

SPECIAL WARRANTY DEED

Excise Tax: \$105,000.00

Tax Parcel Identifier No.: 0754129314

Mail after recording to:

This instrument was prepared without title examination by:

Mayer Brown LLP  
 350 S. Grand Ave., 25<sup>th</sup> Floor  
 Los Angeles, California 90071  
 Attn: Alexander G. Davis, Esq.

Thomas Johnson, Esq.  
 Nexsen Pruet, PLLC  
 4141 Parklake Avenue, Suite 200  
 Raleigh, NC 27612

Brief description for the Index:

2500 Grove Club Ln, Cary, NC 27513

THIS DEED made this 10<sup>th</sup> day of July, 2017, by and between

GRANTOR	GRANTEE
<p>CARY PINES AT PRESTON, LLC,            a Delaware limited liability company            10510 Springboro Pike, Miamisburg, OH            45342</p> <p>CARY PINES APARTMENTS IV, LLC,            a Delaware limited liability company            10510 Springboro Pike, Miamisburg, OH            45342</p>	<p>CARY GREENS LP,            a North Carolina limited partnership            154 Grand Street            New York, NY 10013</p>

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 for a valuable consideration paid by the Grantee, the receipt of which is hereby

submitted electronically by "Chicago Title-NC"  
 in compliance with North Carolina statutes governing recordable documents  
 and the terms of the submitter agreement with the Wake County Register of Deeds.

acknowledged, Cary Pines at Preston, LLC, a Delaware limited liability company and Cary Pines Apartments IV, LLC, a Delaware limited liability company ("Grantors"), have and by these presents does grant, bargain, sell and convey unto Cary Greens LP, a North Carolina limited partnership ("Grantee") the property more fully described in Exhibit "A".

The property hereinabove described was acquired by Grantor by instrument recorded in Book 016181, Page 01877, Wake County Registry (the "Deed").

A map showing the above-described property is recorded in Book of Maps 1993, Page 1035, Wake County Registry.

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

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

AND, SUBJECT TO the title matters expressly set forth on Exhibit "B" attached hereto and made a part hereof, Grantor will warrant and forever defend the right and title to the Property unto the Grantee against the claims of all persons claiming by, through or under Grantor.

The property herein above described does not contain the primary residence of Grantor.

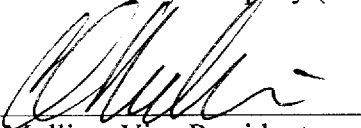
[NO FURTHER TEXT ON THIS PAGE; SIGNATURES FOLLOW]

IN WITNESS WHEREOF, Grantor has executed this Deed on the day and year first written above.

CARY PINES APARTMENTS IV, LLC,  
a Delaware limited liability company (SEAL)

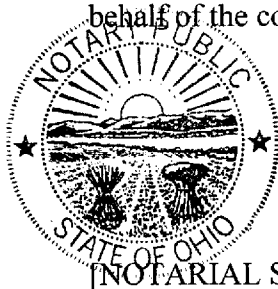
By:   
Chris Mullins, Vice President

CARY PINES AT PRESTON, LLC,  
a Delaware limited liability company (SEAL)

By:   
Chris Mullins, Vice President


STATE OF OHIO )  
MONTGOMERY COUNTY )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of July, 2017 by Chris Mullins, Vice President of Cary Pines at Preston, LLC, a Delaware limited liability company, on behalf of the company.



SAMUEL E. DOWSE, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 147.03 O. R. C.

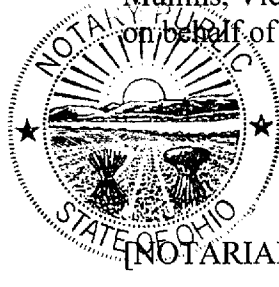
[NOTARIAL SEAL]

  
Notary Public

Notary's Name Samuel E. Dowse

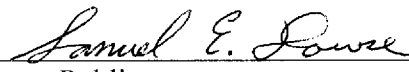
STATE OF OHIO )  
MONTGOMERY COUNTY )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of July, 2017 by Chris Mullins, Vice President of Cary Pines Apartments IV, LLC, a Delaware limited liability company, on behalf of the company.



SAMUEL E. DOWSE, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 147.03 O. R. C.

