

DOUGLAS COUNTY, NV

2019-925449

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MCCOY & ORTA, P.C.

KAREN ELLISON, RECORDER

**ASSIGNMENT OF DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS AND
SECURITY AGREEMENT**

STARWOOD MORTGAGE FUNDING II LLC, a Delaware limited liability company
(Assignor)

to

STARWOOD MORTGAGE CAPITAL LLC, a Delaware limited liability company
(Assignee)

Effective as of December 20, 2018

County of Douglas
State of Nevada

DOCUMENT PREPARED BY AND WHEN RECORDED, RETURN TO:

McCoy & Orta, P.C.
100 North Broadway, 26th Floor
Oklahoma City, Oklahoma 73102
Telephone: 888-236-0007

ASSIGNMENT OF DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS AND SECURITY AGREEMENT

As of the 20th day of December, 2018, STARWOOD MORTGAGE FUNDING II LLC, a Delaware limited liability company, having an address at 1601 Washington Avenue, Suite 800, Miami Beach, FL 33139 ("Assignor"), as the holder of the instrument hereinafter described and for valuable consideration hereby endorses, assigns, sells, transfers and delivers to STARWOOD MORTGAGE CAPITAL LLC, a Delaware limited liability company, having an address at 1601 Washington Avenue, Suite 800, Miami Beach, FL 33139 ("Assignee"), its successors, participants and assigns, without recourse or warranty, all right, title and interest of Assignor in and to that certain:

DEED OF TRUST, ASSIGNMENT OF LEASES AND RENTS AND SECURITY AGREEMENT made by ROUND HILL SC, LLC, a Nevada limited liability company, DAVIDSON RETAIL I LLC, a Nevada limited liability company and DAVIDSON RETAIL II LLC, a Nevada limited liability company to STARWOOD MORTGAGE CAPITAL LLC, a Delaware limited liability company dated as of September 27, 2018 and recorded on September 27, 2018, as Instrument Number 2018-920148 in the Recorder's Office of the Recorder of Douglas County, Nevada ("Recorder's Office") (as the same may have been amended, modified, restated, supplemented, renewed or extended) ("Deed of Trust"), securing payment of note(s) of even date therewith, in the original principal amount of \$21,025,000.00, and creating a first lien on the property described in Exhibit A attached hereto and by this reference made a part hereof.

The Deed of Trust was assigned to STARWOOD MORTGAGE FUNDING II LLC, A DELAWARE LIMITED LIABILITY COMPANY, by assignment instrument(s) dated as of September 27, 2018 and recorded on September 27, 2018, as Instrument Number 2018-920152, in the Recorder's Office.

Together with any and all other liens, privileges, security interests, rights, entitlements, equities, claims and demands as to which Assignor hereunder possesses or to which Assignor is otherwise entitled as additional security for the payment of the notes and other obligations described herein.

This instrument shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

[SIGNATURE(S) ON THE FOLLOWING PAGE]

3rd IN WITNESS WHEREOF, the Assignor has caused this instrument to be executed this day of January, 2019.

**STARWOOD MORTGAGE FUNDING II LLC,
a Delaware limited liability company**

By: _____
Name: Grace Y. Chiang
Title: Vice President

STATE OF NEW YORK §
 §
COUNTY OF NEW YORK §

On the 3rd day of January, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Grace Y. Chiang, as Vice President of STARWOOD MORTGAGE FUNDING II LLC, a Delaware limited liability company, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

WITNESS my hand and official seal.

Name of Notary Public
My Commission Expires:

DESMOND MCWEENEY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC6330849
Qualified in Nassau County
My Commission Expires September 28, 2019

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND LOCATED WITHIN A PORTION OF SECTION 15, TOWNSHIP 13 NORTH, RANGE 18 EAST, MOUNT DIABLO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15;
THENCE ALONG THE SECTION LINE COMMON TO SECTIONS 15 AND 22 NORTH 89°54'09" WEST, 1513.39 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 50 AS DESCRIBED IN THE CONVEYANCE TO THE STATE OF NEVADA RECORDED JULY 18, 1933 IN THE OFFICE OF RECORDER, DOUGLAS COUNTY, NEVADA IN BOOK T OF DEEDS, AT PAGE 436;
THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY NORTH 47°36'00" WEST, 674.72 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND SHOWN AS NEVADA ALLIED INDUSTRIES ON THE RECORD OF SURVEY FOR NEVADA ALLIED INDUSTRIES RECORDED SEPTEMBER 25, 1980 IN THE OFFICE OF RECORDER, DOUGLAS COUNTY, NEVADA, IN BOOK 980, AT PAGE 1969, AS DOCUMENT NO. 48927, A FOUND 3/4" IRON PIPE AND PLUG RLS 3519;
THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY NORTH 47°36'00" WEST, 152.81 FEET TO THE POINT OF BEGINNING;
THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY NORTH 47°36'00" WEST, 437.47 FEET TO THE SOUTHEASTERLY CORNER OF PARCEL #1 AS SHOWN ON SAID RECORD OF SURVEY;
THENCE NORTH 84°15'35" EAST, 25.88 FEET;
THENCE NORTH 42°24'00" EAST, 50.32 FEET;
THENCE NORTH 26°07'31" WEST 18.56 FEET;
THENCE NORTH 42°24'00" EAST, 13.61 FEET;
THENCE NORTH 47°36'00" WEST, 120.00 FEET;
THENCE SOUTH 42°24'00" WEST, 71.06 FEET;
THENCE NON-TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 29.50 FEET, CENTRAL ANGLE OF 46°39'32", AN ARC LENGTH OF 24.02 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 24°01'56" EAST, 23.37 FEET;
THENCE SOUTH 47°21'42" EAST, 68.90 FEET;
THENCE SOUTH 36°36'19" EAST, 20.91 FEET;
THENCE SOUTH 17°25'22" EAST, 10.60 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 50;
THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY NORTH 47°36'00" WEST, 175.55 FEET TO THE SOUTHEASTERLY CORNER OF SHELL OIL COMPANY, A.P.N. 05-290-01, AS RECORDED IN THE OFFICE OF RECORDER, DOUGLAS COUNTY, NEVADA IN BOOK 1094, AT PAGE 559;
THENCE ALONG THE BOUNDARY OF SAID SHELL OIL COMPANY THE FOLLOWING FIVE COURSES:

THENCE NORTH 42°24'00" EAST, 88.00 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 82.50 FEET, CENTRAL ANGLE OF 46°00'00", AND AN ARC LENGTH OF 66.24 FEET;
THENCE NORTH 03°36'00" WEST, 65.41 FEET;
THENCE SOUTH 80°30'10" WEST, 117.91 FEET;
THENCE SOUTH 42°24'00" WEST, 100.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 50;
THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY NORTH 47°36'00" WEST, 14.45 FEET;
THENCE NORTH 42°24'00" EAST, 545.28 FEET;
THENCE SOUTH 52°35'03" EAST, 40.63 FEET;
THENCE NORTH 68°56'23" EAST 164.88 FEET;
THENCE NORTH 04°43'13" WEST, 17.70 FEET;
THENCE SOUTH 59°30'37" EAST, 128.00 FEET;
THENCE SOUTH 76°36'23" WEST, 67.98 FEET;
THENCE SOUTH 09°08'39" EAST 200.78 FEET;
THENCE SOUTH 09°10'30" EAST, 122.01 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 34.12 FEET, CENTRAL ANGLE OF 89°43'38" AND ARC LENGTH OF 53.43 FEET;
THENCE NORTH 81°05'52" EAST 64.33 FEET;
THENCE SOUTH 12°39'37" EAST, 30.95 FEET;
THENCE SOUTH 35°39'37" EAST, 348.46 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF ELKS POINT ROAD;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 320.00 FEET, CENTRAL ANGLE OF 33°22'12", ARC LENGTH OF 186.37 FEET, CHORD BEARING SOUTH 25°42'54" WEST, AND CHORD LENGTH OF 183.75 FEET;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 42°24'00" WEST, 80.76 FEET;
THENCE NORTH 47°36'00" WEST, 171.43 FEET;
THENCE SOUTH 42°19'21" WEST, 55.58 FEET;
THENCE NORTH 47°36'52" WEST, 31.73 FEET;
THENCE SOUTH 42°24'00" WEST, 63.25 FEET;
THENCE SOUTH 47°36'25" EAST, 26.67 FEET;
THENCE SOUTH 43°32'23" WEST, 70.01 FEET TO THE POINT OF BEGINNING.

NOTE: THE ABOVE METES AND BOUNDS LEGAL DESCRIPTION APPEARED PREVIOUSLY IN THAT CERTAIN DOCUMENT RECORDED SEPTEMBER 22, 2011 IN BOOK 911, PAGE 3871 AS INSTRUMENT NO. 789916 OF OFFICIAL RECORDS, DOUGLAS COUNTY, NEVADA.

PARCEL 2:

THOSE CERTAIN EASEMENTS AS DESCRIBED IN A RECIPROCAL EASEMENT AGREEMENT RECORDED OCTOBER 7, 1980, IN BOOK 1080, AT PAGE 455, AS DOCUMENT NO. 49341, OF OFFICIAL RECORDS, OF DOUGLAS COUNTY, NEVADA.

PARCEL 3:

THOSE CERTAIN EASEMENTS AS DESCRIBED IN DECLARATION OF RECIPROCAL EASEMENT CONTAINED IN DEED RECORDED OCTOBER 5, 1994, IN BOOK 1094, AT PAGE 559, AS DOCUMENT NO. 347650, OF OFFICIAL RECORDS, OF DOUGLAS COUNTY, NEVADA.

PARCEL 4:

THOSE CERTAIN RECIPROCAL EASEMENTS AS DESCRIBED IN DECLARATION OF RECIPROCAL EASEMENT DATED DECEMBER 18, 1998, RECORDED DECEMBER 21, 1998, IN BOOK 1298, AT PAGE 5054, AS DOCUMENT NO. 457043, OF OFFICIAL RECORDS, OF DOUGLAS COUNTY, NEVADA.

PARCEL 5:

THOSE CERTAIN EASEMENTS AS DESCRIBED IN JOINT DECLARATION OF ESTABLISHMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANTS OF EASEMENTS DATED SEPTEMBER 3, 2003, RECORDED SEPTEMBER 11, 2003, IN BOOK 903, AT PAGE 6055, AS DOCUMENT NO. 589683 AND RE-RECORDED SEPTEMBER 11, 2018 AS INSTRUMENT NO. 2018-919428, OF OFFICIAL RECORDS, OF DOUGLAS COUNTY, NEVADA.