

Plaza on North Avenue

In the SE1/4 SE1/4 Section 7

Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado

Owners' Statement and Dedication:

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned In-and-Out LLC, a Colorado Limited Liability Company, is the owner of that real property situate in the SE1/4 SE1/4 of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado as evidenced by Warranty Deeds recorded in Book 4082, Page 399 and Book 4082, Page 400 and by Quit Claim Deeds recorded in Book 4585, Page 949 and Book 4585, Page 950 of the office of the Mesa County, Colorado, Clerk and Recorder;

That the undersigned Sydney F. Pincock, is the owner of that real property situate in the SE1/4 SE1/4 of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado as evidenced by Quit Claim Deed recorded in Book 3266, Page 845 of the office of the Mesa County, Colorado, Clerk and Recorder;

That the combined property has the following description:

A parcel of land situate in the SE1/4 SE1/4 Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, being the same parcel as conveyed by G. Robert Guyton and Maebeth Guyton, Trustees of the Guyton Trust dated October 6, 1995, Grantors, to In-and-Out, LLC, a Colorado Limited Liability Company, Grantee, as evidenced by warranty deed filed in the records of the Mesa County, Colorado, Clerk and Recorder in Book 4082, Pages 400-401; as conveyed by Kevin W. Guyton and Lori Guyton, Grantors, to In-and-Out LLC, a Colorado Limited Liability Company, Grantee, as evidenced by warranty deed filed in the records of the Mesa County, Colorado, Clerk and Recorder in Book 4082, Page 399; as conveyed by Scotty Investments, LLP, a Colorado Limited Liability Partnership, Grantor, to In-and-Out, LLC, a Colorado Limited Liability Company, Grantee, as evidenced by quit claim deed filed in the records of the Mesa County, Colorado, Clerk and Recorder in Book 4585, Page 949; as conveyed by Scotty Investments, LLP, a Colorado Limited Liability Partnership, Grantor, to In-and-Out, LLC, a Colorado Limited Liability Company, Grantee, as evidenced by quit claim deed filed in the records of the Mesa County, Colorado, Clerk and Recorder in Book 4585, Page 950; and as conveyed by Sydney F. Pincock and Karen M. Pincock, Grantors, to Sydney F. Pincock, Grantee, as evidenced by quit claim deed filed in the records of the Mesa County, Colorado, Clerk and Recorder in Book 3266, Page 845, being more particularly described as follows:

Commencing at the E 1/16 corner of the south line of Section 7, Township 1 South, Range 1 East of the Ute Meridian, monumented with MCSM No. 1697 in a monument box, whence the SE 1/16 corner of said Section 7, monumented with MCSM No. 640, bears N00°07'26"W, a distance of 1318.66 feet, with all other bearings contained herein being relative thereto;

thence, N00°07'26"W along the west line of the SE1/4 SE1/4 said Section 7, a distance of 40.00 feet; thence, S89°49'23"E, a distance of 25.00 feet to the easterly right-of-way line of 28 3/4 Road and the POINT OF BEGINNING, monumented with a 2-inch aluminum cap on 5/8-inch rebar, PLS 37904;

thence, N00°07'26"W along said easterly right-of-way line, a distance of 619.33 feet to the north line of the SW1/4 SE1/4 SE1/4 of said Section 7, monumented with a 2-inch aluminum cap on 5/8-inch rebar, PLS 38005;

thence, N00°07'26"W continuing along said easterly right-of-way line, a distance of 160.00 feet to a 2-inch aluminum cap on 5/8-inch rebar, PLS 38005;

thence, S89°48'56"E parallel with the south line of the NW1/4 SE1/4 SE1/4 of said Section 7, a distance of 262.00 feet to a magnetic nail with aluminum disk, PLS 37904;

thence, S00°07'26"E parallel with the west line of said NW1/4 SE1/4 SE1/4, a distance of 160.00 feet to the south line of said NW1/4 SE1/4 SE1/4, monumented with a 2-inch aluminum cap on 5/8-inch rebar, PLS 37904;

