

**Narrative**

This Survey update was requested by Associated Foods, Inc. prerequisite to the purchase of this property.

This survey honors a previous October 1997 survey by Great Basin Engineering - South for the entire shopping center.

A line between monuments found for the North 1/4 Corner and the Center of Section 22, T5N, R1W, SLB & M U.S. Survey was assigned the Weber County Survey bearing of South 0°37'15" West as the Basis of Bearings.

No Property Corners were placed with this Survey.

**Notes**

The location and/or elevation of existing utilities shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. No underground explorations were performed.

According to ALTA standards, the surveyor cannot certify a survey based upon an interpretation. The surveyor is not authorized to interpret zoning codes, nor can the surveyor determine whether certain improvements are burdening or actually benefiting the property.

ALTA requirements do not mention trees or vegetation. The Surveyor has shown significant observation of trees under Table A Item Number 8. Trees from Adjoining Parcels may canopy over the property which may not show on this survey.

Building walls intended to be constructed along property lines do not encroach onto the adjoining Parcel as shown on this survey.

Pertaining to ALTA requirement No. 9: there are 473 parking stalls on this site, 268 stalls on lot 2, 24 stalls on lot 4, of which 14 are designated for handicap parking and access. Partial parking stalls that fall on Lot Lines are not included within this stall count.

There are no observable, above ground encroachments by the improvements upon adjoining properties or by the improvements of adjoining properties or streets upon this property.

**Flood Plain Data**

This property lies entirely within Flood Zone X as shown on FEMA Flood Insurance Rate Map for Weber County and Incorporated Areas Community Panel Number 49057C0437E dated December 16, 2006. Flood Zone X is designated as "Areas determined to be outside the 0.2% annual chance flood plain" ( No Shading )

**Title Information**

This survey was completed using Title Report Order No. 47527-A dated July 14, 2009, from First American Title Insurance Company issued by Landmark Title Company.

The following survey related items circled from Schedule B - Section 2 of the title report are plotted on the survey:

- #11 - Easements for public utilities and incidental purposes over, along and across said property as shown on the recorded plat of said subdivision.
#12 - A 6 foot right of way easement in favor of Mountain States Telephone and Telegraph Company, recorded April 27, 1987 as Entry no. 1008277, in Book 1515, at Page 561 of Official Records.

The following survey related items not circled from Schedule B - Section 2 of the title report could not be plotted:

- #14 - Terms of Declaration of Restrictions and Grant of Easements, recorded March 17, 1995 as Entry no. 1336950, in Book 1750, at Page 487 and re-recorded March 29, 1996, as Entry no. 1396674, in Book 1798, at Page 2852 of Official Records blankets entire property
#15 - Terms of Declaration of Restrictions and Grant of Easements Theatre Property, recorded March 17, 1995 as Entry no. 1336954, in Book 1750, at Page 506 and re-recorded March 29, 1996 as Entry no. 1396673, in Book 1798, at Page 2837 of Official Records refers to three (3) driveways along North side of this property.
#16 - Terms of Declaration of Restrictions and Grant of Easements recorded March 17, 1995 as Entry no. 1336961, in Book 1750, at Page 533 of Official Records blankets common area of entire property.

Amended Covenants, Conditions, Restrictions and/or Easements recorded November 15, 1995 as Entry no. 1373624 in Book 1780, at Page 147 of Official Records affects lots 7, 8 & 9 but contains nothing to plot.

Amended Covenants, Conditions, Restrictions and/or Easements recorded November 15, 1995 as Entry no. 1373626 in Book 1780, at Page 157 of Official Records affects entire property but contains nothing to plot.

A Restriction Confirmation recorded December 18, 1997 as Entry no. 1510892, in Book 1897, at Page 2202 of Official Records. contains nothing to plot.

Amended Covenants, Conditions, Restrictions and/or Easements recorded August 3, 1999 as Entry no. 1653885 in Book 2026, at Page 2553 of Official Records blankets common area of entire property.

