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George B. Smith, of Counsel

April 13, 2023

VIA EMAIL AND FIRST-CLASS MAIL

(mgray@dover.de.us)
Mary Ellen Gray, AICP, Director
City of Dover Department of Planning & Inspections
Planning and Inspections
15 Loockerman Plaza
Dover, Delaware 19901

Re: College Road Apartments

Dear Ms. Gray:

Our law firm represents Dr. Wilma Mishoe ("Dr. Mishoe") and The Apartments at Mishoe Cove, LLC ("The Apartments at Mishoe Cove"). We are writing in regard to Application S-23-06 for the College Road Apartments site and the outstanding issues dealing with proper access to the land sought to be approved by site plan review for a multi-building apartment complex. Dr. Mishoe and The Apartments at Mishoe Cove request that the application be denied due to the interference that would result with her and its property interests.

Dr. Mishoe and The Apartments at Mishoe Cove contend that Raymond Street a/k/a Jason Street and Grove Street were annexed by the City of Dover, in error. In Mr. Rodriguez's letter to David S. Hugg, III, the Director of Inspections & Planning, he correctly states that portions of Raymond Street and Grove Street were plotted and recorded in 1899 by the College Settlement

Company. However, Mr. Rodriguez's assertion that the act of recording the plot rendered the streets automatically dedicated to public use is contrary to Delaware law. The Chancery Court has previously determined that a conveyance of land described as bordering upon an unopened street as laid out on a plot of lands, may be said to constitute an offer of dedication of the street to the public. Nevertheless, such offer of dedication is not complete until there has been an acceptance either through public use or the action of duly constituted authorities. Kelley v. Phillips, 13 Del. Ch. 261, 269; Nolan v. Eastern Co., 241 A.2d 885, 890. In this matter there was no action on the part of the Delaware Department of Transportation, the duly constituted authority, which created an acceptance of any potential dedication. Nor has there been any public use which would constitute acceptance. The areas of Raymond Street which the city improperly annexed run through the lawns and wooded area of several parcels of property owned by Dr. Mishoe and The Apartments at Mishoe Cove.^{1, 2} Numerous trees are present in these areas which render public use of Raymond Street impossible. Grove Street is likewise a heavily wooded area, covered in trees and foliage. There is no public use of Grove Street as a means of access and regress, which is not possible due to the existence of mature trees and other foliage in this paper street.

Furthermore, the annexation was not done in compliance with the City of Dover Charter. All of the owners of the property were required to make an application for annexation in order for the approval of Council Resolution No. 2021-26 to comply with Section 1.05 of the Dover Charter. None of the Mishoes, Dr. Mishoe, or The Apartments at Mishoe Cove, made an application for

¹ See The Apartments at Mishoe Cove Deed dated December 6, 2012 and recorded in Deed Book-RE, Volume 6657, Page 294, attached hereto as Exhibit "1."

² See Deed to Dr. Mishoe dated December 6, 2012 and recorded in Deed Book-RE, Volume 6648, Page 198, attached hereto as Exhibit "2."

annexation. Without all owners of the property petitioning for annexation, the City Council was required to hold a vote in accordance with Section 1.05(2) of the Dover Charter. Previous annexations on April 9, 1973 and September 12, 1983 of land based upon the College Settlement Company 1899 plot, evidence that the 1899 plotting and recording did not constitute an automatic dedication.

It is important to acknowledge the potential for a title dispute between Dr. Mishoe, The Apartments at Mishoe Cove and Patel College Properties, LLC ("PCP").³ Land exchanges run back and forth between Dr. Mishoe's father and mother, Luna Mishoe and Hattie Mishoe respectively, and JEMM Investors ("JEMM") a number of times since the 1980's. JEMM is a prior owner of the lands claimed by PCP. In addition to this series of exchanges, the bed of Grove Street was granted to JEMM by a 1992 Order⁴ of the Delaware Superior Court granting title of Grove Street to JEMM. However, any potential dispute is subject to resolution from a squatter's rights claim exceeding over twenty years. Hattie and Luna Mishoe executed a deed in 1991, granting the southerly 200' by 35' of Grove Street to the Mishoe Trust, which was recorded in January 1994 and conveyed to Dr. Mishoe in Exhibit "2" attached hereto. JEMM and PCP were on constructive notice of the adverse title claims of the Mishoes and failed to contest the record claim against title to the southern 200' by 35' bed of Grove Street before the passage of 20-years. Only Dr. Mishoe asserts title to the 635' by 35' bed of Raymond Street from the west side of Grove Street as conveyed to Dr. Mishoe in Exhibit "2" attached hereto. Our clients have engaged Alan

³ See Patel Deed dated November 11, 2011 and recorded in Deed Book-RE, Volume 6009, Page 132, attached hereto as Exhibit "3."

⁴ See Order dated July 24, 1992 and recorded in Deed Book-F, Volume 52, Page 73, attached hereto as Exhibit "4."

O. Kent to assist us in resolving the discrepancies in the boundary description in the Deeds in the Mishoe chain of title and in the PCP chain of title.

