

Old Republic Title Company 2/18/33520

**SPECIAL WARRANTY DEED**

For good and valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, 98<sup>th</sup> and I-40 Land, LLC, a New Mexico limited liability company (hereinafter "Grantor") hereby grants and conveys to CLOP Albuquerque NM LLC, a Delaware limited liability company (hereinafter "Grantee"), whose address is 400 Water Street, Suite 200, Excelsior, MN 55331, all of the real property in Bernalillo County, New Mexico more particularly described in Exhibit A attached hereto and incorporated herein by reference, together with all rights, ways, privileges and appurtenances pertaining thereto (hereinafter collectively referred to as the "Property"), with special warranty covenants,

SUBJECT TO taxes for the year 2024 and subsequent years, and only the matters set forth in Exhibit B attached hereto and incorporated herein by reference.

[SIGNATURE PAGE TO FOLLOW]

WITNESS this my hand and seal this 27<sup>th</sup> day of September, 2024.

98<sup>th</sup> AND I-40 LAND, LLC  
a New Mexico limited liability company

By: Titan Property Management, LLC  
a New Mexico limited liability  
company, its Manager

By: BS

Ben F. Spencer, Manager

STATE OF NEW MEXICO           )  
  ) ss.  
COUNTY OF BERNALILLO       )

This instrument was acknowledged before me on September 27, 2024, by Ben F. Spencer, Manager of Titan Property Management, LLC, as Manager of 98<sup>th</sup> and I-40 Land, LLC, on behalf of the company.



[Signature]  
Notary Public  
My Commission Expires: 11/23/25

Exhibit A  
To Special Warranty Deed

Legal Description

Tract numbered Two-A-One (2-A-1) of AVALON SUBDIVISION UNIT 5, as the same is shown and designated on the Plat entitled, "Replat of Tract 2A and Tract 1 of The Avalon Subdivision Unit 5, Being Comprised of Tract 2A of the "Plat for Tracts 2-A and 2-B Avalon Unit 5" and Tract 1 of the "Plat of Tracts 1 Through 12 Avalon Unit 5", filed in the office of the County Clerk of Bernalillo County, New Mexico on July 17, 2024 in Plat Book 2024C, Page 65 as Document No. 2024048596.

Exhibit B  
To Special Warranty Deed

Permitted Encumbrances

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Encroachments, overlaps, conflicts in boundary lines, or shortages in area.
4. Any lien, claim or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Community property, survivorship, or homestead rights, if any, of any spouse of the insured (or vestee in a leasehold or loan policy).
6. Water rights, claims or title to water.
7. Taxes for the year 2024, and thereafter.
8. Reservations contained in the Patent from the United States of America, recorded August 21, 1905 in Book 35, Page 91, records of Bernalillo County, New Mexico.
9. Outlet Ditch Easement, and rights incident thereto, recorded March 23, 1972 in Book Misc. 261, Page 166 as Document No. 87960, records of Bernalillo County, New Mexico.
10. Annexation Ordinance recorded July 23, 2001 in Book A22, Page 2625 as Document No. 2001084297; Annexation Ordinance recorded February 7, 2005 in Book A91, Page 7599 as Document No. 2005017665 and Annexation Ordinance recorded June 21, 2005 in Book A98, Page 7579 as Document No. 2005087844, records of Bernalillo County, New Mexico.
11. Pre-Annexation Agreement recorded December 27, 2011 as Document No. 2011119832; Pre-Annexation Agreement recorded December 27, 2011 as Document No. 2011119833; Annexation Ordinance recorded November 28, 2011 as Document No. 2011108121; Annexation Ordinance recorded November 28, 2011 as Document No. 2011108122; Annexation Ordinance recorded March 17, 2014 as Document No. 2014021449 and Annexation Ordinance recorded March 17, 2014 as Document No. 2014021450, records of Bernalillo County, New Mexico.

12. Restrictive covenants, easements, statements regarding access control and notes as shown on the Plat of Avalon Subdivision Unit 5 recorded May 22, 2014, in Plat Book 2014C, Page 46 as Document No. 2014040949, records of Bernalillo County, New Mexico.
13. Notice of Subdivision Plat Conditions recorded May 22, 2014 as Document No. 2014040956, records of Bernalillo County, New Mexico.
14. Terms, conditions and provisions of the Sign Easement Agreement by and between Maverik, Inc., a Utah corporation and 98th and I-40 Land, LLC, a New Mexico limited liability company, recorded November 21, 2019 as Document No. 2019099667, records of Bernalillo County, New Mexico.
15. Easements and notes as shown, noted and provided for on the Plat recorded July 22, 2021 in Plat Book 2021C, Page 82 as Document No. 2021086661, records of Bernalillo County, New Mexico.
16. Infrastructure Improvements Agreement (Procedure B), Agreement to Construct Public and/or private Infrastructure Improvements recorded September 23, 2021 as Document No. 2021113184; amended by 1st Extension Agreement recorded May 17, 2023 as Document No. 2023030721 and encumbered by the Claim and Notice of Lien recorded September 23, 2021 as Document No. 2021113185, records of Bernalillo County, New Mexico., records of Bernalillo County, New Mexico.
17. Declaration of Protective Covenants and Restrictions for Westpointe40, recorded January 19, 2022 as Document No. 2022005143, records of Bernalillo County, New Mexico.
18. Pro rata charges for water, sewer, and/or standby charges and any possible assessments for paving, sidewalk, sewer and water extensions which are or might be a lien by law, but have not yet been filed for record in the office of the County Clerk of Bernalillo County, New Mexico.
19. Grant of Easement for Atrisco Water Lines, and rights incident thereto, in favor of The City of Albuquerque, New Mexico, a municipal corporation, recorded July 15, 1970 in Book Misc. 180, Page 580 as Document No. 83953, records of Bernalillo County, New Mexico.
20. Reservations contained in the General Warranty Deed recorded February 19, 1999 in Book 9903, Page 2617 as Document No. 1999022679, records of Bernalillo County, New Mexico.
21. Declaration of Public Utility Easement, and rights incident thereto, recorded March 22, 2023 as Document No. 2023016867, records of Bernalillo County, New Mexico.

22. Infrastructure Improvements Agreement (Procedure B), Agreement to Construct Public and/or Private Infrastructure Improvements recorded June 21, 2024 as Document No. 2024042354, records of Bernalillo County, New Mexico.
23. Easements and notes as shown, noted and provided for on the Replat recorded July 17, 2024 in Plat Book 2024C, Page 65 as Document No. 2024048596, records of Bernalillo County, New Mexico.