

DOUGLAS COUNTY, NV

2023-995236

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MCCOY & ORTA, P.C.

SHAWNYNE GARREN, RECORDER

ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS

**MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC,
a New York limited liability company
(Assignor)**

to

**COMPUTERSHARE TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE FOR
THE BENEFIT OF THE REGISTERED HOLDERS OF BANK 2023-BNK45, COMMERCIAL
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2023-BNK45
(Assignee)**

Effective as of February 23, 2023

Property Address(es): 3790 US-395, Carson City, NV 89701

Parcel No(s): 1420-06-502-017

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 ASSIGNMENT OF LEASES AND RENTS

Effective as of the 23rd day of February, 2023, MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, a New York limited liability company, having an address at 1585 Broadway, 25th Floor, New York, NY 10036 (“Assignor”), as the holder of the instrument hereinafter described and for valuable consideration hereby assigns, sells, transfers and delivers to COMPUTERSHARE TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE BENEFIT OF THE REGISTERED HOLDERS OF BANK 2023-BNK45, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2023-BNK45, having an address at 9062 Old Annapolis Road, Columbia, MD 21045 (“Assignee”), its successors, participants and assigns, without recourse or warranty, all right, title and interest of Assignor in and to that certain:

ASSIGNMENT OF LEASES AND RENTS made by CLEAR CREEK PLAZA DE, LLC, a Delaware limited liability company to MORGAN STANLEY BANK, N.A., a national banking association, dated as of December 5, 2022 and recorded on December 5, 2022, as Document Number 2022-992140 in the Recorder's Office of Douglas County, Nevada (“Recorder's Office”) (as the same may have been amended, modified, restated, supplemented, renewed or extended), securing payment of note(s) of even date therewith, in the original principal amount of \$4,500,000.00, and creating a first lien on the property described in Exhibit A attached hereto and by this reference made a part hereof.

foregoing instrument assigned by MORGAN STANLEY BANK, N.A., a national banking association to MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, a New York limited liability company by assignment instrument recorded simultaneously herewith, 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]

IN WITNESS WHEREOF, the Assignor has caused this instrument to be executed this 23 day of February, 2023, to be effective as of the date first written above.

ASSIGNOR:

**MORGAN STANLEY MORTGAGE
CAPITAL HOLDINGS LLC, a New York
limited liability company**

By: BAW
Name: Brandon Atkins
Title: Vice President

STATE OF NEW YORK §
 §
COUNTY OF NEW YORK §

On the 23 day of February, 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Brandon Atkins, as Vice President of MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, 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 he executed the same in his capacity, and that by his 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.

My Commission Expires:

Signature: R. Nester
Notary Public

Rosalie J. Nester
Notary Public, State of New York
Reg. No. 01NE6366368
Qualified in New York County
Commission Expires October 30, 2025

Rosalie J. Nester
Notary Public, State of New York
Reg. No. 01NE6366368
Qualified in New York County
Commission Expires October 30, 2025

Reference No.: 8256.014
Matter Name: Clear Creek Plaza
Pool: BANK 2023-BNK45

EXHIBIT A
LEGAL DESCRIPTION

All that certain real property situate in the County of Douglas, State of Nevada, described as follows:

PARCEL 1:

All that certain parcel of land situate in Douglas County, Nevada, being a portion of Section 6, Township 14 North, Range 20 East, M.D.M., and being more particularly described as follows:

Commencing from a 2005 United States Department of the Interior Bureau of Land Management (BLM) brass cap being the center north 1/16 corner of said Section 6;

Thence along the center section line of said Section 6 North 01°00'31" East, a distance of 833.43 feet; Thence South 89°00'10" East, a distance of 80.00 feet to the Point of Beginning.

said point also being on the easterly right-of-way line of Vista Grande Boulevard and the northwest corner of Parcel 1 as shown on Parcel Map LDA 07-062 for Outlot Walmart Store #1648, filed for record October 7, 2009 as Document No. 751901 in the office of the Douglas County Recorder;

Thence along said easterly right-of-way line North 01°00'31" East, a distance of 99.40 feet;