Furthermore, it is unclear whether the developer of the proposed College Road Apartments is permitted to use the land for residential purposes. The 2011 deed between Kent Storage Facilities, LLC, Lorelex Company, LLC, and College Road Management Inc. and Patel College Properties LLC contains a use restriction.⁵ This restriction applies to the land on which developer plans to build the College Road Apartment complex. A provision of the Deed restricts the property solely to non-residential activity types, pursuant to the City of Dover Code. While the Delaware Department of Natural Resources and Environmental Control ("DNREC") has the sole and exclusive right to enforce this restriction, it is unclear if the developer notified DNREC of its proposed use and obtained a waiver of this land use restriction.

For the foregoing reasons, Dr. Mishoe and The Apartments at Mishoe Cove respectfully requests that the annexation be reversed and any reliance on the annexation of these roads for city planning purposes be rejected and that the above-referenced application S-23-06 be denied.

Very truly yours,



John A. Sergovic, Jr., Esquire

JAS/tjf

cc: Dr. Wilma Mishoe (via email)
The Apartments at Mishoe Cove (via email)
Planning Commission of the City of Dover (via email/dmelson@doover.de.us)
David Hugg, City Manager of the City of Dover (via email/dhugg@doover.de.us)
(Mr. Hugg, please forward to the City Council Members)
Douglas D. Barry, PE, Pennoni (via email/dbarry@pennoni.com)
Dominic J. Balasico, Esq. (via email/dominic@parkway-law.com)

⁵ See Exhibit "3" attached hereto.

Exhibit “1”

Accepted for Filing in:
Kent County
Doc# 229041
On: Feb 28, 2013 at 10:00A

2 parcels
\$ 71

TAX MAP AND PARCEL #:
ED 2-05-06707-01-0100-000 &
ED 2-05-06707-01-0200-000
PREPARED BY & RETURN TO:
Moore & Rutt, P.A.
122 West Market Street
P.O. Box 554
Georgetown, Delaware 19947

NO TITLE EXAMINATION REQUESTED OR PERFORMED

THIS DEED, made this 6th day of December, 2012,

- BETWEEN -

WILMA MISHOE, TRUSTEE OF THE MISHOE TRUST DATED AUGUST 20,
1991, of 353 Rita-Wilma Road, Dover, Delaware 19904, party of the first part,

- AND -

THE APARTMENTS AT MISHOE COVE, LLC, of 353 Rita-Wilma Road, Dover,
Delaware 19904, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE AND 00/100 DOLLARS (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, and hereby grants and conveys unto the party of the second part, and it's heirs and assigns, in fee simple, the following described lands, situate, lying and being in Kent County, State of Delaware:

Tax Map Parcel No. ED 2-05-06707-01-0100-000

BEING all of Lots Nos. 189, 190, 191, 192, 193 and 194 in said College Settlement Development, lying North of but not adjacent to College Road and lying on the North side of a street now or formerly known as Jason Street, being bounded on the South by a street now or formerly known as Jason Street, on the West by Grove Street, on the North by Lot No. 197 in said Development, by lands of Delaware State Gunning Club and by lands of others and on the East by Lot No. 195, being more particularly described as follows, to wit:

BEGINNING at the intersection of the North line of a street now or formerly known as Jason Street with the West line of Grove Street; thence running with the East line of Grove Street North 23 degrees 2 minutes West Two Hundred (200) feet to a point in the East line of Grove Street at a corner for this parcel and for Lot No. 197; thence running with Lot No. 197, with

lands of Delaware State Gunning Club and with lands of others North 57 degrees 3 minutes East Four Hundred Fifty (450) feet to a point in line of lands of others at a corner for this parcel and for Lot No. 195; thence running with Lot No. 195 South 23 degrees 2 minutes East Two hundred (200) feet to a corner for this parcel and for Lot No. 195 in the North line of a street now or formerly known as Jason Street; thence running with the North line of a street now or formerly known as Jason Street South 57 degrees 3 minutes West Four Hundred Fifty (450) feet to the place of Beginning, be the contents of thereof what they may.

Tax Map Parcel No. ED 2-05-06707-01-0200-000

ALL those two certain lots, pieces, parcels of land situate in East Dover Hundred, Kent County, State of Delaware, being designated as Lots No. 195 and 196 in a Development known as "The College Settlement Co.", as said development more fully appears in the Office of the Recorder of Deeds at Dover, Delaware in Deed Book E, Volume 8, Page 76, and being more particularly described as follows to wit:

BEGINNING at a point in the North side of a street now or formerly known as Jason Street, at the Southeast corner of Lot 194 and the Southwest corner of Lot 195 located along the North side of a street now or formerly known as Jason Street, North 57 degrees 03 minutes West, a distance of 450 feet from the intersection of the North side of a street now or formerly known as Jason Street and the East side of Grove Street, thence proceeding along line of Lot 194, North 23 degrees 02 minutes West, a distance of 200 feet; thence turning and running along land now or formerly of Jemm Investors, North 57 degrees 03 minutes East, a distance of 150 feet to a point; thence turning and running along line of Lot 197, South 23 degrees 02 minutes East, a distance of 200 feet to a point, thence turning and running along line of the North side of a street now or formerly known as Jason Street, South 57 degrees 03 minutes West, a distance of 150 feet back to the point and place of beginning.

