



January 24, 2023

Chief Clerk's Office
North Carolina Utilities Commission
430 North Salisbury Street
Raleigh, North Carolina 27603

Re: WR-2734 Sub 2 for Summerlyn Place Apartments

Dear Chief Clerk:

Tripont Properties requests cancellation of the certificate previously issued to ownership entity LHNH SUMMERLYN PLACE LLC, et al. in Docket WR-2734. The new ownership entity of Summerlyn Place, SUMMERLYN PLACE OWNER LLC, has filed for a new certificate of authority. Please cancel the current certificate upon issue of a new certificate in WR-4141 Sub 0. I have included with this filing a copy of the warranty deed filed in Wake County.

Sincerely,

A handwritten signature in black ink that reads "Maxwell Platoff".

Maxwell Platoff
Partner, Tripont Properties

Electronically Submitted
Encl.

As of the Date of this Certification, On the Real Property described in this Deed, there are No Delinquent Taxes Owed which are (1) ad valorem County Taxes, (2) ad valorem Municipal Taxes collected by Alamance County or (3) any other taxes collected by Alamance County.
Date: 2-18-2022
Deputy/Tax Collector: Terry Modli

Doc ID: 013986990006 Type: CRP
Recorded: 02/18/2022 at 04:20:25 PM
Fee Amt: \$26.00 Page 1 of 6
Revenue Tax: \$0.00
Alamance, NC
David Barber Register of Deeds
BK **4305** PG **281-286**

→ BTM, P.A.
PO DRAWER 25008
WINSTON SALEM, NC 27114-5008

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$0.00

Parcel Identifier No.: 112793

This property conveyed does not include the primary residence of Grantor

Return to: Grantee

Prepared by: Weatherspoon & Voltz LLP (without benefit of title examination)

Brief description for the Index: 750 Boone Station Drive, Burlington, North Carolina 27215

THIS DEED made this 12th day of February, 2022, by and between

GRANTOR

LHNH SUMMERLYN PLACE LLC,
a Delaware limited liability company, an
undivided 39.98% interest,

SOL SUMMERLYN, LLC,
a North Carolina limited liability company, an
undivided 10.49% interest,

ZEV SUMMERLYN, LLC,
a North Carolina limited liability company, an
undivided 11.81% interest, and

DAVID SUMMERLYN, LLC,
a North Carolina limited liability company, an
undivided 37.72% interest.

GRANTEE

LHNH SUMMERLYN PLACE LLC,
a Delaware limited liability company, an
undivided 17.68% interest,

SOL SUMMERLYN, LLC,
a North Carolina limited liability company,
an undivided 10.49% interest,

ZEV SUMMERLYN, LLC,
a North Carolina limited liability company,
an undivided 11.81% interest,

DAVID SUMMERLYN, LLC,
a North Carolina limited liability company,
an undivided 37.72% interest,

LHNH Summerlyn TIC V LLC,
a Delaware limited liability company, an
undivided 13.43% interest, and

LHNH Summerlyn TIC VI LLC,
a Delaware limited liability company, an
undivided 8.87% interest.

ADDRESS:

c/o Silver Point Group LLC
2105 W. County Line Road, Suite 3
Jackson, New Jersey 08527

ADDRESS:

c/o Silver Point Group LLC
2105 W. County Line Road, Suite 3
Jackson, New Jersey 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 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 these certain lots or parcels of land situated in Alamance County, North Carolina and more particularly described as follows: **SEE EXHIBIT A**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3853, Page 0710, of the Alamance County Register of Deeds.

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.

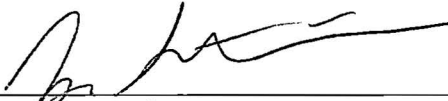
And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor (but not others). The property hereinabove described is being conveyed subject to ad valorem taxes for the year 2022, and restrictions, easements and rights-of-way of record affecting the subject property.

[SIGNATURES INCLUDED ON FOLLOWING PAGE]

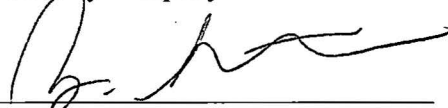
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR:

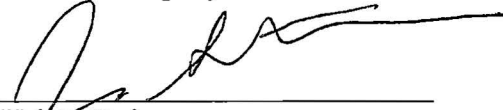
LHNH SUMMERLYN PLACE LLC, a Delaware
limited liability company

By: 
Name: Yakov Stein
Title: Authorized Signatory

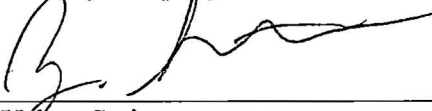
SOL SUMMERLYN, LLC, a North Carolina
limited liability company

By: 
Name: Yakov Stein
Title: Authorized Signatory

ZEV SUMMERLYN, LLC, a North Carolina
limited liability company

By: 
Name: Yakov Stein
Title: Authorized Signatory

DAVID SUMMERLYN, LLC, a North Carolina
limited liability company

By: 
Name: Yakov Stein
Title: Authorized Signatory

STATE OF NEW JERSEY

COUNTY OF OCEAN

I certify that the following persons personally appeared before me this day, each acknowledging to me that he or she signed the foregoing documents: Yakov Stein.

