

For Registration Sharon A. Davis  
 Register of Deeds  
 Durham County, NC  
 Electronically Recorded

**2022 Mar 31 12:21 PM**

**Book: 9657 Page: 393**

NC Rev Stamp: \$ 126700.00 Fee: \$ 26.00

Instrument Number: 2022013658  
 DEED

Excise Tax: ~~\$0.00~~ 126,700.00

Recording Time, Book and Page

Parcel Identifier Nos.: 125997 and 126000

Verified by Durham County on the \_\_\_ day of \_\_\_\_\_, 2022; By: \_\_\_\_\_

Mail after recording to Grantee

This instrument was prepared by: DLA Piper LLP (US), 500 Eighth Street, N.W., Washington, DC 20004

Brief Description for the  
 index

Marquis Gardens Apartments, 901 Chalk Level Road, Durham,  
 North Carolina

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED made this 21<sup>st</sup> day of March, 2022, by and between

**GRANTOR**

**MARQUIS GARDENS LLC,**  
 a Delaware limited liability company

**MARQUIS ROLL 1 LLC,**  
 a Delaware limited liability company

**MARQUIS ROLL 2 LLC,**  
 a Delaware limited liability company

Mailing Address

c/o Concordia Properties  
 400 Boulevard of the Americas, Suite 405  
 Lakewood, New Jersey 08701

**GRANTEE**

**DURHAM HOLDINGS 400 LP,**  
 a Delaware limited partnership

Mailing Address

c/o Friedlam Partners LLC  
 300 Frank W. Burr Boulevard, Suite 68  
 Teaneck, New Jersey 07666

EAST189055301.7

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 Durham County Register of Deeds.

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 Durham, Durham County, North Carolina and more particularly described as follows (the "**Property**"):

**SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION**

The Property does not include the primary residence of a Grantor.

The Property was acquired by Marquis Gardens LLC by the instrument recorded in Book 9103 at Page 556, of the Durham County public registry.

A 4.463% undivided interest in the Property was acquired by Marquis Roll 1 LLC by the instrument recorded in Book 9652 at Page 811, of the Durham County public registry.

A 10.732% undivided interest in the Property was acquired by Marquis Roll 2 LLC by the instrument recorded in Book 9652 at Page 816, of the Durham County public registry.

TO HAVE AND TO HOLD the aforesaid Property 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 stated in this deed.

This conveyance is SUBJECT TO the matters listed on Exhibit B attached hereto and made a part hereof.

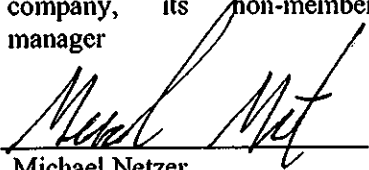
*[signature appears on the following page]*

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

**MARQUIS GARDENS LLC,**  
a Delaware limited liability company

By: Marquis Gardens Venture LLC,  
a Delaware limited liability  
company, its sole member

By: Parkwood Partners LLC,  
a New Jersey limited liability  
company, its non-member  
manager

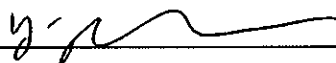
By:   
Name: Michael Netzer  
Title: Managing Member

STATE OF NJ

COUNTY OF Ocean

I, the undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Michael Netzer, personally known to me, personally came before me this day and acknowledged that Michael Netzer is the Managing Member of Parkwood Partners LLC, the non-member manager of Marquis Gardens Venture LLC, the sole member of Marquis Gardens LLC, and that Michael Netzer as Managing Member, being authorized to do so, voluntarily executed the foregoing for the purposes stated therein.

Date: March 23, 2022



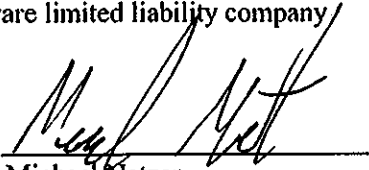
*Official Signature of notary*

Yeshaya Teitelbaum  
Notary's printed or typed name, Notary Public

My Commission Expires: 8/9/24

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

**MARQUIS ROLL 1 LLC,**  
a Delaware limited liability company

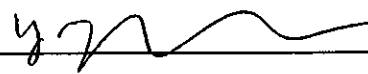
By:   
Name: Michael Netzer  
Title: Authorized Person

STATE OF   NJ  

COUNTY OF   Ocean  

I, the undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Michael Netzer, personally known to me, personally came before me this day and acknowledged that Michael Netzer is the Authorized Person of Marquis Roll 1 LLC, and that Michael Netzer as Authorized Person, being authorized to do so, voluntarily executed the foregoing for the purposes stated therein.