To the extent that Grantor may own the 20 foot easement to what is often referred to as the Gun Club Property, Grantor's ownership of same is granted and conveyed herein as a quit claim with no warranty of title being given.

BEING the same property conveyed to The Mishoe Trust, dated August 20, 1991 from Hattie B. Mishoe, by Deed dated January 5, 1994, and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware, in Book C-54, Page 162.

UNDER AND SUBJECT TO any and all restrictions, reservations, conditions, easements and agreements of record in The Office of the Recorder of Deeds, in and for Kent County, Delaware.

EXCEPTING AND RESERVING any and all possible out conveyances from January 5, 1994, forward.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Brian J. Weston
Witness

Wilma Mishoe (SEAL)
WILMA MISHOE, TRUSTEE OF THE
MISHOE TRUST DATED AUGUST 20, 1991.

STATE OF DELAWARE :
: SS.
COUNTY OF KENT :

BE IT REMEMBERED, that on 6th DECEMBER, 2012, personally came before me, the subscriber, Wilma Mishoe, Trustee, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

[Signature]
Notary Public

My Commission Expires: 09-01-2015



CITY OF DOVER
REALTY TRANSFER TAX

P		P
A		A
I	FEB 21 2013	I
D		D
\$	<u>Exempt</u>	



70 2013 00229041

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901

*Still owned
by
apartments*

Instrument Number: 2013-229041

Recorded On: February 28, 2013

As-Deed

Parties: MISHOE WILMA TR

To APARTMENTS AT MISHOE COVE LLC

of Pages: 4

Comment:

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

Deed 71.00

of Pages 3

of Parcel IDs 2

Total: 71.00

Realty Tax Information

Affidavit Attached-No

STATE AND COUNTY OF KENT

EXEMPT

Value

State of Delaware

0.00

County of Kent

0.00

0.00

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,

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

File Information:

Record and Return To:

Document Number: 2013-229041

Receipt Number: 314098

Recorded Date/Time: February 28, 2013 10:00:32A

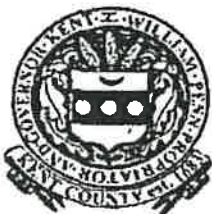
Book-Vol/Pg: BK-RE VL-6657 PG-294

User / Station: C Yerkes - Cashier 4

MOORE & RUTT

PO BOX 554

GEORGETOWN DE 19947



Betty Lou McKenna

Exhibit “2”



70 2013 00228548

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901

Wilma Downs

Instrument Number: 2013-228548

Recorded On: February 21, 2013

As-Deed

Parties: MISHOE WILMA TR

To MISHOE WILMA

of Pages: 5

Comment:

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

Deed	76.00
# of Pages	4
# of Parcel IDs	1
Total:	76.00

Realty Tax Information

Affidavit Attached-No

STATE AND COUNTY OF KENT

EXEMPT

Value

State of Delaware

0.00

County of Kent

0.00

0.00

*I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,*****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT******File Information:****Record and Return To:**

Document Number: 2013-228548

Receipt Number: 313872

Recorded Date/Time: February 21, 2013 02:37:01P

Book-Vol/Pg: BK-RE VL-6648 PG-198

User / Station: C Yerkes - Cashier 4

MOORE & RUTT

PO BOX 554

GEORGETOWN DE 19947

*Betty Lou McKenna*

4
\$ 76

TAX MAP AND PARCEL #:
ED 2-00-06700-01-1700-000
PREPARED BY & RETURN TO:
Moore & Rutt, P.A.
122 West Market Street
P.O. Box 554
Georgetown, Delaware 19947

NO TITLE EXAMINATION REQUESTED OR PERFORMED

THIS DEED, made this 6th day of December, 2012,

- BETWEEN -

WILMA MISHOE, TRUSTEE OF THE MISHOE TRUST DATED AUGUST 20, 1991, of 353 Rita-Wilma Road, Dover, Delaware 19904, party of the first part,

- AND -

WILMA MISHOE, of 353 Rita-Wilma Road, Dover, Delaware 19904, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE AND 00/100 DOLLARS (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, and hereby grants and conveys unto the party of the second part, and her heirs and assigns, in fee simple, the following described lands, situate, lying and being in Kent County, State of Delaware:

Tax Map Parcel No. ED 2-00-06700-01-1700-000 (Parcel D)

ALL that certain lot, piece or parcel of land being the Southerly end of Grove Street on a Plot of College Settlement Co. as more fully appears in Kent County Deed Record Book E, Volume 8, Page 76 and being more particularly bounded and described as taken off a survey of Charles C. Brown Engineer-Surveyor dated October 17, 1957 as follows, to-wit:

BEGINNING at the intersection of the Northerly side of a street now or formerly known as Jason Street and the Easterly side of Grove Street, said point and place of beginning being also the Southwest corner of lands now or formerly of Luna I. Mishoe (Deed Reference X-23-271); thence from said point and place of beginning and proceeding along the Easterly side of Grove Street and the Westerly side of lands now or formerly of Mishoe, North 23 degrees 2 minutes West, a distance of 200 feet to a point in the boundary line between lands now or formerly of Mishoe and land now or formerly of Jemm Investors; thence turning and running across Grove

Street, South 66 degrees 58 minutes West, a distance of 35 feet; thence turning and running along the Easterly side of lands now or formerly of Eco Refuse Service Co., Inc. (Deed Reference X-32-241) and the Westerly side of Grove Street, South 23 degrees 2 minutes East, a distance of approximately 205 feet more or less to the Northerly side of a street now or formerly known as Jason Street being at the Southeast corner of the aforementioned lands now or formerly of Eco Refuse Service; thence turning and running across Grove Street and along the Northerly side of a street now or formerly known as Jason Street North 57 degrees 3 minutes East a distance of approximately 35 feet more or less back to the point and place of beginning, be the contents thereof what they may.

