

**Allegheny County**  
**Jerry Tyskiewicz**  
Department of Real Estate  
Pittsburgh, PA 15219

\*\*\*\* Electronically Filed Document \*\*\*\*

**\*\*DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT\*\***

Department of Real Estate Stamp

Document Number: 2021-32100  
Recorded As: ERX-DEED  
Recorded On: September 20, 2021  
Recorded At: 09:48:06 am  
Number of Pages:6  
Book-VI/Pg: Bk-DE VI-18610 Pg-550  
Recording Fee: \$181.75  
Parties:  
NEWBURY VILLAGE PARTNERS L P  
APEX NEWBURY L L C  
Receipt Number: 4005866  
Processed By: Joanna Clark

NOTE-  
  
0256E00075000000  
  
0256E00050000000

Realty Transfer Stamp

Consideration Amt:	\$3750000.00	Commonwealth of Pennsylvania	\$37500.00
Tax Code :	SOUTH FAYETTE TP	Munic-South Fayette Twp	\$18750.00
Tax Amount:	\$75000.00	School District-South Fayette	\$18750.00
Ward :		Munic-Penalty	\$0
99-NO WARD		Munic-Interest	\$0
Stamp Num:	T161538	School-Penalty	\$0
BIK/Lot:	0256E00075000000	School-Interest	\$0
Affidavit:	No		
Exempt:	No		

I hereby certify that the within and foregoing was recorded in the Department of Real Estate's Office in Allegheny County, PA

**\*\*DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT\*\***



*Jerry Tyskiewicz*  
Jerry Tyskiewicz, Director  
Rich Fitzgerald, County Executive

474903

DRE Certified

16-Sep-2021 01:59\Int By: T G

When recorded return to:  
 First American Title Insurance Company  
 National Commercial Services  
 310 Grant Street, Suite 1601  
 Pittsburgh, PA 15219  
 File No. NCS-1051250

**SPECIAL WARRANTY DEED**

*KNOW ALL MEN BY THESE PRESENTS:*

That Newbury Village Partners, LP, a Pennsylvania Limited Partnership, with a mailing address of 2214 Liberty Avenue, Pittsburgh, PA 15222 (the "Grantor"), in consideration of the amount of Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000.00.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged, does hereby grant, bargain, sell and convey to Apex Newbury, LLC, a Delaware limited liability company, with a mailing address of c/o Alpha Capital Partners, LLC, 44 Abele Road, Beacon 1, Suite 304, Bridgeville, PA 15017, and its successors and assigns (the "Grantee"), all of its right, title, and interest in and to that certain tract of real property situated in located in South Fayette Township (Allegheny County), Pennsylvania, and more particularly described in Exhibit A attached hereto, including any and all structures, buildings, facilities or other improvements situated on the real property, and all rights and appurtenances thereunto belonging (collectively, "Real Property").

UNDER AND SUBJECT to all easements, rights of way, reservations, restrictions, covenants and all other matters of record or apparent upon inspection of the Real Property.

EXCEPTING AND RESERVING (i) Grantor's rights and interests in any and all hydrocarbon, oil, gas, coal, and other mineral rights (including any and all hydrocarbon, oil, gas, coal, and other mineral rights under or related to the Real Property) together with the rights to develop, extract, and market the same; and (ii) Grantor's rights and interests in any and all hydrocarbon, oil, gas, coal, and other mineral leases (including any and all such leases related to the Real Property) along with any and all rights, interests, privileges, royalties, revenues, income, receipts, profits and other amounts arising under such hydrocarbon, oil, gas, coal, and other mineral leases.

Grantor does hereby covenant that Grantor shall warrant specially the property hereby conveyed.

TO HAVE AND TO HOLD the Real Property to Grantee, its successors and assigns forever.

**NOTICE: THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE/HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instrument, if any.]**

IN WITNESS WHEREOF, this instrument has been executed and delivered this 15<sup>th</sup> day of September 2021.

"GRANTOR":

**NEWBURY VILLAGE PARTNERS, LP**

By: Newbury Village Management Company, LLC  
Its: General Partner

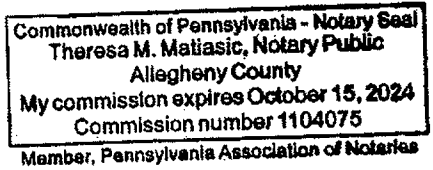
By:   
Name: Brett A. Malky  
Title: President

STATE OF Pennsylvania §  
COUNTY OF Allegheny §  
§

Before me, the undersigned, a Notary Public, in and for said County and State, on this 15<sup>th</sup> day of September 2021, personally appeared Brett A. Malky, President of Newbury Village Management Company, LLC, a Pennsylvania limited liability company, the President of Newbury Village Partners, LP, a Pennsylvania Limited Partnership, to me known to be the identical person who signed the name of the maker thereof to the within and foregoing instrument as such President of the General Partner and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

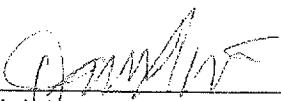
Theresa M. Matiasic  
Notary Public



**NOTICE – THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, ARE FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.**

**GRANTEE:**

**APEX NEWBURY, LLC**

By:   
Name: Akinjide A. Famuagun  
Title: Authorized Signer

**CERTIFICATE OF RESIDENCE**

I do hereby certify:

(1) that the TAX BILL ADDRESS of the within named Grantee is:

**c/o Alpha Capital Partners, LLC  
44 Abele Road, Beacon 1, Suite 304  
Bridgeville, PA 15017**

(2) that the OWNER MAILING ADDRESS of the within named Grantee is:

**c/o Alpha Capital Partners, LLC  
44 Abele Road, Beacon 1, Suite 304  
Bridgeville, PA 15017**

  
For Grantee

**EXHIBIT A**

**LEGAL DESCRIPTION**

**PREMISES A:**

ALL THAT CERTAIN lot or tract of land situate in the Township of South Fayette, County of Allegheny and Commonwealth of Pennsylvania, being known as Parcel B-1, as shown on a certain plan entitled Newbury Plan of Lots - 1st Revision, as recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 261, page 166.

BEING PARCEL NO. 256-E-50

**PREMISES B:**

ALL THAT CERTAIN lot or tract of land situate in the Township of South Fayette, County of Allegheny and Commonwealth of Pennsylvania, being known as Parcel 1, as shown on a certain plan entitled Newbury Plan of Lots - 2nd Revision, as recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 266, page 172.

BEING PARCEL NO. 256-E-75

BEING the same premises which Newbury Development Associates, LP, a Pennsylvania limited partnership, by Deed dated 11/14/2012 and recorded 11/14/2012 in The Department of Real Estate Office of Allegheny County at Deed Book Volume 15068 Page 90, granted and conveyed unto Newbury Village Partners, LP, a Pennsylvania limited partnership, in fee.