#17 - A Common Area Maintenance Agreement recorded March 17, 1995 as Entry no. 1336962, in Book 1750, at Page 584 of Official Records blankets entire property.

Amendment to Common Area Maintenance Agreement recorded November 15, 1995 as Entry no. 1373627, in Book 1780, at Page 186 of Official Records blankets common area of entire property.

#18 - Development Agreement between Cross Pointe Associates Limited and Albertson's, Inc. recorded March 17, 1995 as Entry no. 1336963, in Book 1750, at Page 620 of Official Records blankets entire property and other property.

#19 - Agreement between Cross Pointe Associates Limited and Golden Arch Limited Partnership recorded November 15, 1995, as Entry no. 1373628, in Book 1780, at Page 195 of Official Records affects Lot 6 but contains nothing to plot.

#20 - Terms, Covenants, Conditions and Provisions of the Shopping Center Ground Lease blankets entire property.

First Amendment to Shopping Center Ground Lease recorded August 3, 1999 as Entry no. 1653886, in Book 2026, at Page 2571 of Official Records blankets entire property.

#21 - Terms, covenants, conditions, and affects of an unrecorded Assignment and Assumption of Lease Agreement between Albertsons LLC and New Albertson's, Inc. Dated June 1, 2006.

#22 - Lease between Cross Pointe Associates Limited and Albertson's, Inc. recorded December 9, 1997 as Entry no. 1510894 in Book 1897, at Page 2214 of Official Records blankets entire property.

First Amendment to Shopping Center Ground Lease recorded August 3, 1999 as Entry no. 1653886, in Book 2026, at Page 2571 of Official Records blankets entire property.

#24 - Terms and Conditions of Notice of Restricted Use and Indemnification Agreement recorded August 3, 1999, as Entry no. 1653887, in Book 2026, at Page 2584 of Official Records affects Lot 4 and Other Properties & Common Areas.

**Title Information**

This survey was completed using Title Report Order No. 47527-B dated July 14, 2009, from First American Title Insurance Company issued by Landmark Title Company.

The following survey related items circled from Schedule B - Section 2 of the title report are plotted on the survey:

- #11 - Easements for public utilities and incidental purposes over, along and across said property as shown on the recorded plat of said subdivision.
#12 - A 6 foot right of way easement in favor of Mountain States Telephone and Telegraph Company, recorded April 27, 1987 as Entry no. 1008277, in Book 1515, at Page 561 of Official Records.

The following survey related items not circled from Schedule B - Section 2 of the title report could not be plotted:

- #14 - Terms of Declaration of Restrictions and Grant of Easements, recorded March 17, 1995 as Entry no. 1336950, in Book 1750, at Page 487 and re-recorded March 29, 1996, as Entry no. 1396674, in Book 1798, at Page 2852 of Official Records. blankets entire property
#15 - Terms of Declaration of Restrictions and Grant of Easements Theatre Property, recorded March 17, 1995 as Entry no. 1336954, in Book 1750, at Page 506 and re-recorded March 29, 1996 as Entry no. 1396673, in Book 1798, at Page 2837 of Official Records refers to three (3) driveways along North side of this property.
#16 - Terms of Declaration of Restrictions and Grant of Easements recorded March 17, 1995 as Entry no. 1336961, in Book 1750, at Page 533 of Official Records blankets common area of entire property.

Amended Covenants, Conditions, Restrictions and/or Easements recorded November 15, 1995 as Entry no. 1373624 in Book 1780, at Page 147 of Official Records affects lots 7, 8 & 9 but contains nothing to plot.

Amended Covenants, Conditions, Restrictions and/or Easements recorded November 15, 1995 as Entry no. 1373626 in Book 1780, at Page 157 of Official Records affects entire property but contains nothing to plot.

A Restriction Confirmation recorded December 18, 1997 as Entry no. 1510892, in Book 1897, at Page 2202 of Official Records. contains nothing to plot.

Amended Covenants, Conditions, Restrictions and/or Easements recorded August 3, 1999 as Entry no. 1653885 in Book 2026, at Page 2553 of Official Records blankets common area of entire property.