thence, S89°48'56"E along the north line of the W1/2 SW1/4 SE1/4 SE1/4 of said Section 7, a distance of 42.45 feet to the east line of said W1/2 SW1/4 SE1/4 SE1/4, monumented with a 2-inch aluminum cap on 5/8-inch rebar, PLS 38005;

thence, S89°48'56"E along the north line of the E1/2 SW1/4 SE1/4 SE1/4 of said Section 7, a distance of 110.00 feet to a 2-inch aluminum cap on 5/8-inch rebar, PLS 37904;

thence, S00°06'35"E parallel with the west line of said E1/2 SW1/4 SE1/4 SE1/4, a distance of 619.27 feet to the northerly right-of-way line of North Avenue, monumented with a 2-inch aluminum cap on 5/8-inch rebar, PLS 38005;

thence, N89°49'23"W along said northerly right-of-way line, a distance of 110.00 feet to the west line of said E1/2 SW1/4 SE1/4 SE1/4, monumented with a 2-inch aluminum cap on 5/8-inch rebar, PLS 38005;

thence, N89°48'56"W continuing along said northerly right-of-way line, a distance of 304.30 feet to the POINT OF BEGINNING; containing 6.85 acres by these measures.

That said owners have laid out, platted and subdivided the above described real properties into lots as shown hereon, and designate the same as PLAZA ON NORTH AVENUE, a subdivision in the City of Grand Junction, County of Mesa, State of Colorado, and do hereby make the following grants:

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever;

All Utility Easements are dedicated to the City of Grand Junction for the use of City-approved public utilities as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public utility providers and appurtenant facilities;

All Limited Utility Easements are dedicated to the City of Grand Junction for the use of City-approved public utilities as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances thereto, limited to sanitary sewer lines and water lines except as otherwise specified on this plat.

All Multipurpose Easements are dedicated to the City of Grand Junction for the use of City-approved utilities and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

All Drainage Easements are dedicated to the City of Grand Junction as perpetual, non-exclusive easements for the inspection, installation, operation, maintenance and repair of detention and drainage facilities and appurtenances thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The owner(s) and/or the property owners' association, if one exists, is not relieved of its responsibility to inspect, install, operate, maintain, and repair the detention and drainage facilities.

All tracts/easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby plotted shall not burden or overburden said easement by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress to and from the easement.

That there are no lienholders of record for the described property.

IN WITNESS WHEREOF, said owner, In-and-Out LLC has caused its name to be hereunto subscribed this 12th day of April, A. D. 2008

Name: William L. Shuman Title: MANAGER, IN-AND-OUT LLC

STATE OF COLORADO }
COUNTY OF MESA }SS

The foregoing instrument was acknowledged before me by William L. Shuman this 12th day of April, A.D. 2008

Witness my hand and official seal Thomas W. Sylvester
Notary Public
My commission expires 7/03/08

IN WITNESS WHEREOF, said owner, Sydney F. Pincock has caused their name to be hereunto subscribed this 12th day of April, A. D. 2008

Sydney F. Pincock

STATE OF Colorado }
COUNTY OF Mesa }SS

The foregoing instrument was acknowledged before me by Sydney F. Pincock this 12th day of April, A.D. 2008

Witness my hand and official seal Thomas W. Sylvester
Notary Public
My commission expires 7/03/08

Lienholder's Ratification of Plat:

The undersigned, hereby certifies that it is a holder of a security interest upon the property hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owners thereof and agree that its security interest which is recorded in Book 4408, Page 191 of the public records of Mesa County, Colorado shall be subordinated to the dedications shown hereon.

