

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
Electronically Recorded
2018 Dec 18 01:58 PM NC Rev Stamp: \$ 60989.00
Book: 8565 Page: 119 Fee: \$ 26.00
Instrument Number: 2018043304
DEED

Excise Tax: \$ 60,989.00

**Instrument Prepared by, and
Recording Requested by:**

Seyfarth Shaw LLP
601 South Figueroa Street, Suite 3300
Los Angeles, California 90017
Attention: Timothy M. Sullivan, Esq.

After Recording Return to:

Sidley Austin LLP
One South Dearborn Street
Chicago, Illinois 60603
Attention: Elizabeth McCloy, Esq.

Brief Description for the Index:
Parcel ID 141785, 211422,
141786, 141788 and 141701

Transfer of real property in City of Chapel Hill,
Durham County

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this 14th day of December, 2018, by and between

GRANTOR:	GRANTEE:
HP Chapel Hill, LLC, a Delaware limited liability company c/o Hammes Partners 1400 North Water Street, Suite 500 Milwaukee, Wisconsin 53202	6011 Farrington Road LLC a Delaware limited liability company c/o Welltower OM Group LLC 4500 Dorr Street Toledo, Ohio 43615

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.

WITNESS, that Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS, (\$10.00), the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto Grantee and Grantee's heirs, successors and

5019: Submitted electronically by "First American Title Insurance Company - NCS - Milwaukee" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Durham County Register of Deeds.

assigns forever, all the real property, together with any buildings, structures, fixtures and other improvements thereon, located in the County of Durham, State of North Carolina, described on **Exhibit A** attached hereto and made a part hereof.

also known by street address as: 2214, 2218, 2226, 2234 and 2230 West NC 54 Highway, Chapel Hill, North Carolina.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, including any right, title and interest of Grantor in and to adjacent streets, alleys, rights-of-way, easements or covenants, and the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances and all rights of Grantor in and to any and all strips and gores, tenements and easements pertaining, adjacent or connected thereto, the mineral, air, development and water rights running with or otherwise pertaining thereto, and any streets, alleys and roads adjoining the land.

The above described premises was acquired by Grantor by instruments recorded in Deed Book 7853 Page 232 and Deed Book 7853, Page 263, Durham County Register of Deeds.

The above described premises herein conveyed does not include the primary residence of Grantor.

A portion of the above described premises was contaminated with dry-cleaning solvent and was subsequently cleaned up pursuant to the Dry-Cleaning Solvent Cleanup Act of 1997, as amended, N.C.G.S. § 143-215.104A *et seq.*

Pursuant to Section 6, of the Land-Use Restrictions contained in that certain Notice of Dry-Cleaning Solvent Remediation recorded April 17, 2013 in Book 7242, Page 154, Durham County Registry (the "Notice"), Grantee must comply with all of the terms of the Notice.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances above described, unto Grantee and Grantee's successors and assigns forever. Grantor, for Grantor and Grantor's heirs, successors and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of Grantee and the heirs, successors and assigns of Grantee, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor except and subject only to the matters set forth on **Exhibit B** attached hereto and incorporated herein.

[SIGNATURE PAGE FOLLOWS NEXT]

IN WITNESS WHEREOF, Grantor has delivered this Special Warranty Deed to be effective as of the date first set forth above.

HP CHAPEL HILL, LLC,
a Delaware limited liability company

By: _____
Name: Todd W. Kibler
Title: Secretary

NOTARY ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)
) MILWAUKEE

On the 10th day of December, 2018, I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Todd W. Kibler, personally known to me to be a Secretary of HP CHAPEL HILL, LLC, a Delaware limited liability company ("Company"), and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged to me that as such Secretary, he executed and delivered said instrument as his free and voluntary act, and as the free and voluntary act of Company, for the uses and purposes therein set forth.

Given under my hand and Notary Seal, this 10th day of December, 2018.

Erin R. Ketterhagen (SEAL)
Notary Public
My commission Expires: August 23, 2019

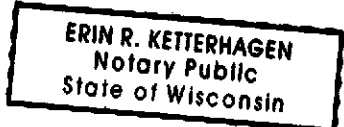


EXHIBIT A
LEGAL DESCRIPTION

TRACT 2 - 2226 WEST NC 54 HWY, CHAPEL HILL, NC 27517 - PARCEL #141785; PIN 0708-01-46-1752

TRACT LYING ON THE NORTH SIDE OF NC HIGHWAY 54 ACCESS ROAD AND 278.8 FEET WEST OF THE WESTERNMOST RIGHT OF WAY OF FARRINGTON ROAD CONTAINING 1.589 ACRES MORE OR LESS AND BEING ALL OF THAT LAND DESCRIBED AS LOT 2 OF THE PROPERTY OF LRC, LLC AS SHOWN ON A PLAT AS SURVEYED THEREOF DRAWN BY TRIANGLE SURVEYORS DATED APRIL 9, 2009 ENTITLED "CAROLINA CROSSING", PROPERTY OF LRC, LLC AND RECORDED JUNE 3, 2009 IN PLAT BOOK 184, PAGE 51 OF THE DURHAM COUNTY REGISTRY TO WHICH REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE SAME.

