

**Fidelity National Title Insurance Company**

**COMMITMENT FOR TITLE INSURANCE**

**SCHEDULE A**

Order Number: 39003623 - B  
Amendment

- 1. Effective Date: June 14, 2005, 07:59 A.M.
- 2. Policy or Policies to be issued: Amount of Insurance  
 ALTA Owner's Policy (10-17-92) Extended Cover 1,000.00  
 Proposed Insured:  
 To Come
- 3. The estate or interest in the land described or referred to in this Commitment and covered herein is:  
 A FEE
- 4. Title to the estate or interest in said land is at the effective date hereof vested in:  
 RHVT LIMITED PARTNERSHIP, an Arizona limited partnership
- 5. The land referred to in this commitment is in the State of Arizona, County of MARICOPA and is described as follows:

SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

TITLE OFFICER: Brent Ingersoll

ESCROW OFFICER: Rebecca Damian

**EXHIBIT "ONE"**

The Northwest quarter of Section 14, Township 4 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 55 feet, and

EXCEPT the East 40 feet, and

EXCEPT the West 55 feet, and

EXCEPT the South 40 feet

Schedule B (Continued)

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**COMMITMENT FOR TITLE INSURANCE**

**SCHEDULE B**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company. Rights are reserved to include additional exceptions and/or requirements with respect to any matters arising subsequent to the effective date hereof and prior to the recordation date of the transaction to be insured herein, but any such matters shall be dealt with prior to recordation hereunder.

**1 Exceptions and Exclusions** from coverage which will appear in the policy or policies to be issued as set forth in Exhibit A attached

**2 Any action by Maricopa County and/or Treasurer, altering the current or prior tax assessment, subsequent to the date of the Policy of Title Insurance**

**3 Property taxes, which are a lien not yet due and payable, including any personal property taxes and any assessments collected with taxes to be levied for the year 2005**

**4 Reservations, exceptions and provisions contained in the patent from the United States of America or in the acts authorizing the issuance thereof, as follows**

**"Subject to any vested and accrued water rights for mining, agriculture, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States of America "**

**5 Water rights, claims or title to water, whether or not disclosed by the public records**

**6 Roadway as shown on the map recorded January 3, 1961, in Book 13, Page 94, of Road Maps**

**Name** Scottsdale Road  
**Affects** as set forth therein

**7 Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document**

**Purpose** underground electric lines and appurtenant facilities  
**Recorded** April 13, 1970, Docket 8085, Page 647  
**Affects** as set forth therein

## Schedule B (Continued)

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- 8 Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document**

**Purpose** underground electric lines and appurtenant facilities  
**Recorded** August 15, 1972, Docket 9629, Page 130  
**Affects** as set forth therein

- 9 Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document**

**Purpose** underground electric lines and appurtenant facilities  
**Recorded** May 16, 1980, Docket 14423, Page 994  
**Affects** as set forth therein

- 10 Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document**

**Purpose** Trans & U G electric lines and appurtenant facilities  
**Recorded** March 11, 1981, Docket 15079, Page 102  
**Affects.** as set forth therein

- 11 Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document**

**Purpose** Trans & U G electric lines and appurtenant facilities  
**Recorded** March 11, 1981, Docket 15079, Page 105  
**Affects** as set forth therein

- 12 Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document**

**Purpose** underground electric lines and appurtenant facilities  
**Recorded** August 20, 1982, Docket 16234, Page 754  
**Affects** as set forth therein

- 13 Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document**

**Purpose** underground electric lines and appurtenant facilities  
**Recorded** August 20, 1982, Docket 16234, Page 755  
**Affects** as set forth therein

## Schedule B (Continued)

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14. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document

Purpose electric lines and appurtenant facilities  
 Recorded December 13, 1985, Instrument No 85-591290  
 Affects as set forth therein

15. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document

Purpose underground water utility lines, mains and appurtenant facilities  
 Recorded May 1, 1990, Instrument No 90-194309  
 Affects as set forth therein

- 16 **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document

Purpose electric lines and appurtenant facilities  
 Recorded August 16, 1991, Instrument No. 91-383008  
 Affects as set forth therein

