

Vicinity Map

### Exceptions 11-19

11. RESERVATIONS CONTAINED IN PATENT FROM UNITED STATES OF AMERICA RECORDED IN BOOK 80, PAGE 353, RECORDS OF BERNALILLO COUNTY, NEW MEXICO. (AFFECTS PARCELS 1, 1A, 2, AND 3) NOT SURVEY RELATED
12. COVENANTS, CONDITIONS, RESTRICTIONS, TERMS, PROVISIONS AND EASEMENTS RECORDED IN BOOK MISC. 169, PAGE 546, AS DOCUMENT NO. 72140, IN BOOK MISC. 484, PAGE 928, AS DOCUMENT NO. 76-35204, IN BOOK MISC. 799, PAGE 301, AS DOCUMENT NO. 80-54033, IN BOOK MISC. 799, PAGE 305, AS DOCUMENT NO. 80-54034, AND IN BOOK MISC. 860, PAGE 3, AS DOCUMENT NO. 81-33334, IN BOOK MISC. 877, PAGE 441, AS DOCUMENT NO. 81-56479, IN BOOK MISC. 944, PAGE 267, AS DOCUMENT NO. 84-14839, IN BOOK MISC. 459A, PAGE 849, AS DOCUMENT NO. 8722461, IN BOOK MISC. 634A, PAGE 627, AS DOCUMENT NO. 8855871, AND IN BOOK MISC. 634A, PAGE 705, AS DOCUMENT NO. 8855922, RECORDS OF BERNALILLO COUNTY, NEW MEXICO, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(c). (AFFECTS PARCELS 1, 1A AND 2) THESE RESTRICTIONS HAVE NOT BEEN VIOLATED, AND A FUTURE VIOLATION THEREOF SHALL NOT CAUSE A FORFEITURE OR REVERSION OF TITLE AND WILL NOT AFFECT THE VALIDITY OR PRIORITY OF THE LIEN OF THE MORTGAGE HEREIN INSURED. THE ASSURANCE DOES NOT EXTEND TO RESTRICTIONS RELATING TO ENVIRONMENTAL PROTECTION UNLESS A NOTICE OF VIOLATION THEREOF HAS BEEN RECORDED OR FILED IN THE PUBLIC RECORDS AND IS NOT REFERENCED IN SCHEDULE B. HOWEVER, THIS POLICY INSURES THAT ANY VIOLATION OF THESE RESTRICTIONS RELATING TO ENVIRONMENTAL PROTECTION SHALL NOT CAUSE A FORFEITURE OR REVERSION OF TITLE AND WILL NOT AFFECT THE VALIDITY OR PRIORITY OF THE LIEN OF THE MORTGAGE INSURED HEREIN. SHOWN HEREON
13. EASEMENTS AS SHOWN ON PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MARCH 25, 1980, IN PLAT BOOK C16, FOLIO 117 AS FOLLOWS: PNM AND MOUNTAIN BELL EASEMENT RESERVED ACROSS THE EASTERLY 10 FEET OF THE INSURED LAND (AFFECTS PARCEL 1) AND PRIVATE DRAINAGE EASEMENT RESERVED ACROSS THE WESTERLY TWELVE (12) FEET OF THE INSURED LAND - (AFFECTS PARCEL 1 AND PARCEL 1A) SHOWN HEREON
14. INTENTIONALLY DELETED
15. A TWELVE (12) FOOT WIDE EASEMENT GRANTED TO RUST TRACTOR CO., A DELAWARE CORPORATION, RECORDED JANUARY 7, 1980, IN BOOK MISC. 744, PAGE 555, AS DOCUMENT NO. 80-1352, RECORDS OF BERNALILLO COUNTY, NEW MEXICO. (AFFECTS PARCELS 1 AND 1A) SHOWN HEREON
16. TWO EASEMENTS OF 7 FEET WIDE EACH AN EASEMENT OF 10 FEET WIDE GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO AND MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, FILED NOVEMBER 13, 1980, RECORDED IN BOOK MISC. 812, PAGE 345, AS DOCUMENT NO. 80-66096; WAIVER AND RELEASE OF EASEMENT RECORDED JULY 31, 1990, IN BOOK 90-12, PAGE 8155, AS DOCUMENT NO. 90-59618; QUITCLAIM DEED RECORDED JULY 31, 1990, IN BOOK 90-12, PAGE 8158, AS DOCUMENT NO. 90-59620, RECORDS OF BERNALILLO COUNTY, NEW MEXICO. (AFFECTS PARCEL 1) SHOWN HEREON
17. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO AND MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, FILED JULY 31, 1990, RECORDED IN BOOK 90-12, PAGE 8156, AS DOCUMENT NO. 90-59619, RECORDS OF BERNALILLO COUNTY, NEW MEXICO. (AFFECTS PARCEL 1) SHOWN HEREON
18. A FIVE (5) FOOT WIDE RIGHT-OF-WAY EASEMENT GRANTED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, A COLORADO CORPORATION, DBA US WEST COMMUNICATIONS, A COLORADO CORPORATION, RECORDED JULY 31, 1990, IN BOOK 90-12, PAGE 8160, AS DOCUMENT NO. 90-59621, RECORDS OF BERNALILLO COUNTY, NEW MEXICO. (AFFECTS PARCEL 1) SHOWN HEREON
19. TERMS, COVENANTS, AND CONDITIONS OF EASEMENT RECORDED MARCH 11, 1985, IN BOOK MISC. 208-A, PAGE 708, AS DOCUMENT NO. 85-18240, RECORDS OF BERNALILLO COUNTY, NEW MEXICO. SHOWN HEREON
20. INTENTIONALLY DELETED
21. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO AND MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, FILED NOVEMBER 13, 1980, RECORDED IN DOCUMENT NO. 80-66097; RE-RECORDED DECEMBER 29, 1980, AS DOCUMENT NO. 80-73996, RECORDS OF BERNALILLO COUNTY, NEW MEXICO.

