

09/22/2022 12:09:22PM

BT: OPR B: 9786 P: 550 Pages: 5

DEED - DEED

Fee: \$35,226.00 Excise Tax: \$35200.00

INSTRUMENT #2022037716

April Carrington

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax - \$ <u>35,200.00</u>	Recording Time, Book and Page
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Parcel Identifier No. 0728-09-23-0853

Mail after recording to: **New Sutton Place, LLC, 8902 N. Meridian Street, Suite 205, Indianapolis, IN 46260**

This instrument was prepared by: John Suhr, Jr., Nelson Mullins Riley & Scarborough, LLP, 301 South College Street, 23rd Floor, Charlotte, North Carolina 28202

Brief Description For The Index: **Sutton Place Apartments, 32 Dansey Circle, Durham, NC 27713**

THIS DEED made this 21st day of September, 2022, by and between

GRANTOR	GRANTEE
SUTTON PLACE TRAILS, I.P, a Delaware limited partnership	NEW SUTTON PLACE, LLC, an Indiana limited liability company
1010 Wisconsin Avenue NW, Suite 605	8902 N. Meridian Street, Suite 205
Washington, DC 20007	Indianapolis, IN 46260

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 Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in

Error! Unknown document property name.

fee simple, all that certain lot or parcel of land situated in the Durham County, North Carolina and more particularly described as follows:

See EXHIBIT A, attached hereto and incorporated herein by this reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8721, Page 839, Durham County Public Registry.

The property hereinabove described does not include the personal residence of the Grantor.

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 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 is subject to the following exceptions:

See EXHIBIT B, attached hereto and incorporated herein by this reference.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed, the day and year first above written.

GRANTOR:

SUTTON PLACE TRAILS, LP, a Delaware limited partnership

By: Sutton Place Apartments GP, LP, a Delaware limited partnership, its General Partner

By: Sutton Place Apartments GP, LLC, a Delaware limited liability company, its General Partner

By: [Signature]
Name: Cornelis F.W. Brüggem
Title: President
Date executed by Seller: _____

DISTRICT OF COLUMBIA

I, Ann Marie Avellino, a Notary Public for the District of Columbia, Washington D.C. hereby certify that Cornelis F.W. Brüggem personally came before me this day and acknowledged that he is the President of Sutton Place Apartments GP, LLC, a Delaware limited liability company, which is the general partner of Sutton Place Apartments GP, LP, a Delaware limited partnership, as the general partner of Sutton Place Trails, LP, a Delaware limited partnership, and that he, as President, being authorized to do so, executed the foregoing on behalf of said limited partnership.

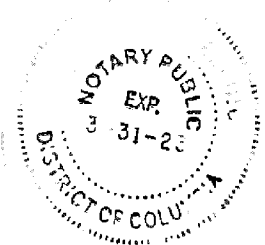
WITNESS my hand and official seal, this the 7 day of Sept., 2022.

My commission expires: 3/31/23

Notary Public [Signature]

Print Name: _____

[NOTARY SEAL]



ANN MARIE AVELLINO
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires March 31, 2023

Exhibit "A"

LEGAL DESCRIPTION

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

BEGINNING at an existing iron pipe in the centerline of a power line easement on the west side of the Fayetteville Road 60' wide right-of-way and thence North 66° 48' 28" West 20.47 feet to an existing iron pipe, the northeast corner of Brian Center Health & Retirement, Durham, NC, as shown in Plat Book 126, Page 10, Durham County Registry; thence with the North line of Brian Center and continuing with the centerline of the power line, North 66° 48' 28" West 574.81 feet to an iron pipe centered under a tower, thence continuing with the centerline of the power line North 85° 55' 57" West 97.05 feet to an iron pipe, designated control corner on the map later referred to in the east side of abandoned Norfolk Southern 100' railroad right-of-way, thence with the railroad right-of-way the following four courses and distances: North 10° 24' 40" East 204.41 feet; North 16° 44' 21" East 131.92 feet; North 24° 12' 16" East 119.80 feet and North 31° 34' 39" East 138.13 feet to an existing iron pipe designated control corner near a chain link fence, thence with a south line of M.C. Durham Co., as shown in Plat Book 40, Page 91, Durham County Registry, South 61° 40' 46" East 772.80 feet to an iron pipe, thence with the west side of Fayetteville Road, a 60' wide right-of-way, South 28° 28' 37" West 488.06 feet to the iron pipe at the point of BEGINNING. This describes a tract containing 9.07 acres, more or less, as shown on a map entitled, "Boundary Survey for Ticon, Inc., Property of Gordon H. Rosser Est." by Bobbitt Surveying, P.A., C. Eugene Bobbitt, III, Registered Land Surveyor, dated March 17, 1992, recorded in Plat Book 128, Page 35, Durham County Registry, to which reference is hereby made.