- 17 **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document

Purpose underground electric lines and appurtenant facilities  
 Recorded November 15, 1995, Instrument No 95-0702701  
 Affects as set forth therein

- 18 Survey matters as set forth in Special Warranty Deeds recorded June 11, 2004 in Instrument No 2004-0665642 and Instrument No 2004-0665643

- 19 **An unrecorded lease** with certain terms, covenants, conditions and provisions set forth therein disclosed by application for title insurance

Entitled Lease Agreement  
 Dated June 10, 2004  
 Lessor RHVT LIMITED PARTNERSHIP, an Arizona limited partnership  
 Lessee New Western Town, L L C

thereafter unrecorded Sublease dated March 28, 2005 by and between New Western Town, L L C (sublessor) and Wild Horse Pass Development Authority, a tribal enterprise of the Gila River Indian Community (sublessee), and thereafter unrecorded Sub-Sublease dated March 28, 2005 by and between Wild Horse Pass Development Authority, a tribal enterprise of the Gila River Indian Community (Sublessor) and W H P Group, L L C , an Arizona limited liability company (Sublessee)

END OF EXCEPTIONS

JUN-27-2005 10 35

FILITY MARIFAX2

P 06

Schedule B (Continued)

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Schedule B (Continued)

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**REQUIREMENTS**

**COMMITMENT FOR TITLE INSURANCE**

The following are the requirements to be complied with

**NOTE** All Instruments need to conform with the County Recorder's Instrument Conformance Template

**ARS § 11-480 requires that the:**

Maximum document width is	8½"
Maximum document length is	14"
Minimum print size is	10 point
Minimum top margin is	2"
Minimum left, right and bottom margins be	½"

**1** 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 except additional items and/or make additional requirements after reviewing said documents

**2** Property taxes for the first half of the year shown below are paid

APN	212-02-001C, 001D, 001E & 001F
Year	2004

(Intentionally omitted)

**3.** Pay Second Half property taxes, including any personal property taxes and any assessments collected with taxes, levied for the year 2004

APN	212-02-001C, 001D, 001E & 001F
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(Intentionally omitted)

**4.** Completion of an inspection by or on behalf of the Company, upon it's completion the company reserves the right to except additional items and/or make additional requirements

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(Intentionally omitted)

- 5 Furnish a plat of a **ALTA/ACSM Land Title Survey**. If the owner of subject property is in possession of a current ALTA/ACSM Land Title Survey, this Company will require that said Survey be submitted for review and approval, otherwise, a new survey, satisfactory to this Company, must be prepared by a registered land surveyor and supplied to the Company prior to the close of escrow. The Company reserves the right to except additional items and/or make additional requirements after review of such survey.

Said Plat of Survey shall include the recommended certification and at the minimum, also have shown thereon Items 1, 6, 8, 10, 11, 14, 15 and 16 from Table A thereof

Note If an ALTA 3 1 Zoning Endorsement is requested, Items 7a, 7b, 7c and 9 of Table A will also be required. The number and type of parking spaces must be shown on the survey. Property use information must also be provided to Fidelity National Title Insurance Company

- 6. Notify the title department sufficiently in advance of recording to arrange for a priority inspection of said land to determine that no work has been commenced as of the time of the recording

- 7 **Furnish for review**, the following regarding the limited partnership named below prior to the close of this transaction.

- Name **RHVT LIMITED PARTNERSHIP, an Arizona limited partnership**
- (a) A complete copy of the partnership agreement and of all amendments or restatements thereof
- (b) A filed copy of the certificate of limited partnership and of any amendments or restatements thereof with the filing stamp of the Secretary of State thereon
- (c) If less than all general partner are executing the closing documents, furnish evidence of the signing partners' authority, unless contained in the documents referred to above

The Company reserves the right to add additional items or requirements upon review of the above

- 8 **Furnish** the name(s) and type of entity, if applicable, of the Proposed Insured

The Company reserves the right to make additional requirements or exceptions upon receipt thereof