Date: 2/9/22

[AFFIX SEAL BELOW]

Miriam D. Pollak

Notary Public

Print Name: Miriam D. Pollak

My commission expires: 8/31/26

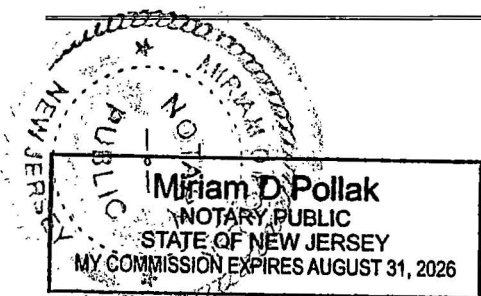


EXHIBIT A**DESCRIPTION OF LAND**

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Burlington, County of Alamance, State of North Carolina.

Being all of Lot 2 as shown on plat recorded in Plat Book 57, Page 40, Alamance County Registry, and being described by metes and bounds as follows:

Beginning at an iron pipe set located in the southerly margin of Boone Station Drive (currently a 60' public right-of-way), said Beginning point being also a northerly corner of now or formerly George O. Deloache, as described in Deed Book 2084, Page 881 of the Alamance County Registry; thence from said Beginning point with the southerly margin of said Boone Station Drive the following three (3) courses and distances:


- (1) with the arc of a circular curve to the right having a radius of 986.00 feet, an arc distance of 511.59 feet, said arc being subtended by a chord bearing North 52 degrees 37 minutes 20 seconds East, a chord distance of 505.87 feet to an iron pipe set;
- (2) North 67 degrees 29 minutes 11 seconds East 977.60 feet to an iron pipe set; and
- (3) With the arc of a circular curve to the left having a radius of 1,543.32 feet, an arc distance of 27.82 feet, said arc being subtended by a chord bearing North 66 degrees 58 minutes 12 seconds East, a chord distance of 27.82 feet, to an iron pipe set located in the westerly boundary of the property owned (now or formerly) by Catfish Properties, LLC as described in Book 1896, Page 119, Alamance County Registry; thence leaving the southerly margin of Boone Station Drive and with the westerly boundary of the aforesaid Catfish Properties, LLC Property South 13 degrees 23 minutes 53 seconds East 271.47 feet to an existing iron pipe located in the northerly boundary of the property owned (now or formerly) by Huffman Mill Plaza Limited Partnership as shown on Plat Book 40, Page 38, Alamance County Registry; Thence with the northerly and westerly boundaries of the Huffman Mill Plaza Property the following three (3) courses and distances
 - (1) South 61 degrees 29 minutes 50 seconds West 1,046.37 feet to an existing iron pipe; and
 - (2) South 28 degrees 22 minutes 54 seconds East 520.99 feet to an existing iron pipe; and
 - (3) South 61 degrees 37 minutes 06 seconds West 10.69 feet to an existing iron pipe located in the southeasterly corner of Lot 1 as shown on plat recorded in Plat Book 57, Page 40, Alamance County Registry; thence with the northeasterly boundary of the said Lot 1 North 53 degrees 06 minutes 48 seconds West 890.57 feet to the point or place of Beginning, containing 12.14 acres or 528,818 square feet.

Together with all rights under that Grants of Easement and Agreement recorded in Book 1052, Page 792, in the Alamance County Registry, as modified by Modification of Grants of Easement and Agreement and Property Maintenance Agreement recorded in Book 1212, Page 139, Alamance County Registry.

As of the Date of this Certification, On the Real Property described in this Deed, there are No Delinquent Taxes Owed which are (1) ad valorem County Taxes, (2) ad valorem Municipal Taxes collected by Alamance County or (3) any other taxes collected by Alamance County.