[NOTARIAL SEAL]

  
Notary Public

Notary's Name Samuel E. Dowse

## EXHIBIT A

All that certain real property lying and being situate in Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an iron pipe found on the southern right-of-way line of Cary Parkway, said point being located South  $02^{\circ} 45' 32''$  East 306.55 feet from Greenhorne & O'Mara Monument #PW-8 as shown on plat hereinafter referred to; thence leaving said beginning point and running along a curve to the right having a radius of 20.00 feet, an arc of 32.61 feet, and a chord of South  $62^{\circ} 23' 59''$  East 29.12 feet to an iron pipe found on the line of property now or formerly owned by Preston Development Company; thence along the Preston Development Company line South  $15^{\circ} 41' 11''$  East 219.23 feet to an iron pipe found; thence continuing along the line of Preston Development Company, said line being along a curve to the left having a radius of 1025.00 feet, an arc of 135.31 feet, and a chord of South  $19^{\circ} 28' 06''$  East 135.21 feet to an iron pipe found; thence South  $23^{\circ} 15' 00''$  East 14.28 feet to an iron pipe found in the dividing line between the herein described property and property of Preston Development Company; thence along the dividing line between the herein described property and property of Preston Development Company the following calls and distances: South  $61^{\circ} 16' 14''$  West 163.02 feet to an iron pipe found; South  $20^{\circ} 57' 05''$  West 174.79 feet to an iron pipe found; South  $13^{\circ} 00' 36''$  West 147.30 feet to an iron pipe found; and south  $39^{\circ} 32' 09''$  East 262.71 feet to an iron pipe found in the centerline of an existing sanitary sewer easement, said easement being recorded in Book 5185, Page 858, Wake County Registry; thence along the centerline of said sanitary sewer easement, South  $62^{\circ} 03' 17''$  West 218.03 feet to a point on a manhole; thence continuing along the centerline of said sanitary sewer easement, South  $25^{\circ} 49' 44''$  West 287.11 feet to a point on a manhole; thence South  $37^{\circ} 14' 40''$  West 149.00 feet to an iron pipe set in the northern line of property now or formerly owned by Genesis United Methodist Church; thence along the northern line of the Genesis United Methodist Church property the following calls and distances: North  $29^{\circ} 50' 15''$  West 97.57 feet to an iron pipe set; South  $70^{\circ} 27' 46''$  West 95.76 feet to an iron pipe set; North  $32^{\circ} 27' 07''$  West 87.15 feet to an iron pipe set; South  $69^{\circ} 48' 11''$  West 29.23 feet to an iron pipe set; South  $25^{\circ} 09' 36''$  West 29.61 feet to an iron pipe set; South  $09^{\circ} 05' 15''$  East 18.44 feet to an iron pipe set; South  $33^{\circ} 32' 35''$  West 12.62 feet to an iron pipe set; South  $75^{\circ} 11' 58''$  West 8.33 feet to an iron pipe set; North  $59^{\circ} 57' 33''$  West 30.34 feet to an iron pipe set; North  $88^{\circ} 58' 50''$  West 12.61 feet to an iron pipe set; South  $49^{\circ} 14' 20''$  West 17.19 feet to an iron pipe set; South  $19^{\circ} 51' 11''$  West 22.22 feet to an iron pipe set; and South  $78^{\circ} 09' 21''$  West 91.29 feet to an iron pipe found in the southern line of an existing 20-foot utility easement, said easement being recorded in Book 5185, Page 858, Wake County Registry; thence North  $07^{\circ} 42' 12''$  West 24.95 feet to an iron pipe found in the northern line of said 20-foot utility easement, said iron pipe also being located in the eastern property line of a portion of Preston P.U.D. Parcel PC-1B as shown in Book of Maps 1992, Page 1352, Wake County Registry; thence along the Preston P.U.D. line North  $14^{\circ} 07' 33''$  West 290.30 feet to an iron pipe found; thence continuing along the Preston P.U.D. Parcel PC-1B line, North  $30^{\circ} 54' 14''$  West 276.21 feet to an iron pipe found; thence continuing along the Preston P.U.D. PC-1B line along a curve to the right having a radius of 600.00 feet, an arc of 325.46 feet, and a chord of North  $52^{\circ} 01' 38''$  West 321.48 feet to an iron pipe found; thence North  $36^{\circ} 29' 16''$  West 18.26 feet to an iron pipe found; thence along a curve to the left

