



Commercial Real Estate
Due Diligence Management
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ALTA/NSPS Land Title Survey

Summer Center

Surveyor Certification

Summer Center

4270 Summer Ave.
Memphis, TN 38122
County of Shelby

To: FREP IV - SUMMER CENTER, LLC; JOHNSON, POPE, BOKOR, RUPPEL & BURNS, LLP; Summer Center Memphis, LLC, Island Abstract Inc., Trust Bank; it's Successors and/or Assigns, as their interest may appear; Fidelity National Title Insurance Company; and American National, LLC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10, 13, 14, 16, 17, 19, 20 of Table A thereof. The fieldwork was completed on 23 February 2023.

Robert Paul Bannerman, RLS
Land Surveyor Number 2037
In state of Tennessee
Date of Plat or Map: 23 February 2023
Date of first revision: 27 February 2023
Date of second revision: 27 March 2023
Date of last revision: 25 April 2023



Network reference #20230116-1

Survey Prepared By:
All Terrain Surveying, LLC
7619 Parkmont Drive
Memphis, TN 38125
Survey Updates: surveys@amnational.net

Title Commitment Description

THE FOLLOWING DESCRIBED TRACT OR PARCEL OF LAND LIVING AND BEING IN SHELBY COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL I

LOT 1, SUMMER CENTER RESUBDIVISION OF LOT 1, SUMMER CENTER SUBDIVISION AS RECORDED IN PLAT BOOK 21, PAGE 12, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SUMMER AVENUE (92 FOOT R.O.W.), SAID POINT BEING 366.97 FEET WEST OF THE WEST LINE OF WARING ROAD (60 FOOT R.O.W.); THENCE WESTWARDLY ON A BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 530.80 FEET TO A POINT; THENCE NORTHWARDLY ON A BEARING OF NORTH 00 DEGREES 22 MINUTES 00 SECONDS WEST A DISTANCE OF 836.80 FEET TO A POINT, SAID POINT BEING IN THE SOUTH LINE OF TUTWILER AVENUE (60 FOOT R.O.W.); THENCE EASTWARDLY ON A BEARING OF SOUTH 89 DEGREES 24 MINUTES 00 SECONDS EAST A DISTANCE OF 53.70 FEET TO A POINT; THENCE SOUTHWARDLY ON A BEARING OF SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 150.00 FEET TO A POINT; THENCE EASTWARDLY ON A BEARING OF SOUTH 89 DEGREES 24 MINUTES 00 SECONDS EAST A DISTANCE OF 300.00 FEET TO A POINT; THENCE SOUTHWARDLY ON A BEARING OF SOUTH 00 DEGREES 09 MINUTES 00 SECONDS EAST A DISTANCE OF 7.45 FEET TO A POINT; THENCE EASTWARDLY ON A BEARING OF NORTH 89 DEGREES 50 MINUTES 00 SECONDS EAST A DISTANCE OF 190.60 FEET TO A POINT; THENCE SOUTHWARDLY ON A BEARING OF SOUTH 00 DEGREES 08 MINUTES 00 SECONDS EAST A DISTANCE OF 30.00 FEET TO A POINT; THENCE EASTWARDLY ON A BEARING OF NORTH 89 DEGREES 52 MINUTES 00 SECONDS A DISTANCE OF 290.00 FEET TO A POINT; THENCE SOUTHWARDLY ON A BEARING OF SOUTH 00 DEGREES 08 MINUTES 00 SECONDS EAST A DISTANCE OF 60.00 FEET TO A POINT; THENCE EASTWARDLY ON A BEARING OF NORTH 89 DEGREES 52 MINUTES 00 SECONDS EAST A DISTANCE OF 93.00 FEET TO A POINT; SAID POINT BEING IN THE WEST RIGHT OF WAY LINE OF SAID WARING ROAD; THENCE SOUTHWARDLY ALONG THE SAID RIGHT OF WAY OF WARING ROAD ON A BEARING OF SOUTH 02 DEGREES 27 MINUTES 00 SECONDS WEST A DISTANCE OF 341.80 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, RUN WESTWARDLY ON A BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 317.71 FEET TO A POINT; THENCE SOUTHWARDLY ON A BEARING OF SOUTH 00 DEGREES 08 MINUTES 00 SECONDS EAST A DISTANCE OF 59.40 FEET TO A POINT; THENCE WESTWARDLY ON A BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 60.00 FEET TO A POINT; THENCE SOUTHWARDLY ON A BEARING OF SOUTH 00 DEGREES 08 MINUTES 00 SECONDS EAST A DISTANCE OF 186.19 FEET TO THE POINT OF BEGINNING.

