

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$148,000.00

Tax Lot No. _____ Parcel Identifier No. 0722-56-9975; 0722-66-1862; 0722-66-3991; 0722-67-0128; 0722-67-1038; 0722-67-3028; 0722-67-3301; 0722-67-4483; 0722-67-5076; 0722-67-5214; 0722-67-5524; 0722-67-6386; 0722-67-6531; 0722-67-7251; 0722-67-8501; 0722-67-9324
Verified by _____ County on the _____ day of _____ 2023
by _____

Mail after recording to: Grantee

[No title opinion or tax advice is given or implied by reason of preparation of this deed by the reviewer named below.]

This instrument was prepared by: Fried, Frank, Harris, Shriver & Jacobson, LLP, One New York Plaza, New York, NY 10004, Attn: Steven Rudgayzer, Esq

This instrument was reviewed for North Carolina compliance by: McGuireWoods LLP, 201 North Tryon Street, Suite 3000, Charlotte, North Carolina 28202, Attn: William Harris, Esq.

Brief Description for the Index	2605 S Lowell Road, Apex, NC 27523
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THIS DEED made this 6th day of September, 2023, by and between

GRANTOR	GRANTEE
B9 MF Villages West Owner LLC, a Delaware limited liability company	Olen Villages at Westford Corp., a North Carolina corporation
c/o LivCor, LLC 233 South Wacker Drive, Suite 4700 Chicago, Illinois 60606 Attention: Michael Friedland	c/o Olen Properties Corp. 7 Corporate Plaza Dr. Newport, California 92660 Attention: Natalia Ostensen

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

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 Apex, Wake County, North Carolina and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 018110, Page 00338.**

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

A map showing the above-described property is recorded in **Map Book 2018, Page 1349.**

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, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

See Exhibit B attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE FOR SPECIAL WARRANTY DEED]

B9 MF VILLAGES WEST OWNER LLC,
a Delaware limited liability company

By: 

Name: Richard Reyes

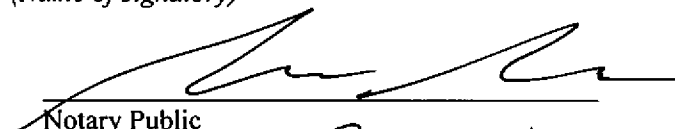
Title: Managing Director and Vice President

STATE OF New York

COUNTY OF New York
(Place of Acknowledgment)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Richard Reyes
(Name of signatory)

Date: August 17, 2023

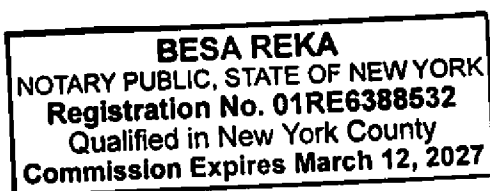


Notary Public

Printed or Typed Name Besa Reka

(Official Seal)

My commission expires: 03-12-27



The	foregoing	Certificate(s)	of

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

COUNTY

REGISTER OF DEEDS FOR _____

By: _____ Deputy/Assistant - Register of Deeds

EXHIBIT A**Legal Description**

Being all that certain real property known as Lot 1B on plat entitled "Exempt Division Plat Westford WEH LP" prepared by Smith and Smith Surveyors dated June 15, 2018 and recorded in Book of Maps 2018, Page 1349 in the Wake County, North Carolina Register of Deeds, also being shown more specifically as the following 16 Tracts:

Tract 1: Being that certain tract or parcel consisting of .8704 acres shown on plat entitled "Westford Apartments WEH LP Phase 8 –Building 1" prepared by Smith and Smith Surveyors dated July 16, 2019 and recorded August 22, 2019 in Book of Maps 2019, Page 1415 Wake County Registry.

Tract 2: Being that certain tract or parcel consisting of 1.0818 acres shown on plat entitled "Westford Apartments WEH LP Phase 7 –Building 2" prepared by Smith and Smith Surveyors dated June 17, 2019 and recorded July 11, 2019 in Book of Maps 2019, Page 1169 Wake County Registry.

