

FILED
GREENVILLE CO. S. C.
OCT 23 1 54 PM '83
DONNIE S. T. WERSLEY
R.M.C.

BOOK 1632 PAGE 917

MORTGAGE OF REAL ESTATE

THIS MORTGAGE is made this 27th day of October, 1983, between the Mortgagor, CAPITAL GROWTH CORPORATION, a Utah Corporation, (herein "Mortgagor"), and the Mortgagee, Eva B. Weisz and Harry Lerner, whose address is c/o Harry Lerner, 6 Greystone Road, Asheville, N. C. 28800, (herein "Mortgagee").

WHEREAS, Mortgagor is indebted to Mortgagee in the principal sum of One Million Five Hundred Ninety-Five Thousand and No/100 (\$1,595,000.00) Dollars, which indebtedness is evidenced by Mortgagor's Notes dated October 27, 1983 (herein "Notes"), providing for monthly installments of principal and interest, with the balance of the indebtedness, if not sooner paid, due and payable on December 31, 1993;

TO SECURE to Mortgagee for the repayment of indebtedness evidenced by the Note, with interest thereon, the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Mortgage, and the performance of the covenants and agreements of Mortgagor herein contained, Mortgagor does hereby mortgage, grant and convey to Mortgagee and Mortgagee's successors and assigns the following property located in the County of GREENVILLE, State of South Carolina:

ALL that certain piece, parcel or tract of land situate, lying and being in the County of Greenville, State of South Carolina, on the southern side of Welcome Avenue and containing approximately 5.65 acres according to a plat prepared by C. C. Jones, Surveyor, entitled "FAIRHILL APARTMENTS, Property of Eva B. Weisz and Harry Lerner", dated October 12, 1983 and recorded in the RMC Office for Greenville County in Plat Book 10A at Page 28, and having, according to said plat, the following metes and bounds, to-wit:

BEGINNING at an iron pin located along the southern right-of-way of Old Easley Bridge Road at a point 200 feet from the intersection of Best Avenue and Old Easley Bridge Road and running thence with the southern right-of-way of Old Easley Bridge Road, N.60-28 E. 21.1 feet to an iron pin; thence turning and following the southern right-of-way of Welcome Avenue, S.88-04 E. 609.3 feet to an iron pin; thence turning and running S.00-31 W. 384.3 feet to an iron pin; thence turning and running N.89-47 W. 482.8 feet to an iron pin; thence turning and running S.60-45 W. 130 feet to an iron pin located on the eastern side of Best Avenue; thence turning and running with Best Avenue, N.29-15 W. 211.4 feet to an iron pin; thence turning and running N.61-08 E. 200 feet to an iron pin; thence turning and running N.29-52 W. 200 feet to the point of beginning.

This is the same property as that conveyed to the Mortgagor herein by deed from Eva B. Weisz and Harry Lerner recorded in the RMC Office for Greenville County of even date herewith.

which has the address of Fairhill Apartments, Greenville, South Carolina (herein "Property Address");

TO HAVE AND TO HOLD unto Mortgagee and Mortgagee's successors and assigns, forever, together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Mortgage; and all of the foregoing, together with said property (or the leasehold estate if this Mortgage is on a leasehold) are herein referred to as the "Property".

Mortgagor covenants that Mortgagor is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property, that the Property is unencumbered, and that Mortgagor

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