- 9. **Record a Full Release and Reconveyance of the Deed of Trust.**

Amount	\$16,751,250 00
Dated	June 18, 1998
Trustor	PINNACLE RODEO, L L C , an Arizona limited liability company
Trustee	First American Title Insurance Company
Beneficiary	WESTERN TOWN, L L C , an Arizona limited liability company
Recorded	June 19, 1998, Instrument No. 98-0523794



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and re-recorded August 31, 1998, Instrument No 98-0772397

An agreement to modify the terms and provisions of said deed of trust as therein provided

Recorded February 10, 2000 Instrument No 00-0101733

Request for Notice recorded April 2, 2001 in Instrument No 2001-0264304

FURNISH A COPY OF THE BORROWER'S AUTHORIZATION TO CLOSE CREDIT LINE IF THE DEED OF TRUST SHOWN ABOVE SECURES A CREDIT LINE LOAN

10 Record a Full Release and Reconveyance of the Deed of Trust

Amount	\$1,000,000 00
Dated	None Shown
Trustor	PINNACLE RODEO, L L C , an Arizona limited liability company
Trustee	First American Title Insurance Company
Beneficiary	Western Town, L L C , an Arizona limited liability company
Recorded	June 19, 1998, Instrument No. 98-0523795

and re-recorded August 31, 1998, Instrument No 98-0772398

An agreement to modify the terms and provisions of said deed of trust as therein provided

Recorded February 10, 2000 Instrument No 00-0101733

Request for Notice recorded April 2, 2001 in Instrument No 2001-0264302

FURNISH A COPY OF THE BORROWER'S AUTHORIZATION TO CLOSE CREDIT LINE IF THE DEED OF TRUST SHOWN ABOVE SECURES A CREDIT LINE LOAN

11. Record a Full Release and Reconveyance of the Deed of Trust

Amount	\$16,751,250 00
Dated	June 18, 1998
Trustor	PINNACLE RAWHIDE, L L C , an Arizona limited liability company
Trustee	First American Title Insurance Company
Beneficiary	WESTERN TOWN, L L C , an Arizona limited liability company
Recorded	June 19, 1998, Instrument No 98-0523796

and re-recorded August 31, 1998, Instrument No 98-0772399

An agreement to modify the terms and provisions of said deed of trust as therein provided

Recorded February 10, 2000 Instrument No 00-0101733

Request for Notice recorded April 2, 2001 in Instrument No 2001-0264303

FURNISH A COPY OF THE BORROWER'S AUTHORIZATION TO CLOSE CREDIT LINE IF THE DEED OF TRUST SHOWN ABOVE SECURES A CREDIT LINE LOAN

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- 12. Request for Notice recorded April 2, 2001 in Instrument No 2001-0264303

FURNISH A COPY OF THE BORROWER'S AUTHORIZATION TO CLOSE CREDIT LINE IF THE DEED OF TRUST SHOWN ABOVE SECURES A CREDIT LINE LOAN

- 13 Record a cancellation of Notice of Trustees Sale

Trustee First American Title Insurance Company  
 Time and Place of Sale August 15, 2002 at the Superior Court Building  
 Recorded May 14, 2002, Instrument No 2002-0495834

Regarding the Deed of Trust shown at Item No 11 above and re-recorded August 31, 1998, Instrument No 98-0772400

An agreement to modify the terms and provisions of said deed of trust as therein provided

Recorded February 10, 2000 Instrument No 00-0101733

Request for Notice recorded April 2, 2001 in Instrument No 2001-0264301

FURNISH A COPY OF THE BORROWER'S AUTHORIZATION TO CLOSE CREDIT LINE IF THE DEED OF TRUST SHOWN ABOVE SECURES A CREDIT LINE LOAN

- 14. Record a cancellation of Notice of Trustees Sale

Trustee First American Title Insurance Company  
 Time and Place of Sale August 15, 2002 at the Superior Court Building  
 Recorded May 14, 2002, Instrument No 2002-0495833

Regarding the Deed of Trust recorded at Item No 13 above

- 15. Record a Deed from PINNACLE RODEO, L L C , an Arizona limited liability company to \_\_\_\_\_ (To Come)

- 16 Property taxes for the full year shown below are paid

APN 212-02-001C, 001D, 001E & 001F  
 Year 2004

END OF REQUIREMENTS