EXCEPTING THEREFROM, HOWEVER, Lot No. 180 which was conveyed in part interest to Roy Sudler, Sr. and Wilma Mishoe Sudler, by deed of Luna I. Mishoe and Hattie B. Mishoe, his wife, dated September 20, 1979 and recorded in the Office of the Recorder of Deeds in and for Kent County in Deed Record Book G Volume 34, Page 219, et seq. The remaining interest in Lot No. 180 was conveyed to James Paige and Rita Mishoe Paige, husband and wife, by deed from Luna I. Mishoe and Hattie B. Mishoe, husband and wife, on December 23, 1987 and recorded in the Office of the Recorder of Deeds in and for Kent County in Deed Record Book L Volume 44, Page 139, et seq.

Tax Map Parcel No. ED 2-00-06700-01-1700-000 (Parcel E)

ALL that certain piece or parcel of land being a portion of a street now or formerly known as Jason Street as more fully appears in Kent County Record E, Volume 8, Page 76 and being more particularly bounded and described as taken off a survey of Charles C. Brown, Engineer-Surveyor, dated October 17, 1957 as follows to-wit:

BEGINNING at the intersection of the Westerly side of Grove Street and the Northerly side of a street now or formerly known as Jason Street (as said street appears in Deed Record E, Volume 8, Page 76) said point and place of beginning being located North 57 degrees 3 minutes East, a distance of 200 feet along the Northerly side of said street now or formerly known as Jason Street from the intersection of said Northerly side of a street now or formerly known as Jason Street with the Easterly side of Railroad Avenue at the Southwest corner of lands now or formerly of Eco Refuse Service, Inc. (Deed Reference X-32-241); thence from said point and place of beginning and proceeding across the intersection of Grove and a street now or formerly known as Jason Street and then along the Northerly side of a street now or formerly known as Jason Street, North 57 degrees 03 minutes East, a distance of 635 feet more or less to the Southeast corner of Lot 196; thence turning and crossing a street now or formerly known as Jason Street, South 32 degrees 15 minutes East, a distance of 35 feet to the South side of a street now or formerly known as Jason Street; thence turning and running along the sought sight of a street now or formerly known as Jason Street, South 57 degrees 03 minutes West, a distance of 635 feet more or less thence turning and running across a street now or formerly known as Jason Street, North 35 degrees 15 minutes West, a distance of 35 feet, back to the point and place of beginning.

Tax Map Parcel No. ED 2-00-06700-01-1700-000 (Parcel H)

ALL that certain lot, piece or parcel of land situated in East Dover Hundred, Kent County and State of Delaware, lying on the Northerly side of a street now or formerly known as Jason Street, being bounded on the South in part by a street now or formerly known as Jason Street and in part by lands of Luna I. Mishoe, on the West in part by lands of Luna I. Mishoe and in part by Parcel I herein, on the North and the East by lands of Jemm Investors, Inc., and being more particularly described as follows, to wit:

BEGINNING at a point in the North line of a street now or formerly known as Jason Street at a corner for this parcel and for lands of Luna I. Mishoe, said point of beginning being North 57 degrees 03 minutes East 50.00 feet from the intersection of the centerline of Mishoe Street extended with the North line of a street now or formerly known as Jason Street; thence running from said point of beginning with lands of Luna I. Mishoe and the Dover City Limit on the following two (2) courses: (1) North 23 degrees 02 minutes West 200.00 feet; thence (2) South 57 degrees 03 minutes West 175.00 feet to a corner for this parcel and for Parcel I herein; thence running with said Parcel I North 23 degrees 02 minutes West 110.53 feet to a common corner for this parcel for Parcel I and for other lands of Jemm Investors, Inc.; thence running with said Jemm Investors, Inc. lands on the following two (2) courses: (1) North 57 degrees 03 minutes East 250.00 feet; thence (2) South 23 degrees 02 minutes East 310.53 feet to a point in the North line of a street now or formerly known as Jason Street; thence running with said North line of a street now or formerly known as Jason Street South 57 degrees 03 minutes West 75.00 feet to the point and place of beginning, and containing 0.9640 acres of land, be the same more or less.