### Encroachment Notes

- (A) SIGN AND CONCRETE INTO RIGHT-OF-WAY BY AS MUCH AS 3.7 FEET
- (B) FENCE INTO SUBJECT PROPERTY BY AS MUCH AS 3.0 FEET, AND INTO ADJOINER BY AS MUCH AS 4.3 FEET. (OWNERSHIP IS UNKNOWN)

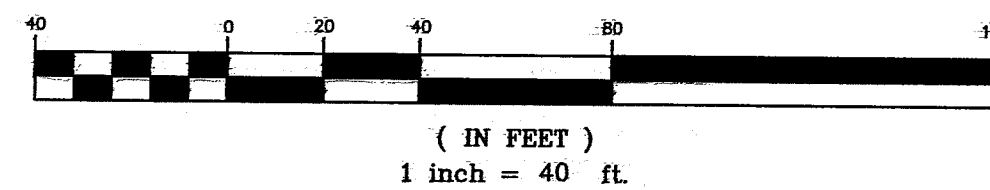
### Notes

1. FIELD SURVEY PERFORMED IN AUGUST 2007 AND MAY 2009.
2. ALL DISTANCES ARE GROUND DISTANCES: U.S. SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES THE PLAT OF RECORD.
4. THIS SURVEY SHOWS ALL EASEMENT THAT AFFECT THE SUBJECT PROPERTY AS LISTED IN THE EXCEPTIONS OF THE TITLE COMMITMENT.
5. INTENTIONALLY OMITTED.
6. THIS SURVEYOR DID NOT OBSERVE ANY EVIDENCE OF EARTH MOVING WORK, BUILDING ADDITIONS WITHIN RECENT MONTHS.
7. THIS SURVEYOR DID NOT OBSERVE ANY EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
8. THIS SURVEYOR DID NOT OBSERVE ANY EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS. THIS SURVEYOR IS UNAWARE OF STREET RIGHT OF WAY EITHER COMPLETED OR PROPOSED IS WILFRED GALLEGOS, CITY OF ALBUQUERQUE STREET MAINTENANCE DIVISION MANAGER (505) 857-8053 IS THE CONTACT FOR THE CONTROLLING JURISDICTION.

### Legal

LOT LETTERED "D-2", OF SUMMARY PLAT OF LOT "D" OF ALBUQUERQUE INDUSTRIAL PARK SITE, ALBUQUERQUE, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE SUMMARY PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MARCH 25, 1980, IN PLAT BOOK C16, PAGE 117.

