

Prepared by and return to:

BRUCE E. SANDS

Attorney at Law

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Fort Myers, FL 33902

239-344-1100

File Number: BES Gates Redst

Will Call No.: 12

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## Special Warranty Deed

**This Special Warranty Deed** made this 2nd day of November, 2005 between Briarwood Shopping Center, LLC, a Florida limited liability company whose post office address is 12810 Tamiami Trail North, Naples, FL 34110, grantor, and Lowe's Home Centers, Inc., a North Carolina corporation whose post office address is Highway 268 East (East Dock), North Wilkesboro, NC 28659, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Collier County, Florida, to-wit:

See Exhibit "A" attached hereto.

Parcel Identification Number: 24755002504

Subject to:

1. Taxes and assessments for the year 2005 and subsequent years.
2. Collier County Ordinance No. 90-87 establishing a Regional Sewer System and providing for impact fees.
3. Restrictions, conditions, reservations, easements and other matters contained on the Plat of BRIARWOOD PLAZA, as recorded in Plat Book 17, Pages 24 and 25, Public Records of Collier County, Florida.
4. Resolution of the Board of County Commissioners of Collier County, Florida, acting as the District Board of County Water-Sewer District of Collier County, establishing Assessment District "R" as set forth in instrument recorded in Official Records Book 417, Page 985, of the Public Records of Collier County, Florida.

3729535 OR: 3925 PG: 1996

RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL  
11/08/2005 at 03:53PM DWIGHT E. BROCK, CLERK

CONS 13525000.00  
REC FEE 35.50  
DOC-.70 94675.00

Retn:  
KATZ BARRON ET AL  
2699 S BAYSHORE DR 7TH FL  
MIAMI FL 33133

DoubleTime®

5. Easement Agreement recorded in Official Records Book 1500, Page 796, of the Public Records of Collier County, Florida.
6. Grant of Easement granted to Collier County, recorded in Official Records 1575, Page 2139, which supersedes the Grants of Easement recorded in Official Records Book 1502, Page 865, and in Official Records Book 1502, Page 862 of the Public Records of Collier County, Florida.
7. Grant of Easement granted to Collier County, recorded in Official Records Book 1502, Page 862, of the Public Records of Collier County, Florida.
8. Cross Easement Agreement recorded in Official Records Book 1593, Page 2350, of the Public Records of Collier County, Florida.
9. Road right-of-way, sidewalk, utility, drainage and maintenance easement and slope, utility and maintenance easement granted to Collier County, and described as Parcel 102A and Parcel 902-OT in Order of Taking recorded in Official Records Book 2445, Page 3125, and in Stipulated Final Judgment recorded in Official Records Book 2692, Page 1083, of the Public Records of Collier County, Florida.
10. Terms, covenants, conditions and other matters contained in the Agreement between Board of County Commissioners, Collier County, Florida and McAlpine (Briarwood), Inc., a Florida corporation, recorded June 1, 2000, in Official Records Book 2681, Page 2727, of the Public Records of Collier County, Florida.
11. Easement granted to Collier County, recorded in Official Records Book 2681, Page 2741, of the Public Records of Collier County, Florida.
12. Rights of Purnie William Draper (d/b/a Gator Made Golf) as a month-to-month tenant under an unrecorded Surrender Agreement and the rights of all parties claiming by, through, or under said lease or occupancy agreement.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Briarwood Shopping Center, LLC, a Florida limited liability company

Karen B. Ankney  
Witness Name: Karen B. Ankney

By: [Signature]  
STEPHEN V. ROBISON, Manager

Lisa Thomason  
Witness Name: Lisa Thomason

State of Florida  
County of Collier

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of October, 2005 by STEPHEN V. ROBISON, Manager of GM Realty Holding Company, LLC, a Florida limited liability company, the manager of Briarwood Shopping Center, LLC, a Florida limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

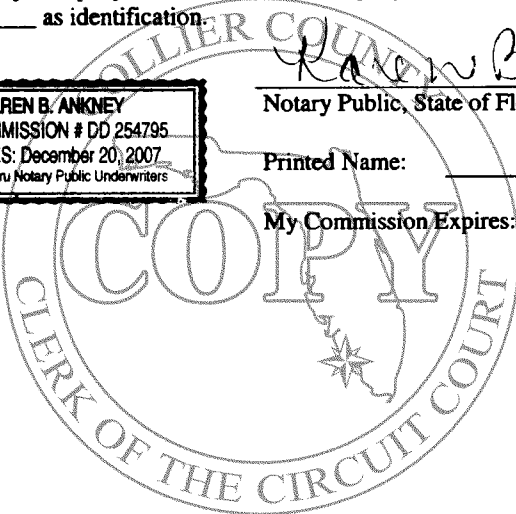
[Notary Seal]



Karen B. Ankney  
Notary Public, State of Florida

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



LEGAL DESCRIPTION

TRACT A AND TRACT B, "BRIARWOOD PLAZA", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGES 24 AND 25, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE WESTERLY 100 FEET AND THE SOUTHERLY 25 FEET OF TRACT A;

AND ALSO LESS AND EXCEPT THE FOLLOWING:

A PORTION OF TRACT "A" OF "BRIARWOOD PLAZA", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGES 24 AND 25, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE NORTH 00°16'23" EAST ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 75.07 FEET; THENCE NORTH 87°46'05" EAST, A DISTANCE OF 100.10 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°16'23" EAST, A DISTANCE OF 45.00 FEET; THENCE SOUTH 45°58'46" EAST, A DISTANCE OF 62.23 FEET; THENCE SOUTH 87°46'05" WEST, A DISTANCE OF 45.00 FEET TO THE SAID POINT OF BEGINNING.

CONTAINING 695,507.89 SQUARE FEET OR 15.97 ACRES, MORE OR LESS.

EXHIBIT "A"