

OWNER CERTIFICATION
ACKNOWLEDGING RECEIPT
OF
NOTICE OF RIGHT TO APPEAL
EXACTIONS AND DEDICATIONS

I hereby certify that I am the owner of property located at:

9343 E. Shea Boulevard, Scottsdale, AZ
(address where development approval, building permits, or city required
improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal
all exactions and/or dedications required by the City of Scottsdale as part of my
property development on the parcel listed in the above address.



Signature of Property Owner

5/19/08

Date

CHICAGO TITLE
LEGAL DESCRIPTION
EXHIBIT "ONE"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF , STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

Parcel No. 1

A portion of the Northeast quarter of Section 30, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more described as follows:

Commencing at a brass cap in a hand hole at the intersection of 96th Street and Shea Boulevard marking the Northeast corner of said Section 30, from which a brass cap in a hand hole at the intersection of 92nd Street and Shea Boulevard marking the North quarter of said Section 30 bears South 89 degrees 59 minutes 24 seconds West 2642.28 feet said line being North line of the Northeast quarter of said Section 30, and the basis for the bearings in this description:

Thence South 89 degrees 59 minutes 24 seconds West, along said North line 1321.14 feet;

Thence South 00 degrees 05 minutes 25 seconds East 65.00 feet to a line 65.00 feet South of and parallel with said North line, and the Point of Beginning;

Thence continuing South 00 degrees 05 minutes 25 seconds East 490.84 feet;

Thence South 59 degrees 59 minutes 23 seconds West 346.13 feet;

Thence South 89 degrees 54 minutes 33 seconds West 200.00 feet;

Thence North 00 degrees 05 minutes 25 seconds West 664.19 feet to a line 65.00 feet South of and parallel with the North line of said Northwest quarter;

Thence North 89 degrees 59 minutes 24 seconds East, along said parallel line 500.00 feet to the Point of Beginning.

Parcel No. 2:

A portion of the Northeast quarter of Section 30, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a found brass cap in a hand hole at the Northeast corner of said Section 30, from which a found brass cap in a hand hole at the North quarter corner of said Section Bears South 89 degrees 59 minutes 24 seconds West, 2642.27 feet;

Thence South 89 degrees 59 minutes 24 seconds West, along the North line of said Northeast quarter 1321.14 feet;

Thence South 00 degrees 05 minutes 25 seconds East, 555.84 feet to the Point of Beginning;

Thence continuing South 00 degrees 05 minutes 25 seconds East, 608.24 feet;

EXHIBIT "ONE"

(Continued)

Thence South 89 degrees 54 minutes 33 seconds West, 300.00 feet;

Thence North 00 degrees 05 minutes 25 seconds West, 435.60 feet;

Thence North 59 degrees 59 minutes 23 seconds East, 346.13 feet to the Point of Beginning.

**CHICAGO TITLE
SCHEDULE B - SECTION I
REQUIREMENTS**

1. Pay the agreed amounts for the interest in the Land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Documents satisfactory to us creating the interest in the Land and/or the mortgage to be insured must be signed, delivered and recorded.
4. You must tell us in writing the name of anyone not referred to in this commitment who will get an interest in the Land or who will make a loan on the Land. We may then make additional requirements or exceptions.
5. Intentionally omitted
6. Intentionally omitted
7. Furnish evidence that all assessments which are due the owners' association and/or master association, if any, have been paid in full and are current.
8. Furnish evidence that all assessments which are due the City of Scottsdale, if any, have been paid in full and are current. (Exception No. 21)
9. Furnish for review a full and complete copy of any unrecorded agreement, contract, license and/or lease together with all supplements, assignments and amendments thereto, prior to the close of this transaction.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

10. An inspection of said Land has been ordered; upon its completion the Company reserves the right to except additional items and/or make additional requirements.
11. The Company will require an ALTA/ACSM LAND TITLE SURVEY. If the owner of the Land the subject of this transaction is in possession of a current ALTA/ACSM LAND TITLE SURVEY, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be prepared by a licensed land surveyor and supplied to the Company prior to the close of escrow.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

SCHEDULE B - SECTION I

(Continued)

12. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: 94TH AND SHEA, L.L.C., an Arizona limited liability company

- a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps.
- c) If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin.
- e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

13. Record a resolution in favor of City of Scottsdale

For: Purchase of the property to be insured herein
 Recording Date:
 Recording No.: To Come

14. Furnish for recordation a Full release/reconveyance of deed of trust:

Amount: \$21,000,000.00
 Dated: May 17, 2007
 Trustor/Grantor: 94TH and SHEA, L.L.C., an Arizona limited liability company
 Trustee: American Heritage Title Agency, Inc., a Colorado corporation
 Beneficiary: Canadian Imperial Bank of Commerce, New York Agency
 Loan No.
 MERS: no
 Recording Date: May 18, 2007
 Recording No: 2007-0582893 Thereafter re-recorded September 7, 2007 in
 Instrument No. 2007-0999251

15. Furnish for recordation a release of the assignment of leases and/or rents described as follows:

Executed by: 94TH AND SHEA, L.L.C., an Arizona limited liability company
 In favor of: Canadian Imperial Bank of Commerce, New York Agency
 Recording Date: 05/18/2007
 Recording No: 2007-0582894 Thereafter re-recorded September 7, 2007 in
 Instrument No. 2007-0999252