TOGETHER WITH THE RIGHTS, BENEFITS AND APPURTENANT EASEMENTS CONTAINED IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT RECORDED IN BOOK 2551, PAGE 43 OF THE DURHAM COUNTY REGISTER OF DEEDS OF THE DURHAM COUNTY REGISTER OF DEEDS.

TRACT 3: - 2214 & 2218, 2230 AND 2234 WEST NC 54 HWY, CHAPEL HILL, NC 27517

PARCEL ONE: 2214 & 2218 WEST NC 54 HWY - PARCEL #211422; PIN 0708-01-46-3797

BEING ALL OF THAT LOT CONTAINING A TOTAL OF 1.344 ACRES, MORE OR LESS, PARCEL ID 211422, PIN 0708-01-46-3797, AS SHOWN ON SURVEY ENTITLED "BOUNDARY SURVEY FOR CAROLINA CROSSING" DATED 5/8/2012, PREPARED BY TRIANGLE SURVEYORS, RECORDED IN PLAT BOOK 189, PAGE 246, DURHAM COUNTY REGISTRY.

PARCEL TWO: 2234 WEST NC 54 HWY - PARCEL 141786; PIN 0708-01-36-9759

LYING AND BEING IN DURHAM COUNTY, NORTH CAROLINA AND CONSISTING OF 0.835 ACRES, MORE OR LESS, DESIGNATED AS LOT 1 B ON THE PLAT OF THE SURVEY BY TRIANGLE SURVEYORS (RONALD D. CARPENTER L-2458), DATED 11/9/95, ENTITLED "FINAL PLAT FOR CAROLINA CROSSING - AND RECORDED IN PLAT BOOK 134, PAGE 177, DURHAM COUNTY REGISTRY.

PARCEL FOUR: 2230 WEST NC 54 HWY - PARCEL #141788; PIN 0708-01-46-0519

THAT PARCEL LYING NORTH OF NC HIGHWAY 54 BEING ALL OF LOTS 1 AND 2 OF EASTWOOD PARK AS SHOWN ON PLAT AND SURVEY THEREOF BY GEORGE C. LOVE JR. RLS DATED JULY 20, 1963 AND RECORDED IN PLAT BOOK 47 AT PAGE 37 OF THE DURHAM COUNTY REGISTRY TO WHICH REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE SAME.

TOGETHER WITH THOSE BENEFICIAL RIGHTS AND EASEMENTS CONVEYED IN THAT EASEMENT AGREEMENT EXECUTED BY LRC L.L.C. AND BSDC LLC, RECORDED IN BOOK 2551, PAGE 43, DURHAM COUNTY REGISTRY.

TRACT 4 - PARCEL ID 141701 (FOR INFORMATIONAL PURPOSES: 5952 FARRINGTON ROAD, CHAPEL HILL, NC)

LYING AND BEING ALL OF THAT PARCEL OF LAND LOCATED IN TRIANGLE TOWNSHIP, DURHAM COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING CONCRETE RIGHT-OF-WAY MONUMENT HAVING THE N.C. GRID COORDINATES OF N=786,669.18, E=2.004,449.30; THENCE SOUTH 64 DEGS. 50' 33" WEST 187.61 FEET TO AN EXISTING IRON PIN; THENCE NORTH 03 DEGS. 58' 24" EAST 272.50 FEET TO AN EXISTING IRON PIN; THENCE NORTH 89 DEGS. 35' 38" EAST 258.14 FEET TO AN EXISTING IRON PIN, AND BEING THE TRUE POINT AND PLACE OF BEGINNING, THENCE NORTH 03 DEGS. 18' 12" WEST 30.00 FEET TO A POINT; THENCE SOUTH 43 DEGS. 08' 43" WEST 41.34 FEET TO A POINT, AND THENCE NORTH 89 DEGS. 35' 38" EAST 30.00 FEET TO THE TRUE POINT AND PLACE OF BEGINNING, AND BEING LABELED "INGRESS/EGRESS EASEMENT" CONTAINING 449 SQUARE FEET, MORE OR LESS, ACCORDING TO A SURVEY ENTITLED "FINAL PLAT FOR CAROLINA CROSSING OWNER: LRC, L.L.C." BY TRIANGLE SURVEYORS, DATED APRIL 11, 1997, BEING PARCEL ID 141701; PIN 0708-01-46-5849.

