Chrongle de 21-30721-8911 Doc 382-27 Filed 08/22/21 Entered 08/22/21 PFage 12015029062 6 PGS

Lallas, Tx 75201

When Recorded, Return To: Cox Smith Matthews Incorporated

112 E. Pecan, Suite 1800 San Antonio, Texas 78205 Attn: John B. Stewart

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

471207157 or

## SPECIAL WARRANTY DEED

STATE OF TEXAS \$ \$ KNOW ALL PERSONS BY THESE PRESENTS: COUNTY OF LUBBOCK \$

THAT Fresh Acquisitions, LLC, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Alamo Dynamic, LLC, a Texas limited liability company ("Grantee"), whose mailing address is 120 Chula Vista, San Antonio, Texas 78232, and other good and valuable consideration, the receipt and sufficiency of which considerations are hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto Grantee those tracts or parcels of land situated in Lubbock County, Texas, described in Exhibit "A" attached hereto, incorporated herein and made a part hereof for all purposes (the "Land"), together with all buildings, structures, and improvements owned by Grantor situated on the Land and all fixtures and other property owned by Grantor and affixed thereto (the "Improvements") (the Land and the Improvements being herein collectively referred to as the "Property"), together with all of Grantor's right, title and interest in and to (but without warranties, whether statutory, express or implied) all rights, privileges, easements, and interests appurtenant thereto, adjacent streets, alleys, rights-of-ways, and any adjacent strips and gores of real estate.

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof by, through or under Grantor but not otherwise; provided that this conveyance and the warranty of Grantor herein contained are subject to (a) the matters set forth in <a href="Exhibit">Exhibit "B"</a> attached hereto, incorporated herein and made a part hereof for all purposes, and (b) all liens for unpaid real estate taxes and assessments, to the full extent same are valid and pertain to the Property. Grantee shall assume liability for the payment of all such ad valorem taxes and assessments for the Property for the current year and for subsequent years.

EXECUTED on the date of the acknowledgment hereinbelow, to be effective as of the of June 29, 2015.

## **GRANTOR:**

FRESH ACQUISITIONS, LLC,
a Delaware limited liability company

Name: Jason Vinit
Title: Managen

STATE OF TEXAS	8
	8
COUNTY OF BEXAR	8

This instrument was acknowledged before me on the day of \_\_\_\_\_\_, 2015, by \_\_\_\_\_\_, the \_\_\_\_\_\_\_ of Fresh Acquisitions, LLC, a Delaware limited liability company, for and on behalf of said limited liability company.

Notary Public in and for the State of Texas

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#### **EXHIBIT A**

### LEGAL DESCRIPTION OF THE PROPERTY

#### TRACT I

Tracts A, B and C, MARTIN-OLIVER Addition to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in Volume 1779, Page 147, Deed Records of Lubbock County, Texas.

#### **TRACT II**

All of that certain land out of Blocks 83, 84, 85, 95, and 96, WHEELOCK SECOND Addition to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in Volume 26, Page 46 of the Deed Records of Lubbock County, Texas, being further described by metes and bounds as follows:

BEGINNING at a point which bears North a distance of 73.80 feet and East a distance of 3140.00 feet from the Southwest corner of Section 5, Block B, Lubbock County, Texas;

THENCE 89° 52' 30" W, a distance of 831.10 feet;

THENCE North a distance of 372.00 feet;

THENCE S 89° 52' 30" W, a distance of 2.92 feet;

THENCE N 06° 19' 46" E, a distance of 180.93 feet to a point of curvature;

THENCE Northeasterly around a curve to the right, said curve having a radius of 430.68 feet, and interior angle of 71° 01' 55", tangent length of 307.38 feet, a chord distance of 500.39 feet, and an arc length of 533.93 feet;

THENCE S 71° 37' 10" E, a distance of 506.15 feet;

THENCE South a distance of 763.00 feet to the POINT OF BEGINNING.

### **SAVE AND EXCEPT:**

A tract of land located in Blocks 84, 85, and 95, and abandoned streets adjacent thereto, of the Wheelock Second Addition to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in Volume 26, Page 46 of the Deed Records of Lubbock County, Texas, being further described by metes and bounds as follows:

BEGINNING at a ½" square tube found in the North line of 34<sup>th</sup> Street which bears North 71.99 feet and East 2308.00 feet from the Southwest corner of Section 5, Block B, Lubbock County, Texas;

THENCE North along the East line of the railroad right-of-way, a distance of 372.00 feet to a ½" iron rod with cap set for an ell corner of this tract;

THENCE S 89° 52' 30" W, along said railroad right-of-way, a distance of 2.92 feet to a ½" iron rod with cap set for the most Westerly corner of this tract;

THENCE N 00° 19' 46" E, along said railroad right-of-way, a distance of 180.93 feet to a ½" square tube found at a point of curvature;

