

The undersigned being a registered surveyor in the state of Oregon hereby certify to IL Annuity Insurance Company, \_\_\_\_\_\_, AmeriTitle Title Company of Pendleton, Oregon, Blue Mountain, LLC an Oregon Limited Liability Company, and Safeway Inc., a Washington Corporation, its successors and assigns, as follows:

- 1. The drawing dated October 7, 1997 to which this certificate is attached, said drawing, which was prepared by the undersigned from a survey made on September 10, 1997 (herein the "Drawing"), is a true and accurate survey of the real estate described by metes and bounds description contained on said Drawing (the "Property") and each parcel identified thereon (the "Parcel").
- 2. The boundaries of the Property and each Parcel as depicted on the Drawing were established by actual field measurements and the pins, monuments, or other markers were set or found as shown thereon. the Drawing accurately sets forth the area of the Property and each Parcel in acres and square feet. The dimensions shown hereon are expressed in feet and decimal part thereof.
- 3. The property as surveyed and described in the Drawing is contiguous along its entire boundaries and is enclosed within the perimeters thereof.
- 4. The Parcels are completely contiguous with one another and there are no gaps or gores between or among any of the Parcels.
- 5. The right—of—way lines for N. Elizabeth Street, N.E. 5th Avenue, and the Oregon Washington highway are completely contiguous to the perimeter lines of the Property along the entire rights—of—way as shown on the Drawing.
- 6. The streets and highway identified in paragraph 5, above, are duly dedicated public streets and highways.
- 7. Vehicular ingress and egress to and from the Property is afforded via the curb cuts shown on the Drawing, which curb cuts have been duly approved by all public authorities having jurisdiction over the Property.
- 8. Other than the raised concrete curb along the southerly edge of the Property, there are no encroachments, overlaps, or overhangs by any improvements on the Property onto other property, however the building encroaches upon the sewer and water easement listed as special exception No. 7 in preliminary title report No. 32200M prepared by AmeriTitle Title Company of Pendleton, Oregon, as shown on the Drawing. Other than the fence and shed along the line common to the Property and the Roehling property, as shown on the Drawing, there are no encroachments, overlaps, or overhangs by any improvements on other property, over or across the Property.

## SURVEYOR'S CERTIFICATE

- 9. All buildings, railroad tracks, drives, parking areas and other improvements located on the Property and existing on the date of this certification together with the size, location and type of improvements have been accurately depicted on the Drawing, including the dimensions thereof and the relationship thereof to the boundary lines of the Property. Except for the curb along the southerly edge of the parking area, as shown on the Drawing, all such improvements are within the boundaries of the Property and meet all applicable front, side and rear setback requirements.
- 10. Except for the enclosed Milton Freewater Water Control District irrigation ditch, as shown on the Drawing, there are no ditches, streams, rivers, gravel pits or other forms of excavation (active or inactive) or drilling (active or inactive) for minerals, oil or gas apparent on the Property or evidence of any prior use of the Property for any of the foregoing.
- 11. A copy of AmeriTitle Title Company of Pendleton, Oregon, Commitment for Title Insurance No. 32200M (the "Title Commitment") has been received and reviewed, and all easements and rights—of—way existing on the effective date of the Title Commitment affecting the Property are accurately depicted on the Drawing with corresponding recording references to the instrument creating the easement or right—of—way. Other than as shown on the Drawing, no other easements or right—of—way which may be disclosed in the aforesaid Title Commitment affects the Property.
- 12. A physical examination of the Property reveals no apparent use of the Property for pathways, driveways or roads for which there are not easements, nor does it serve the adjoining property for drainage, ingress egress or any other purpose, except as shown hereon.
- 13. All building setback lines created, reserved or imposed by all public authorities having jurisdiction over the Property or by any of the instruments referred to in the Title Commitment have been graphically depicted on the Drawing.
- 14. Except as shown on the Drawing, there are no overhead electric or telephone wires or structures or supports therefor, including poles, anchor and guy wires on or over the Property.
- 15. Storm Sewer, sanitary sewer, electric service, telephone service, gas service and public water service are available on the Property and all said services are provided via public right—of—way or recorded easements therefor as to lines for said services which are off the Property.
- 16. The survey of the Property and the Drawing reflecting same have been in accordance with "Minimum Standard Detail Requirements for Land Title Surveys" jointly established and adopted by the American Land Title Association and American Congress on Surveying and Mapping.

- 17. There are 120 total vehicular parking spaces on the Property, of which 6 are marked handicapped.
  - 18. The Property is located in seismic zone 2B.
  - 19. The Property is zoned C-1 and C-2.
- 20. According to Federal Emergency Management Agency's Flood Insurance Rate Map Dated September 10, 1978, the Property lies within Zone "C" (areas outside the 100 year flood plain): Community Panel No. 410210—B.
- 21. The Property is located within the City of Milton-Freewater, Umatilla County, Oregon.
- 22. All other information set forth on the Drawing is true and correct.

Oregon Registered Professional Surveyor No. 02820LS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 30, 1997
GREG E. FLOWERS
02820LS

RENEWS 121 31/97

11/6/97

RECSIVED BY
Umatilla County Surveyor
Date //-97
Rec'd By //
No. 92-2/3-C