

7/15/11 2:46:33  
DK W BK 661 PG 128  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

7/29/11 9:49:10  
DK W BK 662 PG 1  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

RECORD AND RETURN TO:  
LUCKETT LAND TITLE, INC.  
10 LAKELAND CIRCLE  
JACKSON, MS 39216  
11-0759-KW

Prepared By:  
Baker Donelson Bearman Caldwell & Berkowitz, PC  
William S. Mendenhall  
4268 I-55 North  
Jackson, Mississippi 39211  
(601) 351-2400  
MS Bar # 2469

Return To:  
Levenfeld Pearlstein, LLC  
Thomas G. Jaros  
2 N. LaSalle Street, Suite 1300  
Chicago, Illinois 60602

INDEXING INSTRUCTIONS:

Lot 1, ~~Olive Branch Partners Industrial Park~~ subdivision, S25, T1S, R6W, DB 104 Pg 29-30

**SPECIAL WARRANTY DEED**

As of July 14, 2011

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we

**AMERICAN FUND US INVESTMENTS LP,**  
a Delaware limited partnership ("**GRANTOR**")  
c/o Real Estate Capital Partners  
114 W. 47th Street, 23rd Floor  
New York, NY 10036  
Telephone: (212) 843-6120

do hereby grant, bargain, sell, convey and specially warrant unto

**AP POLK LANE LLC,**  
a Delaware limited liability company ("**GRANTEE**")  
c/o AREA Property Partners  
3340 Peachtree Road NE, Suite 1660  
Atlanta, Georgia 30326  
Telephone: (678) 538-1919

the property lying and being situated in DeSoto County, Mississippi, (the "Property") and being more particularly described as follows:

(See Exhibit A attached)

This being the same property conveyed to Grantor by the Deed dated September 4, 2008, of record in Deed Book 593, Page 40 in the Office of the Chancery Court Clerk for DeSoto County, Mississippi.

**\*\*RE-RECORDED TO CORRECT LEGAL DESCRIPTION\*\***

LP 2847626.1 \ 34808-87931  
DMSLIBRARY01-16904207.1

TO HAVE AND TO HOLD the aforesaid Property with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee, its successors and assigns in fee simple forever.

Grantor does hereby covenant with Grantee that Grantor is lawfully seized in fee of the Property, that Grantor has a good right to sell and convey the Property and that the Property is unencumbered except for the following:

- (a) Liens for ad valorem taxes not payable on or before the date of the recording of this Indenture;
- (b) All matters that would be revealed by a current, accurate ALTA/ASCM survey of the Property or a physical inspection of the Property;
- (c) The rights of Diamond Comic Distributors, Inc., under that certain Lease Agreement dated September 13, 2007, as amended prior to the date hereof;
- (d) All matters listed and described on **Exhibit B** attached hereto;
- (e) Any and all matters created by, through or under Grantee.

And Grantor does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the Property to the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has caused this deed to be signed as of the day and year first above written.

**GRANTOR:**

**AMERICAN FUND US INVESTMENTS LP,**  
a Delaware limited partnership

By: American Fund US Investments GP LLC,  
a Delaware limited liability company,  
its General Partner

By: Andre R. Kinney  
Name: Andre R. Kinney  
Title: Manager

STATE OF VIRGINIA  
COUNTY OF FAIRFAX

Personally appeared before me, Andre R. Kinney the undersigned authority in and for the said county and state, on this 13<sup>th</sup> day of JULY, 2011, within my jurisdiction, the within named Andre R. Kinney, who acknowledged that he is the Manager of American Fund US Investments GP LLC, a Delaware limited liability company, General Partner of American Fund US Investments LP, a Delaware limited partnership and that for and on behalf of said limited liability company, as General Partner of the aforesaid limited partnership, and as the act and deed of said limited liability company and as the act and deed of said limited partnership, he executed the above and foregoing instrument, after first having been duly authorized by said company so to do.

Nancy B. Hahn  
Notary Public NANCY B. HAHN

My Commission Expires: MAY 31, 2015



Nancy B. Hahn  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7110480  
My Commission Expires  
May 31, 2015



KW

EXHIBIT "A"

OBP INDUSTRIAL PARK

Lot 1, ~~Olive Branch Partners Industrial Park subdivision~~, situated in Section 25, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 104 Pages 29 and 30 in the office of the Chancery Clerk of DeSoto County, Mississippi.

## EXHIBIT "B"

## Permitted Exceptions

1. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on and under subject property.
2. Right of Way Easement as to Lot 2 in favor of Northcentral Mississippi Electric Power Association recorded in Book 338 at Page 559 in the Office of the Chancery Clerk of Desoto County, Mississippi.
3. Utility Easement as to Lot 2 in favor of The City of Olive Branch, Mississippi, recorded in Book 338 at Page 562 in the office of the Chancery Clerk of Desoto County, Mississippi.
4. Reciprocal Easement Agreement dated September 4, 2008, recorded in Book 593, Page 46 in the office of the Chancery Clerk of Desoto County, Mississippi.
5. Drainage Easement dated December 11, 1998, recorded in Book 79, Page 495 in the Office of the Chancery Clerk of Desoto County, Mississippi.
6. The following matters shown on the subdivision plat recorded in Book 104, Page 29, in the records of Desoto County: (i) 100' drainage easement along the North boundary line of the Property, and (ii) 20' public sewer easement along the east boundary line of the Property (iii) 60' roadway and utility easement located in the northeast portion of the property (v) 10' right of way along the eastern boundary of the property (abutting Polk Lane).