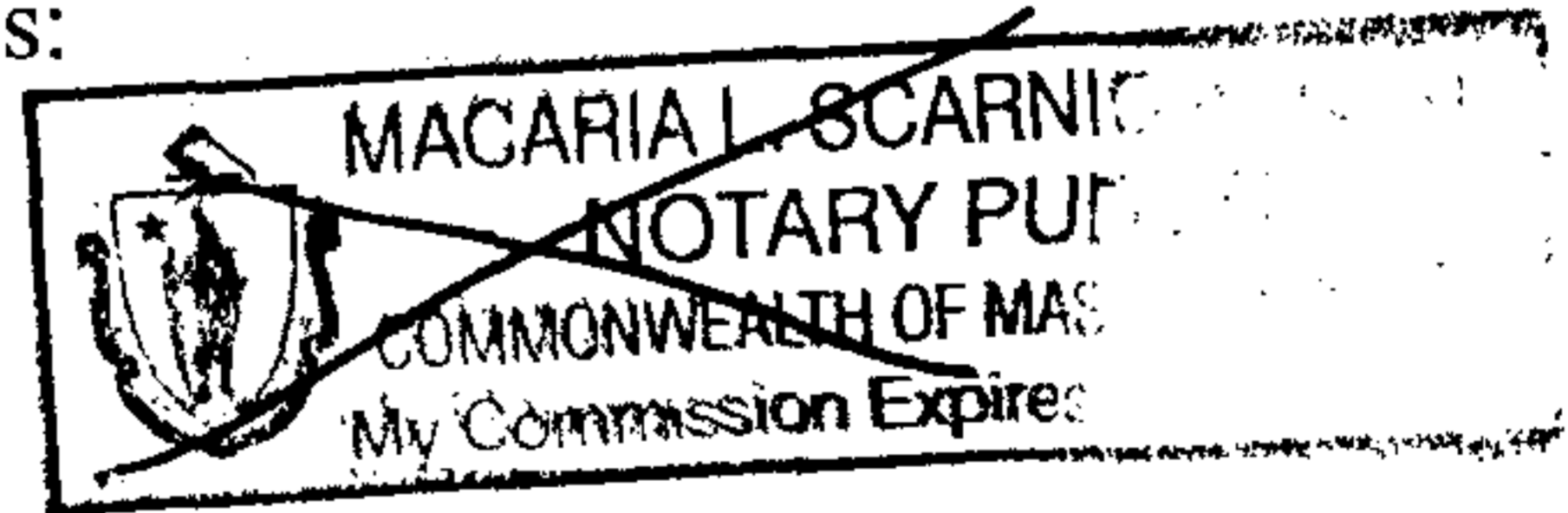
Signed, Sealed and Delivered in the Presence of:

[Signature] Name: JULIE J. DIMAURO

COMMONWEALTH OF MASSACHUSETTS)) ss. West Springfield) COUNTY OF HAMPDEN)

On this 1st day of December, 2017, before me, the undersigned notary public, personally appeared Jeremy Pava, to me personally known, who did say that he is President Treasurer of Nepsa Property Investors, Inc., a Massachusetts corporation, the General Partner of North Carolina Carrboro Limited Partnership, a Massachusetts limited partnership and that he signed the foregoing instrument on behalf of said corporation on behalf of said limited partnership, and he acknowledged to me that he signed the foregoing instrument voluntarily for its stated purpose.

[Signature] Name: Notary Public My Commission Expires:



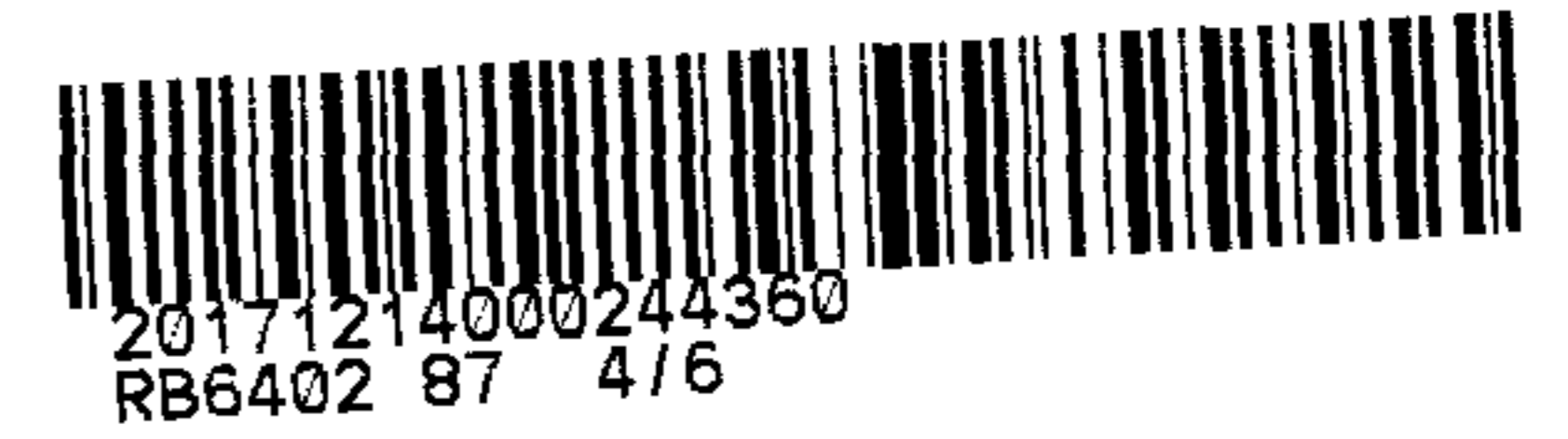


EXHIBIT A

Legal Description

BEING ALL THAT CERTAIN TRACTS OR PARCELS OF LAND LYING AND SITUATES IN ORANGE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL I:

BEGINNING AT A POINT LOCATED IN THE SOUTHERN RIGHT OF WAY LINE OF N.C. HIGHWAY #54 (SAID BEGINNING POINT SO LOCATED BEING A DISTANCE OF 371.38 FEET FROM THE CENTER LINE OF N.C. HIGHWAY #54 BY-PASS); AND RUNNING THENCE FROM SAID POINT SOUTH 2 DEGREES 1 MINUTE 30 SECONDS EAST A DISTANCE OF 640.37 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 76 DEGREES 35 MINUTES 26 SECONDS EAST A DISTANCE OF 122.80 FEET TO A POINT; THENCE TURNING AND RUNNING SOUTH 13 DEGREES 24 MINUTES 34 SECONDS EAST A DISTANCE OF 200.00 FEET TO A POINT; THENCE TURNING AND RUNNING SOUTH 76 DEGREES 35 MINUTES 26 SECONDS WEST A DISTANCE OF 153.00 FEET TO A POINT; THENCE TURNING AND RUNNING SOUTH 13 DEGREES 24 MINUTES 34 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 76 DEGREES 35 MINUTES 26 SECONDS EAST A DISTANCE OF 153.00 FEET TO A POINT; THENCE TURNING AND RUNNING SOUTH 13 DEGREES 24 MINUTES 34 SECONDS EAST A DISTANCE OF 150.00 FEET TO A POINT; THENCE TURNING AND RUNNING SOUTH 76 DEGREES 35 MINUTES 26 SECONDS WEST A DISTANCE OF 153.00 FEET TO A POINT; THENCE TURNING AND RUNNING SOUTH 13 DEGREES 24 MINUTES 34 SECONDS EAST A DISTANCE OF 164.45 FEET TO A POINT; THENCE RUNNING SOUTH 13 DEGREES 9 MINUTES 30 SECONDS EAST A DISTANCE OF 122.00 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 76 DEGREES 50 MINUTES 30 SECONDS EAST A DISTANCE OF 400.00 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 7 DEGREES 33 MINUTES 40 SECONDS WEST A DISTANCE OF 85.00 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 12 DEGREES 48 MINUTES 22 SECONDS WEST A DISTANCE OF 520.23 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 5 DEGREES 20 MINUTES 00 SECONDS WEST A DISTANCE OF 291.50 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 66 DEGREES 09 MINUTES 30 SECONDS WEST A DISTANCE OF 375.11 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 2 DEGREES 1 MINUTE 30 SECONDS WEST A DISTANCE OF 123.00 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 25 DEGREES 47 MINUTES 23 SECONDS EAST A DISTANCE 29.34 FEET TO A POINT; THENCE TURNING AND RUNNING NORTH 66 DEGREES 01 MINUTE 40 SECONDS WEST A DISTANCE OF 53.09 FEET TO THE POINT AND PLACE OF BEGINNING.

