



MISCELLANEOUS NOTES

Item 11 of Title Commitment No. 280070029 and Items 15 and 19 of Title Commitment No. 280070030 are placed on exhibit using plans obtained from AEP on June 13, 2007, and their location is approximate only, due to the actual location of the buried cable not being known.

SCHEDULE B - SECTION II

The following item numbers are listed in Schedule B Section II of Title Commitment Number 280070029 as issued by Stewart Title Guaranty Company, with an effective date of August 20, 2007 at 7:00 a.m. Encumbrances recorded after August 20, 2007 are not shown on this exhibit.

Item 9 - Affidavit of facts affecting title of record in Instrument Number 200501280016061, of the Recorder's Office, Franklin County, Ohio, does affect the subject tract, but is a non-survey related item.

Item 10 - Easement granted to the City of Columbus, Ohio of record in Official Record 15251, Page A01, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 10 - Easement granted to the City of Columbus, Ohio of record in Official Record 15251, Page A06, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 11 - Easement granted to Columbus Southern Power Company Official Record 14328, Page F02, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, and approximate location is shown on attached exhibit.

Item 12 - Easement granted to the City of Columbus, Ohio of record in Official Record 14010, Page F09, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 13 - Easement of record in Official Record 18939, Page E01 at the Recorder's Office, Franklin County, Ohio does affect the subject tract as an ingress/egress across the 7.237 acre tract, but unable to plot because location is the entire 7.237 acre tract.

Item 13 - Easement of record in Official Record 18939, Page E06 at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 14 - Easements granted to the City of Columbus, Ohio of record in Official Record 18928, Page A15 at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 14 - Easement granted to the City of Columbus, Ohio of record in Official Record 18927, Page I10 at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 15 - Easement granted to The Ohio Bell Telephone Company of record in Official Record 19772, Page E12 at the Recorder's Office, Franklin County, Ohio does affect the subject tract and the approximate location is shown on the attached exhibit.

Item 16 - Conditions and restrictions contained in Official Record 18296, Page E20 as amended in Official Record 18356, Page A05, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42 Section 3607 of the United States Code, or (b) related to handicap but does not discriminate against handicapped persons, at the Recorder's Office, Franklin County, Ohio does affect the subject tract, but is a non-survey related item.

Item 17 - Easement of record in Official Record 16683, Page G16 at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 18 - Easement granted to the City of Columbus, Ohio of record in Official Record 19702, Page F19, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, and approximate location is shown on attached exhibit.

Item 19 - Easement granted to Columbus and Southern Power of record in Official Record 19705, Page F19, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, and approximate location is shown on attached exhibit.

Item 20 - Terms and conditions contained in that ingress/egress easement granted to Bayside Commons II, Limited Partnership of record in Official Record 18939, Page E01, at the Recorder's Office, Franklin County, Ohio does affect the subject tract as an ingress/egress across the 7.237 acre tract, but unable to plot because location is the entire 7.237 acre tract.

Item 21 - Easement granted to the City of Columbus, Ohio of record in Official Record 14016, Page F09, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 23 - Easement granted to the City of Columbus, Ohio of record in Official Record 15251, Page A09, at the Recorder's Office, Franklin County, Ohio does affect the subject tract (Parcel 1, does not affect) and is shown on the attached exhibit.

Item 24 - Ingress/egress easement granted to Bayside Commons II, Limited Partnership of record in Official Record 18939, Page E01, at the Recorder's Office, Franklin County, Ohio does affect the subject tract as an ingress/egress across the 7.237 acre tract, but unable to plot because location is the entire 7.237 acre tract. (Same as Item 20, 31)

Item 25 - Easement granted to the City of Columbus of record in Official Record 18928, Page A15, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 26 - Easement granted to the City of Columbus of record in Official Record 18927, Page I10, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit.

Item 27 - Easement granted to Ohio Bell Telephone Company of record in Official Record 19772, Page E12, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and the approximate location is shown on the attached exhibit.

Item 28 - Easement granted to the City of Columbus, Ohio of record in Official Record 15251, Page A01, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract and is shown on the attached exhibit. (Same as Item 14)

Item 28 - Easement granted to the City of Columbus, Ohio of record in Official Record 15251, Page A06, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is shown on the attached exhibit. (Same as Item 14)

Item 29 - Conditions and restrictions contained in Official Record 18296, Page E20 and Official Record 18356, Page A05, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42 Section 3607 of the United States Code, or (b) related to handicap but does not discriminate against handicapped persons, at the Recorder's Office, Franklin County, Ohio does affect the subject tract, but is a non-survey related item.

