

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax: \$45,400.00

Parcel Identification No. 9864-80-0659

Return to: Law Office of David Shapiro LLC, 695 Cross Street, Suite 295, Lakewood, NJ 08701

This instrument was prepared by: Weatherspoon & Voltz LLP (without benefit of title examination)

Brief description for the Index: Heritage Apartments, 405 Thomas Burke Drive, Hillsborough, NC

THIS DEED is made this 29<sup>th</sup> day of June, 2021, by and between:

GRANTOR	GRANTEE
HORIZON ACQUISITION #3, LLC, a Delaware limited liability company  4101 Lake Boone Trail, Suite 100 Raleigh, North Carolina 27607	LHNH HERITAGE LLC, a Delaware limited liability company  2105 W. County Line Road, Suite 3 Jackson, NJ 08527

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, that certain lot or parcel of land situated in Hillsborough Township, Orange County, North Carolina and being described in Exhibit A attached hereto and incorporated herein.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5409, Page 452, Orange County Registry.

A map showing the above described property is recorded in Plat Book 85, Page 11, Orange County Registry.

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.

Submitted electronically by "Madison Title Agency, LLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Orange County Register of Deeds.

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, other than those certain matters of title set forth in **Exhibit B** attached hereto.

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

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

Horizon Acquisition #3, LLC,  
a Delaware limited liability company

By: Hillsborough Member, LLC,  
a Delaware limited liability company, its Manager

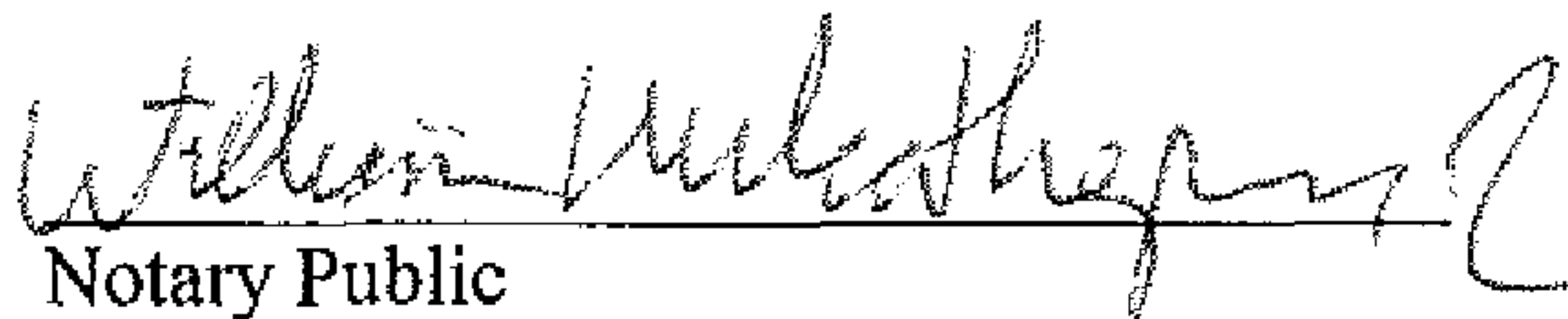
By:   
Bradford A. Minsley, Manager

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated:

Bradford A. Minsley

Date: June 24, 2021

  
Notary Public

William H. Weatherspoon, Jr  
Printed Name

My commission expires: 3-27-2026

[Official seal]

