

FOR REGISTRATION  
Sharon A. Davis  
REGISTER OF DEEDS  
Durham County, NC  
2016 AUG 04 12:53:50  
BK:7991 PG:703-708  
DEED  
FEE: \$26.00  
EXCISE TAX: \$98,150.00  
INSTRUMENT # 2016026351  
SMMARSH



Excise Tax: \$ 98,150.00

Tax Lot No. \_\_\_\_\_; Parcel Identifier No. 157394  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail after recording to:

Pamela V. Rothenberg, Esquire  
Womble Carlyle Sandridge & Rice, LLP  
1200 19th St., NW, Suite 500  
Washington, DC 20036

This instrument was prepared by:

Michelle H. Lord  
Fairfield Residential Company, LLC  
5510 Morehouse Drive, Suite 200  
San Diego, CA 92121

Brief Description for the Index: BRIDGES AT WIND RIVER APARTMENTS, MORRISVILLE, NC

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED made this 3<sup>rd</sup> day of August, 2016, by and between

GRANTOR	GRANTEE
FAIRFIELD WIND RIVER LLC, a Delaware limited liability	BRIER CREEK INVESTORS JV LLC, a Delaware limited liability company
<u>Mailing address:</u>	<u>Mailing address:</u>
Fairfield Residential Company LLC 5510 Morehouse Drive, Suite 200 San Diego, California 92121 Attn: Gino A. Barra	c/o Kettler 1751 Pinnacle Drive, Suite 700 McLean, Virginia 22102 Attn: Sean H. Curtin

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

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 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 certain lot or parcel of land situated in the City of Morrisville, Durham County, North Carolina and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE**

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7182 Pages 894-903.

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

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

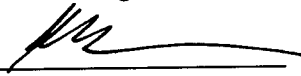
Title to the property hereinabove described is subject to the exceptions described on Exhibit B attached hereto and made a part hereof.

[signature page to follow]

**IN WITNESS WHEREOF**, the Grantor has caused this instrument to be duly executed and delivered.

FAIRFIELD WIND RIVER LLC,  
a Delaware limited liability company

By: FFI BSREP GP LLC,  
a Delaware limited liability company,  
its Non-Member Manager

By:   
Name: Gino A. Barra  
Title: Vice President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On July 28, 2016, before me, Sarah E. Loy, Notary Public (name and title of officer), personally appeared Gino A. Barra (name of signer), who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

Sarah E. Loy  
Signature (Seal)



**EXHIBIT A**

## Legal Description

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

**EXHIBIT B**

## PERMITTED EXCEPTIONS

1. Taxes or assessments for the year 2016, and subsequent years, not yet due or payable.
2. Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 2287, page 585, Wake County Registry, and any related maps, plans, bylaws and other document(s) and amendment(s).
3. Dedication of right of way along Page Road (NCSR 1973) as disclosed by plat recorded in Plat Book 140, Page 139, Durham County Registry, and shown on The Survey.
4. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title regarding the following matters disclosed by survey entitled "ALTA/NSPS LAND TITLE SURVEY OF THE BRIDGES AT WIND RIVER APARTMENTS" by Jose L. Torres, P.L.S., dated June 14, 2016, hereinafter referred to as The Survey.
  - a. Service utilities;
  - b. 25-foot building setback line(s);
  - c. 30-foot buffer;
  - d. 50-foot Neuse River buffer;
  - e. 25-foot Stream buffer;
  - f. Storm Easement area;
  - g. Building encroaches into Permanent NCDOT Drainage Easement.
5. Rights of tenants in possession, as tenants only, under prior unrecorded residential leases.
6. Rights of others in and to the continuous and uninterrupted flow of the creek meandering along the easterly property line and riparian and/or littoral rights incident to the Land, and shown on The Survey.
7. Easement(s) to Durham Service Company recorded in Book 121, page 401 and Book 121, page 415, Durham County Registry.
8. Easement(s) to Duke Power Company recorded in Book 170, page 156 and Book 199, page 210, Durham County Registry.
9. Easement(s) to Southern Power Company recorded in Book 44, page 138 (and shown on The Survey) and Book 44, page 311, Durham County Registry.
10. Sewer Easement recorded in Book 2287, Page 590, Durham County Registry. Said Easement subject to the terms stated in the Declaration in Book 1510, Page 958 no structures, fill, embankments, trees or obstructions permitted within the easement except according to those terms, Durham County Registry, and shown on The Survey.
11. Right of way of Page Road (Public) to its full legal width, and shown on The Survey.
12. Easement(s) to Department of Transportation recorded in Book 1393, page 911, Durham County Registry, and shown on The Survey.
13. Sanitary Sewer Easement recorded in Book 6150, page 468, Durham County Registry, and show on The Survey.
14. Easement and Memorandum of Agreement recorded in Book 6527, Page 214, Durham County Registry.
15. Prohibition Against Condominium Conversion recorded immediately following this deed.