having a radius of 25.00 feet, an arc of 39.27 feet, and a chord of North 81°29'16" West 35.36 feet to an iron pipe found in the southern right-of-way line of Cary Parkway; thence along the southern right-of-way line of Cary Parkway, North 53°30'44" East 529.80 feet to an iron pipe found; thence continuing along the southern right-of-way line of Cary Parkway along a curve to the right having a radius of 1237.58 feet, an arc of 375.29 feet, and a chord of North 62°11'58" East 373.86 feet to an iron pipe found; thence continuing along the southern right-of-way line of Cary Parkway North 70°53'13" East 514.52 feet to the POINT OF BEGINNING, containing approximately 24.57 acres as shown on plat entitled, "Plat of Subdivision, A Portion of Preston P.U.D., Parcel PM-9, Preston Grove, Owner: Preston Development Company, Cedar Forks Township, Wake County, North Carolina", dated August 9, 1993, prepared by Withers and Ravenel Engineering & Surveying, Inc., Cary, North Carolina and recorded in Book of Maps 1993, Page 1035, Wake County Registry and as shown on a survey entitled "Deerwood Apartments Preston P.U.D., Parcel PM-9, ALTA-ACSM Land Title Survey", dated November 8, 2000, and last revised December 18, 2000, prepared by Withers & Ravenel Engineering & Surveying, Inc.

PIN: 0754129314

## EXHIBIT B

1. Taxes or assessments for the year 2017, and subsequent years, not yet due or payable.
2. The following matters affecting the Title disclosed by *PRELIMINARY* survey entitled "ALTA/NSPS Land Title Survey of Cary Pines Apartments IV, LLC" by James S. Armstrong, P.L.S., of WithersRavenel, dated June 13, 2017 (the "Survey"): (a) Service utilities; (b) Fire hydrants; (c) Encroachments of sidewalk and satellite dish; (d) One hundred foot (100') Town of Cary buffer; (e) Thirty foot (30') setback from stream; (f) Encroachments of garages into waterline easement and sanitary sewer line easement; (g) Encroachment of building into sanitary sewer easement; (h) Encroachment of dog playground with equipment into twenty-five foot (25') undisturbed buffer by P.U.D.; and (i) Encroachment of brick and wood garage into fifty foot (50') private access easement.
3. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Book of Maps 1993, page 1035; Book of Maps 1993, page 1257; Book of Maps 1996, page 369; and Book of Maps 1996, page 370, and as shown on the Survey. Company insures against loss or damage arising from the forced removal of improvements as the result of the enforcement of any encroachment or other violation reflected on said plats. (See ALTA 28-06 Endorsement)
4. Covenants, conditions, restrictions, easements, and liens provided for in Declaration of Covenants, Conditions and Restrictions for Preston recorded in Book 3935, page 863, as amended and restated by (Amended and Restated) Additional Declaration of Covenants, Conditions and Restrictions for Preston, recorded in Book 5740, page 774, as supplemented by Supplemental Declaration (Preston Grove Property) recorded in Book 5861, page 242, as supplemented by Supplemental Declaration for Multiple-Family Tracts recorded in Book 5861, page 244, 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. (See ALTA 28-06 Endorsement)
5. Easement and Right of Way to Carolina Power & Light Co., recorded in Book 691, page 201. (See ALTA 28-06 Endorsement)
6. Easements to Carolina Power & Light Company recorded in Book 732, Page 135; Book 934, Page 402; Book 1016, Page 86; Book 1037, page 140; Book 1099, page 23; Book 1565, Page 500; Book 3208, Page 27; and Book 4142, page 534. (See ALTA 28-06 Endorsement)
7. Water and Wastewater Utility and Pipeline Easements to the Town of Cary recorded in Book 4703, page 857; and Book 5185, page 858, and as shown on the Survey. (See ALTA 28-06 Endorsement)
8. Ingress-Egress Easement recorded in Book 5863, page 408, and as shown on the Survey. (See ALTA 28-06 Endorsement)
9. Easement to BellSouth Telecommunications, Inc., recorded in Book 6472, Page 7. (See ALTA 28-06 Endorsement)
10. Easement and Memo of Agreement in favor of Time Warner Entertainment-Advance/Newhouse Partnership recorded in Book 12804, page 2001. (See ALTA 28-06 Endorsement)
11. Rights of tenants in possession, as tenants only, as shown on the rent roll attached hereto and made a part hereof as Exhibit "B".
12. Rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Land and riparian and/or littoral rights incident to the Land.