#17 - A Common Area Maintenance Agreement recorded March 17, 1995 as Entry no. 1336962, in Book 1750, at Page 584 of Official Records blankets entire property.

Amendment to Common Area Maintenance Agreement recorded November 15, 1995 as Entry no. 1373627, in Book 1780, at Page 186 of Official Records blankets common area of entire property.

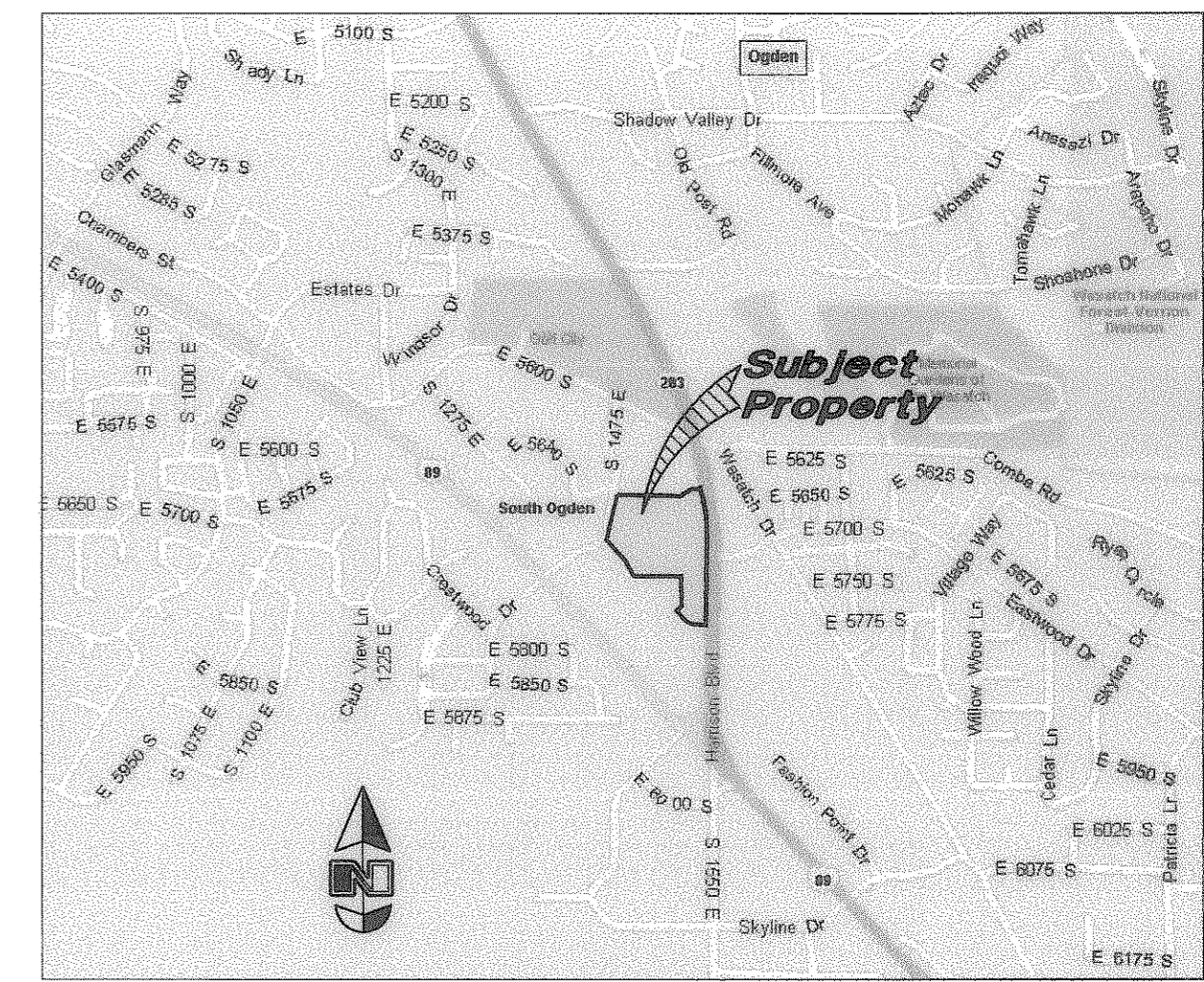
#18 - Development Agreement between Cross Pointe Associates Limited and Albertson's, Inc. recorded March 17, 1995 as Entry no. 1336963, in Book 1750, at Page 620 of Official Records blankets entire property and other property.