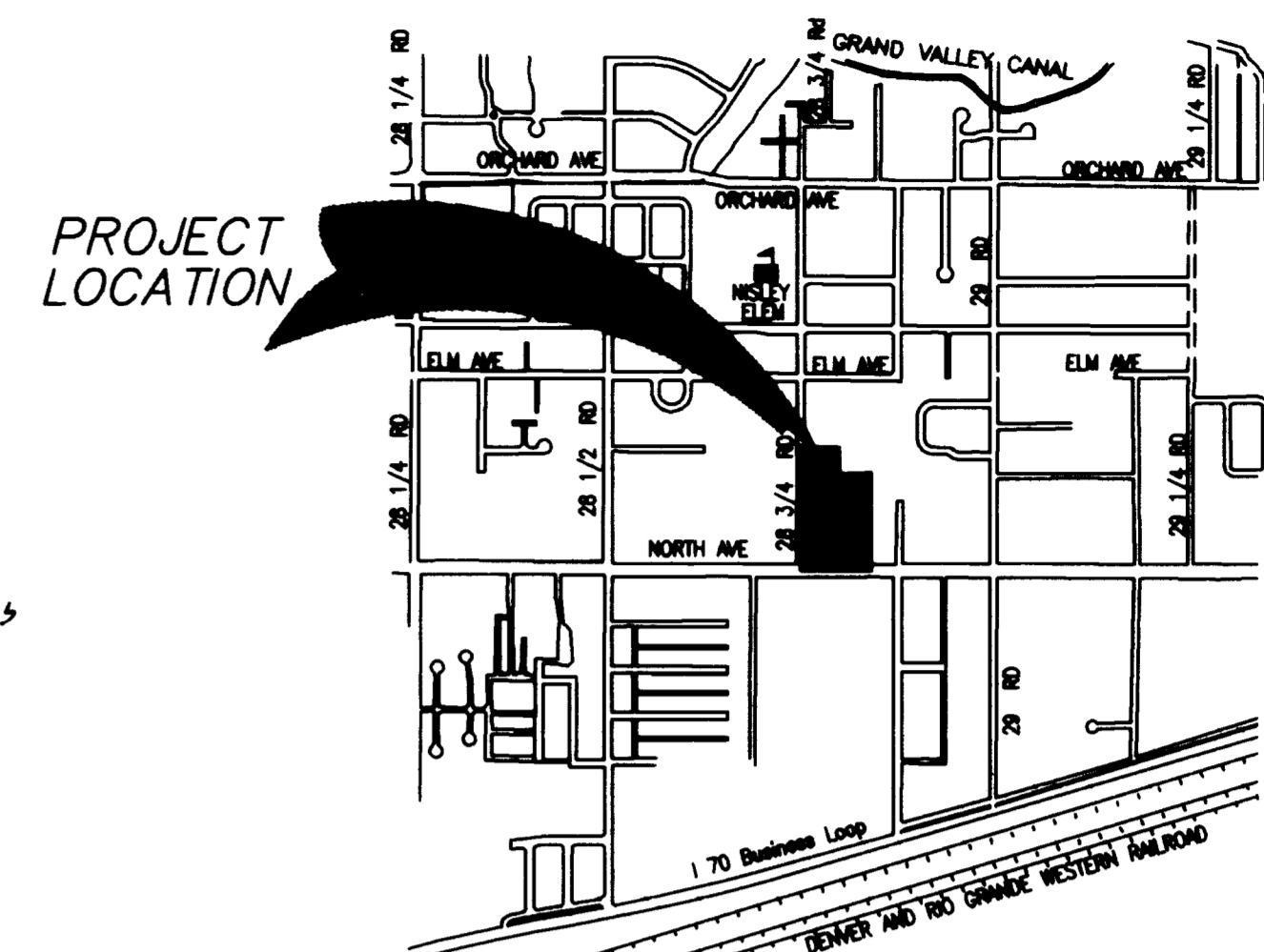
In witness whereof, the said corporation has caused these presents to be signed by its Ass. Vice Pres. (Title), with the authority of its board of directors, this 6th day of June, 2008

By: John T. Entwistle For: Wells Fargo Bank, National Association

STATE OF Colo.
COUNTY OF Mesa

The foregoing instrument was acknowledged before me by John T. Entwistle this 6th day of June, A.D. 2008

Witness my hand and official seal Thomas W. Sylvester
Notary Public
My commission expires 7/03/08



Vicinity Map
Not To Scale

Title Certification:

STATE OF COLORADO }
COUNTY OF MESA }SS

We, Abstract & Title Co., a title insurance company, as duly licensed in the State of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested in In-and-Out LLC, Scotty Investments, LLP and Sydney F. Pincock; that the current taxes have been paid, that all mortgages not satisfied or released of record or otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights-of-way of record are shown hereon.