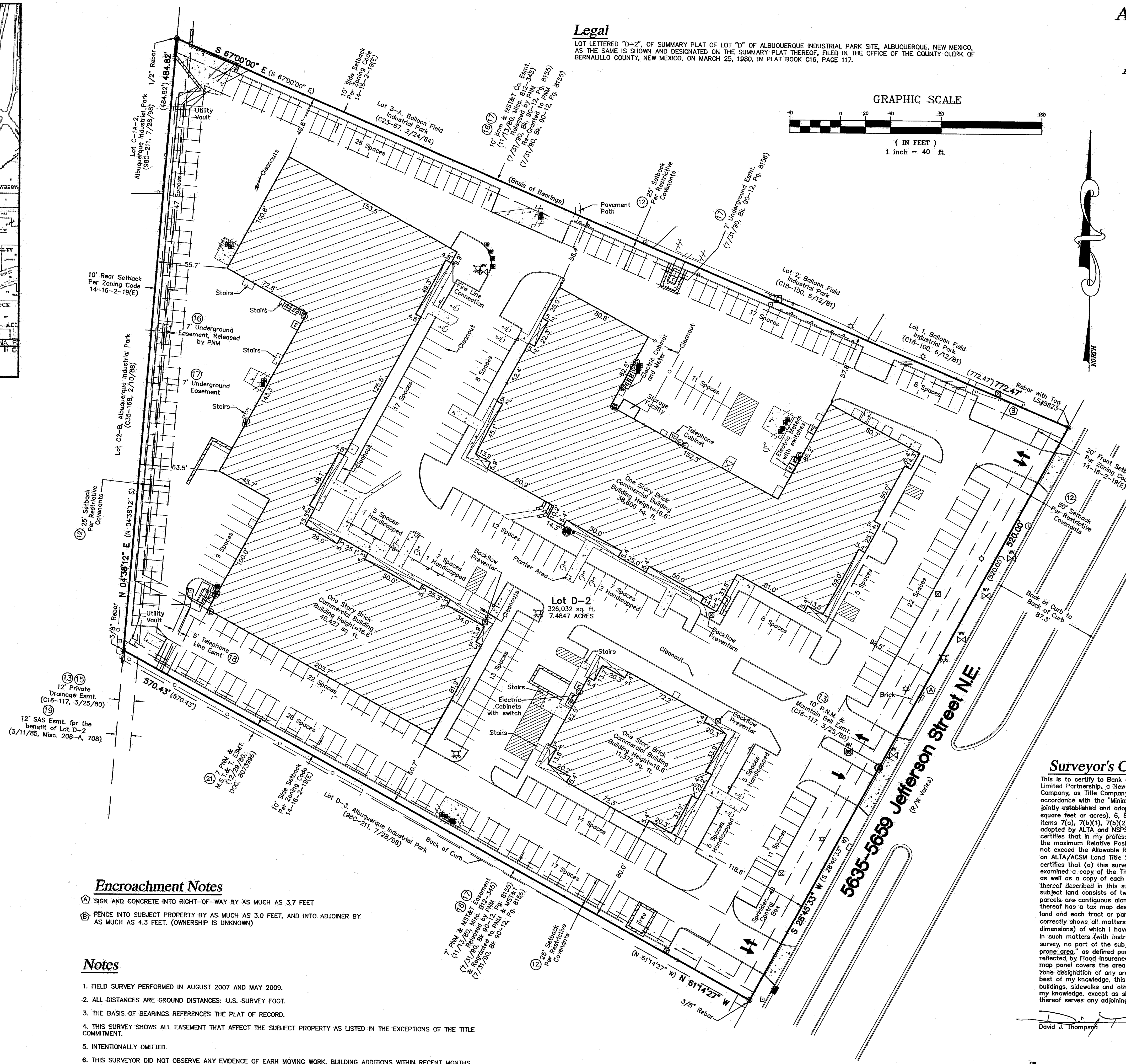
### GRAPHIC SCALE



## ALTA/ACSM Land Title Survey for Lot D-2 Albuquerque Industrial Park Site City of Albuquerque Bernalillo County, New Mexico May 2009