EXHIBIT B
CONDITIONS OF TITLE

1. Taxes for the year 2019, which are a lien, but not yet due and payable, and all subsequent years.
2. Easements for Sanitary Sewer, Private Waterlines, Ingress & Egress, Drainage, Water, as shown on the plat recorded in Plat Book 134, Page 177, Durham County Registry. (Tracts 2, 3 and 4), and as shown on the ALTA/NSPS Land Title Survey made by Johnny W. Nobles for American Surveying and Mapping, Inc. dated July 3, 2018, last revised August 17, 2018, designated as Drawing File Name 8 7 2018 1806182 CHAPEL HILL (the "Survey").
3. Right(s) of way to Duke Power Company recorded in Book 1011, Page 803, Durham County Registry. (All Tracts)
4. Easements for Ingress & Egress, Water, Sanitary Sewer, Stormwater including maintenance requirements, and Waterlines as shown on plat recorded in Plat Book 190, Page 303, Durham County Registry, including building setback line of 15 feet from side yard, 25 feet from street yard and 25 feet from rear yard, 26.5' x 53.0' stormwater facility maintenance easement. (Tract 2 only), and as shown on the Survey.
5. Right(s) of way to Duke Energy Carolinas, LLC recorded in Book 7018, Page 642, Durham County Registry. (Tract 2 only)
6. Stormwater Facility Agreement and Covenants by and between Richan IV, LLC, a North Carolina limited liability company and City of Durham, a North Carolina municipal corporation, recorded in Book 6921, Page 394, Durham County Registry. (Tracts 2 and 3) As amended by Supplemental Stormwater Facility Agreement and Covenants between HP Chapel Hill, LLC and the City of Durham, recorded in Book 7959, Page 68, Durham County Registry, and as shown on the Survey.
7. Easement to Duke Power Company recorded in Book 1136, Page 590; Book 249, Page 633, and Book 220, Page 296, Durham County Registry. (Tracts 3 and 4)
8. Stormwater Facility Operation and Maintenance Permit Agreement Version 2-1195 by and between C.A.I. Group Limited Liability Company, LRC limited liability company and City of Durham, a North Carolina municipal corporation, recorded in Book 2501, Page 690, Durham County Registry. (Tracts 3 and 4) As supplemented by Supplemental Stormwater Facility Agreement and Covenants between HP Chapel Hill, LLC and the City of Durham, recorded in Book 7959, Page 59, Durham County Registry, and as shown on the Survey.
9. Reciprocal Easement Agreement recorded in Book 2551, Page 43, Durham County Registry. (Tract 2, and Tract 3, Parcel 4), and as shown on the Survey.
10. Right(s) of way to Duke Energy Carolinas, LLC recorded in Book 6534, Pages 775 and 778, Durham County Registry. (Tracts 3 and 4)

11. Terms, provisions, covenants, conditions, easements and restrictions as provided in Notice of Dry-Cleaning Solvent Remediation, recorded in Book 7242, Page 154 and as shown on plat recorded in Plat Book 191, Page 398, Durham County Registry.
(Tract 3, Parcel One)
12. Rights of others in and to the use of appurtenant easements set forth in Exhibit A to the Owner's Policy of Title Insurance to be issued to Grantee on or about the date hereof under Policy No. 905104-19.
13. Rights of parties in possession as tenants only, under unrecorded leases(s) or rental agreement(s), without rights of first refusal or options to purchase.
14. Easements and any other facts as shown on plat recorded in Plat Book 189, Page 246 and Plat Book 99, Page 167, Durham County Registry. (Tracts 2 and 4)
15. Instrument containing ingress/egress easement recorded in Book 2526, Page 177, Durham County Registry. (Tract 4)
16. Deed of Trust to Elizabeth W. Voltz for the benefit of PNC Bank, National Association, a national banking association, recorded in Book 7937, Page 484; as affected by Assignment of Leases and Rents between HP Chapel Hill, LLC to PNC Bank, National Association, recorded in Book 7937, Page 514, Durham County Registry.

Assignment and Assumption between HP Chapel Hill, LLC and 6011 Farrington Road LLC, a Delaware limited liability company recorded on or about the date hereof.