Thence leaving said easterly right-of-way line North 78°56'05" East, a distance of 1,267.29 feet to a point on the east 1/16 line of said Section 6 as referenced on the Record of Survey to support a boundary line adjustment for Edgar S. Roberts, filed for record February 9, 2001 as Document No. 508502 in the office of the Douglas County Recorder;

Thence along said east 1/16 line South 01°05'05" West, a distance of 186.13 feet to the northwest corner of Government Lot 7 as shown on the Plat of the United States Department of the Interior Bureau of Land Management (BLM) Dependent Resurvey and Subdivision of Sections 5, 6 and 7 of Township 14 North, Range 20 East, of the Mount Diablo Meridian, Nevada dated April 29, 1966;

Thence along the north line of said Government Lot 7 South 89°40'53" East, a distance of 329.99 feet to the northerly corner common with said Government Lot 7 and the fractional Government Lot 8 as shown on said Record of Survey to support a boundary line adjustment for Edgar S. Roberts;

Thence along the westerly line of said fractional Government Lot 8 South 01°03'51" West, a distance of 15.71 feet to a point on the westerly right-of-way line of US Highway 395;

Thence along said westerly right-of-way line South 08°32'21" West, a distance of 358.78 feet;

Thence leaving said westerly right-of-way line North 89°00'10" West, a distance of 268.76 feet;

Thence southwesterly along a curve to the left having a radius of 24.50 feet, a central angle of 90°00'00" and an arc length of 38.48 feet to a point on the easterly line, of said Parcel 1 of Parcel Map LDA 07-062 and also being common with the westerly line of Adjusted 13-210-06 of said Record of Survey to support a boundary line adjustment for Edgar S. Roberts:

Thence along said common line non-tangent from preceding course, North 00°59'50" East, a distance of 170.04 feet:

Thence northwesterly along a curve to the left having a radius of 55.50 feet, a central angle of 90°00'00" and an arc length of 87.18 feet to a point on the northerly line of said Parcel 1 of Parcel Map LDA 07-062 and also being common with the southerly line of said Adjusted 13-210-06:

Thence along the said common line between said Parcel 1 and said Adjusted 13-210-06 the following six (6) courses and distances:

North 89°00'10" West, a distance of 620.50 feet:

North 00°59'50" East, a distance of 8.33 feet:

North 89°00'10" West, a distance of 340.00 feet:

South 00°59'50" West, a distance of 18.50 feet:

Southwesterly along a curve to the right having a radius of 1.50 feet, a central angle of 90°00'00" and an arc length of 2.36 feet:

North 89°00'10" West, a distance of 211.15 feet to the Point of Beginning.

This description is referenced with the Record of Survey for Clear Creek Plaza, LLC filed for record November 18, 2022 as Document No. 991762 in the office of the Douglas County Recorder.

Basis of Bearings

The basis of bearings for this survey is based on the Nevada State Plane Coordinate System, West Zone NAD 83(2011) epoch 2010.0000, scaled to ground around 0.00n, 0.00e by the combined scale factor of 1.00020000 as measured from the Douglas County Control Point No. 1 as referenced from the GPS Record of Survey for Douglas County, filed for record August 4, 2022 as Document No. 988160 in the office of the Douglas County Recorder.

Bearings are rotated 00°43'56" clockwise from record bearings as shown on the Record of Survey to support a boundary line adjustment for Edgar S. Roberts, filed for record February 9, 2001 as Document No. 508502 in the office of the Douglas County Recorder.

Prepared by: Todd A. Enke, PLS No. 19734, Resource Concepts, Inc., 340 N. Minnesota St., Carson City, NV 89703, (775) 883-1600

PARCEL 2:

A 40' roadway easement as set forth in deeds recorded as Document Numbers 2457, in Book 876, Page 640, on August 13, 1976 and 132063, in Book 386, Page 1063, on March 12, 1986, Official Records of Douglas County, State of Nevada. Together with all rights for cross access and parking as set forth in that certain "Easements with Covenants and Restrictions Affecting Said Land" ("ECR"), recorded on February 21, 2001, in Book 201, Page 2028, as Document Number 508581.

Excepting therefrom any portion of the above easements located within Parcel 1 above.