Item 30 - Memorandum of Lease between T & R Development, Inc., aka Bayside Commons Web Service Center and Columbus Southern Power Company of record in Official Record 17456, Page B07, at the Recorder's Office, Franklin County, Ohio does affect the subject tract but is a non-survey related item.

Item 31 - Easement for ingress and egress of record in Official Record 18939, Page E01, at the Recorder's Office, Franklin County, Ohio does affect the subject, but unable to plot because location is the entire 7.237 acre tract. (Same as Item 20, 24)

Item 32 - Easement granted to Columbus Southern Power Company of record in Official Record 14328, Page F02, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, but cannot be shown, since said easement is a blanket easement.

Item 33 - Easement granted to T & R Development Hilliard Rome Ltd. Partnership of record in Official Record 18939, Page E06, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is an ingress/egress across the 11.313 acre tract, but unable to plot because location is the entire 11.313 acre tract.

Item 33 - Easement granted to T & R Development Hilliard Rome Ltd. Partnership of record in Official Record 18939, Page E06, at the Recorder's Office, Franklin County, Ohio does affect the subject tract and is an ingress/egress across the 11.313 acre tract, but unable to plot because location is the entire 11.313 acre tract.

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SCHEDULE B - SECTION II

The following item numbers are listed in Schedule B Section II of Title Commitment Number 280070030 as issued by Stewart Title Guaranty Company, with an effective date of August 20, 2007 at 7:00 a.m. Encumbrances recorded after August 20, 2007 are not shown on this exhibit.

AS TO ALL PARCELS:

Item 9 - Memorandum of Easement and Right of Entry Agreement of record in Instrument Number 200412100281002, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, and is a blanket easement for the 11.029 acre tract.

AS TO PARCEL 1:

Item 10 - Easement agreement by and between Warner Cable Communications/Time Warner Entertainment Company LLP and Bayside Commons II Ltd. Partnership of record in Official Record 21946, Page G11, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, but is for entry only on listed addresses.

Item 11 - Easement granted to City of Columbus of record in Official Record 18930, Page I17, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract and is shown on the attached exhibit.

Item 12 - Easement granted to Ohio Bell Telephone Company of record in Official Record 20070, Page J08, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, the approximate location is shown on the attached exhibit.

Item 13 - Easement granted to the City of Columbus of record in Official Record 18927, Page I13, does affect the subject tract and is shown on the attached exhibit.

Item 14 - Easement granted to the City of Columbus, Ohio of record in Official Record 14010, Page F09, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract and is shown on the attached exhibit. (Same as Item 20)

Item 14 - Easement granted to the City of Columbus, Ohio of record in Official Record 15251, Page A01, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract and is shown on the attached exhibit. (Same as Item 28)

Item 14 - Easement granted to the City of Columbus, Ohio of record in Official Record 15251, Page A06, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract and is shown on the attached exhibit. (Same as Item 28)

Item 15 - Easement granted to Columbus Southern Power Company of record in Official Record 14328, Page F02, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, and approximate location is shown on attached exhibit.

Item 16 - Conditions and restrictions contained in Official Record 18225, Page A01 as amended in Official Record 21462, Page J07 and Official Record 22186, Page J04, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract, but is a non-survey related item.

Item 17 - Easement granted to T & R Development Hilliard Rome Ltd. Partnership of record in Official Record 18939, Page E06, at the Recorder's Office, Franklin County, Ohio, does affect the subject tract as an ingress/egress across the 11.313 acre tract, but unable to plot because location is the entire 11.313 acre tract.

