

Register of Deeds
Sharon A. Davis
Durham County, NC

07/15/2022 09:39:50AM

BT: OPR B: 9741 P: 520 Pages: 4

DEED - DEED

Fee: \$199,511.00 Excise Tax: \$199485.00

INSTRUMENT #2022029122

Sharon Marsh

Excise Tax \$199,485.00

Tax Parcel Identifier No. 157394

Mail after recording to:

Kevin A. Denti, Esquire.
Kevin A. Denti, P.A.
2180 Immokalee Road – Suite #316
Naples, FL 34110

This instrument was prepared by: Pamela V. Rothenberg, Esq.
Womble Bond Dickinson (US) LLP
2001 K Street, NW
Suite 400 South
Washington, DC 20006

[No title search performed and no title opinion given or implied by the preparer.]

Brief description for the Index: LEX AT BRIER CREEK APARTMENTS, MORRISVILLE, NC

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made as of this 12th day of July, 2022, by and between

GRANTOR	GRANTEE
BRIER CREEK INVESTORS JV LLC , a Delaware limited liability company, whose post office address is: 8255 Greensboro Drive, Suite 200, McLean, VA 22102	BRIER CREEK RESIDENCES LLC , a Florida limited liability company, with a post office address of 999 Vanderbilt Beach Road – Suite #701, Naples, FL 34108

Special Warranty Deed – Lex at Brier Creek

submitted electronically by "Moss Woods PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Durham County Register of Deeds.

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.

Per NCGS 105-317.2, the property does not include the primary residence of the Grantor.

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 (those) certain lot(s) or parcel(s) of land situated in the City of Morrisville, Durham County, North Carolina, and more particularly described on Exhibit A attached hereto and fully incorporated herein by this reference (hereinafter referred to as the "Property").

The Property was acquired by the Grantor by instrument recorded in **Book 7991, Page 703, Durham County, North Carolina.**

TO HAVE AND TO HOLD the aforesaid lot(s) or parcel(s) of land, together with all improvements thereon and all of the Grantor's right, title and interest in and to all hereditaments, easements, licenses, privileges, strips and gores, streets, alleys, rights of way and other rights appurtenant, adjacent or connected to the Property, including, without limitation, all minerals, oil, gas and other hydrocarbon substances, development rights, air rights, water, water rights and water stock relating to the Property, to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor has done nothing to impair such title as the Grantor received, and the Grantor will warrant and defend the title against the lawful claims of all persons claiming by under or through the Grantor except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to (i) the lien of ad valorem real estate taxes assessed against the Property for the current year; (ii) the rights of any tenant, as a tenant only, under any recorded or unrecorded lease of the Property; and (iii) all covenants, restrictions, easements, servitudes, rights and rights-of-way of record to the extent that the same, by their express terms, affect title to the Property.

[Signature Page Follows]

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

BRIER CREEK INVESTORS JV LLC,
a Delaware limited liability company

By: Kettler Brier Creek LLC,
a Delaware limited liability company
Its managing member

By: Kettler Asset Management LLC,
a Virginia limited liability company
its manager

By: Kettler Inc.,
a Virginia corporation
its sole member and manager

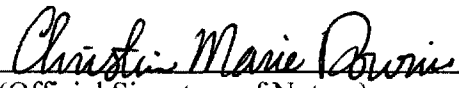
By: 
Name: Sean H. Curtin
Title: Executive Vice President

STATE/COMMONWEALTH OF Virginia
COUNTY OF Arlington

I, Christine Marie Downie, a Notary Public of aforesaid County and State, certify that the following person personally appeared before me this day, acknowledging the due execution of the foregoing instrument in the capacity indicated therein:

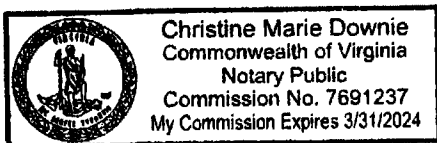
Sean H. Curtin, in his capacity as Executive Vice President of Kettler Inc., a Virginia corporation, in its capacity as sole member and manager of Kettler Asset Management LLC, a Virginia limited liability company, in its capacity as Manager of Kettler Brier Creek LLC, a Delaware limited liability company, in its capacity as Managing Member of Brier Creek Investors JV LLC, a Delaware limited liability company

Date: July 8, 2022


(Official Signature of Notary)

STAMP/SEAL

Notary's printed name: Christine Marie Downie



My commission expires: 3/31/2024

EXHIBIT A

DESCRIPTION OF PROPERTY

Lying and being situate in Durham County, North Carolina, and being more particularly described as follows:

Commencing at County Line Monument #8 (236), (Y)=790,870.67 E, (X)=2,057,151.95, C.F.=0.9999180. Station=440+98.11 (Plat Book 1989 Page 522) and proceeding thence S. 18°32'46" W. for a distance of 1569.95 feet to an existing iron rod in the southern right-of-way margin of TW Alexander Drive (AKA Southern Parkway) (a 120 foot public right-of-way) and the northwestern corner of the property of Brier Creek Associates, L.P. (now or formerly) as recorded in Deed Book 7742, Page 648, Durham County Registry, said point being the Point or Place of Beginning; thence with the western boundary of said Brier Creek Associates, L.P. property S. 18° 32' 46" W. 972.65 feet to an existing iron pipe located in the northern boundary of the property owned by Buelah S. and George J. Simko (now or formerly) as recorded in Deed Book 2121, Page 745, Durham County Registry; thence with the northern boundary of said Simko property the following three (3) courses and distances: (1) N. 89° 38' 27" W. 751.11 feet to an existing iron pipe; (2) N. 00° 42' 24" E. 221.23 feet to an existing iron rod; and (3) N. 88° 49' 25" W. 745.60 feet to an existing railroad spike in the centerline of Page Road (a public right-of-way of variable width); thence with the centerline of Page Road N. 10° 18' 54" E. 91.02 feet to an existing railroad spike; thence within the right-of-way of Page Road N. 79° 49' 58" E. 43.20 feet to an iron stake set in the eastern right-of-way margin of Page Road; thence with eastern right-of-way margin of Page Road the following two (2) courses and distances: (1) N. 10° 16' 24" E. 312.48 feet to a PK nail set; and (2) with the arc of a circular curve to the right having a radius of 1515.69 feet (chord bearing and distance of N. 14° 42' 20" E. 234.26 feet) for a distance of 234.49 feet to an existing iron pipe; thence with intersection of the eastern right-of-way margin of Page Road and southern right-of-way margin of TW Alexander Drive N. 50° 49' 19" E. 82.54 feet to an existing iron pipe in the southern right-of-way margin of TW Alexander Drive; thence with southern right-of-way margin of TW Alexander Drive the following two (2) courses and distances: (1) N. 89° 49' 12" E. 1361.89 feet to an iron stake set; and (2) along a arc of a circular curve to the right having a radius of 2804.79 feet (chord bearing and distance of S. 88° 06' 07" E. 203.40 feet) for a distance of 203.44 feet to the Point or Place of Beginning, containing 29.430 acres more or less.

INFORMATIONAL NOTE:

Plat recorded in Plat Book 140, page 139
PIN 157394