THENCE Northeasterly, along said railroad right-of-way, around a curve to the right, said curve having a radius of 430.08 feet, a central angle of 71° 01' 55", tangent length of 307.38 feet, a chord distance of 500.39 feet, and an arc length of 533.93 feet to a point in the South right-of-way line of F.W. & D. RR.;

THENCE S 71° 37' 10" E, along the South line of said railroad right-of-way, a distance of 45.31 feet to a ½" iron rod with cap set for the most Easterly Northeast corner of this tract;

THENCE South a distance of 769.45 feet to a ½" iron rod with cap set for the most Easterly Southeast corner of this tract;

THENCE S 89° 52' 30" W, a distance of 67.08 feet to a ½" iron rod with cap set for an ell corner of this tract;

THENCE South a distance of 140.00 feet to a ½" iron rod with cap set in the said North line of 34th Street for the most Southerly Southeast corner of this tract;

THENCE S 89° 52' 30" W, along said North line of 34<sup>th</sup> Street, a distance of 326.77 feet to the POINT OF BEGINNING.

Commonly known as: 1001 East 33<sup>rd</sup> Street & 3220 Juniper Avenue Lubbock, Texas 79404

#### EXHIBIT B

#### PERMITTED EXCEPTIONS

# As to Tract I (1001 E. 33<sup>rd</sup>, Lubbock, TX)

- 1. Easement as shown on plat recorded in Volume 782, Page 205, Deed Records of Lubbock County, Texas, showing location of easement granted in Volume 124, Pages 610 and 612, Deed Records of Lubbock County, Texas.
- 2. Twenty Foot (20') Utility Easement, as shown on Plat with Dedication Deed recorded in Volume 1779, Page 147, Deed Records of Lubbock County, Texas.
- 3. Twenty-Five Foot (25') Utility Easement, as shown on Plat with Dedication Deed recorded in Volume 1779, Page 147, Deed Records of Lubbock County, Texas.
- 4. Blanket utility easement as set forth on plat recorded in Volume 1779, Page 147, Deed Records, Lubbock County, Texas.
- 5. Blanket garbage collection easement as set forth on plat recorded in Volume 1779, Page 147, Deed Records, Lubbock County, Texas.
- 6. Promissory Note dated January 2, 2015, in the principal sum of \$8,707,500.00, executed by Fresh Acquisitions, LLC and Alamo Dynamic, LLC and payable to Arizona Bank & Trust, secured by a Deed of Trust, Security Agreement, Fixture Filing and Assignment of Rents of even date therewith, duly recorded in the Official Public Records of Lubbock County, Texas.
- 7. Promissory Note dated January 2, 2015, in the principal sum of \$24,000,000.00, executed by Fresh Acquisitions, LLC and payable to Chatham Credit Management III, LLC, as agent for the lenders named in a Loan Agreement of even date therewith, secured by a Deed of Trust, Security Agreement and Fixture Filing of even date therewith, duly recorded in the Official Public Records of Lubbock County, Texas.

# As to Tract II (3220 Juniper, Lubbock, TX)

- 1. Easement granted to the City of Lubbock by instrument recorded in Volume 1808, Page 410, Deed Records of Lubbock County, Texas.
- 2. Easement granted to THE SOUTH PLAINS PIPE LINE CO. by instrument recorded in Volume 124, Page 608, Deed Records of Lubbock County, Texas.
- 3. Easements granted to SOUTHWESTERN BELL TELEPHONE COMPANY by instruments recorded in Volume 234, Page 600, 605, and 606, Deed Records of Lubbock County, Texas.

- 4. Easements granted to the City of Lubbock by instrument recorded in Volume 1335, Page 978, Deed Records of Lubbock County, Texas.
- 5. Easement granted to the City of Lubbock by instrument recorded in Volume 1335, Page 982, Deed Records of Lubbock County, Texas.
- 6. Promissory Note dated January 2, 2015, in the principal sum of \$8,707,500.00, executed by Fresh Acquisitions, LLC and Alamo Dynamic, LLC and payable to Arizona Bank & Trust, secured by a Deed of Trust, Security Agreement, Fixture Filing and Assignment of Rents of even date therewith, duly recorded in the Official Public Records of Lubbock County, Texas.
- 7. Promissory Note dated January 2, 2015, in the principal sum of \$24,000,000.00, executed by Fresh Acquisitions, LLC and payable to Chatham Credit Management III, LLC, as agent for the lenders named in a Loan Agreement of even date therewith, secured by a Deed of Trust, Security Agreement and Fixture Filing of even date therewith, duly recorded in the Official Public Records of Lubbock County, Texas.

Return To:
Chicago Title Insurance Company
2828 Routh Street, Suite 800

Dallas, Ţexas, 75201

# 4713MAT

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Kelly Pinion, County Clerk Lubbock County TEXAS

August 10, 2015 03:03:41 PM

FEE: \$46.00

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