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SURVEYOR'S LEGAL

Parcel 1 (8.120 acres)

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey Numbers 6554 and 7029, and being 8.120 acres of an original 11.029 acre tract (PID 560-220529) conveyed to Bayside Commons II Limited Partnership, by deed of record in Official Record 18222 J16, Official Record 18224 J19 and Official Record 18225 A01, all records herein are from the Recorder's Office, Franklin County, Ohio, said 8.120 acres being more particularly described as follows:

BEGINNING FOR REFERENCE, at a found Franklin County Monument (FCGS-6665) found in the centerline intersection of Hilliard-Rome Road and Roberts Road;

Thence South 04°54'15" East, along the centerline of Hilliard-Rome Road, a distance of 430.00 feet to a point;

Thence South 85°59'00" East, a distance of 240.00 feet, leaving the centerline of Hilliard-Rome Road, along the northerly property line of an original 0.908 acre tract conveyed to Wendy's International, Inc., by deed of record in Official Record 32980 J16 and the northerly line of Lot 1 as shown and delineated on the record plot of Katherine Durban Subdivision, or record in Plat Book 23, page 35, to a point in the west line of a 9.875 acre tract conveyed to Rushmore Roberts, LLC, by deed of record in Instrument Number 200704060060258;

Thence South 04°54'15" East, a distance of 295.59 feet along the line common to said 9.875 acre tract and said original 0.908, to a point referenced by a 3/4 inch iron pin found at a distance of 0.46 feet north and 0.93 feet east at the common corner of said 9.875 acre tract and said original 11.029 acre tract, at the TRUE POINT OF BEGINNING;

Thence North 85°05'45" East, a distance of 493.71 feet (by deed, held) 494.09 feet (measured), along the south line of said 9.875 acre tract to a point referenced by a 3/4 inch iron pin found at a distance of 0.43 feet south and 1.31 feet east, at the south line of said 9.875 acre tract and at the northwest corner of a 4.763 acre tract as shown and delineated in Pine Lake Condominiums Phase 1, as shown and delineated in the record plot of Condominium Plat Book 74, Page 1;

Thence South 05°05'05" East, a distance of 735.55 feet, along the line common to said Pine Lake Condominium Phase 1, and said original 11.029 acre tract, to an iron pipe set at the common corner of said original 11.029 acre tract and a 7.237 acre tract conveyed to 18th Development Hilliard-Rome Limited Partnership, by deed of record in Official Record 16683 G16, and on the west line of a 14.736 acre tract as shown and delineated in Pine Lake Condominiums First Amendment Phase II, as shown and delineated in the record plot of Condominium Plat Book 74, Page 61;

Thence with the following two (2) courses and distances, along the common lines of said original 11.029 acre tract and said 7.237 acre tract:

1. North 89°39'06" West, a distance of 347.49 feet, to a found 3/4 inch iron pin;

2. South 85°05'45" West, a distance of 150.00 feet, to a found 3/4 inch iron pin at the common corner of said original 11.029 acre tract and said 7.237 acre tract, and 0.023 acre tracts conveyed to Joseph and Corinda Matjasic, by deed of record in Official Record 32626 I14 and 116 and Official Record 34990 I04;

Thence North 04°54'18" West, a distance of 704.06 feet (by deed) 703.71 feet (measured, held), along the line common to said original 11.029 acre tract, said 0.23 acre tract, a 0.023 acre tract conveyed to Kelbert Properties, by deed of record in Instrument Number 200704060060251, a 0.432 acre tract conveyed to Gregory A. Richards, by deed of record in Instrument Number 200408060184024, a 0.23 acre tract conveyed to Cathleen R. Sparo, by deed of record in Official Record 31940 D12, a 0.023 acre tract conveyed to Mount Carmel College of Nursing, by deed of record in Instrument Number 20050406004183 (passing 3/4 inch iron pins found at a distance of 599.23 feet, and 633.70 feet), to the TRUE POINT OF BEGINNING, containing, 8.120 acres, more or less. Being subject to all easements, restrictions, and right-of-way of record.

All iron pipes set are 3/4 inch in diameter by 30 inches in length with a yellow I.D. cap bearing the name "CEC PROP COR".

The bearings shown above are based on the east line of said 7.237 acre tract as being South 05°05'05" East, of record in Official Record 16683 G16, at the Recorder's Office, Franklin County, Ohio.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in June, 2007.

Parcel II: Non-exclusive ingress and egress easement and rights for the benefit of the insured premises under that certain easement of record in Official Record 18939, page E01.

Parcel III: Non-exclusive temporary construction ingress/egress easement granted to Bayside Commons II, Limited Partnership of record in Official Record 18450, Page B06. As re-recorded in Official Record 18939, page D17.

This survey represents the same property as described under Parcel I for Commitment # 280070030.

