

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2021 Aug 19 10:38 AM
Book: 9433 Page: 498
NC Rev Stamp: \$ 9908.00 Fee: \$ 26.00
Instrument Number: 2021042086
DEED

SPECIAL WARRANTY DEED

Excise Tax: \$9,908.00

Tax Parcel ID No. 0718-01-19-9394 Verified by _____ County
on the ____ day of August, 2021 By: _____

Mail/Box to: FRHC Durham, LLC, Attn.: Lori Cimato, 25 Wanser Avenue, Inwood, NY 11096

This instrument was prepared by: Howard J. Swibel, General Counsel of Seller, 161 N. Clark Street, Suite 4200, Chicago, Illinois 60601

Brief description for the Index: Lot 3, Plat Book 181, Page 293

THIS DEED, made this the 17th day of August, 2021, by and between

GRANTOR: Broadview Durham, LLC, an Illinois limited liability company
whose mailing address is Attn: Howard Swibel, Saul Ewing Arnstein & Lehr LLP, 161 N. Clark Street, Suite 4200, Chicago, Illinois 60601
(herein referred to as **Grantor**) and

GRANTEE: FRHC Durham, LLC, a North Carolina limited liability company ("Assignee")
whose mailing address is 25 Wanser Avenue, Inwood, NY 11096
(herein referred to as **Grantee**) and

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in the City of Durham, County of Durham, State of North Carolina, more particularly described as follows:

See legal description attached hereto as Exhibit A.

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 6038, Pages 551 through 554, and being reflected on plat(s) recorded in Map/Plat Book 181, page/slide 293.

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

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor has done nothing to impair the title as received by Grantor and that Grantor

38815826.2 Submitted electronically by Adams, Howell, Sizemore & Adams, P.A. in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Durham County Register of Deeds.

And Grantor hereby warrants that Grantor has done nothing to impair the title as received by Grantor and that Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, through or under Grantor.

This conveyance is made subject to the following Exceptions and Reservations:

See Exceptions attached hereto as Exhibit B.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

BROADVIEW DURHAM, LLC, an Illinois limited liability company

By: Broadview Property Partnership

Its: Manager

By: Howard J. Swibel

Howard J. Swibel

Its: Co-Managing Partner

State of Illinois
County of Cook

(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:

Howard J. Swibel

Date: August 11, 2021

Barry R. Katz Notary Public
Notary's Printed or Typed Name

My Commission Expires:
10/30/2023



State of _____
County of _____

(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:

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

Date: _____
_____ Notary Public

Notary's Printed or Typed Name

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

A tract of land lying and being situate in Durham County, North Carolina, and being more particularly described as follows:

BEING all of Lot 3, as shown on recombination map recorded in Plat Book 181, Page 293, Durham County Registry.

TOGETHER WITH those certain covenants, conditions, rights and easements described in that certain Master Declaration of Easements, Covenants, Conditions and Restrictions for Hope Valley Commons recorded in Book 6006, Page 660, of the Durham County Registry; as amended by that Supplemental Declaration of Easements, Covenants, Conditions and Restrictions for Hope Valley Commons recorded in Book 6038, page 555, of the Durham County Registry; and

TOGETHER WITH those certain covenants, conditions, rights and easements described in that certain Declaration of Easements, Covenants, Conditions and Restrictions for Hope Valley Commons recorded in Book 6008, page 201, Durham County Registry; as amended by that Supplemental Declaration of Easements, Covenants, Conditions and Restrictions for Hope Valley Commons recorded in Book 6038, page 555, of the Durham County Registry.

Permanent Index Number: 0718-01-19-9394

Address of the Real Estate: 1133 W. Highway 54, Durham, North Carolina

EXHIBIT B

EXCEPTIONS

1. Taxes or assessments for the year 2021 and subsequent years, not yet due or payable. (Fee Parcel and Easement Tracts)
2. The following matters disclosed by survey entitled "FTB-Durham" by R. Scott Barrett, P.L.S., dated July 24, 2021, last modified _____, 2021, designated NV5 Project Number 202103708-001:
 - a. Encroachment of metal fence of adjoining property onto subject property;
 - b. Encroachment of retaining wall of adjoining property onto subject property;
 - c. Utility lines, utility poles, utility boxes, light poles, guy wires, electric meters and telephone pedestals;
 - d. Water valves, water meters, hydrants, and back flow preventers; and
 - e. Clean outs and curb inlets.
3. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 6006, Page 660; Book 6008, Page 201; Book 6038, Page 555; and Book 6060, page 799, Durham County Registry, and any related maps, plans, bylaws and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. (Fee Parcel and Easement Tracts)
4. Those matters disclosed by plat(s) recorded in Plat Book 171, Pages 230 and 233; Plat Book 179, Pages 275, 278, 281, 284 and 287; Plat Book 181, Page 293; and Plat Book 194, Page 127, Durham County Registry. (Fee Parcel and Easement Tracts)
 - a. Closure of 20' private alleyway and closure of Hyrum Road (171/230 & 171-233);
 - b. temporary construction easements, slope easements, drainage easements, setbacks and right of way dedication for NC Highway 54 & NC Highway 751 (179/275, 179/278, 179/281, 179/284 & 179/287);
 - c. new lot lines for Lot 3 (181/293); and
 - d. 2" drainage easement/public storm easement and pond stormwater easement (194/127).
5. Comprehensive Declaration of Easements among B. F. McLeod, Jr., Carolina Lube, Inc., and Hope Valley Commons, LLC, recorded in Book 5720, Page 905, Durham County Registry. (Fee Parcel and Easement Tracts)

6. Stormwater Facility Agreement and Covenant Version 082203 among Hope Valley Commons, LLC, Little Bear, LLC and the City of Durham, recorded in Book 5717, Page 301, Durham County Registry. (Fee Parcel and Easement Tracts)
7. Right(s) of way to Duke Power Company recorded in Book 147, Page 340, Durham County Registry. (Fee Parcel and Easement Tracts)
8. Easement(s) to Duke Power Company recorded in Book 978, Page 545, Durham County Registry. (Fee Parcel and Easement Tracts)
9. Utility Easement from Hope Valley Common, LLC in favor of Public Service Company of North Carolina, Incorporated, in Book 5917, Page 33, Durham County Registry. (Fee Parcel and Easement Tracts)
10. Right(s) of way Agreements with Duke Energy Carolinas, Inc. recorded in Book 5852, Page 652; Book 5853. Page 598; and Book 5652. Page 632, Durham County Registry. (Fee Parcel and Easement Tracts)