

This instrument was prepared by:  
E. H. Camp III  
3841 Green Hills Village, Dr., Suite 400  
Nashville, TN 37215

Return to:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Parcel Number: 24358-000-000**

**Documentary Stamp Tax: \$ \_\_\_\_\_**

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED dated as of April 13<sup>th</sup>, 2023, by **CALLAWAY RETAIL PARTNERS, LLC**, a Delaware limited liability company (“Grantor”), whose mailing address is 3841 Green Hills Village Drive, Suite 400, Nashville, Tennessee 37215 to and in favor of **AULDI CALLAWAY POOH, LLC**, a Delaware limited liability company (“Grantee”), whose mailing address is 101 West 55<sup>th</sup> Street, New York, New York 10019.

**WITNESSETH:**

Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and transfers unto Grantee, its successors and assigns, all that certain land situate in Bay County, Florida, more fully described as follows:

See Exhibit A attached hereto and incorporated herein by reference (the “Land”).

TOGETHER with (a) all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining to the Land; (b) all vegetation, buildings, improvements and fixtures thereon; (c) all rights, privileges, easements and appurtenances thereunto belonging to the Grantor or pertaining to the Land (d) all oil, gas and minerals thereon and thereunder relating to the Land to which Grantor has title, and (e) all roads, improvements, driveways and utility facilities, if any, thereon the Land belonging to Grantor, and all of the foregoing being collectively referred to herein as the “Property.”

TO HAVE AND TO HOLD, the same in fee simple forever.

Grantor does hereby covenant that it is lawfully seized of the above-described Property in fee simple, and warrants that it will forever defend the same against the lawful claims of all persons whomsoever, claiming by, through or under Grantor but against none other, provided, however,

this conveyance is made subject to those matters listed on Exhibit B attached hereto and made a part hereof, none of which is reimposed by reason of the reference thereto on Exhibit B.

*{Remainder of page intentionally left blank; signature page follows}*

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the day and year first above written.

WITNESSES:

CALLAWAY RETAIL PARTNERS, LLC, a Delaware limited liability company

[Signature]  
Print Name: HANNAH WEAVER

By: [Signature]  
William A. Oldacre, Jr., Director

[Signature]  
Print Name: DAVID HEYDASCH

STATE OF TENNESSEE  
COUNTY OF DAVIDSON

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 12<sup>th</sup> day of April, 2023, by William A. Oldacre, Jr., Director of Callaway Retail Partners, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me or has produced \_\_\_\_\_ as identification.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, this 12<sup>th</sup> day of April, 2023.

[Signature]  
Notary Public Debra Sloan  
My Commission Expires: 3/7/2026



**EXHIBIT A**  
**Legal Description of the "Land"**

BEING THE CALLAWAY RETAIL PARTNERS, LLC PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4373, PAGE 1319, BOOK 4440, PAGE 1293, BOOK 4456, PAGE 1321, BOOK 4468, PAGE 1176 AND BOOK 4547, PAGE 1098 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