Less and Except the right of way of Fayetteville Road containing 6,344 square feet, as shown on those plats entitled "Final Plat Showing Easements and Right-of-Way for Fayetteville Road" Sheets 3 and 4 of 7, dated June 3, 2002, recorded in Plat Book 155, Pages 257-260, Durham County Registry.

Said Property is also described by survey as follows:

BEGINNING at a pin set on the western right-of-way line of Fayetteville Road at the Northeast corner of Parcel A1 (PB 128, PG 35)(DB 3681, PG 571)(PB155, PG 259)(PIN:0725-01-09-2349), hereinafter referred to as the "Subject Property", and being located approximately 760' South of Geneva Drive, said pin set being the point of beginning; thence along the western right-of-way line of Fayetteville Road, S30°15'51"W, a distance of 266.70' to a point at the beginning on a non-tangential curve; thence along a curve to the left having an arc length of 224.88', a radius of 7694.44', a chord bearing of S29°22'33"W, a chord length of 224.87' and a delta angle of 1°40'28" to a pin set at the southeast corner of the subject property, thence departing the western right-of-way line of Fayetteville Road along the common property line of the subject property and parcel designated as "Brian Center Health & Retirement/Durham, Inc." (PB 126, PG 10)(PB 155, Page 257)(PIN:0728-01-08-1923), N66°38'58"W, a distance of 557.70' to a pipe found under an overhead electric tower; Thence, N85°46'27"W, a distance of 97.05' to a pipe found at the southwest corner of the subject property and being located on the eastern right-of-way line of Norfolk Southern, an abandoned railroad right-of-way; thence, along said abandoned railroad right-of-way N10°34'10"E, a distance of 204.41' to a point; thence, N16°53'51"E, a distance of 131.92' to a point; thence N24°21'46"E, a distance of 119.80' to a point; thence, N31°44'09"E, a distance of 138.13' to a pipe found at the northwest corner of the subject property; thence along the common property line of the subject property and PIN:0729-03-00-7100, S61°31'16"E, a distance of 745.87' to a pin set, said pin set being the Point of BEGINNING and containing 378,887 square feet or 8.698 acres.

Exhibit "B"

Permitted Exceptions

1. Taxes for the year 2022 due and payable, a lien not yet due and payable, and all subsequent years.
2. Easement to Easement and Memorandum of Agreement recorded in Book 8756, Page 382, Durham County Registry.
3. Easements and any other facts as shown on the following plats, including but not limited to the following, all recorded in the Durham County Registry:
 - Book 126, Page 10:
 - a. Duke Power Company easement.
 - b. Right of way change.
 - Book 128, Page 35:
 - a. Duke Power Company easement.
 - b. Fayetteville Road right of way dedication.
 - Book 155, Page 257-258:
 - a. Proposed right of way.
 - b. Temporary construction easement.
 - c. Permanent drainage easement.
 - Book 155, Page 259-260:
 - a. Temporary construction easement.
 - b. Proposed right of way.
 - c. Permanent drainage easement.
4. Cross Access and Maintenance Agreement Sutton Station and Sutton Place by and between Ticon Sync Partnership and Sutton Station Property, recorded in Book 3250, Page 691, Durham County Registry.
5. Easement to Right of Way Agreement recorded in Book 294, Page 107, Durham County Registry.
6. Easement to Deed of Easement recorded in Book 1780, Page 311, Durham County Registry.
7. Easement to Easement For Utilities Sutton Place & Sutton Station recorded in Book 5397, Page 631, Durham County Registry.
8. Easement to Agreement that Utility Easement Would Remain Effective recorded in Book 5412, Page 462, Durham County Registry.