Tract 3: Being that certain tract or parcel consisting of 1.0008 acres shown on plat entitled "Westford Apartments WEH LP Phase 6 –Building 3" prepared by Smith and Smith Surveyors dated June 17, 2019 and recorded July 11, 2019 in Book of Maps 2019, Page 1168 Wake County Registry.

Tract 4: Being that certain tract or parcel consisting of .5941 acres shown on plat entitled "Westford Apartments WEH LP Jenks Road, Lowell Road, & Common Areas (RCA#1&2)" prepared by Smith and Smith Surveyors dated July 5, 2019 and recorded July 31, 2019 in Book of Maps 2019, Page 1282 Wake County Registry.

Tract 5: Being that certain tract or parcel consisting of 1.4809 acres shown on plat entitled "Westford Apartments WEH LP Building 11 ~ Phase 15" prepared by Smith and Smith Surveyors dated July 26, 2019 and recorded September 11, 2019 in Book of Maps 2019, Page 1551 Wake County Registry.

Tract 6: Being that certain tract or parcel consisting of 1.1263 acres shown on plat entitled "Westford Apartments WEH LP Building 7 ~ Phase 9" prepared by Smith and Smith Surveyors dated July 5, 2019 and recorded July 31, 2019 in Book of Maps 2019, Page 1281 Wake County Registry.

Tract 7: Being that certain tract or parcel consisting of .8911 acres shown on plat entitled "Westford Apartments WEH LP Building 12 ~ Phase 14" prepared by Smith and Smith Surveyors dated July 26, 2019 and recorded September 11, 2019 in Book of Maps 2019, Page 1550 Wake County Registry.

Tract 8: Being that certain tract or parcel consisting of .7899 acres shown on plat entitled "Westford Apartments WEH LP Building 13 ~ Phase 13" prepared by Smith and Smith Surveyors dated July 26, 2019 and recorded September 11, 2019 in Book of Maps 2019, Page 1549 Wake County Registry.

Tract 9: Being that certain tract or parcel consisting of .7630 acres shown on plat entitled "Westford Apartments WEH LP Phase 5" prepared by Smith and Smith Surveyors dated June 7, 2019 and recorded June 28, 2019 in Book of Maps 2019, Page 1104 Wake County Registry.

Tract 10: Being that certain tract or parcel consisting of 1.0062 acres shown on plat entitled "Westford Apartments WEH LP Building 8 ~ Phase 10" prepared by Smith and Smith Surveyors dated July 5, 2019 and recorded July 31, 2019 in Book of Maps 2019, Page 1280 Wake County Registry.

Tract 11: Being that certain tract or parcel consisting of .7001 acres shown on plat entitled "Westford Apartments WEH LP Phase 1" prepared by Smith and Smith Surveyors dated November 2, 2018 and recorded May 24, 2019 in Book of Maps 2019, Page 872 Wake County Registry.

Tract 12: Being that certain tract or parcel consisting of .7274 acres shown on plat entitled "Westford Apartments WEH LP Building 9 ~ Phase 11" prepared by Smith and Smith Surveyors dated July 5, 2019 and recorded July 31, 2019 in Book of Maps 2019, Page 1279 Wake County Registry.

Tract 13: Being that certain tract or parcel consisting of .3362 acres shown on plat entitled "Westford Apartments WEH LP Phase 12~ Building 14" prepared by Smith and Smith Surveyors dated July 26, 2019 and recorded October 1, 2019 in Book of Maps 2019, Page 1680 Wake County Registry.

Tract 14: Being that certain tract or parcel consisting of .9294 acres shown on plat entitled "Westford Apartments WEH LP Phase 4" prepared by Smith and Smith Surveyors dated June 7, 2019 and recorded June 14, 2019 in Book of Maps 2019, Page 1022 Wake County Registry.

Tract 15: Being that certain tract or parcel consisting of .9776 acres shown on plat entitled "Westford Apartments WEH LP Building 10 ~ Phase 3" prepared by Smith and Smith Surveyors dated July 5, 2019 and recorded July 31, 2019 in Book of Maps 2019, Page 1278 Wake County Registry.

