Karen Johnson Davidson County
Batch# 956094 DEEDWARRSP
12/29/2022 12:28:30 PM 10 pgs
Fees: $53.00 Taxes: $266,400.00
20221229-0133572

This Instrument Prepared By:
Brian Kenyon
O'Melveny & Myers LLP
400 South Hope Street, 18th Floor
Los Angeles, CA 90071-2899

| Name and Address of New Owner: | Send Tax Bills To: | Map and Parcel No.: |
|---|---|---|
| HZ Rivertop DST<br>c/o Hamilton Zanze & Company<br>The Presidio of San Francisco<br>37 Graham Street, Suite 200<br>San Francisco, CA 94129-0454 | HZ Rivertop DST<br>c/o Hamilton Zanze & Company<br>The Presidio of San Francisco<br>37 Graham Street, Suite 200<br>San Francisco, CA 94129-0454 | 101 00 0 161.00 &<br>102 00 0 006.00 |

## SPECIAL WARRANTY DEED

**FOR AND IN CONSIDERATION OF** Ten Dollars ($10.00) and other good and valuable consideration, the receipt and legal sufficiency of all of which hereby are acknowledged, **CF RIVERTOP MULTIFAMILY DST**, a Delaware statutory trust, having an address of c/o Cantor Fitzgerald, 110 East 59th Street, New York, New York, 10022 (herein "Grantor"), does hereby bargain, sell, transfer and convey unto **HZ RIVERTOP DST**, a Delaware statutory trust, with an address of c/o Hamilton Zanze & Company, The Presidio of San Francisco, 37 Graham Street, Suite 200, San Francisco, California 94129 (herein "Grantee"), the land and all improvements thereon described on **Exhibit "A"** attached hereto and made a part hereof (collectively, the "Property"), subject to all matters shown on **Exhibit "B"** attached hereto and made a part hereof (the "Permitted Exceptions"). This is improved property known as 5820 River Road, Nashville, Tennessee 37209.

**TO HAVE AND TO HOLD** the aforesaid Property unto Grantee, its successors and assigns, forever in fee simple.

Grantor covenants that Grantor has full power and lawful authority to sell and convey the Property and, subject to the Permitted Exceptions, will warrant and defend the title against all persons claiming by, through or under Grantor, but not further or otherwise and subject, however, to the Permitted Exceptions.

SOURCE OF TITLE: Special Warranty Deed recorded in Instrument No. 20191008-0102972, Register's Office for Davidson County, Tennessee.

STATE OF TENNESSEE

COUNTY OF San Francisco

The actual consideration or value, whichever is greater, for this transfer is $72,000,000.00

Affiant

Subscribed and sworn to before me this 21 day of Dec 2022

Notary Public

My Commission Expires: 1/27/2025

*[SIGNATURE ON FOLLOWING PAGES]*

Edwin F. Houtkooper
COMM # 2343800
San Francisco County
California - Notary Public
Comm. Expires Jan. 27, 2025

IN WITNESS WHEREOF, Grantor has executed this instrument to be effective as of the 5th day of December, 2022.

**GRANTOR:**

CF RIVERTOP MULTIFAMILY DST,
a Delaware statutory trust

By: CF Rivertop Manager, LLC, a Delaware limited liability company, its Trust Manager

By: _____
Name: Christopher A. Milner
Title: President

***[ACKNOWLEDGMENT ON FOLLOWING PAGE]***

ACKNOWLEDGMENT

STATE OF New York )
) ss.
COUNTY OF New York )

This instrument was acknowledged before me on the 5th day of December, 2022, by Christopher Milner, as President of CF Rivertop Multifamily DST.

Allison B. Kelley
Notary Public
My Commission Expires on: January 7, 2023

Allison B. Kelley
Notary Public, State of New York
No. 01KE6385481
Qualified in Nassau County
Commission Expires January 7, 2023

JOINDER BY TRUSTEE FOR PURPOSES OF
TENNESSEE CODE SECTION 35-15-114

The undersigned, solely for the purpose of complying with Tenn. Code Ann. § 35-15-114, and solely in his/her capacity as Designated Trustee under the Amended and Restated Trust Agreement of CF Rivertop Multifamily DST, hereby confirms and ratifies the foregoing conveyance.

Aaron Wessner

ACKNOWLEDGMENT

STATE OF N.J. )

) ss.

COUNTY OF Union )

This instrument was acknowledged before me on the 28 day of Dec, 20 22 by Aaron Wessner, a natural person residing in Union County, NJ.