Date: June 6, 2008 By: Donald K. Paris Title: Chief Title Examiner

City Use:

The below listed recording information for Associated Record Documents was not prepared under the professional land surveyor's responsible charge, Board Rule 6.2.1, State of Colorado

The recording information is to be completed by the City of Grand Junction personnel. The accuracy of this information is the responsibility of the City of Grand Junction.

Right-of-way Vacation for Pear Street - Book 4683, Page 391

Covenants, Conditions, and Restrictions for Plaza on North Avenue Property Owners' Association - Book 4683, Page 397

Grant of Tract A and Tract B to Plaza on North Avenue Property Owners' Association - Book 4683, Page 449

Grant of Drainage Easements to Plaza on North Avenue Property Owners' Association - Book 4683, Page 446

Grant of Sign Easements to Plaza on North Avenue Property Owners' Association - Book 4683, Page 452

Grant of Irrigation Easements to Fruitvale Lateral and Waste Ditch Association - Book 4683, Page 443

Grant of Ingress and Egress Easements to the owners pursuant to Declaration of Covenants for Plaza on North Avenue Property Owners' Association as follows:

- Lot 1 - Book 4683, Page 397
- Lot 2 - Book 4683, Page 397
- Lot 3 - Book 4683, Page 397
- Lot 4 - Book 4683, Page 397
- Lot 5 - Book 4683, Page 397
- Lot 6 - Book 4683, Page 397
- Tract A - Book 4683, Page 397
- Tract B - Book 4683, Page 397

Abbreviations Used

| | | | |
|-----------|-----------------------------|---------|----------------------------|
| Alum. Cap | Aluminum Cap | PCC | Point of Compound Curve |
| Ave. | Avenue | PE | Professional Engineer |
| CHK | Checked | PLS | Professional Land Surveyor |
| CL | Center Line | POB | Point of Beginning |
| E | East | POC | Point of Commencement |
| E 1/16 | East 1/16 Corner | PRC | Point of Reverse Curve |
| Esmt. | Easement | ROW | Right-of-Way |
| Fnd | Found | S | South |
| Ft. | Foot or Feet | S 1/4 | South 1/4 Corner |
| Inc. | Incorporated | S 1/16 | South 1/16 Corner |
| Irr | Irrigation | SE | South East |
| Mag. nail | Magnetic nail | SE 1/16 | South East 1/16 Corner |
| MCSM | Mesa County Survey Monument | Sec. | Section |
| Mon box | Monument box | Sq. ft. | Square Feet |
| N | North | W | West |
| NE | North East | W | South West |
| No. | Number | w/ | With |
| NW | North West | # | Number |

City of Grand Junction Approval:

This plat of Plaza on North Avenue, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this 11th day of June, A. D. 2008

Thomas W. Sylvester City Manager
Gary Palmer Mayor

Clerk and Recorder's Certificate:

STATE OF COLORADO }
COUNTY OF MESA }SS

I hereby certify that this instrument was filed in my office at

4:00 o'clock P.M. this 16th day of JUNE, A.D., 2008

and is duly recorded in Book No. 4683, Page 395-396

Reception No. 2444551, Drawer No. VV-122

Janice Rich Clerk and Recorder
Yvonne Mulgrew Deputy Fees

| Category | Acres | Percent |
|----------|-------|---------|
| Lots | 5.63 | 82.2% |
| Tracts | 0.96 | 14.0% |
| ROW | 0.26 | 3.8% |
| Total | 6.85 | 100.0% |

SURVEYOR'S STATEMENT:

I, Thomas W. Sylvester, a Licensed Professional Engineer and Professional Land Surveyor in the State of Colorado, do hereby certify that this plat of the Plaza on North Avenue was prepared from a survey performed by my knowledge and information.

