



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

January 5, 2021

Ms. Kelly Thompson
kelly.thompson@fisherbroyles.com

Exempt from Review – Acquisition of Facility

Record #: 3457
Date of Request: December 18, 2020
Facility Name: Atria Lake Norman
Type of Facility: Adult Care Home (ACH)
FID #: 001199
Acquisition by: HP Mooresville Opco, LLC
Business #: 3329
County: Iredell

Dear Ms. Thompson:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency’s determination is limited to the question of whether the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. Note that pursuant to G.S. 131E-181(b): “A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.”

If the business listed above does acquire the facility, you should contact the Agency’s Adult Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility.

It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination regarding whether a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

[Handwritten signature of Misty L. Piekaar-McWilliams]

Misty L. Piekaar-McWilliams
Project Analyst

[Handwritten signature of Lisa Pittman]

Lisa Pittman
Assistant Chief, Certificate of Need

cc: Adult Care Licensure and Certification Section, DHSR

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
https://info.ncdhhs.gov/dhsr/ • TEL: 919-855-3873

December 17, 2020

**VIA E-MAIL**

Ms. Martha Frisone, Chief  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, North Carolina 27603  
E-mail: Martha.Frisone@dhhs.nc.gov

Re: Request for Exemption Pursuant to N.C.G.S. § 131E-184(a)(8) - Acquisition of Existing Health Service Facilities

Dear Ms. Frisone:

We represent HP Mooresville Opco, LLC (the “Buyer’s Agent”), who is acting as agent for the purchaser listed on Schedule A (“Buyer”). Buyer’s Agent, on behalf of the Buyer, has entered into a Purchase and Sale Agreement dated December 7, 2020, with the seller listed on Schedule A hereto (the “Seller”) and pursuant to which the Buyer will acquire, among other things, the land, buildings and fixed assets (the “Real Estate”) relating to the existing adult care home listed on Schedule A (“Facility”). The closing of this acquisition is expected to occur on February 1, 2021, or as soon as possible thereafter.

The existing operator listed on Schedule B currently operates the Facility. Upon the closing the acquisition, the Sellers will convey the Real Estate to the Buyers, each Buyer will enter into a master lease with a WOJV-DSH Property Venture IV, LLC, and the master tenant will enter into a sublease agreement with WOJV Mooresville, LLC (“New Operator”), an affiliate of the Buyers. New Operator intends to enter into a management agreement with ATSC II LLC, (“New Manager”) who will manage each Facility

The Facility listed on Schedule A hereto is a “health service facility” as defined in N.C.G.S. § 131E-176(9b). N.C.G.S. § 131E-184(a)(8) provides that, upon receiving prior written notice, the Certificate of Need Section shall exempt from certificate of need review the acquisition of “an existing health service facility, including equipment owned by the health service facility at the time of acquisition.”

The purpose of this letter is to provide the prior written notice of the acquisition of Facility as required under N.C.G.S. § 131E-184(a)(8). On behalf of the Buyers, we hereby request that you issue a letter confirming that the acquisition of the existing health service facility by the Buyers is exempt from certificate of need review pursuant to N.C.G.S. § 131E-184(a)(8).

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Thank you in advance for your prompt consideration of this request. As indicated above, the parties intend to close the acquisition on February 1, 2021 and we request a response from you before that date, if possible.

Please contact me if you have any questions or need any additional information.

Best regards.

Very truly yours,

Kelly A. Thompson

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Schedule A

<b>Facility Name</b>	<b>Address</b>	<b>Seller</b>	<b>Buyer</b>
Atria Lake Norman	140 Carriage Club Drive, Mooresville, NC	HCP Mooresville NC OpCo, LLC	HP Mooresville Opco, LLC

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Schedule B

<b>Facility Name</b>	<b>Address</b>	<b>Current Operator</b>
Atria Lake Norman	140 Carriage Club Drive, Mooresville, NC	HCP Mooresville NC OpCo, LLC

**From:** [Frisone, Martha](#)  
**To:** [Waller, Martha K](#)  
**Subject:** Fwd: [External] Request for Exemption Pursuant to N.C.G.S. § 131E-184(a)(8)  
**Date:** Thursday, December 17, 2020 7:30:47 PM  
**Attachments:** [Discovery - Health Peak - North Carolina CON Exemption Ltr 4841-4711-8548 v.1.pdf](#)

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**From:** Kelly Thompson <Kelly.Thompson@fisherbroyles.com>  
**Sent:** Thursday, December 17, 2020 7:30:05 PM  
**To:** Frisone, Martha <martha.frisone@dhhs.nc.gov>  
**Subject:** [External] Request for Exemption Pursuant to N.C.G.S. § 131E-184(a)(8)

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Ms. Frisone,

Attached please find a letter requesting an exemption pursuant to N.C.G.S. § 131E-184(a)(8).

Please don't hesitate to email or call me with any questions you may about the attached.

Best regards,

Kelly

**Kelly A. Thompson**

Partner

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**FisherBroyles, LLP**

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