Notary Public

My Commission Expires on:

**EUGENE S. CERULLI**
**Notary Public of New Jersey**
**ID#2354853**
**Commission Expires Jan. 26, 2027**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

LEGAL DESCRIPTION OF THE REAL PROPERTY

The land referred to herein below is situated in the County of Davidson, State of Tennessee, and described as follows:

LAND LYING IN THE THIRTY-FIFTH COUNCILMANIC DISTRICT OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE BEING THE SAME PROPERTY CONVEYED TO WILLIAM E. KANTZ JR. OF RECORD IN INSTRUMENT 20050316-0028969 AND INSTRUMENT 20050316-0028970 R.O.D.C. A PORTION OF THE HEREON DESCRIBED TRACT BEING LOT 6 OF THE PLUMLEE FARMS SUBDIVISION OF RECORD IN PLAT BOOK 5050, PAGE 88, R.O.D.C. AND LOT 5 AND PARTS OF LOTS 3 AND 4 ON THE MAP OF PLUMLEE FARM ON RIVER ROAD, NOT OF RECORD, AND FURTHER BEING THE SAME PROPERTY CONVEYED TO RIVERTOP RESIDENCES, LLC, BY SPECIAL WARRANTY DEED OF RECORD IN INSTRUMENT NUMBER 20161228-0135985, SUBJECT TO MATTERS OF PLAT FILED BY RIVERTOP RESIDENCES, LLC, SUBSEQUENT TO THE FILING OF SUCH SPECIAL WARRANTY DEED;

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN (OLD) LYING IN THE NORTHERLY MARGIN OF RIVER ROAD (R.O.W. VARIES) BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG OR NEAR THE EASTERLY LINE OF ELLER & OLSEN STONE CO. OF RECORD IN DEED BOOK 4395, PAGE 827, R.O.D.C. THE NEXT (2) TWO COURSES AND DISTANCES:

THENCE, NORTH 03°45'17" EAST, A DISTANCE OF 765.46 FEET TO AN IRON PIN (OLD);

THENCE, NORTH 03°45'01" EAST, A DISTANCE OF 637.07 FEET TO AN IRON PIN (SET);

THENCE, ALONG OR NEAR THE SOUTHERLY AND EASTERLY LINES OF LOT 6A AND 6B OF PLUMLEE FARMS SUBDIVISION OF RECORD IN PLAT BOOK 5050, PAGE 88, R.O.D.C. THE NEXT (5) FIVE COURSES AND DISTANCES:

THENCE, NORTH 89°59'51" EAST, A DISTANCE OF 236.31 FEET TO AN IRON PIN (SET);

THENCE, SOUTH 01°03'55" EAST, A DISTANCE OF 188.62 FEET TO AN IRON PIN (SET);

THENCE, SOUTH 78°44'00" EAST, A DISTANCE OF 200.00 FEET TO AN IRON PIN (OLD);

THENCE, NORTH 03°45'53" EAST, A DISTANCE OF 580.00 FEET TO AN IRON PIN (SET);

THENCE, NORTH 03°50'45" EAST, A DISTANCE OF 245.00 FEET TO THE APPROXIMATE LOW WATER MARK OF THE CUMBERLAND RIVER,

THENCE, ALONG OR NEAR SAID LOW WATER MARK SOUTH 80°12'06" EAST, A DISTANCE OF 1045.64 FEET TO AN IRON PIN (SET);

THENCE, ALONG OR NEAR THE WESTERLY LINE OF TRACY R. WALLACE, ETUX/INSTRUMENT OF RECORD IN DEED BOOK 9475, PAGE 937, R.O.D.C. THE NEXT (4) FOUR COURSES AND DISTANCES:

THENCE, SOUTH 07°15'07" WEST, PASSING A WITNESS PIN AT 206.22 FEET FOR A TOTAL DISTANCE OF 1134.00 FEET TO AN IRON PIN (OLD);

THENCE, SOUTH 22°03'53" EAST, A DISTANCE OF 126.20 FEET TO A 1" IRON PIPE (OLD);

THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 91.50 FEET TO AN IRON PIN (SET);

THENCE, SOUTH 25°15'32" WEST, A DISTANCE OF 227.33 FEET TO A 1" IRON PIPE (OLD);

THENCE, ALONG OR NEAR THE WESTERLY LINE OF MATTHEW D. HOLIFIELD, ETUX THE NEXT (3) THREE COURSES AND DISTANCE:

THENCE, SOUTH 32°07'32" WEST, A DISTANCE OF 155.26 FEET TO AN IRON PIN (OLD);

THENCE, SOUTH 00°28'59" WEST, A DISTANCE OF 11.92 FEET TO AN IRON PIN (OLD);

THENCE, SOUTH 34°34'56" WEST, A DISTANCE OF 72.43 FEET TO AN IRON PIN (SET);

THENCE, ALONG OR NEAR THE NORTHERLY AND WESTERLY LINE OF JERRY HAM, ETUX OF RECORD IN DEED BOOK 5968, PAGE 192, R.O.D.C. THE NEXT (2) TWO COURSES AND DISTANCES:

THENCE, NORTH 55°36'41" WEST, A DISTANCE OF 179.35 FEET TO AN IRON PIN (OLD);

THENCE, SOUTH 34°57'09" WEST, A DISTANCE OF 268.75 FEET TO AN IRON PIN (SET);

THENCE, ALONG OR NEAR THE NORTHERLY MARGIN OF RIVER ROAD THE NEXT (7) SEVEN COURSES AND DISTANCES:

THENCE, NORTH 83°43'38" WEST, A DISTANCE OF 136.49 FEET TO AN IRON (SET);

THENCE, NORTH 84°58'59" WEST, A DISTANCE OF 61.73 FEET TO AN IRON PIN (SET);

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1221.58 FEET A CENTRAL ANGLE OF 9°28'23" AND BEING SUBTENDED BY CHORD BEING OF NORTH 89°43'11" WEST, A DISTANCE OF 201.74 FEET AND AN ARC LENGTH OF 201.97 FEET TO AN IRON PIN (SET);

THENCE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1293.54 FEET AND A CENTRAL ANGLE OF 7°17'51" AND BEING SUBTENDED BY CHORD BEING OF NORTH 89°11'33" EAST, A DISTANCE OF 164.64 FEET AND AN ARC LENGTH OF 164.75 FEET TO AN IRON PIN (SET);

THENCE, NORTH 87°09'32" WEST, A DISTANCE OF 39.81 FEET TO AN IRON PIN (SET);

THENCE, NORTH 87°20'40" WEST, A DISTANCE OF 195.39 FEET TO AN IRON PIN (SET);

THENCE, NORTH 85°53'18" WEST, A DISTANCE OF 192.30 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO CF RIVERTOP MULTIFAMILY DST, A DELAWARE STATUTORY TRUST BY SPECIAL WARRANTY DEED FROM RIVERTOP RESIDENCES, LLC, A DELAWARE LIMITED LIABILITY COMPANY OF RECORD IN INSTRUMENT NO. 201910080102972, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

## EXHIBIT "B"

## PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2022 and subsequent years, not yet due and payable.

2. All matters shown on plat(s) of record in Book 5050, Page 88, in the Register's Office of Davidson County, Tennessee.

3. Easement(s) contained in Deed of record in Book 5228, Page 274, in the Register's Office of Davidson County, Tennessee.

4. Electric Permit of record in Book 5262, Page 445, in the Register's Office of Davidson County, Tennessee.

5. Utility Easement of record in Instrument No. 200011090111402, in the Register's Office of Davidson County, Tennessee.

6. Declaration of Restrictions and Covenants for Stormwater Facilities and Systems of record in Instrument No. 201703210027399, in the Register's Office of Davidson County, Tennessee.

7. Conservation Easement and Restrictive Covenant of record in Instrument No. 201703210027496, in the Register's Office of Davidson County, Tennessee.

8. Water and Sanitary Sewer Line Easement Agreement of record in Instrument No. 201709070091945, in the Register's Office of Davidson County, Tennessee.

9. That portion of the land embraced within the bounds of any public road or thoroughfare.

10. Right of residential tenants in possession under unrecorded leases, upon the terms, covenants, conditions and provisions thereof.

# Tennessee Register of Deeds Association
# President Sheena R Tinsley

I, Margo Zhao, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on December 5, 2022.

Affiant Signature

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Date: December 5, 2022
State of New York
County of New York
Sworn to and subscribed before me this 5th day of December, 2022

Notary's Signature

JED LEVINE
Notary Public, State of New York
No. 01LE6109294
Qualified in Queens County
Commission Expires 5/3/2024

MY COMMISSION EXPIRES: May 3, 2024
Notary's Seal (if on paper)