



07/12/2019 01:01 PM  
City & County of Denver  
Electronically Recorded

R \$43.00

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D \$2,400.00

AFTER RECORDING RETURN TO:

BROWNSTEIN HYATT FARBER SCHRECK, I.L.P  
410 17<sup>TH</sup> STREET, SUITE 2200  
DENVER, COLORADO 80202-4432  
ATTN: BRUCE A. JAMES, ESQ.

State Documentary Fee  
Date  
\$ 2,400.00

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, made this 11 day of July, 2019, between The George W. Clayton Trust, a Colorado Trust, through its Trustee, Clayton Early Learning (f/k/a The Clayton Foundation) ("Grantor"), whose street address is 3801 Martin Luther King Blvd., Denver, Colorado, and Bushwood LLC, a Delaware limited liability company ("Grantee"), whose street address is 4100 East Mississippi Avenue, Suite 500, Glendale, Colorado 80246.

WITNESSETH, That Grantor, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, contributed and conveyed, and by these presents does grant, bargain, sell, contribute, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, situate, lying and being in the City and County of Denver, State of Colorado, legally described on the attached Exhibit A which is incorporated herein by this reference, together with all its appurtenances and improvements, if any, (the "Real Property").

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. And Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, except and subject to the matters set forth on Exhibit B attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

[SIGNATURE PAGE FOLLOWS]



765-24213

IN WITNESS WHEREOF, Grantor has executed this General Warranty Deed the day and year first above written.

**GRANTOR:**

**The George W. Clayton Trust,  
a Colorado Trust, through its Trustee,  
Clayton Early Learning**

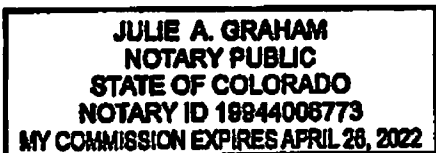
By: Charlotte M. Brantley  
Name: Charlotte M. Brantley  
Title: Agent

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF DENVER                    )

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of July, 2019, by Charlotte M. Brantley as the Agent of Clayton Early Learning (f/k/a The Clayton Foundation), the Trustee of The George W. Clayton Trust, a Colorado Trust.

Witness my hand and official seal.

My commission expires: 4/26/2022



Julie A. Graham  
Notary Public

**EXHIBIT "A"****REAL PROPERTY****PARCEL 1:**

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 19 AND THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 30, ALL IN TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST; THENCE NORTH 89°40'10" EAST ALONG THE SOUTHERLY LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 19 A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°04'08" WEST ALONG A LINE 50.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19 A DISTANCE OF 909.31 FEET; THENCE NORTH 03°44'42" EAST A DISTANCE OF 150.33 FEET; THENCE NORTH 00°04'08" WEST ALONG A LINE 60.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 19 A DISTANCE OF 175.00 FEET; THENCE THE FOLLOWING (5) COURSES:

- 1) NORTH 44°57'00" EAST A DISTANCE OF 91.95 FEET;
- 2) NORTH 89°56'36" EAST A DISTANCE OF 290.00 FEET;
- 3) NORTH 00°04'44" WEST A DISTANCE OF 115.00 FEET;
- 4) NORTH 89°55'48" EAST A DISTANCE OF 1025.05 FEET;
- 5) NORTH 00°04'45" WEST A DISTANCE OF 1114.17 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SMITH ROAD AND A POINT OF NON-TANGENT CURVATURE; THENCE THE FOLLOWING (3) COURSES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SMITH ROAD:

- 1) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5607.93 FEET, A CENTRAL ANGLE OF 09°02'08" AND AN ARC LENGTH OF 884.37 FEET (THE CHORD OF WHICH BEARS SOUTH 84°28'25" EAST A DISTANCE OF 883.46 FEET) TO A POINT OF NON-TANGENCY;
- 2) SOUTH 80°43'42" EAST A DISTANCE OF 89.72 FEET;
- 3) SOUTH 79°58'45" EAST A DISTANCE OF 28.82 FEET;

THENCE SOUTH 00°09'32" EAST ALONG A LINE 50.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19 A DISTANCE OF 1086.52 FEET; THENCE SOUTH 00°09'08" EAST ALONG A LINE 50.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 19 A DISTANCE OF 1324.84 FEET; THENCE, SOUTH 00°08'13" EAST ALONG A LINE 50.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 30 A DISTANCE OF 2.96 FEET; THENCE THE FOLLOWING (3) COURSES:

- 1) NORTH 82°31'11" WEST A DISTANCE OF 28.58 FEET;
- 2) SOUTH 89°39'27" WEST A DISTANCE OF 483.58 FEET;
- 3) SOUTH 00°37'56" EAST A DISTANCE OF 1264.16 FEET;

THENCE SOUTH 89°38'54" WEST ALONG A LINE 59.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30 A DISTANCE OF 1891.72 FEET; THENCE NORTH 00°00'00" WEST ALONG A LINE 50.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30 A DISTANCE OF 1263.62 FEET TO THE POINT OF BEGINNING,

19475540

Exhibit A-1  
Legal Description

LESS AND EXCEPT THOSE PORTIONS CONVEYED TO THE REGIONAL TRANSPORTATION DISTRICT BY QUITCLAIM DEED RECORDED MARCH 4, 2013 UNDER RECEPTION NO. 2013029217.