Date: March 23, 2022



*Official Signature of notary*

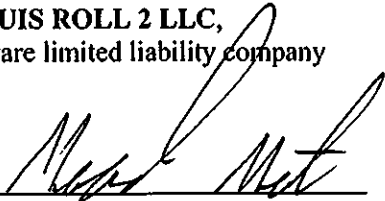
Yeshaya Teitelbaum  
Notary's printed or typed name, Notary Public

My Commission Expires:   8/9/24  

**YESHAYA TEITELBAUM**  
**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires 8/9/2024**

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

MARQUIS ROLL 2 LLC,  
a Delaware limited liability company

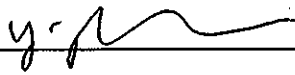
By:   
Name: Michael Netzer  
Title: Authorized Person

STATE OF NJ

COUNTY OF Ocean

I, the undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Michael Netzer, personally known to me, personally came before me this day and acknowledged that Michael Netzer is the Authorized Person of Marquis Roll 2 LLC, and that Michael Netzer as Authorized Person, being authorized to do so, voluntarily executed the foregoing for the purposes stated therein.

Date: March 23, 2022



Official Signature of notary

Yeshaya Teitelbaum  
Notary's printed or typed name, Notary Public

My Commission Expires: 8/9/24



**EXHIBIT A  
LEGAL DESCRIPTION**

Beginning at an iron pipe in the southern right of way line of Chalk Level Road, said iron pipe being the Northeast corner of Elvira Z. Basnight (Deed Book 1909, Page 739 of the Durham County Registry); thence running from said beginning point along the southern right of way line of Chalk Level Road S87-27-15E a distance of 956.04 feet to an iron pipe, said iron pipe being the Northwest corner of Linda Y. Bright (Deed Book 1139 Page 834); thence running along the western line Bright S03-26-14W a distance of 807.70 feet to an iron pipe in the southwestern corner of Michael G. Bearnon (Deed Book 1411 Page 288); thence running along the western line of William D. Brown, III (Deed Book 1353 Page 15) S21-56-19W a distance of 1070.32 feet to an iron pipe, said iron pipe being in the western property line of Dennis A. Braxter (Deed Book 2092 Page 610) and the Northeast corner of Stanley L. Upchurch (Deed Book 2095 Page 563); thence continuing along the Upchurch northern line N67-53-44W a distance of 359.78 feet to an iron pipe being the northern property line of Steven V. Spain (Deed Book 1073 Page 118); thence running along the Spain northern line S58-41-07W a distance of 319.64 feet to an iron pipe, said pipe being the Northwest corner of Michael Y. Wang (Deed Book 1041 Page 614) and the northeast corner of Horton C. Callahan, Jr. (Deed Book 1699 Page 520); thence running along the Callahan northern line N86-12-31W a distance of 500.00 feet to an iron pipe, said pipe being in the future northern right of way line of Shaftsbury Drive (Plat Book 60 Page 53) and the Southeast corner of Almena J. Cozart (Deed Book 337 Page 243); thence continuing the Cozart eastern line N03-13-58E a distance of 258.89 feet to an iron pipe, said pipe being the Southeast corner of Albert Scoggins (Deed Book 363 Page 431) and the Southwest corner of a 15' soil & gravel road; thence running along the southern line of said 15' road S82-53-43E a distance of 15.84 feet to an iron pipe, the Southeast corner of said 15' road; thence running along the eastern line of said 15' road N03-23-39E a distance of 1637.79 feet to an iron pipe, said iron pipe being the intersection of the eastern line of said 15' road with the southern right of way line Chalk Level Road; thence running along the southern right of way line of Chalk Level Road S83-06-20E a distance of 100.02 feet to an iron pipe, said iron pipe being the Northwest corner of Clara L. Morris (Deed Book 108 Page 447); thence continuing along Morris western line S03-24-20W a distance of 386.51 feet to an iron pipe in the Southwest corner of Morris line; thence running along Morris southern line S83-09-40E a distance of 375.06 feet to an iron pipe, said iron pipe being the Southeast corner of Elvira Z. Basnight (Deed Book 1909 Page 739); thence continuing along the eastern line of Basnight N0318-16E a distance of 390.91 feet to the point of beginning.