#19 - Agreement between Cross Pointe Associates Limited and Golden Arch Limited Partnership recorded November 15, 1995, as Entry no. 1373628, in Book 1780, at Page 195 of Official Records affects Lot 6 but contains nothing to plot.

#20 - Terms and Conditions of Notice of Restricted Use and Indemnification Agreement recorded August 3, 1999, as Entry no. 1653887, in Book 2026, at Page 2584 of Official Records contains nothing to plot.

#21 - Lease between Cross Pointe Associates Limited and Albertson's, Inc. recorded December 9, 1997 as Entry no. 1510894 in Book 1897, at Page 2214 of Official Records blankets entire property.

First Amendment to Shopping Center Ground Lease recorded August 3, 1999 as Entry no. 1653886, in Book 2026, at Page 2571 of Official Records blankets entire property.



Vicinity Map No Scale

**Description**

Commitment No. 47527-A

Parcel 1: The buildings, site improvements and all other improvements constituting real property located upon the following described parcel of land, to-wit:

Lot 2, Cross Pointe Shopping Center, a Utah commercial subdivision, according to the official plat thereof as recorded in the Office of the Weber County Recorder, State of Utah.

Parcel 2: The Leasehold Estate and interest which arise pursuant to that certain Shopping Center Ground Lease dated as of December 9, 1997, by and between Cross Pointe Associates Limited, a Utah limited partnership, as Landlord, and Albertson's, Inc., a Delaware corporation, as Tenant, the existence of which is disclosed by that certain Memorandum of Shopping Center Ground Lease recorded December 18, 1997 as Entry No. 1510894, in Book 1897, at Page 2214 of the Official Records of the Salt Lake Recorder, as said Shopping Center Ground Lease may have heretofore been amended and/or supplemented, in and to the following described parcel of land, to-wit:

Lot 2, Cross Pointe Shopping Center, a Utah commercial subdivision, according to the official plat thereof as recorded in the Office of the Weber County Recorder, State of Utah.

Excepting therefrom the buildings, site improvements and all other improvements located thereon.

Parcel No. 3: A non-exclusive easement for ingress and egress by vehicular and pedestrian traffic, vehicular parking, installation, operation, maintenance, repair and replacement of water drainage systems, water mains, sewers, water sprinkler system lines, telephone, electrical conduits systems, gas mains or utilities, as established and defined in that certain Declaration of Restrictions and Grant of Easements recorded March 17, 1995 as Entry No. 1336961, in Book 1750, at Page 533 of the Official Records.

**Description**

Commitment No. 47527-B

Parcel No. 1: Lot 4, Cross Pointe Shopping Center, a Utah commercial subdivision, according to the official plat thereof as recorded in the Office of the Weber County Recorder, State of Utah.

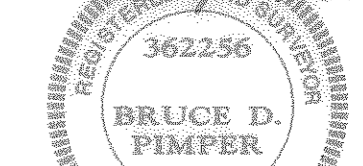
Parcel No. 2: A non-exclusive easement for ingress and egress by vehicular and pedestrian traffic, vehicular parking, installation, operation, maintenance, repair and replacement of water drainage systems, water mains, sewers, water sprinkler system lines, telephone, electrical conduits systems, gas mains or utilities, as established and defined in that certain Declaration of Restrictions and Grant of Easements recorded March 17, 1995 as Entry No. 1336961, in Book 1750, at Page 533 of the Official Records.

