

5/13/11 10:31:50
DK W BK 657 PG 379
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

Requested by and
after recording return to:

Return To: First American Title Insurance Company
2001 Airport Road, Suite 301, Flowood, MS 39232
601-366-1222

This instrument prepared by:

FIGRYANH LLC
Attn: Drawbridge Special Opportunities Fund
1345 Avenue of the Americas, 46th Floor
New York, New York 10105
Telephone: (972) 532-4341

Indexing Instructions: Lot 5, Revised Plat of Sutton Place Planned Unit Development, Plat Book
46, Page 17, Section 26, T-1-S, R-8-W, DeSoto County, MS

STATE OF MISSISSIPPI §
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 §
COUNTY OF DESOTO §

SPECIAL WARRANTY DEED
(Unit 2324, Horn Lake, MS)

KNOW ALL MEN BY THESE PRESENTS:

THAT, FIGRYANH LLC, a Delaware limited liability company (“Grantor”), whose mailing address is Attn: Drawbridge Special Opportunities Fund, 1345 Avenue of the Americas, 46th Floor, New York, New York 10105, Telephone: (972) 532-4341, for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration in hand paid to the undersigned by COLE BU PORTFOLIO II, LLC, a Delaware limited liability company (“Grantee”) whose mailing address is c/o Cole Real Estate Investments, 2555 East Camelback

Road, Suite 400, Phoenix, AZ 85016, Attn: Legal Department, Telephone: (602) 778-8700, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL, CONVEY and CONFIRM unto Grantee that certain real property being more particularly described on Exhibit A attached hereto and made a part hereof for all purposes, together with all improvements and fixtures situated thereon (collectively, the "**Property**"); SUBJECT TO all real estate taxes not yet delinquent; covenants, conditions, restrictions, easements, rights of way and other matters of record; applicable laws, ordinances, statutes, orders, requirements and regulations to which the Property is subject; and all matters disclosed by an accurate survey of the Property.

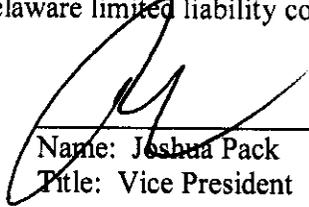
TO HAVE AND TO HOLD the Property, together with all and singular the rights, hereditaments, and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through, or under Grantor but not otherwise.

[Remainder of page intentionally left blank; Signatures on following pages]

Executed this 29 day of April, 2011.

GRANTOR:

FIGRYANH LLC,
a Delaware limited liability company

By: 

Name: Joshua Pack

Title: Vice President

Address:

Attn: Drawbridge Special Opportunities Fund
1345 Avenue of the Americas, 46th Floor
New York, NY 10105

(ACKNOWLEDGMENT)

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

On April 21, 2011, before me, Katherine Anne Alpert, Notary Public, personally appeared Joshua Pack, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Katherine Anne Alpert

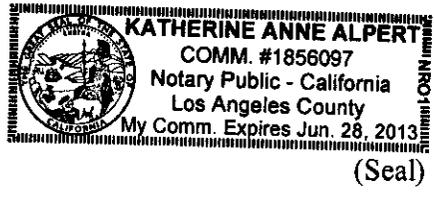


EXHIBIT A

Legal Description

Property in Sutton Place Planned Unit Development, Part of Section 26, Township 1 South, Range 8 West, Horn Lake, DeSoto County, Mississippi:

Being all of Lot 5 of revised plat of Sutton Place Planned Unit Development as now recorded in Plat Book 46, Page 17 at the Chancery Clerk's Office in DeSoto County, Mississippi, in Section 26, Township 1 South, Range 8 West, DeSoto County, Mississippi.

Together with a 30.0 foot perpetual non-exclusive easement for ingress-egress over and across the following described tract:

Easement 1:

Commencing at the Southeast corner of Section 26, said point being the centerline of Goodman Road -- Mississippi Highway 302; thence N 00° 38' 38" W along the East Section 26 line, a distance of 60.00 feet to a point, said point being the North line of Goodman Road; thence S 89° 16' 35" W along the North line of Goodman Road, a measured distance of 241.03 feet (called 241.10 feet) to a point, said point lying 60.00 feet North of the centerline of Goodman Road and being the Southwest corner of Lot 5 of Sutton Place Planned Unit Development; thence N 86° 24' 38" W along the North line of Goodman Road, a distance of 199.45 feet North to a found iron pin, said pin being 75.00 feet North of the centerline of Goodman Road; thence S 89° 16' 35" W continuing along the North line of Goodman Road, a measured distance of 7.06 feet (called 7.50 feet) to a found iron pin, said pin being the Southeast corner of the open area of said subdivision; thence N 00° 13' 27" W along the East line of the open area, measured distance of 200.01 feet (called 200.00 feet) to a point, said point being the South line of Lot 7 of said planned unit development thence S 89° 16' 35" W along the South line of Lot 7, a distance of 20.97 feet to the point of beginning, said point lying on the East line of Street 1 (75 foot right-of-way); thence along the East line of Street 1 with a curve to the right, having a 394.14 foot radius, an arc distance of 31.46 feet (chord N 16° 45' 54" E 31.45 feet) to a point; thence N 89° 16' 35" E, a distance of 19.71 feet to a point; thence S 89° 24' 30" E, a distance of 132.07 feet to a point; thence S 00° 13' 27" E, a distance of 30.07 feet to a point, said point being the North line of Lot 4 of the said planned unit development; thence N 86° 24' 38" W along the North line of Lot 4, a distance of 132.94 feet to a point; thence S 89° 16' 35" W containing along the North line of Lot 4 and the North line of open area, a distance of 28.03 feet to the point of beginning and containing 4,200 square feet or 0.096 acres, as granted by that certain Access Easement, dated April 27, 1994, by and between RJF Investment Company and Ryans Family Steak Houses Inc. and filed on May 26, 1994 in Book 271, Page 364, DeSoto County Records.