Tax Map Parcel No. ED 2-00-06700-01-1700-000 (Parcel I)

ALL that certain lot, piece or parcel of land situated in East Dover Hundred, Kent County and State of Delaware, lying on the North side of, but not adjacent to a street now or formerly known as Jason Street, being bounded on the South by lands of Luna I. Mishoe, on the West by lands of Jemm Investors, Inc., on the North by other lands of Grantor, on the East by Parcel H herein and being more particularly described as follows, to-wit:

BEGINNING at a corner for this parcel and for said Parcel H, in line of lands of Luna I. Mishoe and the Dover City Limit, said point of beginning being the following three (3) courses from the intersection of the centerline of Mishoe Street extended with the North line of a street now or formerly known as Jason Street: (1) running with the North line of a street now or formerly known as Jason Street North 57 degrees 03 minutes East 50.00 feet; thence (2) North 23 degrees 02 minutes West 200.00 feet; thence (3) South 57 degrees 03 minutes West 175.00 feet to the place of beginning; thence running from said point of beginning with Lands of Luna I. Mishoe and the Dover City Limit South 57 degrees 03 minutes West 225.00 feet to a corner for this parcel and for lands of Jemm Investors, Inc.; thence running with said lands of Jemm Investors, Inc. North 23 degrees 02 minutes West 110.53 feet to a corner for this parcel and for other lands of Grantor; thence running with said lands of Grantor North 57 degrees 03 minutes East 225.00 feet to a common corner for this parcel, for other lands of Jemm Investors, Inc. and

for Parcel H; thence running with said Parcel H South 23 degrees 02 minutes East 110.53 feet to the point and place of beginning, and containing 0.5624 acres of land, be the same more or less.

BEING the same property conveyed to The Mishoe Trust, dated August 20, 1991 from Hattie B. Mishoe, by Deed dated January 5, 1994, and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware, in Book C-54, Page 162.

UNDER AND SUBJECT TO any and all restrictions, reservations, conditions, easements and agreements of record in The Office of the Recorder of Deeds, in and for Kent County, Delaware.

EXCEPTING AND RESERVING any and all possible out conveyances from January 5, 1994, forward.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:



Witness

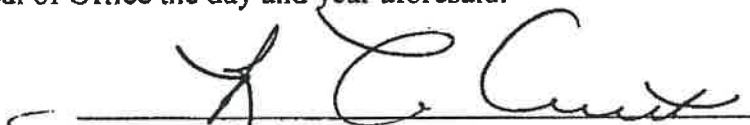
 (SEAL)
**WILMA MISHOE, TRUSTEE OF THE
MISHOE TRUST DATED AUGUST 20, 1991.**

STATE OF DELAWARE :
: SS.
COUNTY OF KENT :

BE IT REMEMBERED, that on 6th FEBRUARY, 2013, personally came before me, the subscriber, Wilma Mishoe, Trustee, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.





Notary Public

My Commission Expires: 09-01-2015

Exhibit “3”

1
3 notes
\$ 116

Tax Parcel Nos. ED-05-067.00-02-53.00-000
p/o ED-05-067.00-02-54.00-000
p/o ED-05-067.00-02-56.00-000

Prepared By and Return To:
Gordon, Fournaris & Mammarella, P.A.
1925 Lovering Avenue
Wilmington, DE 19806
File No. 11-538 (TM/arb)

DEED IN LIEU OF FORECLOSURE

THIS DEED IN LIEU OF FORECLOSURE is made this 11th day of
November, 2011,

**BETWEEN, KENT STORAGE FACILITIES, LLC, a Delaware
limited liability company, LORALEX COMPANY, LLC, a Delaware limited
liability company, and COLLEGE ROAD MANAGEMENT, INC., a Delaware
corporation parties of the first part,**

AND

**PATEL COLLEGE PROPERTIES LLC, a Delaware limited liability
company, party of the second part**

WITNESSETH, That the said parties of the first part, for valuable
consideration, the receipt of which is hereby acknowledged, hereby grant and convey
unto the said party of the second part, its successors and assigns, in fee,

ALL that certain tract, piece or parcel of land situated in The City of
Dover, East Dover Hundred, Kent County and State of Delaware lying on the Easterly
side of Railroad Avenue and the Northerly side of Jason Street and being bounded as
follows: On the North by land now or formerly of Marian Smith (Deed Record U,
Volume 36, Page 95); On the Northeast by Fork Branch; On the Southeast by Jason
Street (35 feet wide), by land now or formerly of The Mishoe Trust (Deed Record C,
Volume 54, Page 162), by Grove Street (35 feet wide) and by land now or formerly of
Delaware State College (Deed Record U, Volume 52, Page 162); On the Southwest by
Railroad Avenue ((35 feet wide); On the Northwest by other lands of parties of the first
part; Being more particularly described according to a plan prepared by Donovan
Associates, Inc. dated August 31, 2004 reference drawing 0427SURVEYA, said plan
being an integral part hereof as follows:

{GFM-00348348.DOC-3}

BEGINNING at a point in the Easterly line of Railroad Avenue at the Southerly most corner for this subject land and a corner for Railroad Avenue, said point being located when measured from the Northerly line of College Road (also known as County Road 99 – width varies) with the Easterly line of land of Norfolk Southern the following two (2) courses and distances: (1) N 23 deg. 02 min. 00 sec. W a distance of 381.38 feet to a point in line of said land of Norfolk Southern at a corner for the aforementioned Railroad Avenue. Thence with said Railroad Avenue: (2) N 57 deg. 03 min. 00 sec. E a distance of 35.76 feet to the beginning point. Thence from said beginning point and continuing with said Railroad Avenue N 23 deg. 02 min. 00 sec. W a distance of 1,085.62 feet to a point in line of land of the aforementioned Smith. Thence with said land of Smith N 46 deg. 21 min. 00 sec. E an approximate distance of 1,278.89 feet to a point at a corner for said land of Smith in line of the aforementioned Fork Branch. Thence with said Fork Branch: 5. In a Southerly direction to the Northerly line of Jason Street. Thence with said line of Jason Street: 6. S 57 deg. 03 min. 00 sec. W an approximate distance of 529.14 feet to a point in line of said Jason Street at a corner for land of the aforementioned Mishoe Trust. Thence with said Mishoe Trust the following four (4) courses and distances: 7. N 23 deg. 02 min. 00 sec. W a distance of 310.58 feet to a point; 8. S 57 deg. 03 min. 00 sec. W a distance of 457.00 feet to a point; 9. S 23 deg. 02 min. 00 sec. E a distance of 110.53 feet to a point; 10. S 57 deg. 02 min. 00 sec. W a distance of 200.00 feet to a point at a corner of said land of Mishoe Trust at a corner for the aforementioned Grove Street. Thence with said Grove Street the following two (2) courses and distances: 11. S 57 deg. 03 min. 00 sec. W a distance of 35.53 feet to a point; 12. S 23 deg. 02 min. 00 sec. E a distance of 235.58 feet to a point at a corner for said Grove Street in line of land of the aforementioned Mishoe Trust. Thence with said Mishoe Trust and then land of the aforementioned Delaware State College: 13. S 57 deg. 03 min. 00 sec. W a distance of 200.00 feet to the point and place of beginning. Containing within the above described courses and distances an area of 29.05 +/- acres. 475

EXCEPTING THEREOUT AND THEREFROM ALL that certain tract, piece or parcel of land situated in the City of Dover, East Dover Hundred, Kent County and State of Delaware lying on the Easterly side of Railroad Avenue and being bounded as follows: On the North by land now or formerly of Marian Smith (Deed Record U, Volume 36, Page 95); On the East and South by other lands of Kent Storage Facilities, LLC, Lorealex Company, LLC and College Road Management, Inc.; On the Southwest by Railroad Avenue ((35 feet wide); Being more particularly described according to a plan prepared by McCrone dated December 2005, as follows:

BEGINNING at a point in the Easterly line of Railroad Avenue and the Southerly line of land now or formerly of Marian Smith (Deed Record U, Volume 36, Page 95); Thence along land now or formerly of Marian Smith N 46 deg. 30 min. 26 sec. E 458.38 feet to a point; thence leaving said land now or formerly of Marian Smith and
(GFM-00348348.DOC-3)

along lands now or formerly of Kent Storage Facilities, LLC and Lorelex Company, LLC the following three (3) courses and distances: (1) S 22 deg. 52 min. 34 sec. E 309.82 feet; (2) S 57 deg. 12 min. 26 sec. W 200.00 feet; (3) S 22 deg. 52 min. 34 sec. E 151.15 feet; thence along lands now or formerly of Kent Storage Facilities, LLC and Lorelex Company, LLC, in part, and lands now or formerly of College Road Management, Inc. in part, S 57 deg. 12 min. 26 sec. W 235.35 feet to a point on the Easterly side of Railroad Avenue; thence, thereby, N 22 deg. 52 min. 34 sec. W 374.57 feet to the point and place of beginning. Containing within the above described courses and distances an area of 3.431 +/- acres.

TOGETHER WITH all rights and benefits of the perpetual easement for ingress, egress and regress between the above described property and College Road as provided for in the Easement dated September 9, 2004, granted by Delaware State University, of record at the Office of the Recorder of Deeds in and for Kent County, Delaware, at Book 649, Page 264.

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED AUGUST, 2008 RECORDED IN THE OFFICIAL RECORDS OF THE KENT COUNTY RECORDER OF DEEDS ON AUGUST 25, 2008, IN BOOK 4619, PAGE 91. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Use Restriction. Use of the property shall be restricted solely to those non-residential type uses permitted within Commercial, Manufacturing, or Industrial Districts, respectively, as such district types and uses (including, without limitation, ancillary or accessory uses) are described and permitted, respectively, pursuant to the City of Dover Code in effect as of the date of this Declaration.

The Delaware Department of Natural Resources and Environmental Control has the sole and exclusive right to enforce the foregoing use restriction and, with the consent of the owner of the lands encumbered thereby, to amend, modify or terminate said use restriction.

SUBJECT to all easements, restrictions, reservations, agreements and covenants of record.

SUBJECT to Mortgage made by Kent Storage Facilities, LLC, Lorelex Company, LLC and College Road Management, Inc., a Delaware corporation, dated as of March 19, 2009, and recorded on April 13, 2009, in the Office of the Recorder of Deeds in and for Kent County, Delaware, at Mortgage Book 4905, Page 113.

SUBJECT to Mortgage made by Kent Storage Facilities, LLC and Lorelex Company, LLC, dated as of September 1, 2010, and recorded on October 26, 2010, in the Office of the Recorder of Deeds in and for Kent County, Delaware, at Mortgage Book 5582, Page 212.