Thomas W. Sylvester, PE 14249 & PLS 38005

Merritt IS, L.L.C.
743 Horizon Ct., Suite 1008, Grand Junction, Co. 81506
PHONE (970) 256-7386 FAX (970) 256-7386

Plaza on North Avenue
In the SE1/4 SE1/4 Section 7
Township 1 South, Range 1 East
of the Ute Meridian
City of Grand Junction, Mesa County, Colorado

DATE: April 9, 2008 SCALE: 1" = 50'
DRAWN: JS CHK: TWS PROJECT NO: 0613
SHEET 1 OF 2

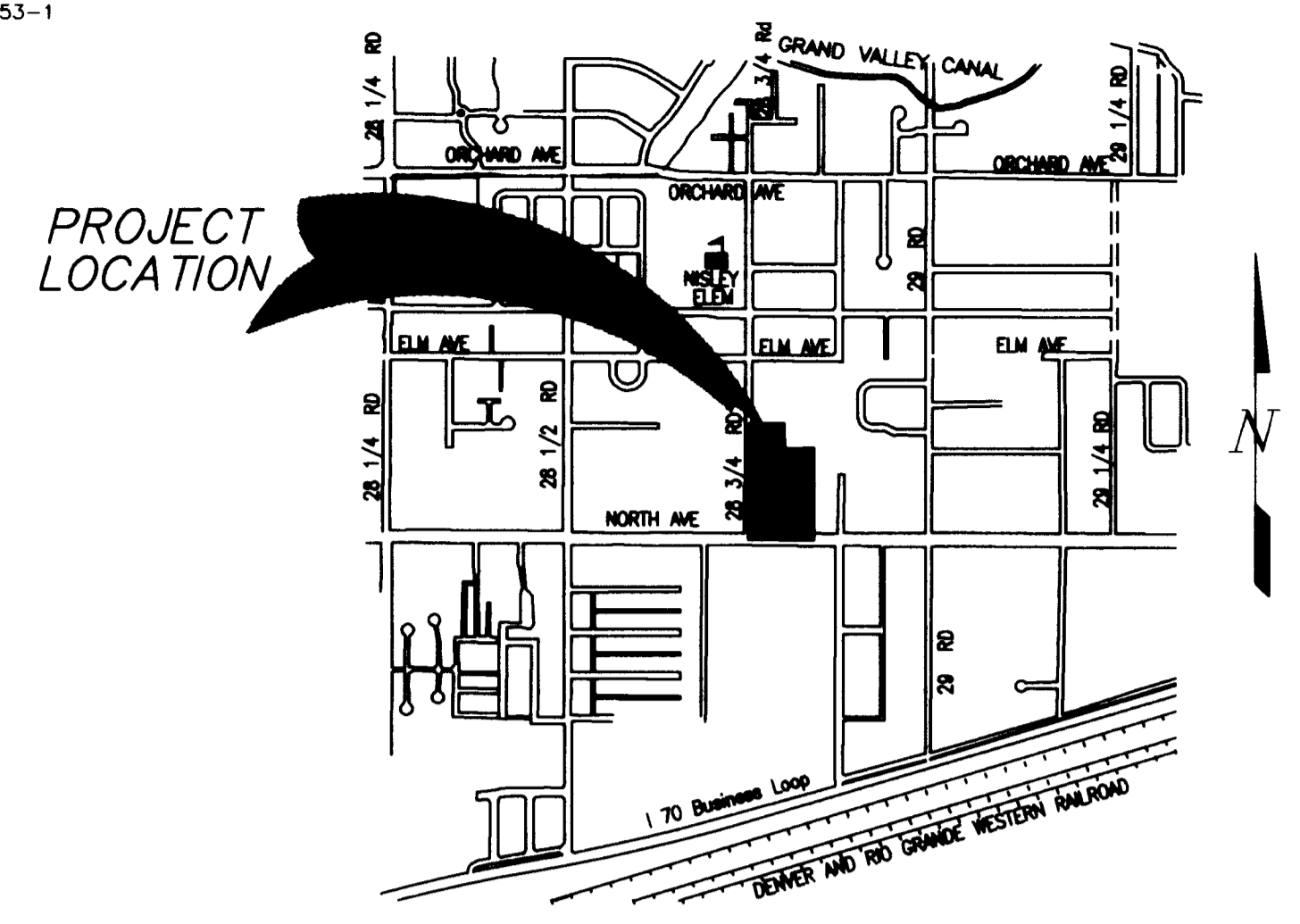
D:\Merritt IS Docs\0613\0613_Plat_Final.dwg Wed Apr 09 11:33:10 2008 Merritt IS, L.L.C., Grand Junction, CO 81501