PARCEL II:



BEGINNING AT AN IRON PIPE, SAID PIPE BEING LOCATED NORTH 13 DEGREES 24 MINUTES 34 SECONDS WEST A DISTANCE 30.00 FEET FROM AN IRON PIPE LOCATED IN THE SOUTHWEST CORNER OF TRACT 3 DESCRIBED HEREIN; RUNNING THENCE FROM SAID BEGINNING POINT NORTH 76 DEGREES 35 MINUTES 26 SECONDS EAST A DISTANCE OF 153.00 FEET TO AN IRON PIPE; THENCE TURNING AND RUNNING SOUTH 13 DEGREES 24 MINUTES 34 SECONDS EAST A DISTANCE OF 150.00 FEET TO AN IRON PIPE: THENCE TURNING AND RUNNING SOUTH 76 DEGREES 35 MINUTES 26 SECONDS WEST A DISTANCE OF 153.00 FEET TO AN IRON PIPE; THENCE TURNING AND RUNNING NORTH 13 DEGREES 24 MINUTES 34 SECONDS WEST A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

TRACT III:

BEGINNING AT AN IRON PIPE, SAID PIPE BEING LOCATED NORTH 2 DEGREES 1 MINUTE 30 SECONDS WEST A DISTANCE OF 640.37 FEET FROM AN IRON PIPE, SAID PIPE BEING LOCATED A DISTANCE OF 371.38 FEET FROM THE CENTER LINE OF N.C. HIGHWAY #54 BY-PASS; RUNNING THENCE FROM SAID BEGINNING POINT NORTH 76 DEGREES 35 MINUTES 26 SECONDS EAST A DISTANCE OF 122.80 FEET TO AN IRON PIPE; THENCE TURNING AND RUNNING SOUTH 13 DEGREES 24 MINUTES 34 SECONDS EAST A DISTANCE OF 200.00 FEET TO AN IRON PIPE; THENCE RUNNING SOUTH 76 DEGREES 35 MINUTES 26 SECONDS WEST A DISTANCE OF 153.00 FEET TO AN IRON PIPE; THENCE TURNING AND RUNNING NORTH 13 DEGREES 24 MINUTES 34 SECONDS WEST A DISTANCE OF 50.00 FEET TO AN EXISTING IRON PIPE; THENCE TURNING AND RUNNING NORTH 2 DEGREES 1 MINUTE 30 SECONDS WEST A DISTANCE OF 153.00 FEET TO THE POINT AND PLACE OF BEGINNING.



EXHIBIT B

Exceptions

1. Taxes for the year 2018 and all subsequent years.
2. Easement to University of North Carolina, its successors and assigns recorded in Book 240, Page 318, Orange County Registry.
3. Deed of Easement to Department of Transportation, an agency of the State of North Carolina recorded in Book 828, Page 602, Orange County Registry.
4. Deed of Easement to Department of Transportation, an agency of the State of North Carolina recorded in Book 828, Page 604, Orange County Registry.
5. Drainage Easement Agreement by and between Fairfax Village, Inc., d/b/a Berkshire Manor Apts. and Department of Transportation, an agency of the State of North Carolina, recorded in Book 828, Page 607, Orange County Registry.
6. Declaration of Easement by North Carolina Carrboro Limited Partnership, a Massachusetts limited partnership company recorded in Book 6255, Page 355, Orange County Registry.
7. License and Memorandum Agreement by and between North Carolina Carrboro LP and Time Warner Entertainment - Advance/Newhouse Partnership, d/b/a Time Warner Cable through its East Region, recorded in Book 5326, Page 210; Book 5074, Page 473; and Book 4374, Page 281, County Registry.
8. Riparian rights of others in and to the creek(s) affecting the Property.
9. Applicable laws, statutes, rules, ordinances, codes and regulations of any governmental and quasi-governmental authority in effect on the October 18, 2017 or thereafter, including, but not limited to those pertaining to building, health, safety, fire and zoning;
10. Any lien for taxes and water and sewer charges for the then current fiscal tax year or billing period, as the case may be, that are not due and payable on the date hereof;
11. Any liens for municipal betterments assessed on or after the October 18, 2017, and any other municipal or governmental liens that are not due and payable on the date hereof;
12. Leases and tenancies in effect on the date hereof and parties having possessory rights under agreements and contracts assumed by Grantee;
13. Title to and rights of the public and others entitled thereto in and to those portions of the Property, if any, lying within the bounds of adjacent streets and right-of-ways;
14. Any state of material facts that might be disclosed by a current accurate survey or a personal inspection of the Property and not disclosed on the Existing Survey; and
15. Acts of Grantee or anyone claiming by, through or under Grantee.