**PARCEL 2:**

A NON-EXCLUSIVE EASEMENT OVER AND ACROSS THE OVERLOOK AT PARK HILL FILING NO. 1 RECORDED MAY 2, 2001 UNDER RECEPTION NO. 2001067475 NECESSARY AND INCIDENT TO USE, OPERATION AND MAINTENANCE OF THE ADJOINING GOLF COURSE PROPERTY AS MORE FULLY DEFINED AND DESCRIBED IN GOLF COURSE COVENANTS AND WAIVER AND DISCLAIMER (PARK HILL GOLF COURSE) RECORDED MAY 15, 2001 UNDER RECEPTION NO. 2001076257, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**EXHIBIT "B"****PERMITTED ENCUMBRANCES**

1. **TAXES AND ASSESSMENTS FOR THE YEAR 2019 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.**
2. **TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND WATER PIPELINE EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY AGREEMENT DATED JULY 1, 1942 FOR THE BENEFIT OF CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS RECORDED AUGUST 24, 1942 IN BOOK 5657 AT PAGE 405 AS AFFECTED BY PARTIAL RELEASE OF RIGHT OF WAY RECORDED MARCH 21, 2001 UNDER RECEPTION NO. 2001040871 AND AS FURTHER AFFECTED BY AMENDMENT TO RIGHT OF WAY AGREEMENT RECORDED AUGUST 28, 2003 UNDER RECEPTION NO. 2003182343.**
3. **TRUSTEE'S DEED WITH WATER RIGHTS ATTACHMENT REFERENCING LEASE AND INDENTURE DATED APRIL 2, 1975, BY AND BETWEEN THE CITY AND COUNTY OF DENVER, AS TRUSTEE OF THE ESTATE OF GEORGE W. CLAYTON, DECEASED, ACTING BY AND THROUGH THE GEORGE W. CLAYTON TRUST COMMISSION, AS LESSOR, AND THE CITY AND COUNTY OF DENVER, AS LESSEE, AS AMENDED BY AMENDMENT TO LEASE AND INDENTURE DATED JUNE 27, 1977, AND CONCESSION AGREEMENT DATED MAY 9, 1975 BY AND BETWEEN THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS MANAGER OF PARKS AND RECREATION, AS GRANTOR, AND WALLEN AND HILL, LTD., AS GRANTEE, AS AMENDED BY AMENDMENT TO CONCESSION AGREEMENT DATED JUNE 27, 1977 AS SET FORTH IN SAID TRUSTEE'S DEED RECORDED AUGUST 18, 1982 IN BOOK 2639 AT PAGE 482.**
4. **UNRECORDED LEASE DATED DECEMBER 23, 1998 BETWEEN CLAYTON FOUNDATION, AS TRUSTEE OF THE GEORGE W. CLAYTON TRUST, A COLORADO TRUST, LESSOR, AND AMERICAN GOLF CORPORATION, A CALIFORNIA CORPORATION, LESSEE, AS DISCLOSED BY MEMORANDUM OF LEASE RECORDED JANUARY 11, 1999, UNDER RECEPTION NO. 9900004985.**
5. **TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND WATER PIPELINE EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT FOR THE BENEFIT OF CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS RECORDED FEBRUARY 01, 2001 UNDER RECEPTION NO. 2001014092 AS AFFECTED BY AMENDMENT TO RIGHT OF WAY AGREEMENT RECORDED AUGUST 28, 2003 UNDER RECEPTION NO. 2003182343.**
6. **TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND BARRIER NET EASEMENTS AS SET FORTH AND GRANTED IN BARRIER NET EASEMENT FOR THE BENEFIT OF KB HOME COLORADO, INC. AND THE OVERLOOK AT PARK HILL OWNERS ASSOCIATION, INC. RECORDED MAY 15, 2001 UNDER RECEPTION NO. 2001076256.**
7. **TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH AND GRANTED IN GOLF COURSE COVENANTS WITH WAIVER AND DISCLAIMER (PARK HILL GOLF COURSE) BY KB HOME COLORADO, INC. WITH THE CONSENT AND AGREEMENT OF THE GEORGE W. CLAYTON TRUST, AMERICAN GOLF CORPORATION AND THE OVERLOOK AT PARK HILL OWNERS ASSOCIATION, INC. RECORDED MAY 15, 2001 UNDER RECEPTION NO. 2001076257.**
8. **TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND SANITARY SEWER EASEMENTS AS SET FORTH AND GRANTED IN UNRECORDED COVENANT AND**

**Exhibit B- 1  
Permitted Exceptions**

SANITARY SEWER EASEMENT DATED MAY 9, 2001 FOR THE BENEFIT OF KB HOME COLORADO, INC., AS ASSIGNED TO AND ASSUMED BY THE CITY AND COUNTY OF DENVER AS SET FORTH IN ASSIGNMENT OF SAME RECORDED OCTOBER 24, 2001 UNDER RECEPTION NO. 2001180553.

9. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND ELECTRIC EASEMENTS FOR THE BENEFIT OF PUBLIC SERVICE COMPANY OF COLORADO SET FORTH AND GRANTED IN ELECTRIC TRANSMISSION LINE EASEMENT RECORDED MARCH 05, 2013 UNDER RECEPTION NO. 2013030065.
10. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND ELECTRIC EASEMENTS FOR THE BENEFIT OF PUBLIC SERVICE COMPANY OF COLORADO AS SET FORTH AND GRANTED IN ELECTRIC DISTRIBUTION LINE EASEMENT RECORDED MARCH 18, 2014 UNDER RECEPTION NO. 2014030091.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND STORM DRAINAGE EASEMENTS GRANTED TO KB HOME COLORADO, INC. AND THE OVERLOOK AT PARK HILL OWNERS ASSOCIATION, INC. AS SET FORTH AND GRANTED IN COVENANT AND DRAINAGE EASEMENT RECORDED OCTOBER 24, 2001 UNDER RECEPTION NO. 2001180554.
12. PERMANENT EASEMENT GRANTED TO CITY AND COUNTY OF DENVER, FOR STORM WATER DETENTION FACILITY, AND INCIDENTAL PURPOSES, DATED JANUARY 2, 2019 AND RECORDED FEBRUARY 14, 2019, UNDER RECEPTION NO. 2019017954 AS REQUIRED BY BILL FOR ORDINANCE NO. 20171396, SERIES OF 2018, RECORDED JANUARY 4, 2018 UNDER RECEPTION NO. 2018001475.
13. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ORDER GRANTING STIPULATION FOR POSSESSION AND STAY OF PROCEEDING RECORDED APRIL 30, 2019 UNDER RECEPTION NO. 2019051426 AND UNRECORDED AGREEMENT FOR IMMEDIATE POSSESSION DATED JULY 1, 2018 ATTACHED AS EXHIBIT "A" TO SAID ORDER.
14. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN CONSERVATION EASEMENT RECORDED CONTEMPORANEOUSLY WITH THIS DEED.
15. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFIED MAY 17, 2019 PREPARED BY HARRIS KOCHER SMITH, PROJECT 190421:
  1. DAHLIA STREET IS NOT CONSTRUCTED ALL THE WAY THROUGH. THE SURVEYOR WAS NOT MADE AWARE OF ANY DOCUMENTS VACATING THE RIGHT-OF-WAY IN THE AREA BETWEEN THE NORTH AND SOUTH EDGES DEPICTED THEREON.
  2. THE PORTION OF THE SURVEYED PROPERTY WITHIN THE CITY AND COUNTY OF DENVER PERMANENT EASEMENT DEPICTED THEREON IS CURRENTLY UNDER CONSTRUCTION.
  3. BLOCK WALL IS WEST OF PROPERTY LINE.
  4. FENCES NOT ON OR INSIDE PROPERTY LINES.
16. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED AS OF JANUARY 2, 2019 IN TEMPORARY EASEMENT - PLATTE TO PARK HILL STORM WATER SYSTEMS PROJECT FOR THE BENEFIT OF THE CITY AND COUNTY OF DENVER RECORDED JULY 03, 2019 UNDER RECEPTION NO. 2019085909.

17. THE FOLLOWING MATTERS SHOWN ON THE PLAT OF THE OVERLOOK AT PARK HILL FILING NO. 1 RECORDED MAY 2, 2001 UNDER RECEPTION NO. 2001067475: (AFFECTS PARCEL 2 ONLY)
- A) DEDICATION OF STREETS, AVENUES, WASTEWATER EASEMENTS, PUBLIC PLACES, PUBLIC UTILITIES AND CABLE TELEVISION EASEMENTS
  - B) 9' AND 10.5' PERMANENT NON-EXCLUSIVE EASEMENTS FOR ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION, FIBER OPTICS AND POSTAL FACILITIES
  - C) 9' AND 10.5' PERMANENT NON-EXCLUSIVE SIDEWALK EASEMENTS
  - D) 8' NON-EXCLUSIVE EASEMENTS ALONG REAR LOT LINES FOR ELECTRICITY, TELEPHONE, DRAINAGE AND CABLE TELEVISION
  - E) PEDESTRIAN ACCESS EASEMENTS
  - F) 60' WATER EASEMENT WITHIN 38TH AVENUE
  - G) 25' SANITARY SEWER EASEMENT WITHIN 38TH AVENUE