**Certification**

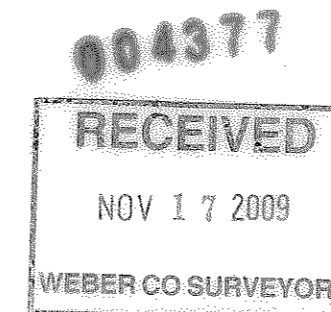
To: New Albertson's Inc, Albertson's Inc, Associated Food Stores, Inc., Associated Fresh Markets, Inc., Wells Fargo Bank, National Association, and its successors and assigns, as Collateral Agent, First American Title Insurance Company and Landmark Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, and NSPS in 2005, and includes Items 2, 3, 4, 7(a), 8, 9, 10, and 11(b) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor in the State of Utah, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 27 July 2009



Bruce D. Pimper Utah RLS No. 362256



GREAT BASIN ENGINEERING - SOUTH CONSULTING ENGINEERS and LAND SURVEYORS 2010 North Redwood Road, P.O. Box 16747 Salt Lake City, Utah 84116

ALTA / ACSM Land Title Survey AFS #388 5691 So. Harrison Blvd. South Ogden, Weber County, Utah A Part of the NW 1/4 of Sec. 22, T5N, R1W, SLB&M

12 Aug, 2009

SHEET NO. 1

Legend

- T Buried Phone Cable
S Sanitary Sewer Line
W Culinary Water Line
G Gas Line
SD Storm Drain Line
PP Power Pole
SP Signal Pole
Power Pole w/Guy
Fence
Overhead Power, Telephone & Cable TV Line
Centerline
Bollard
Telephone Box
Electrical Box
Post
ECAB Electrical Cabinet
LP Light Pole
Asphalt
Concrete Building
Inlet Box
Catch Basin
Power Meter
Manhole
Gas Meter
Fire Hydrant
Water Valve
Power Transformer

CAUTION: The location and/or elevation of existing utilities are shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field.

Cross Pointe Office Complex

Cross Pointe Office Complex Condominium Phase II

Grocery Store

Lot 3B

Cross Pointe Shopping Center Existing Building Retail Shops

Cross Pointe Associates Limited Amsource Inc. Existing Building Retail Shops

Parcel 1 & 2 Lot 2 229,509 sq ft

Cross Pointe Shopping Center Phase 5

Lot 13 Lot 12

Lot 11

Lot 3A

Lot 5

Parcel 1 Lot 4 33,919 sq ft

Golden Arches Limited Partnership Lot 6 9

Lot 7

Lot 12

Lot 11

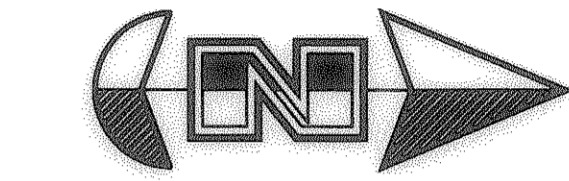
Center Section 22, 75N, R1W, SLB & M (Found Brass Cap)

N 1/4 Corner Section 22, 75N, R1W, SLB & M (Found Brass Cap)

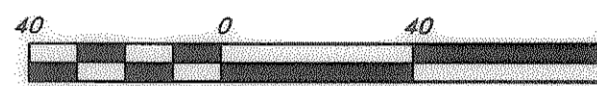
Harrison

Boulevard

100' Right of way



Scale: 1" = 40'



004377

RECEIVED NOV 17 2009 WEBER CO SURVEYOR

Table with columns: REVISION, DATE, DESCRIPTION. It is currently empty.

Designed by:
Drafted by: JTF
Client Name:
Associated Fields:
AFS388

GREAT BASIN ENGINEERING - SOUTH CONSULTING ENGINEERS AND LAND SURVEYORS
2010 North Redwood Road, P.O. Box 16747
Salt Lake City, Utah 84116
GEB logo

ALTA / ACSM Land Title Survey AFS #388
5691 So. Harrison Blvd.
South Ogden, Weber County, Utah
A Part of the NW 1/4 of Sec. 22, 75N, R1W, SLB&M

REGISTERED LAND SURVEYOR
362256
BRUCE D. MEYER
STATE OF UTAH

12 Aug 2009