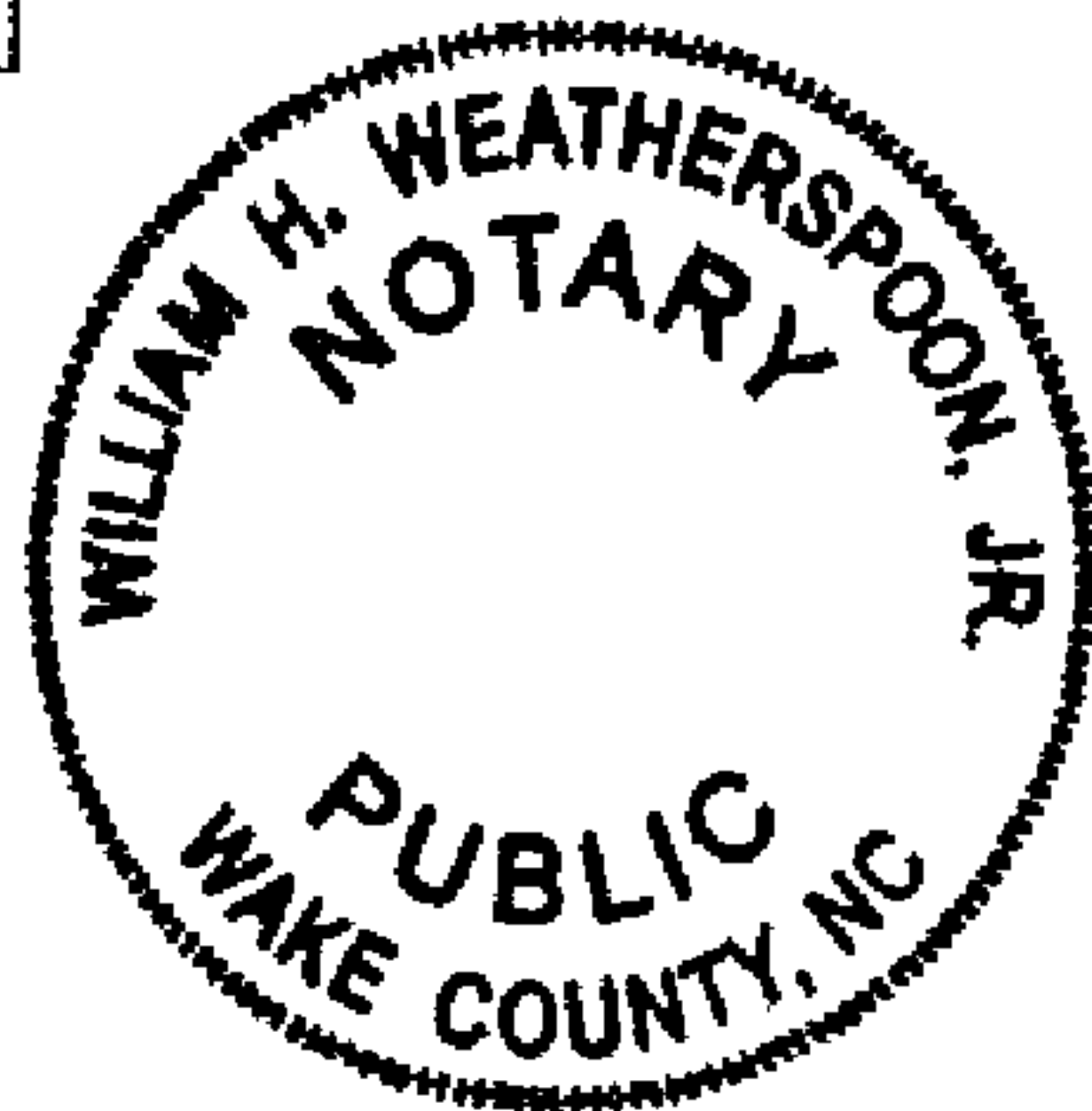


Exhibit A – Legal Description

BEING ALL OR PART OF LANDS BEING SITUATED IN HILLSBOROUGH, ORANGE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE IN THE SOUTHERN RIGHT-OF-WAY OF ORANGE GROVE ROAD, SAID POINT BEING THE NORTHWEST PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY MARGARET LOVATT, AS DEFINED IN DEED BOOK 4942, PAGE 79 OF THE ORANGE COUNTY REGISTRY; THENCE LEAVING AFOREMENTIONED RIGHT-OF-WAY AND CONTINUING ALONG THE LINE OF SAID LANDS THE FOLLOWING THREE CALLS: 1) SOUTH 50°29'41" EAST 344.95 FEET TO AND EXISTING REBAR, 2) NORTH 63°39'50" EAST 34.08 FEET TO AN EXISTING IRON PIPE, 3) NORTH 57°07'28" EAST 325.14 FEET TO A POINT, SAID POINT BEING SITUATED ALONG THE LINE OF LANDS NOW OR FORMERLY OWNED BY VIRGINIA GERALDINE MCKEE AS DEFINED IN DEED BOOK 216, PAGE 86 OF THE ORANGE COUNTY REGISTRY; THENCE CONTINUING ALONG THE LINE OF SAID LANDS SOUTH 41°32'43" EAST 107.36 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST PROPERTY CORNER OF AFOREMENTIONED LANDS AND INTERSECTING WITH THE EASTERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY HILLSBOROUGH COMMONS LTD. PARTNERSHIP AS DEFINED IN DEED BOOK 726, PAGE 248 OF THE ORANGE COUNTY REGISTRY; THENCE CONTINUING WITH SAID LANDS SOUTH 01°00'47" WEST 537.14 FEET TO AN EXISTING CONCRETE MONUMENT, SAID POINT BEING THE NORTHWEST PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY PILLAR INVESTMENTS INC., DBA. MICROTEL INN AND SUITES AS DEFINED IN DEED BOOK 1986, PAGE 80 OF THE ORANGE COUNTY REGISTRY; THENCE CONTINUING WITH SAID LANDS SOUTH 02°24'19" WEST 200.74 FEET TO A POINT. SAID POINT BEING THE NORTHWEST PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY DANIEL BOONE, LTD. AS DEFINED IN DEED BOOK 449, PAGE 272 OF THE ORANGE COUNTY REGISTRY; THENCE CONTINUING WITH SAID LANDS SOUTH 01°11'31" WEST 202.91 FEET TO A POINT IN THE NORTHERN RIGHT-OF-WAY OF INTERSTATE 85; THENCE CONTINUING WITH SAID RIGHT-OF-WAY THE FOLLOWING SIX CALLS: 1) ALONG A SIMPLE CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 73°30'59" WEST 209.55 FEET, A RADIUS OF 1786.86 FEET AND AN ARC LENGTH OF 209.67 FEET TO A POINT, 2) NORTH 70°10'40" WEST 247.87 FEET TO AN EXISTING CONCRETE MONUMENT, 3) SOUTH 16°20'44" WEST 32.42 FEET TO AN EXISTING CONCRETE MONUMENT, 4) NORTH 70°24'18" WEST 373.29 FEET TO AN EXISTING CONCRETE MONUMENT, 5) NORTH 15°28'32" EAST 19.22 FEET TO AN EXISTING CONCRETE MONUMENT, 6) ALONG A SIMPLE CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE NORTH 74°42'27" WEST 452.19 FEET, A RADIUS OF 4703.66 FEET AND AN ARC LENGTH OF 452.37 FEET TO A POINT, SAID POINT BEING A COMMON CORNER WITH LANDS NOW OR FORMERLY OWNED BY HERITAGE TOWNHOMES OF HILLSBOROUGH HOMEOWNERS ASSOCIATION, INC. AS DEFINED IN DEED BOOK 4377, PAGE 42 OF THE ORANGE COUNTY REGISTRY; THENCE LEAVING AFOREMENTIONED RIGHT-OF-WAY AND CONTINUING ALONG THE LINE OF SAID

LANDS THE FOLLOWING FOUR CALLS: 1) NORTH 83°52'43" EAST 249.14 FEET TO A POINT, 2) NORTH 48°26'12" EAST 451.34 FEET TO A POINT, 3) NORTH 08°25'51" WEST 27.60 FEET TO A POINT, 4) NORTH 44°43'37" WEST 219.08 FEET TO A POINT IN THE SOUTHERN RIGHT-OF-WAY OF ORANGE GROVE ROAD; THENCE CONTINUING WITH SAID RIGHT-OF-WAY NORTH 47°35'37" EAST 243.71 FEET TO AN EXISTING IRON PIPE, THE TRUE POINT AND PLACE OF BEGINNING, CONTAINING 15.84 ACRES MORE OR LESS.

