

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

By: *Jason Kemp*
Name: Jason Kemp
Title: manager

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 26 day of June, 2015, by Jason Kemp, the manager of Fresh Acquisitions, LLC, a Delaware limited liability company, for and on behalf of said limited liability company.

Lauren Najarian
Notary Public in and for the State of Texas

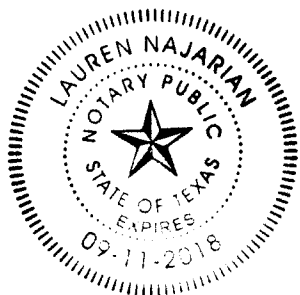


EXHIBIT A

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 34th 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 34th Street, a distance of 326.77 feet to the POINT OF BEGINNING.

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

EXHIBIT B

PERMITTED EXCEPTIONS


As to Tract I (1001 E. 33rd, 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, Texas, 75201
471300757

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Kelly Pinion

Kelly Pinion, County Clerk

Lubbock County TEXAS

August 10, 2015 03:03:41 PM

FEE: \$46.00

2015029062