PARCEL II

PART OF LOTS 3 AND 4 OF H. B. EVERETT'S SUBDIVISION OF WOLF WEST 20 ACRES OF C. BLATT 38.95 ACRES, AS RECORDED IN BOOK 3186, PAGE 576, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SUMMER AVENUE (92 FOOT R.O.W.), SAID POINT BEING 180.40 FEET WEST OF THE WEST LINE OF WARING ROAD (60 FOOT R.O.W.); THENCE WESTWARDLY ON A BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 126.57 FEET TO A POINT; THENCE NORTHWARDLY ON A BEARING OF NORTH 00 DEGREES 08 MINUTES 00 SECONDS WEST A DISTANCE OF 126.59 FEET TO A POINT; THENCE EASTWARDLY ON A BEARING OF SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 126.48 FEET TO A POINT; THENCE SOUTHWARDLY ON A BEARING OF SOUTH 00 DEGREES 09 MINUTES 19 SECONDS EAST A DISTANCE OF 245.59 FEET TO THE POINT OF BEGINNING.

PARCEL III

INGRESS AND EGRESS EASEMENT BENEFITING PARCEL 1 CONTAINED IN EASEMENT AGREEMENT OF RECORD IN RECORD BOOK 4657, PAGE 293, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

PARCEL IV

PARKING EASEMENT AND RECIPROCAL ACCESS EASEMENTS BENEFITING PARCEL 1 CONTAINED IN PARKING AND MUTUAL ACCESS EASEMENT OF RECORD IN INSTRUMENT 02088431, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

BEING THE SAME PROPERTY CONVEYED TO FREP IV-SUMMER CENTER, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY SPECIAL WARRANTY DEED FROM BOB SUMMER CENTER, LLC, A MARYLAND LIMITED LIABILITY COMPANY OF RECORD IN INSTRUMENT NO. 18064482, REGISTER'S OFFICE FOR SHELBY COUNTY, TENNESSEE, DATED JUNE 27, 2018 AND RECORDED ON JUNE 28, 2018.

The lands surveyed, shown and described hereon are the same lands as described in the title commitment issued by Fidelity National Title Insurance Company, Commitment No. 20230205CTN, Commitment Date January 30, 2023, at 08:00 AM.

Legend of Symbols & Abbreviations

| | | | |
|-------|----------------------------|---|----------------------|
| ⊕ | utility pole | ⊗ | sewer manhole |
| → | guy wire | ⊗ | sewer clean out |
| ⊞ | electrical pedestal | ⊗ | drain manhole |
| — E — | overhead utility line | ⊞ | drop inlet |
| ☆ | light pole | ⊞ | fire hydrant |
| ⊞ | telephone splice box | ⊞ | post indicator valve |
| — T — | underground telephone line | ⊞ | water valve |
| X | fence | ⊞ | water meter |
| ○ | #4 rebar | ⊞ | gas valve |
| R | recorded | ⊞ | gas meter |
| S | surveyed | ⊞ | gas meter |
| BH | building height | ⊞ | gas line |
| ♿ | handicap parking space | ⊞ | monitoring well |
| Ⓟ | parking space | ⊞ | fuel filler |
| ⊞ | gas pump | ⊞ | unknown manhole |

Encroachment Statement

- A Pavement and curb extends 6.6' onto adjoining
- B Concrete extends 2.5' onto subject

ALTA/NSPS Surveyor's Notes

Table A notes:

2 Address 4304 Summer Avenue, Memphis, Tennessee per Shelby County GIS website.

4 Gross land area:
PARCEL I: 524,202 ± square feet, being 12.03 acres
PARCEL II: 31,074 ± square feet, being 0.71 acres
Total: 555,276 ± square feet, being 12.74 acres

9 See "Zoning Information" table concerning parking

10 No party walls.

14 The site is located at the nearest road intersection being Summer Avenue and Estridge Drive.

16 No evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.

17 No known proposed changes in street right of way lines. No observable evidence of recent street or sidewalk construction or repairs.