Date: 2-18-2022
Deputy/Tax Collector: Ferny Modier

→ BTM, P.A.
PO DRAWER 25008
WINSTON SALEM, NC 27114-5008


Doc ID: 013987000008 Type: CRP
Recorded: 02/18/2022 at 04:28:16 PM
Fee Amt: \$53,026.00 Page 1 of 8
Revenue Tax: \$53,000.00
Alamance, NC
David Barber Register of Deeds
BK **4305** PG **287-294**

OFFICIAL COPY

Jan 25 2023

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$ 53,000.00

Parcel Identifier No.: 112793

This property conveyed does not include the primary residence of Grantor

Return to: Grantee

Prepared by: Weatherspoon & Voltz LLP (without benefit of title examination)

Brief description for the Index: 750 Boone Station Drive, Burlington, North Carolina 27215

THIS DEED made this 14th day of February, 2022, by and between

GRANTOR

LHNH SUMMERLYN PLACE LLC,
a Delaware limited liability company,

SOL SUMMERLYN, LLC,
a North Carolina limited liability company,

ZEV SUMMERLYN, LLC,
a North Carolina limited liability company,

DAVID SUMMERLYN, LLC,
a North Carolina limited liability company,

LHNH SUMMERLYN TIC V LLC,
a Delaware limited liability company, and

GRANTEE

SUMMERLYN PLACE OWNER LLC,
a Delaware limited liability company, an
undivided 66.078% interest,

SUMMERLYN TIC 1 LLC,
a Delaware limited liability company, an
undivided 11.765% interest,

SUMMERLYN TIC 2 LLC,
a Delaware limited liability company, an
undivided 18.235% interest,

SUMMERLYN CRC LLC,
a Delaware limited liability company, an
undivided 1.471% interest, and

SUMMERLYN TIC 4 LLC,
a Delaware limited liability company, an
undivided 2.451% interest.

LHNH SUMMERLYN TIC VI LLC,
a Delaware limited liability company.

ADDRESS:

c/o Silver Point Group LLC
2105 W. County Line Road, Suite 3
Jackson, New Jersey 08527

ADDRESS:

11 Grace Avenue, Suite 201
Great Neck, NY 11021

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 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 these certain lots or parcels of land situated in Alamance County, North Carolina and more particularly described as follows: **SEE EXHIBIT A**

The property hereinabove described was acquired by Grantor by instrument recorded in Book [4305], Page [287], of the Alamance County Register of Deeds.

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 (but not others) except for the exceptions hereinafter stated.

Title to property hereinabove described is subject to the following exceptions: SEE EXHIBIT B.

[SIGNATURES INCLUDED ON FOLLOWING PAGE]

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

GRANTOR:

LHNH SUMMERLYN PLACE LLC, a Delaware
limited liability company

By: 

Name: Yakov Stein

Title: Authorized Signatory

SOL SUMMERLYN, LLC, a North Carolina
limited liability company

By: 

Name: Yakov Stein

Title: Authorized Signatory

ZEV SUMMERLYN, LLC, a North Carolina
limited liability company

By: 

Name: Yakov Stein

Title: Authorized Signatory

DAVID SUMMERLYN, LLC, a North Carolina
limited liability company

By: 

Name: Yakov Stein

Title: Authorized Signatory

② **LHNH SUMMERLYN TIC V LLC**, a Delaware limited
liability company

By: 

Name: Yakov Stein

Title: Authorized Signatory

© RHNH SUMMERLYN TIC VI LLC, a Delaware limited liability company

By: 

Name: Yakov Stein

Title: Authorized Signatory

STATE OF NEW JERSEY
COUNTY OF OCEAN

I certify that the following persons personally appeared before me this day, each acknowledging to me that he or she signed the foregoing documents: Yakov Stein

Date: 2/9/22

[AFFIX SEAL BELOW]

Miriam D. Pollak
Notary Public

Print Name: Miriam D. Pollak

My commission expires: 8-31-26

Miriam D Pollak
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES AUGUST 31, 2026

EXHIBIT A

DESCRIPTION OF LAND

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Burlington, County of Alamance, State of North Carolina.

Being all of Lot 2 as shown on plat recorded in Plat Book 57, Page 40, Alamance County Registry, and being described by metes and bounds as follows:

Beginning at an iron pipe set located in the southerly margin of Boone Station Drive (currently a 60' public right-of-way), said Beginning point being also a northerly corner of now or formerly George O. Deloache, as described in Deed Book 2084, Page 881 of the Alamance County Registry; thence from said Beginning point with the southerly margin of said Boone Station Drive the following three (3) courses and distances:

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- (2) North 67 degrees 29 minutes 11 seconds East 977.60 feet to an iron pipe set; and
- (3) With the arc of a circular curve to the left having a radius of 1,543.32 feet, an arc distance of 27.82 feet, said arc being subtended by a chord bearing North 66 degrees 58 minutes 12 seconds East, a chord distance of 27.82 feet, to an iron pipe set located in the westerly boundary of the property owned (now or formerly) by Catfish Properties, LLC as described in Book 1896, Page 119, Alamance County Registry; thence leaving the southerly margin of Boone Station Drive and with the westerly boundary of the aforesaid Catfish Properties, LLC Property South 13 degrees 23 minutes 53 seconds East 271.47 feet to an existing iron pipe located in the northerly boundary of the property owned (now or formerly) by Huffman Mill Plaza Limited Partnership as shown on Plat Book 40, Page 38, Alamance County Registry; Thence with the northerly and westerly boundaries of the Huffman Mill Plaza Property the following three (3) courses and distances
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 - (2) South 28 degrees 22 minutes 54 seconds East 520.99 feet to an existing iron pipe; and
 - (3) South 61 degrees 37 minutes 06 seconds West 10.69 feet to an existing iron pipe located in the southeasterly corner of Lot 1 as shown on plat recorded in Plat Book 57, Page 40, Alamance County Registry; thence with the northeasterly boundary of the said Lot 1 North 53 degrees 06 minutes 48 seconds West 890.57 feet to the point or place of Beginning, containing 12.14 acres or 528,818 square feet.

Together with all rights under that Grants of Easement and Agreement recorded in Book 1052, Page 792, in the Alamance County Registry, as modified by Modification of Grants of Easement and Agreement and Property Maintenance Agreement recorded in Book 1212, Page 139, Alamance County Registry.

EXHIBIT B**PERMITTED EXCEPTIONS**

1. Taxes for 2022 and subsequent years, and any additional taxes, which may result in rebilling or reassessment of the subject property.
2. Right of tenants in possession under unrecorded leases and terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).
3. Grants of Easement and Agreement made between Boone Station, LLC and Summerlyn Place Associates, LLC, dated January 9, 1997 and recorded on January 10, 1997 in Book 1052, Page 792; as affected by a Modification of Grants of Easement and Agreement and Property Maintenance Agreement dated September 3, 1998 and recorded on September 4, 1998 in Book 1212, Page 139; and as affected by a Partial Termination of Easement dated January 14, 2019 and recorded on January 23, 2019 in Book 3844, Page 977, aforesaid records.
4. Easement and Memorandum of Agreement made between BBR/Summerlyn, LLC and Time Warner Entertainment-Advance/New house Partnership d/b/a Time Warner Cable through its East Region, recorded on October 6, 2010 in Book 2950, Page 354, aforesaid records.
5. Nonexclusive Installation and Service Agreement made between DOF IV Summerlyn LLC and Time Warner Entertainment - Advance/Newhouse Partnership d/b/a Time Warner Cable through its East Region, recorded on September 7, 2017 in Book 3696, Page 163, aforesaid records.
6. Twenty (20') and Thirty (30') foot buffer zones, permanent slope easements, Thirty-five (35') by Fifty-five (55') foot permanent drainage easement, future retention pond area and easement, and Ten (10) by Seventy (70') foot sight easements as set forth on plat recorded in Plat Book 57, Page 40, aforesaid records.
7. Twenty (20') foot waterline easement and Thirty-five (35') foot setback line as set forth on plat recorded in Plat Book 64, Page, 49, aforesaid records.
8. Terms and provisions of an unrecorded Laundry Lease Agreement by and among CSC Service Works, Inc. and DOF IV REIT Holdings, LLC dated July 26, 2016, as disclosed by a Subordination, Non-Disturbance and Attornment Agreement by and among Jones Lang Lasalle Multifamily, LLC (Lender), LHNH Summerlyn Place LLC, SOL Summerlyn, LLC, ZEV Summerlyn, LLC, and David Summerlyn, LLC, as Tenants-in-Common (Landlord) and CSC Serviceworks, Inc. (Tenant), dated February 21, 2019 recorded on February 26, 2019 in Book 3853, Page 715 and re-recorded on March 5, 2019 in Book 3856 Page 82, aforesaid records.

9. Matters as shown on a survey dated November 4, 2021, by John A. Edwards, Jr., PLS No. 2776 of John A. Edwards & Company, designated as Project Summerlyn Place Apartments, 750 Boone Station Dr. Burlington, NC 27215, as follows:
- a) Headwall located in the northerly property corner extends 10.3' west out of Drainage Easement as reflected in Plat Book 57 Page 40.
 - b) Concrete pad, transformer and chain link fence extend beyond southeasterly property onto neighboring property
 - c) Block wall, detention pond and flared end section extend out of southwesterly property line
 - d) Rights of others both public and private in and to sanitary sewer lines, junction box, riser, detention pond, telephone pedestals, catch basins, transformer, gas valves, hydrants, inlets and all utilities located on subject premises
 - e) Apparent overlap between Plat Book 57, Page 40 & Plat Book 57, Page 130 (372 S.F.)