COMMENCING AT A 5/8" IRON PIN FOUND (NO ID) FOUND AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 7<sup>TH</sup> STREET AND THE WEST RIGHT OF WAY LINE OF STATE ROUTE 30-A; THENCE WITH THE SOUTH RIGHT OF WAY LINE OF SAID 7<sup>TH</sup> STREET N 86°23'13" W A DISTANCE OF 241.69 FEET TO A PK NAIL SET, SAID PK NAIL SET BEING THE TRUE POINT OF BEGINNING OF THIS PARCEL; THENCE LEAVING SAID RIGHT OF WAY LINE WITH PARCEL B, AS FOLLOWS: S 03°20'19" W A DISTANCE OF 248.57 FEET TO A PK NAIL SET; THENCE S 86°36'06" E A DISTANCE OF 28.00 FEET TO A 1/2" IRON PIN SET; THENCE N 03°17'54" E A DISTANCE OF 140.85 FEET TO A 1/2" IRON PIN SET; THENCE S 87°22'01" E A DISTANCE OF 68.59 FEET TO A 5/8" IRON PIN FOUND; THENCE WITH THE PATEL PROPERTY, RECORDED IN BOOK 4287, PAGE 769 S 00°42'44" W A DISTANCE OF 74.97 FEET TO A 1/2" IRON PIN FOUND; THENCE WITH THE HHW PROPERTIES LLC PROPERTY, RECORDED IN BOOK 42, PAGE 1163 S 00°42'44" W A DISTANCE OF 79.86 FEET TO A 5/8" IRON PIN FOUND IN THE NORTH RIGHT OF WAY LINE OF MCCALL DRIVE; THENCE WITH SAID NORTH RIGHT OF WAY LINE, AS FOLLOWS: N 87°29'44" W A DISTANCE OF 148.50 FEET TO A 5/8" IRON PIN FOUND; THENCE N 87°20'22" W A DISTANCE OF 90.01 FEET TO A 1/2" IRON PIN FOUND; THENCE N 87°32'16" W A DISTANCE OF 208.46 FEET TO A 1/2" OPEN TOP PIPE FOUND AT THE INTERSECTION OF MCCALL DRIVE AND CAMELLIA AVE; THENCE WITH THE EAST RIGHT OF WAY LINE OF SAID CAMELLIA AVE N 00°08'17" W A DISTANCE OF 284.23 FEET TO A 1/2" IRON PIN SET AT THE INTERSECTION OF SAID CAMELLIA AVE AND THE SOUTH LINE OF SAID EAST 7<sup>TH</sup> STREET; THENCE WITH THE SOUTH RIGHT OF WAY LINE OF SAID EAST 7<sup>TH</sup> STREET, AS FOLLOWS: S 86°30'22" E A DISTANCE OF 133.34 FEET TO A 1.5" OPEN TOP PIPE FOUND; THENCE S 86°30'22" E A DISTANCE OF 85.04 FEET TO A 1.5" OPEN TOP PIPE FOUND; THENCE S 86°30'46" E A DISTANCE OF 85.19 FEET TO A 5/8" IRON PIN FOUND; THENCE S 01°57'19" W A DISTANCE OF 14.64 FEET TO A 1" OPEN TOP PIPE FOUND; THENCE S 86°23'13" E A DISTANCE OF 56.65 FEET TO A THE POINT OF BEGINNING, HAVING AN AREA OF 109,533 SQUARE FEET, 2.515 ACRES, MORE OR LESS. SAID LAND BEING LOCATED IN SECTION 12, TOWNSHIP 4 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA.

PID: 24358-000-000

Address: 5500 East 7<sup>th</sup> Street  
Callaway, FL 32404

**EXHIBIT B**

**Permitted Exceptions**

1. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
2. Easement in favor of Gulf Power Company, recorded in Official Records Book 209, Page 287, of the Public Records of Bay County, Florida.
3. Easement in favor of Gulf Power Company, recorded in Official Records Book 322, Page 607, of the Public Records of Bay County, Florida.
4. Conveyance for road right of way to the State of Florida recorded in Official Records Book 536, Page 293.
5. Permit for Buried Telephone Lines in favor of Southern Bell Telephone and Telegraph Company recorded in Official Records Book 972, Page 336.
6. Permit for Buried Lines in favor of Southern Bell recorded in Official Records Book 1182, Page 593.
7. Easements for ingress and egress contained in those certain instruments recorded in Official Records Book 1839, Page 1331 and Official Records Book 3523, Page 1950.
8. Grant of Easement in favor of TLC Properties, Inc., record in Official Records Book 3040, Page 818.
9. Unrecorded Lease Agreement by and between Callaway Retail Partners, LLC, as Landlord and ALDI (Florida) LLC, as Tenant, as evidenced by Memorandum of Lease recorded in Official Records Book 4630, Page 239.
10. Underground Easement in favor of Florida Power and Light Company recorded in Official Records Book 4632, Page 1797.
11. All matters shown on Survey prepared by Poly Surveying for Bock & Clark, an NV5 Company, dated 1/10/2023, last revised \_\_\_\_\_ under Project No. 202206961-1.
12. Declaration of Restrictions and Easements by and between Callaway Retail Partners, LLC and D3 Callaway, LLC recorded in Official Records Book 4654, Page 1199.

**NEED UPDATED TITLE COMMITMENT TO COMPLETE**