Tract 16: Being that certain tract or parcel consisting of .6125 acres shown on plat entitled "Westford Apartments WEH LP Phase 1" prepared by Smith and Smith Surveyors dated November 2, 2018 and recorded May 24, 2019 in Book of Maps 2019, Page 873 Wake County Registry.

TOGETHER WITH all easements granted in that certain Master Declaration of Covenants, Conditions and Restrictions for Westford recorded in Book 17083, Page 757, Wake County Registry, as affected by Declaration Withdrawing Real Property from Westford recorded in Book 17267, Page 1682, as amended by First Amendment to Master Declaration of Covenants, Conditions and Restrictions for Westford recorded in Book 17499, Page 2280, Wake County Registry, as affected by Assignment of Declarant's Rights recorded in Book 17761, Page 2288, Wake County Registry.

EXHIBIT B
Permitted Exceptions

1. Taxes for the year 2023 and subsequent years not yet due and payable
2. Covenants, conditions, restrictions, easements, reservations, options and obligations, if any, contained in Declaration recorded in Book 17086, Page 757 amended by Declaration Withdrawing Real Property recorded in Book 17267, Page 1682, further amended by First Amendment recorded in Book 17499, Page 2280 and Second Amendment recorded in Book 18106, Page 51 and further amended by Assignment of Declarant's Rights recorded in Book 17761, Page 2288 and Book 18110, Page 346, Wake County Registry.
3. Declaration of Restrictions recorded in Book 17137, Page 1086, Wake County Registry.
4. Easement(s) to Carolina Power and Light Company recorded in Book 1134, Page 259; Book 3047, Page 908; Book 5951, Page 181, and Book 5951, Page 186, Wake County Registry.
5. Easement(s) to BellSouth Telecommunications, LLC d/b/a AT&T North Carolina recorded in Book 17040, Page 322 and Book 17120, Page 2697, shown on Book of Maps 2019, Page 1282 and Page 1551, Wake County Registry.
6. Easement(s) to Public Service Company of North Carolina, Incorporated, recorded in Book 17505, Page 656, Wake County Registry.
7. Utility and Pipeline Easement for WWRWMF to Town of Cary, Town of Apex and Town of Morrisville recorded in Book 14587, Page 1077 and Book 14587, Page 1094 and shown on Book of Maps 2018, Page 1349, Wake County Registry, and subsequent recorded maps.
8. Easement(s) to Town of Apex, recorded in Book 16295, Page 2279 and Book 16343, Page 1822 and shown on Book of Maps 2018, Page 1349, Wake County Registry, and subsequent recorded maps.
9. Terms and conditions of Irrigation Encroachment Agreements from the Town of Apex, recorded in Book 17608, Page 1123 and Book 17608, Page 1178, Wake County Registry.
10. Right, title and interest of the North Carolina Department of Transportation (or other public governmental entity) in and to the legally enforceable right of way(s) of Jenks Road (NCSR 1601), Lowell Road and/or Wimberly Road together with rights, easements and limitations appurtenant thereto.
11. Rights of those entitled, including without limitation the Town of Apex and the public, to that portion of the Land described in Exhibit A as Tract 4 dedicated on Book of Maps 2019, Page 1022 and Tract 11 dedicated on Book of Maps 2019, Page 1282, Wake County Registry, as additional right of way of Jenks Road.
12. The following matters shown on or disclosed by plats recorded in Book of Maps 2018, Page 1349 and in Book of Maps 2019, Pages 872-873, 1022, 1104-1105, 1168-1169, 1278-1282, 1415, 1549-1552, and 1680, Wake County Registry: a) terms, conditions, limitations and restrictions regarding public easements; b) building setback lines; c) street buffers; d) Town of Apex PUE for drainage, electric, sewer, water; e) sign easements; f) sight easements; g) common areas; h) power pole and line, sanitary sewer line, cleanouts, manholes, electric boxes, utility boxes, meters, inlets, backflow

preventers, fire hydrants.

13. Any encroachment, defect, encumbrance, violation, variation, adverse circumstance affecting Title, or any other matter that would be shown on or disclosed by an accurate and complete survey of the Land.
14. Rights of tenant(s) in possession under unrecorded lease(s).