### Legend

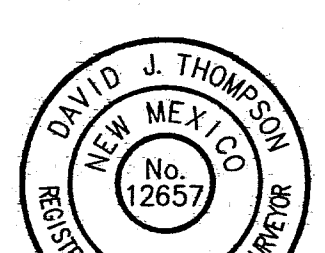
|                 |  |
|-----------------|--|
| N 90°00'00" E   | MEASURED BEARING AND DISTANCES                   |
| (N 90°00'00" E) | RECORD BEARINGS AND DISTANCES PER PLAT OF RECORD |
| ○               | FOUND AS INDICATED                               |
| ○               | SET BATHEY MARKER "LS 14271"                     |
| □               | CONCRETE   |
| □               | COVERED AREA                                     |
| ⊙               | GAS METER  |
| ⊙               | ELECTRIC METER                                   |
| ⊙               | ELECTRIC CABINET                                 |
| ⊙               | TRANSFORMER                                      |
| ⊙               | UTILITY PEDESTAL                                 |
| ⊙               | TELEPHONE CABINET                                |
| ⊙               | TELEPHONE MANHOLE                                |
| ⊙               | UTILITY POLE                                     |
| —               | OVERHEAD UTILITY LINES                           |
| ⊙               | FIRE HYDRANT                                     |
| ⊙               | WATER VALVE                                      |
| ⊙               | IRRIGATION BOX                                   |
| ⊙               | DRAINAGE INLET                                   |
| ⊙               | BOLLARD  |
| —               | SIGN   |
| —               | CHAIN LINK FENCE                                 |
| —               | WOOD FENCE                                       |
| —               | RAILROAD TIE                                     |
| —               | WALL   |
| —               | INGRESS/EGRESS                                   |
| —               | HANDICAPPED PARKING SPACE                        |



### Surveyor's Certificate

This is to certify to Bank of America, N.A., as Lender, Vista Balloon Commons Operating Associates, Limited Partnership, a New Mexico limited partnership, as Borrower and First American Title Insurance Company, as Title Company that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA and NSPS in 2005, and include optional items 1, 2, 4 (in square feet or acres), 6, 8, 10, 11, 16, 17, 18, and if buildings are located on the land, optional items 7(a), 7(b)(1), 7(b)(2) and 9 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, the undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of New Mexico, the maximum Relative Positional Accuracy resulting from the measurements made on the survey does not exceed the Allowable Relative Positional Accuracy for Measurements Controlling Land Boundaries on ALTA/ACSM Land Title Surveys (0.07 feet or 20 mm ± 50 ppm). The undersigned additionally certifies that (a) this survey was made on the ground under my supervision; (b) I have received and examined a copy of the Title Insurance Commitment No. 1268611-AL01 issued by the Title Company as well as a copy of each instrument listed therein, and the subject land and each tract or parcel thereof described in this survey is the same land as described in the Title Commitment; (c) if the subject land consists of two or more tracts or parcels having common boundaries, those tracts and parcels are contiguous along the common boundaries; (d) the subject land and each tract or parcel thereof has a tax map designation separate and distinct from that of any other land and the subject land and each tract or parcel thereof is a separate, legally subdivided parcel; (e) this survey correctly shows all matters of record, (and to the extent they can be located, their location and dimensions) of which I have been advised affecting the subject land according to the legal description in such matters (with instrument, book, and page number indicated); (f) except as shown on this survey, no part of the subject land is located in a 100-year Flood Plain or in an identified "flood prone area," as defined pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Map Panel #35001C01386, dated September 28, 2008, which such map panel covers the area in which the Property is situated and this survey correctly indicates the zone designation of any area as being in the 100-year Flood Plain or "flood prone area"; (g) to the best of my knowledge, this survey shows the relation of and distance of all substantial, visible buildings, sidewalks and other improvements to easements and setback lines; and (h) to the best of my knowledge, except as shown on this survey, neither the subject land nor any tract or parcel thereof serves any adjoining land for drainage, utilities, or ingress or egress.

David J. Thompson 6/8/09  
Date



CARTESIAN SURVEYS INC.

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