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Bk:RB5826 Pg:518  
07/31/2014 01:50:32 PM 1/5

FILED Deborah B. Brooks  
Register of Deeds, Orange Co, NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$28550.00 ND

### NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$28,550.00

Parcel Identification No. 9825-63-9655

KRC

Return to: Grantee

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

Brief description for the Index: Ashbury Square Apartments, 202 Ashbury Boulevard, Mebane, NC

THIS DEED is made this 9 day of July, 2014, by and between:

GRANTOR	GRANTEE
MEBANE APARTMENTS ASSOCIATES, a New York joint venture  7001 Brush Hollow Road Westbury, NY 11590	ASHBURY SQUARE LLC, a North Carolina limited liability company  7344 North Western Avenue Chicago, IL 60645

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 the City of Mebane, Orange County, North Carolina and being described as follows:

Set forth in **Exhibit A** attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3808, Page 308, Orange County Registry.

A map showing the above described property is recorded in Plat Book 98, Pages 3 - 7, Orange County Registry.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of 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 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 the following exceptions:

Set forth in **Exhibit B** attached hereto and incorporated herein by reference.

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

MEBANE APARTMENTS ASSOCIATES,  
a New York joint venture

By: K&S Mebane Apartments, LLC,  
a New York limited liability company, joint venture partner

By:   
Edward M. Kalikow, Managing Member

STATE OF NEW YORK  
COUNTY OF Nassau

I certify that the following person 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: Edward M. Kalikow, Managing Member.

Date: July 29<sup>th</sup>, 2014.

Margaret M. Marengo  
Notary Public

Margaret M. Marengo  
Printed Name

My commission expires: June 11, 2015

[Official seal]

Margaret M. Marengo  
Notary Public, State of New York  
No. 01MA5006821  
Qualified in Nassau County  
Commission Expires June 11, 2015

[Signatures continued on following page]



MEBANE APARTMENTS ASSOCIATES,  
a New York joint venture

By: EYC Mebane Apartments, LLC,  
a North Carolina limited liability company, joint venture partner

By:   
Ellis Y. Coleman, Manager

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston

I certify that the following person 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: Ellis Y. Coleman, Manager.

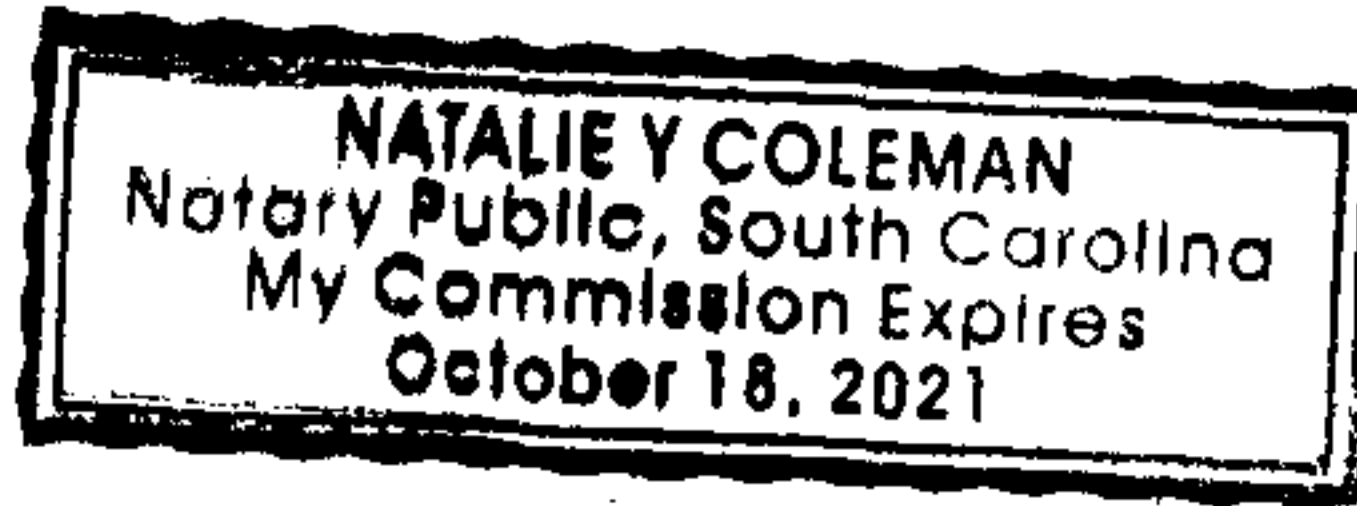
Date: July 28, 2014.

  
Notary Public

Natalie y. Coleman  
Printed Name

My commission expires: 10/18/2021

[Official seal]



**EXHIBIT A**

Lying and being located in the City of Mebane, Orange County, North Carolina, and described as follows:

BEING all of Lot 5, containing 19.205 acres, as shown on that certain plat of survey entitled "Final Plat Section 1 – Ashbury" prepared by Krause Surveying Associates, Inc. and recorded in Plat Book 98, Pages 3 through 7, Orange County Registry;

TOGETHER WITH those rights and easements benefiting the subject property as contained in that certain Declaration of Master Covenants, Conditions and Restrictions for Ashbury as recorded in Book 3712, Page 85, Orange County Registry, as amended by Amendment recorded in Book 3914, Page 83, Orange County Registry and by Second Amendment recorded in Book 4014, Page 498, Orange County Registry.



## EXHIBIT B

1. The lien of all taxes for the year 2014 and thereafter.
2. Declaration of covenants, conditions, restrictions, easements, charges, assessments and liens recorded in Book 3712, Page 85; Book 3914, Page 86; and Book 4014, Page 498, Orange County Registry.
3. Building restriction lines, easements, and any other matters shown on map or plat recorded in Plat Book 96, Page 28 and Plat Book 98, Pages 3 through 7, Orange County Registry.
4. Easements and rights-of-way for roads or public/private utilities.
5. Terms and conditions of, and rights of others in and to the use of the property subject to, the appurtenant easements more particularly described in Exhibit A.
6. Easements or rights-of-way in favor of Duke Power Company recorded in Book 115, Page 260, Orange County Registry.
7. Easements or rights-of-way in favor of City of Mebane recorded in Book 668, Page 610, Orange County Registry, located substantially as shown on survey by William C. Credle, P.L.S., dated May 22, 2014.
8. Easements or rights-of-way in favor of Duke Energy recorded in Book 3894, Page 369, Orange County Registry.
9. Declaration of Easement recorded in Book 3712, Page 49, Orange County Registry.
10. Easements or rights-of-way in favor of Orange Alamance Water System, Inc. recorded in Book 214, Page 532, Orange County Registry, located substantially as shown on survey by William C. Credle, P.L.S., dated May 22, 2014.
11. Access Easement Agreement for facilities recorded in Book 4090, Page 355, Orange County Registry, located substantially as shown on survey by William C. Credle, P.L.S., dated May 22, 2014.
12. The following matters as shown on survey by William C. Credle, P.L.S., dated May 22, 2014:
  - (a) Various utility lines with manholes; hydrants; yard inlets; clean outs; light poles; water meters; water lines; utility poles and fire department connections located on the land;
  - (b) 100-foot stream buffer;
  - (c) sanitary sewer line;
  - (d) storm water easements;
  - (e) 15-foot utility easement; and
  - (f) asphalt encroachment.
13. Discrepancies, variances, shortages or overages in the acreage of the land.
14. Rights or claims of parties in possession as tenants under unrecorded leases.