Parcel 2 (7.237 acres)

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey Numbers 6554 and 7029, and being a 7.237 acre tract (PID 560-154608) of which is part of Lot 14 and "Reserve A" as shown and delineated on The Katherine Durban Subdivision, of record in Plat Book 23, Page 35, being conveyed to T&R Development Hilliard-Rome Limited Partnership, by deed of record in Official Record 16683 G16, all records herein are from the Recorder's Office, Franklin County, Ohio, said 7.237 acres being more particularly described as follows:

BEGINNING FOR REFERENCE, at a found Franklin County Monument (FCGS-6665) found in the centerline intersection of Hilliard-Rome Road and Roberts Road;

Thence South 04°54'15" East, along the centerline of Hilliard-Rome Road, a distance of 430.00 feet to a point;

Thence South 85°59'00" East, a distance of 240.00 feet, leaving the centerline of Hilliard-Rome Road, along the northerly property line of an original 0.908 acre tract conveyed to Wendy's International, Inc., by deed of record in Official Record 32980 J16 and the northerly line of Lot 1 as shown and delineated on the record plot of Katherine Durban Subdivision, or record in Plat Book 23, page 35, to a point in the west line of a 9.875 acre tract conveyed to Rushmore Roberts, LLC, by deed of record in Instrument Number 200704060060258;

Thence South 04°54'15" East, a distance of 295.59 feet along the line common to said 9.875 acre tract and said Kathym Durban Subdivision, to a point referenced by a 3/4 inch iron pin found at a distance of 0.46 feet north and 0.93 feet east at the northwest corner of all that remains from an original 11.029 acre tract (PID 560-220529) conveyed to Bayside Commons II Limited Partnership, by deed of record in Official Record 18222 J16, Official Record 18224 J19 and Official Record 18225 A01;

Thence South 04°54'18" West, a distance of 704.06 feet (Deed), 703.71 (Measured, held), (passing a found 3/4 inch iron pin at a distance of 70.01 feet and 104.48 feet) along the common line of said original 11.029 acre tract, to a found iron pin at the common corner of said original 11.029 acre tract and said 7.237 acre tract, and 0.023 acre tracts conveyed to Joseph and Corinda Matjasic, by deed of record in Official Record 32626 I14 and 116, and Official Record 34990 I04; said found iron pin also being the TRUE POINT OF BEGINNING;

Thence with the following two (2) courses and distances, along the common lines of said original 11.029 acre tract and said 7.237 acre tract:

1. North 85°05'45" East, a distance of 150.00 feet, to a found 3/4 inch iron pin;

2. South 89°39'06" East, a distance of 347.49 feet, to a set iron pin at the common corner of said original 11.029 acre tract and said 7.237 acre tract, said set pin also being on the westerly line of a 14.736 acre tract, as shown and delineated in Pine Lake Condominiums First Amendment Phase II, as shown and delineated in the record plot of Condominium Plat Book 74, Page 61;

Thence South 05°05'05" East, a distance of 617.55 feet, along the common line of said 7.237 acre tract and said 14.736 acre, to a set iron pin at the northeast corner of a 11.313 acre tract conveyed to T&R Development III, Inc., by deed of record in Official Record 18593 B10;

Thence the following five (5) courses and distances along the lines common to said 7.237 acre tract and said 11.313 acre tract:

1. South 84°56'38" West, a distance of 266.41 feet, to an iron pipe set;

2. North 05°03'22" West, a distance of 25.61 feet, to an iron pipe set;

3. North 50°03'22" West, a distance of 204.08 feet, to an iron pipe set;

4. South 74°11'59" West, a distance of 98.47 feet, to a point referenced by a 3/4 inch iron pin found at a distance of 0.24 feet south and 0.33 feet west at the southeast corner of Lot 14 as shown and delineated on Katherine Durban Subdivision, of record in Plat Book 23, Page 35;

5. North 85°59'00" West, a distance of 169.26 feet, along the south line of said Lot 14, to an iron pipe set at the southeast corner of Strip No. 2 as conveyed to the City of Columbus, Ohio, by deed of record in Official Record 15251 A09;

Thence North 04°54'18" West, a distance of 84.48 feet, along the east line of said Strip No. 2, to an iron pipe set at a northwest corner of said 7.237 acre tract and on the south line of a 0.700 acre tract conveyed to Gerald L. and Barbara A. Jenkins, by deed of record in Official Record 13607 E14;

Thence South 87°28'57" East, a distance of 168.63 feet, along the south line of said 0.700 acre