Other ALTA/NSPS notes:

5.B.iii. There is direct access to Summer Avenue, Waring Road, and Tutwiler Avenue, all being paved and public roads.

5.F. No cemeteries, gravesites or burial grounds observed on the subject property.

6.B.iv. The legal description closes. The basis of bearing is Tennessee state plane coordinate system.

6.B.vii. There are no gaps or overlaps per provided documents or observed field evidence.

6.D.(h) All Terrain Surveying

7619 Parkmont Drive
Memphis, TN 38125
9017581533
www.allterrainsurveying.com
ats@allterrainsurveying.com

Notes Corresponding to Schedule B

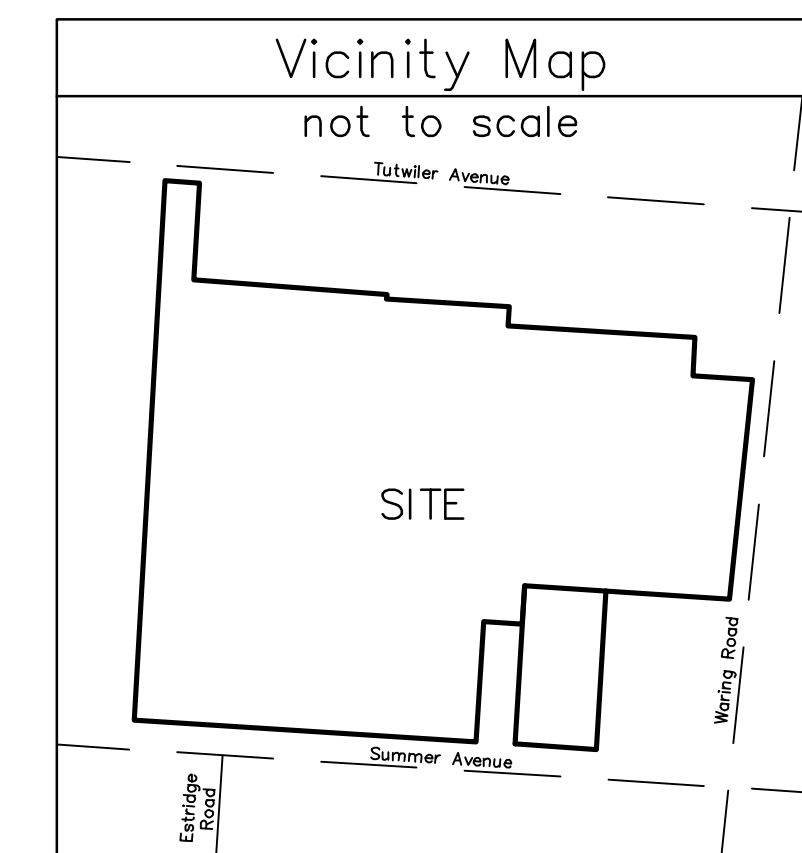
- 10. Subject to all matters shown on the Plan of record in Plat Book 20, Page 46, and amended in Instrument No. 85-0529, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 11. Subject to all matters shown on the Plan of record in Plat Book 21, Page 12, and amended at Instrument No. 85-0530, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 12. Subject to all matters shown on the Plan of record in Plat Book 137, Page 90, in the Register's Office for Shelby County, Tennessee. *No elements to plot*
- 13. Subject to all matters shown on the Plan of record in Plat Book 159, Page 49, in the Register's Office for Shelby County, Tennessee. *No elements to plot*
- 14. Title to all oil, gas, minerals, and gravel within and underlying the Land reserved to the Grantor and its successors and assigns in the Special Warranty Deed from WNI/Tennessee, CP, a Delaware limited partnership (Grantor) to BOB Summer Center, LLC, a Maryland limited liability company (Grantee) of record in Instrument No. 13074536, in the Register's Office for Shelby County, Tennessee, which Deed includes the following: "Grantor, however, hereby waives and releases all rights of ingress and egress and other rights of every kind and character whatsoever to enter upon or use the surface of the land for the purpose of exploring for, developing, drilling, producing, transporting, mining, treating, storing or any other purposes incident to the development or production of the oil, gas or other minerals in on or under the Land so that Grantee and its successors and assigns shall have the free, complete and uninterrupted use of the surface of the Land. The foregoing waiver shall not, however, restrict or prohibit the pooling or unitization of the Mineral Estate with land in addition to the Property or the exploration or production of the Mineral Estate by means of wells that are drilled or mines that open on land other than the Land but enter or bottom under the Land. *Affects PARCEL I and PARCEL II, noting to plot*
- 15. Sewer Line Easement of record in Book 2636, Page 19, in the Register's Office for Shelby County, Tennessee. *Referenced instruments required*
- 16. Easement Contract of record in Book 3630, Page 280, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 17. Restrictions as set forth in Deed of record in Book 3658, Page 262, in the Register's Office for Shelby County, Tennessee. *Affects, blanket*
- 18. Restrictions as set forth in Warranty Deed of record in Book 3726, Page 118, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 19. Uniform Gas and Water Easement of record in Book 3682, Page 617, in the Register's Office for Shelby County, Tennessee. *Referenced instruments required*
- 20. Easement Contract of record in Book 3735, Page 295, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 21. Easement Contract of record in Book 4011, Page 164, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 22. Easement Contract of record in Book 4657, Page 293, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 23. Harrison Creek Drainage District Easement of record in Instrument Number E1-3250, in the Register's Office for Shelby County, Tennessee. *Referenced document required*
- 24. Parking and Mutual Access Easement of record in Instrument Number 02088431, in the Register's Office for Shelby County, Tennessee. *Plotted*
- 25. Terms and provisions of Lease dated April 12, 1990, by and between Westco Development No. 7, Inc., a Delaware corporation, Landlord, and The Kroger Co., an Ohio corporation, Tenant, of record in Instrument Number BT-2189, and amended by Lease Amendment No. 1 of record in Instrument Number 21122750, in the Register's Office for Shelby County, Tennessee. *Affects, blanket*
- 26. Terms and provisions of Lease by and between WNI/Tennessee, LP, Landlord, and Ross Dress for Less, Inc., Tenant, as evidenced by the Memorandum of Lease of record in Instrument Number 06064164, in the Register's Office for Shelby County, Tennessee. *Plotted*