SUBJECT to Mortgage made by College Road Management, Inc., dated as of September 1, 2010, and recorded on October 26, 2010, in the Office of the Recorder of Deeds in and for Kent County, Delaware, at Mortgage Book 5582, Page 223.

BEING part of the same lands and premises which Jemm Investors, a Maryland Partnership, by deed dated September 3, 2004 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Book 649, Page 106, and the corrective deed dated September 26, 2011 recorded in Book 5983, Page 56, did grant and convey unto Kent Storage Facilities, LLC, a Delaware limited liability company and Lorelex Company, LLC, a Delaware limited liability company, in fee, and part of the same lands and premises which Jemm Investors, a Maryland Partnership, by deed dated September 3, 2004 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Book 649, Page 110, and the corrective deed dated September 26, 2011 and recorded in Book 5983, Page 61, did grant and convey unto College Road Management, Inc.

THIS Deed is made in lieu of foreclosure of the mortgages described above.

[signature pages follow]

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals.

SEALED AND DELIVERED
IN THE PRESENCE OF:

KENT STORAGE FACILITIES, LLC

Sarah A. Shaner
Witness

By: Mark G. Schaeffer (SEAL)
Mark G. Schaeffer
Authorized Member

STATE OF DELAWARE)
COUNTY OF Kent) SS.

BE IT REMEMBERED, That on this 11th day of November, 2011, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Mark G. Schaeffer, an authorized member of Kent Storage Facilities, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such and he/she acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Sarah A. Shaner
Notary Public/DE Attorney at Law
Name Printed: Sarah A. Shaner
My Commission Expires: Notary Public
State of Delaware

My Commission Expires 7-19-13

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals.

SEALED AND DELIVERED
IN THE PRESENCE OF:


Witness

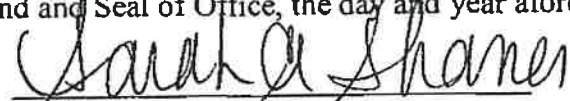
LORALEX COMPANY, LLC

By:  (SEAL)
Constantine F. Malmberg
Authorized Member

STATE OF DELAWARE)
)
COUNTY OF Kent) SS.

BE IT REMEMBERED, That on this 14th day of November, 2011, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Constantine F. Malmberg, am authorized member of Lorelex Company, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such and he/she acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.


Notary Public/DE Attorney at Law
Name Printed: Sarah A. Shaner
My Commission Expires: Notary Public
State of Delaware

My Commission Expires 7-19-13

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals.

SEALED AND DELIVERED
IN THE PRESENCE OF:

COLLEGE ROAD MANAGEMENT, INC.

By: Mark G. Schaeffer
Mark G. Schaeffer, President

Attest: _____
Secretary

STATE OF DELAWARE)
COUNTY OF Kent) SS.

BE IT REMEMBERED, That on this 14th day of November, 2011, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Mark G. Schaeffer, President of College Road Management, Inc., a Delaware corporation, party to this Indenture, on behalf of said corporation.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public/DE Attorney at Law

Name Printed: Sarah A. Shaner
My Commission Expires: Not Public

State of Delaware
My Commission Expires 7-19-13

READY TO PAY TAX

P		P
A	NOV 18 1951	A
I		I
D		D
\$	Exempt	

Grantee's Address:
1640 Powderhorn Drive
Newtown, Pennsylvania 18940



70 2011 00199124

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901

Instrument Number: 2011-199124

Recorded On: November 18, 2011 As-Deed

Parties: KENT STORAGE FACILITIES LLC

To PATEL COLLEGE PROPERTIES LLC

of Pages: 8

Comment:

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

Deed	116.00
# of Pages	7
# of Parcel IDs	3
Total:	116.00

Realty Tax Information

Affidavit Attached-No

STATE AND COUNTY OF KENT

EXEMPT

Value

0.00

State of Delaware

0.00

County of Kent

0.00

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,

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

File Information:

Record and Return To:

Document Number: 2011-199124

Receipt Number: 297309

Recorded Date/Time: November 18, 2011 11:52:35A

Book-Vol/Pg: BK-RE VL-6009 PG-132

User / Station: C Yerkes - Cashier 4

GORDON FOURNARIS AND MAMMARELLA PA
1925 LOVERING AVE
WILMINGTON DE 19806



Betty Lou McKenna

Exhibit “4”

F 052PG074

3. That the portions of said Water Street, Grove Street and Railroad Avenue sought to be vacated/abandoned, while created on paper by plot plan were, in fact, never constructed, opened as a street, or actually used by the public.

4. That Jemm Investors, as owners of the property adjacent to the portions of Grove Street and Railroad Avenue sought to be vacated/abandoned, and the predecessors of Jemm Investors, have occupied and utilized said portions of Grove Street and Railroad Avenue sought to be vacated/abandoned, openly, notoriously, under a claim of right, to the exclusion of all others, continuously, since at least January 8, 1968 to the date of this hearing and, in fact, a fence was constructed across the portion of Grove Street sought to be vacated/abandoned and a house was constructed on the portion of Railroad Avenue sought to be vacated/abandoned.