REPRODUCED FROM ORIGINAL DOCUMENT PROVIDED FOR REPRODUCTION

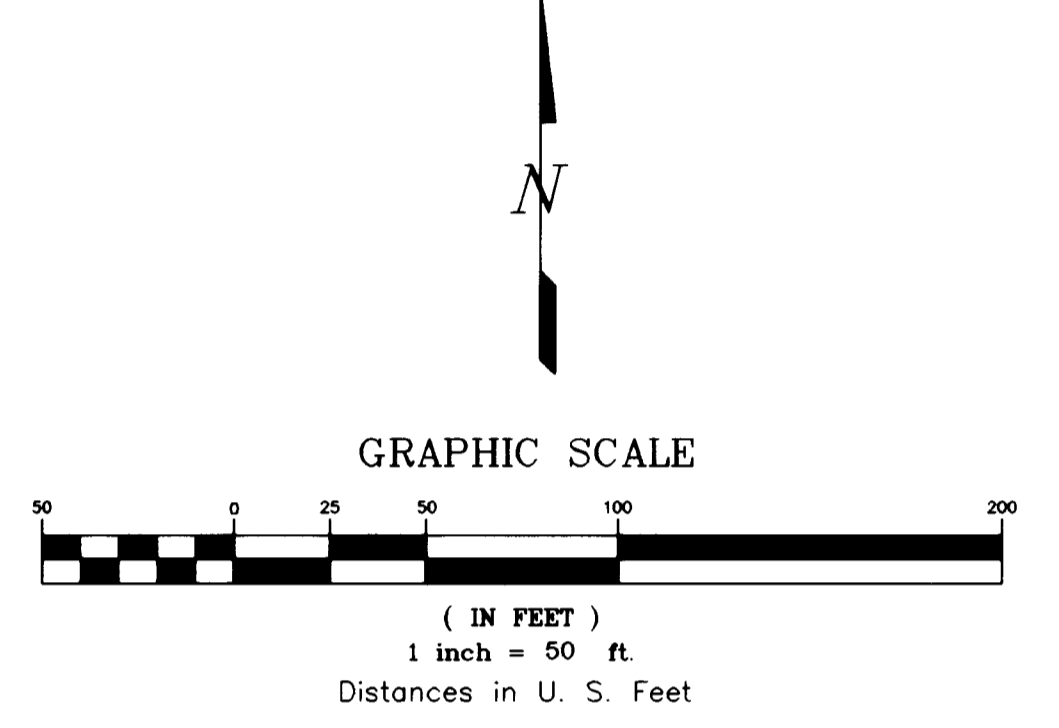
Plaza on North Avenue

In the SE1/4 SE1/4 Section 7

Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado



Vicinity Map
Not To Scale



- LEGEND**
- ◆ Found Section Monument as Described
 - Set 2-inch alum. cap on 5/8-inch rebar, PLS 38005
 - ◆ Found 2-inch alum. cap on 5/8-inch rebar, PLS 38005 or as described
 - Found 2-inch alum. cap on 5/8-inch rebar, PLS 37904 or as described
 - ⊗ Found mag. nail w/ alum. disk, PLS 37904
- Outer perimeter monuments and monuments along the newly dedicated rights-of-way have been set in concrete.
Monuments found within 0.25' of record are considered as being in record position.