Zoning Information

| STATUS | CMU-3 (Commercial Mixed Use District) | STATUS |
|---------------------|---------------------------------------|-------------|
| ITEM | REQUIRED | OBSERVED |
| PERMITTED USE | Shopping Center | retail |
| MIN. LOT AREA | None | 12.74 acres |
| MIN. FRONTAGE | 50' | 1052.87' |
| MAX. BLDG COVERAGE | None | 28% |
| MIN. SETBACKS FRONT | 20' | 68.3' |
| MIN. SETBACKS SIDE | see note 1 | 27.3' |
| MIN. SETBACKS REAR | 20' | na |
| MAX BUILDING HEIGHT | 75' | 42' |
| PARKING REGULAR | not provided | 518 |
| PARKING HANDICAP | not provided | 33 |
| PARKING TOTAL | not provided | 551 |

Notes:

- 1. Zoning report, Dated: February 9, 2023, Project Number: 20230116, prepared by BrittanySweeney, American National.
- 2. 20' Abutting Residential: 10' Abutting Non Residential: 5'
- 3. Abutting Residential: 10' Abutting Non Residential: 5'



FLOOD NOTE:

By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map 47157C0293G (not printed), Community Panel No. 470177, which bears an effective date of September 28, 2007 and is not in a Special Flood Hazard Area.



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I hereby certify that this is a category I survey and the ratio of the precision of the unadjusted survey is 1:10000 as shown hereon.

Robert Paul Bannerman, RLS
Tenn. Reg. No. 2037