Exhibit B - Exceptions

1. Rights of tenants only, with no rights or options to purchase, under unrecorded lease agreements or otherwise, as set forth on the attached rent roll.
2. Taxes for the year 2021 and all subsequent years, a lien not yet due and payable.
3. Right of Way Deed granted to Duke Power Company recorded September 25, 1941 in Book 115 Page 124.
4. Easements granted to Duke Power Company recorded May 2, 1942 in Book 116 Page 219.
5. Easements granted to Morris Telephone Company recorded March 10, 1953 in Book 145 Page 366.
6. Right of Way Agreement in favor of North Carolina State Highway Commission recorded December 21, 1958 in Book 169 Page 214, and as shown on Survey prepared by John A. Edwards Jr., P.L.S. of John A. Edwards & Company dated 5/6/2021, last revised 6/3/2021, (the "Survey").
7. Easements granted to Duke Power Company recorded May 4, 1965 in Book 201 Page 851.
8. Easements granted to Duke Power Company recorded October 10, 1986 in Book 608 Page 38.
9. Easement granted to Central Telephone Company recorded November 7, 1986 in Book 613 Page 134.
10. Easements granted to Duke Power Company recorded August 16, 2000 in Book 2121 Page 563.
11. Terms and Provisions contained in North Carolina General Warranty Deed from Orange Grove Park Limited Partnership to Orange Grove Townhomes Limited Partnership recorded November 22, 2000 in Book 2164 Page 35, and as shown on the Survey.
12. Easement and Memorandum of Agreement granted to Time Warner Entertainment-Advance/Newhouse Partnership recorded October 15, 2001 in Book 2390 Page 506.
13. Road Maintenance Agreement made by and between Orange Grove Park Limited Partnership, Orange Grove Townhomes Limited Partnership, Monica L. Newman and/or Carmen Holley, trustees and Prudential Huntoon Paige Associates, Ltd. recorded November 27, 2002 in Book 2805 Page 325, and as shown on the Survey, no amounts due and owing.
14. Grant and Declaration of Easements for Joint Dumpster Access made by Orange Grove Park Limited Partnership, Orange Grove Townhomes Limited Partnership, Monica L. Newman and/or Carmen Holley, trustees and Prudential Huntoon Paige Associates, Ltd. recorded November 27, 2002 in Book 2805 Page 336, and as shown on the Survey, no amounts due and owing.
15. Communication Systems Right of Way and Easement Deed granted to Central Telephone Company recorded February 4, 2003 in Book 2878 Page 124.

16. Conditions, restrictions, covenants and agreements in Declaration of Restrictive Covenants for Conservation of Wetlands made by Greystone Heritage LLC and the U.S. Department of Housing and Urban Development dated November 22, 2005, recorded December 14, 2005, in Orange County in Book 3932 Page 441 and any amendments thereto, and as shown on the Survey.
17. Partial Payment of Claim Use Agreement made by and between Graystone Heritage, LLC and the Secretary of Housing and Urban Development dated July 28, 2011 and recorded July 28, 2011 in Book 5196 Page 307.  
  
Amendment to Partial Payment of Claim Use Agreement recorded January 30, 2017 in Book 6256 Page 368.
18. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 85 Page 11, and as shown on the Survey.
19. The rights of upper and lower riparian owners and the rights of others to the free and unobstructed flow of the water of the Creek extending through the subject land, without diminution or pollution.
20. Survey prepared by John A. Edwards Jr., P.L.S. of John A. Edwards & Company dated 5/6/2021, last revised 6/3/2021, discloses the following:
  - A. Site signs encroach easement areas as reflected in Deed Book 2164 Page 35 and Deed Book 2805 Page 325;
  - B. Rights of others, both public and private, in and to any utility equipment on or crossing subject property.