Abbreviations Used

| | | | |
|-----------|-----------------------------|---------|----------------------------|
| Alum. Cap | Aluminum Cap | PCC | Point of Compound Curve |
| Ave. | Avenue | PE | Professional Engineer |
| CHK | Checked | PLS | Professional Land Surveyor |
| CL | Center Line | POB | Point of Beginning |
| E | East | POC | Point of Commencement |
| E 1/16 | East 1/16 Corner | PRC | Point of Reverse Curve |
| Esmt. | Easement | ROW | Right-of-Way |
| Fnd | Found | S | South |
| Ft. | Foot or Feet | S 1/4 | South 1/4 Corner |
| Inc. | Incorporated | S 1/16 | South 1/16 Corner |
| Irr | Irrigation | SE | South East |
| Mag. nail | Magnetic nail | SE 1/16 | South East 1/16 Corner |
| MCSM | Mesa County Survey Monument | Sec. | Section |
| Mon box | Monument box | Sq. ft. | Square Feet |
| N | North | SW | South West |
| NE | North East | W | West |
| No. | Number | w/ | With |
| NW | North West | # | Number |

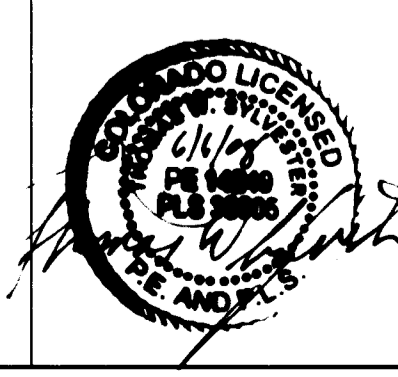
Notes:

1. Title information provided by Transnation Title Policy No. A52-0113971; Transnation Title Policy No. A52-0113972; and by Abstract & Title Co. of Mesa County, Inc. Title Commitment No. 00918657. *Updated w/ T.C. No. 0092819.*
2. There is an easement for The Colorado Telephone Co., Book 175, Page 17. The easement subsequently conveyed to Mountain States Telephone and Telegraph Company, Book 175, Page 78. The location of said easement is along the public roadways on or adjacent to the properties but the location and width are not specified. At the time of conveyance, the public roadways were by proclamation or road petition and treated as easements. Public roadways have since been dedicated or conveyed in fee to the public. As such the easement does not affect the subject property.

SURVEYOR'S STATEMENT:

I, Thomas W. Sylvester, a Licensed Professional Engineer and Professional Land Surveyor in the State of Colorado, do hereby certify that this plat of the Plaza on North Avenue was prepared from a survey performed by me or under my direct supervision, and is correct to the best of my knowledge and information.