The above being also described as follows:

**EXHIBIT A**  
**LEGAL DESCRIPTION CONTINUED**

Beginning at an iron pipe in the southern right of way line of Chalk Level Road, said iron pipe being the Northeast corner of Elvira Z. Basnight (Deed Book 1909 Page 739 of the Durham County Registry); thence running from said beginning point along the Southern right of way line of Chalk Level Road S87-27-15E a distance of 956.04 feet to an iron pipe, said iron pipe being the Northwest corner of Thelma Keith (Deed Book 3960 Page 638); thence running along the Western line of Keith S03-26-14W a distance of 807.70 feet to an iron pipe in the Southwestern corner of Michael G. Beamon (Deed Book 1411 Page 288); thence running along the Western line of Jewels Realty Investment LLC (Deed Book 6770 Page 850) S21-56-19W a distance of 1070.32 feet to an iron pipe, said iron pipe being in the western property line of Dennis A. Baxter (Deed Book 2092 Page 610) and the Northeast corner of Stanley L. Upchurch (Deed Book 2095 Page 563); thence continuing along the Upchurch Northern line N67-53-44W a distance of 359.78 feet to an iron pipe, said iron pipe being the northern property line of Luanna Spain (Deed Book 1073 Page 118); thence running along the Spain northern line S58-41-07W a distance of 319.64 feet to an iron pipe, said pipe being the Northwest corner of Michael Y. Wang (Deed Book 1041 Page 614) and the Northeast corner of Alejandro Gamboa (Deed Book 7134 Page 279); thence running along the Gamboa Northern line N86-12-31W a distance of 500.00 feet to an iron pipe, said pipe being in the future northern right of way line of Shaftsbury Drive (Plat Book 60 Page 53) and the Southeast corner of Karyn Shaw (Deed Book 6511 Page 244); thence continuing along Shaw Eastern line N03-13-58E a distance of 258.89 feet to an iron pipe, said pipe being the Southeast corner of Albert Scoggins trustee (Deed Book 4781 Page 164) and the Southwest corner of a 15' Soil & Gravel Road; thence running along the southern line of said 15' road S82-53-43E a distance of 15.84 feet to an iron pipe, the Southeast corner of said 15' road; thence running along the eastern line of said 15' road N03-23-39E a distance of 1637.79 feet to an iron pipe, said iron pipe being the intersection of the eastern line of said 15' road with the southern right of way line of Chalk Level Road; thence running along the southern right of way line of Chalk Level Road S83-06-20E a distance of 100.02 feet to an iron pipe, said iron pipe being the Northwest corner of Terry Morris (Deed Book 4797 Page 880); thence continuing along Morris western line S03-24-20W a distance of 386.51 feet to an iron pipe in the Southwest corner of Morris line; thence running along Morris southern line S83-09-40E a distance of 375.06 feet to an iron pipe, said iron pipe being the southeast corner of Elvira Z. Basnight (Deed Book 1909 Page 739); thence continuing along the eastern line of Basnight N03-18-16E a distance of 390.91 feet to the point of beginning containing 52.515 acres, as shown on that plat entitled "Alta Survey for North Point Crossing Apartments" prepared by Triangle Surveyors, Inc.

**EXHIBIT B  
PERMITTED EXCEPTIONS**

1. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the official records of the Register of Deeds of Durham County, North Carolina (the "Official Records").
2. The lien of all taxes for the year 2022 and thereafter, which are not yet due and payable.
3. Rights of tenants under any unrecorded apartment leases or rental agreements, as tenants only, with no purchase option, right of first offer, or right of first refusal.
4. Easement to Duke Power Company recorded October 10, 1972 in Book 394, Page 539 in the Official Records.
5. Declaration of Rights and Privileges of the City of Durham in Certain Sanitary Sewer Easements by the City of Durham recorded March 6, 1989 in Book 1510, Page 958 in the Official Records.
6. Rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Property and riparian and/or littoral rights incident to the Property.
7. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 57 Page 39.
8. All conditions, matters, easements and setback lines as set forth on plat recorded in Plat Book 72 Page 39.
9. Matters shown on Survey prepared by Jonathan F. Murphy, PLS of Professional Land Surveying dated 1/17/2022, last revised March 15, 2022, which discloses the following:
  - a. Rights of others, both public and private, in and to overhead wires, utility poles and any other utility equipment on or crossing the premises.
10. The following matters disclosed on a certain ALTA/ACSM Land Title Survey prepared by Triangle Surveyors, bearing the certification of Ronald D. Carpenter, PLS, dated 9/30/20, designated Job No. 96370.07:
  - a. Concrete/asphalt curbing, pavement and walkway encroachments along and over property lines;
  - b. 30' Wide City of Durham Sanitary Sewer Easement runs through subject property;
  - c. Unclassified intermittent stream and 100' stream buffer run through subject property;
  - d. Rights both public and private in and to curb inlets, fire hydrants, light poles, power poles, sanitary sewer manholes, telephone/TV pedestals, water valves, water valve box, water meter, water manhole, cleanout, electric transformer, metal cover, guywires, mailboxes, chain link fence, signs;
  - e. Possible easements for underground sewer, water and utility facilities not shown;
  - f. Apparent sign encroachment into the right of way; and
  - g. Ferris Road encroaches onto subject property.