

FOR REGISTRATION
Willie L. Covington
REGISTER OF DEEDS
Durham County, NC
2016 MAY 31 02:05:55 PM
BK:7941 PG:884-889
DEED
FEE:\$26.00
EXCISE TAX: \$4,600.00
INSTRUMENT # 2016017181
SMMARSH



SPECIAL WARRANTY DEED

Excise Tax: ~~16.0670804~~ **\$4,600.00**
Tax Parcel ID No. 0718-01-19-9394 Verified by _____ County
on the ____ day of _____, 20____ By: _____

Mail/Box to: Broadview Durham, LLC, Attn: Howard J. Swibel, 120 S. Riverside Plaza, Suite 1200, Chicago, Illinois 60606

This instrument was prepared by: Barry R. Katz, Arnstein & Lehr LLP, 120 S. Riverside Plaza, Suite 1200, Chicago, Illinois 60606

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

THIS DEED, made this the ____ day of May, 2016, by and between

GRANTOR: GENOA PROPERTIES OF NC, LLC, a North Carolina limited liability company
whose mailing address is 3330 Cumberland Boulevard, Suite 250, Atlanta, GA 30339
(herein referred to as **Grantor**) and

GRANTEE: Broadview Durham, LLC, an Illinois limited liability company
whose mailing address is Attn: Howard J. Swibel, 120 S. Riverside Plaza, Suite 1200, Chicago, Illinois 60606
(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 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 Exhibit "B" attached hereto and incorporated by reference.

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.

GENOA PROPERTIES OF NC, LLC,
a North Carolina limited liability company

By: First Beacon Realty Company, a
Georgia corporation, its Manager

By: George Gaudiosi, Jr.
George Gaudiosi, Jr., Vice President

State of Georgia
County of Cobb

(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:

George Gaudiosi, Jr. [insert name(s) of principal(s)].

Date: 5/23/16

Bettie J. Patterson
BETTIE J. PATTERSON Notary Public
Notary's Printed or Typed Name

My Commission Expires:
2/21/17

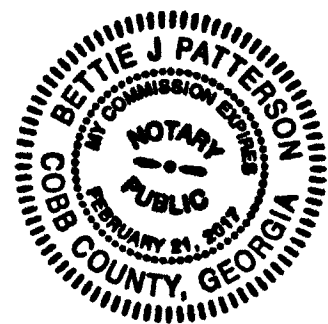


EXHIBIT A

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; 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.

EXHIBIT B
EXCEPTIONS

EXCEPTIONS

1. Deed of Trust from Broadview Durham, LLC to _____, Trustee for Securityplus Federal Credit Union, dated _____, 2016, filed for record _____, 2016, at ____:____.m. in Book _____, Page _____, Durham County Registry, securing \$1,600,000.00.
2. Taxes or assessments for the year 2016, and subsequent years, not yet due or payable. (Fee Parcel and All Easement Tracts)
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 Tract 3)
4. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title 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 All Easement Tracts)
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 1 and 2)
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 1 and 2)
7. Right(s) of way to Duke Power Company recorded in Book 147, Page 340, Durham County Registry. (Fee Parcel and Easement Tracts 1 and 2)
8. Easement(s) to Duke Power company recorded in Book 978, Page 545, Durham County Registry. (Fee Parcel and Easement Tracts 1 and 2)
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 1 and 2)
10. Right(s) of way Agreements with Duke Energy Carolinas, Inc. recorded in Book 5852, Page 652; Book 5853, Page 598; and Book 5852, Page 632, Durham County Registry. (Fee Parcel and Easement Tracts 1 and 2)
11. Unrecorded Ground Lease between Bank of Hampton Roads (as successor to Gateway Bank and Trust Company), as tenant, and Genoa Properties, LLC, as landlord, dated February 12, 2008, as amended from time to time, and the terms and provisions thereof, a memorandum of which is dated May 13, 2009, recorded May 15, 2009 in Book 6218, Page 210, Durham County Registry. As affected by that Subordination, Non-Disturbance and Attornment Agreement recorded in Book _____, Page _____, Durham County Registry. (Fee Parcel and Easement Tracts 1 and 2)
12. Any discrepancy, conflict, access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claim of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean highwater mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land occurring subsequent to May 17, 2008 and revised July 22, 2008, being the date of a survey entitled "Property of Hope Valley Commons, LLC" by Phillip W. Riley, P.L.S.: (Fee Parcel Only)

- a. Thirty foot (30') Duke Energy Electric Line (presumed to be fifteen feet (15') each side of overhead line);
 - b. Fifteen inch (15") RCPs;
 - c. Underground waterline and waterline stub-out;
 - d. Sanitary sewer and sewer stub-out;
 - e. Twenty foot (20') Reserved Utility Easement;
 - f. Ten foot (10') Reserved Utility Easement;
 - g. Fifteen foot (15') Reserved Sidewalk and Landscaping Easement;
 - h. Ten foot (10') PSNC Energy Easement; and
 - i. Encroachment of 0.8" of the ten foot (10') concrete retaining wall for adjoining property of Little Bear, LLC.
13. Any discrepancy, conflict, access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean highwater mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land. (All Easement Tracts)
 14. Terms and provisions of the Master Declaration of Easements, Covenants, Conditions and Restrictions for Hope Valley Commons recorded in Book 6006, Page 660, Durham County Registry. (Easement Tract 1 Only)
 15. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 6006, page 660; 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. (Easement Tract 2 Only)
 16. Terms and provisions of the Declaration of Easements, Covenants, Conditions and Restrictions for Hope Valley Commons recorded in Book 6008, page 201, Durham County Registry. (Easement Tract 2 Only)
 17. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in 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. (Easement Tract 1 Only)