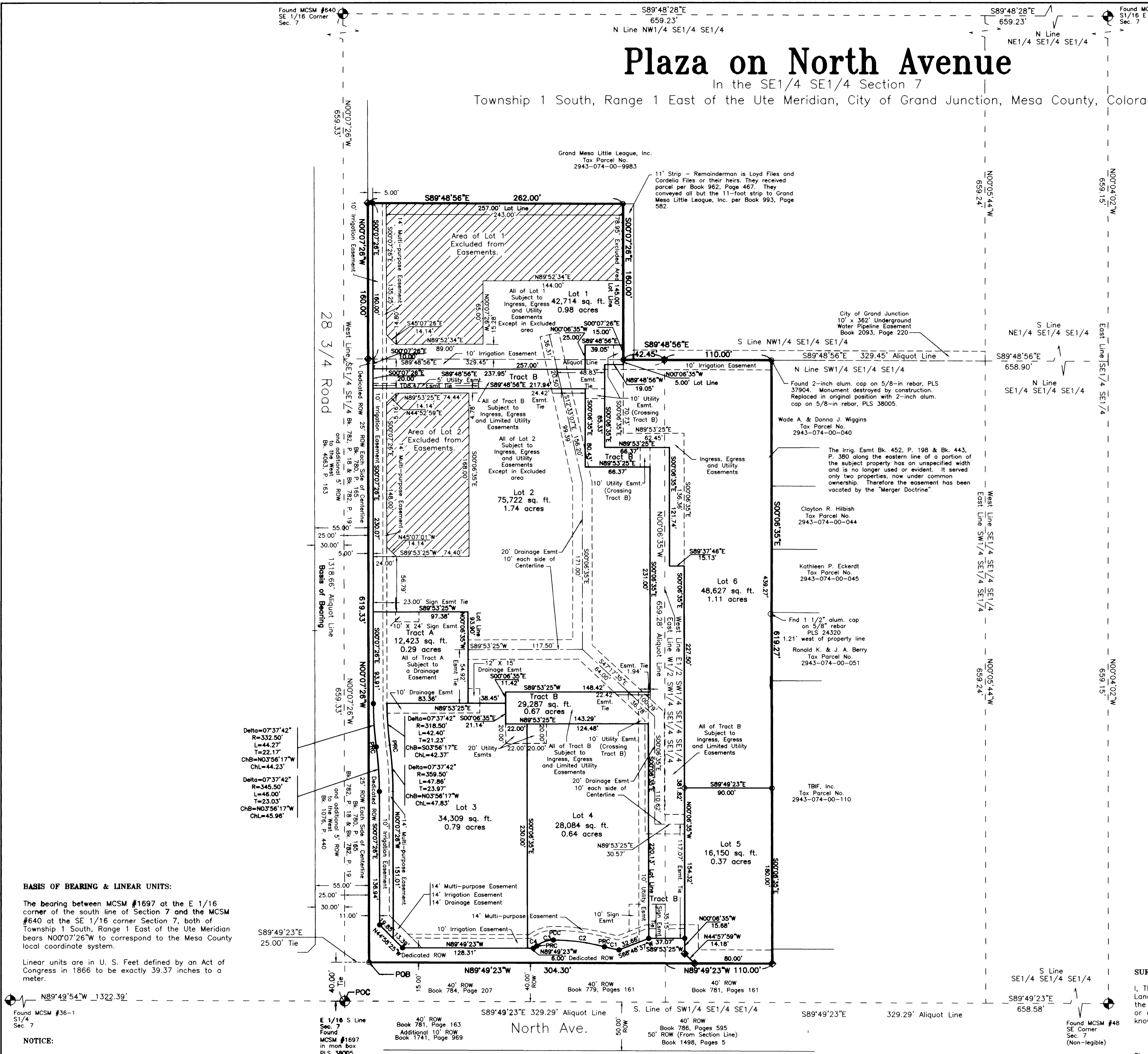
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Plaza on North Avenue
In the SE1/4 SE1/4 Section 7
Township 1 South, Range 1 East
of the Ute Meridian
City of Grand Junction, Mesa County, Colorado

DATE: April 9, 2008 SCALE: 1" = 50'
DRAWN: JS CHK: TWS PROJECT NO: 0613
REVISED: SHEET 2 OF 2



BASIS OF BEARING & LINEAR UNITS:

The bearing between MCSM #1697 at the E 1/16 corner of the south line of Section 7 and the MCSM #640 at the SE 1/16 corner Section 7, both of Township 1 South, Range 1 East of the Ute Meridian bears N00°07'26"W to correspond to the Mesa County local coordinate system.

Linear units are in U. S. Feet defined by an Act of Congress in 1866 to be exactly 39.37 inches to a meter.

NOTICE:

According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

CURVE TABLE

| NON-TANGENT CURVE | DELTA | RADIUS | LENGTH | TANGENT | CRD DIR | CRD LN |
|-------------------|-----------|---------|--------|---------|-------------|--------|
| On East C1 | 92°11'25" | 188.74' | 15.29' | 7.65' | N77°48'09"W | 15.28' |
| C2 | 14°36'58" | 202.74' | 52.89' | 26.84' | N82°30'54"W | 52.85' |
| C3 | 39°14'22" | 27.00' | 18.49' | 9.82' | S70°33'26"W | 18.13' |
| On West C4 | 10°17'04" | 24.00' | 4.31' | 2.18' | S58°04'47"W | 4.30' |