5. That Joseph W. Burden and Georgianna B. Burden, as owners of the property adjacent to the portion of Water Street sought to be vacated/abandoned, and the predecessors of Joseph W. Burden and Georgianna B. Burden, have occupied and utilized said portion of Water Street sought to be vacated/abandoned, openly, notoriously, under a claim of right, to the exclusion of all others, continuously, since at least January 8, 1968, to the date of this hearing.

6. That the State of Delaware Department of Transportation, the City of Dover and Kent County have no use or need for the continued existence of said portion of said street and the vacating/abandoning of same does not adversely

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affect (financially or otherwise) any interested party or property.

7. That the City of Dover has withdrawn its objection to the vacation/abandonment of the aforesaid portions of Water Street, Grove Street and Railroad Avenue.

8. That Jemm Investors shall grant to the City of Dover, its successors and assigns, a perpetual easement and right-of-way to install, operate, maintain, relocate and remove utility facilities, including their necessary accessories and appurtenances, on, under, over and across the aforesaid lands as may be necessary for the purpose of providing utilities to the users in the City of Dover's service area, excepting therefrom the area under and across the house constructed on the portion of Railroad Avenue sought to be vacated/abandoned.

NOW, THEREFORE, it is the Order of this Court that those portions of Water Street, Grove Street and Railroad Avenue, College Settlement, Dover, Delaware, hereinafter described, are hereby declared and are hereby vacated and abandoned, and title to those portions of Grove Street and Railroad Avenue hereinafter described as Parcels II and III which have been declared vacated/abandoned is hereby declared vested in Jemm Investors, their heirs and assigns, and title to the portion of Water Street hereinafter described as Parcel I which has been declared vacated/abandoned is hereby declared vested in Joseph W. Burden and Georgianna B. Burden, their heirs and assigns, to wit:

F 052PG076

PARCEL I

BEGINNING at a stake at the intersection of the southerly right-of-way line of Jason Street and the westerly right-of-way line of Water Street, said stake marking the northeasterly corner for Lot 185; thence with Lot 185, South 32 degrees 57 minutes East, 200.00 feet to a stake marking a common corner for Lot 185 and Lot 162 and being a point along the westerly right-of-way line of Water Street; thence turning and running North 57 degrees 03 minutes East, 35.00 feet to a point along the lands now or formerly of College Settlement Company; thence with the lands now or formerly of College Settlement Company, North 32 degrees 57 minutes West, 200.00 feet to a point marking the northwesterly corner of lands now or formerly of College Settlement Company and marking the easterly corner of the intersection of Jason Street and Water Street; thence turning and running South 57 degrees 03 minutes West, 35.00 feet to the point and place of beginning, containing 7,000 square feet of land, more or less.

PARCEL II

BEGINNING at a point located on the southwesterly corner for Lot 197, said point and place of beginning being located North 23 degrees 03 minutes West along the easterly side of Grove Street from the intersection of said easterly side of Grove Street and the northerly side of Jason Street; thence from said point and place of beginning proceeding along line of Lot 197 South 23 degrees 03 minutes West 887.00 feet to a stake marking a point along the lands now or formerly of Medford Ford; thence with the lands now or formerly of Medford Ford, South 46 degrees 21 minutes West, 35.00 feet to a point along the lands now or formerly of Medford Ford; thence turning and running South 23 degrees 02 minutes East, 887.00 feet, more or less, to a point on the westerly side of Grove Street at the point that it would be intersected by the South line of Lot 197 extended in a westerly direction across Grove Street; thence turning and running North 57 degrees 03 minutes East, 35.00 feet to the point and place of beginning, said to contain 31,045 square feet of land, more or less.

PARCEL III

BEGINNING at the intersection of the northerly right-of-way line of College Road and the easterly right-of-way line of Railroad Avenue; thence proceeding from said point and place of beginning, North 23 degrees 02 minutes West, approximately 404 feet, passing over a stake at 203.03 feet, to the intersection of the easterly right-of-way line of Railroad Avenue and the southerly right-of-way line of Jason Street; thence turning and running across Railroad Avenue, South 57 degrees 03 minutes West, approximately 35.00 feet to a point along the lands now or formerly of the Delaware Railroad; thence with said Delaware

F 052PG077

Railroad, South 23 degrees 02 minutes East, approximately 404 feet to a point along the Delaware Railroad, said point marking the intersection of the westerly right-of-way line of Railroad Avenue and the northerly right-of-way line of College Road; thence across said Railroad Avenue, North 57 degrees 03 minutes East, approximately 35.00 feet to the point and place of beginning, said to contain 14,140 feet of land, more or less.

SO ORDERED THIS 24 DAY OF July, A. D. 1992.

Myron T. Steele

JUDGE

MYRON T. STEELE

APPROVED TO BE
 RECORDED BY THE
 CLERK OF THE
 COUNTY OF KENT
 DELAWARE
 ON
 OCT 29 1992
 AT
 4 15 PM '92

\$6.00 STATE DOCUMENT FEE PAID

RECEIVED FOR RECORD
 OCT 29 4 15 PM '92
 MICHAEL T. SCUSE
 RECORDER OF DEEDS
 KENT COUNTY, DELAWARE