

**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS**

STAND UP FOR CALIFORNIA!, PATTY
JOHNSON, JOE TEIXEIRA and LYNN
WHEAT,

Appellants,

v.

PRINCIPAL DEPUTY ASSISTANT
SECRETARY-INDIAN AFFAIRS and
BUREAU OF INDIAN AFFAIRS,

Appellees.

IBIA No. _____

**OBJECTION TO MR. BLACK’S ASSUMPTION OF JURISDICTION AND
REQUEST FOR RECONSIDERATION**

On March 7, 2017, Michael Black filed a memorandum with the Board in which he purports to “exercise[e] the authority vested in the Assistant Secretary-Indian Affairs ... to assume jurisdiction in the above-caption appeals.” On March 15, the Board vacated the briefing order issued on February 24, 2017, and transferred the appeal to Black for resolution. Black, however, cannot exercise the authority vested in the Assistant Secretary, as Citizens explained in its February 21, 2017 Petition and again below. Neither Black nor the Board have addressed Citizens’ arguments. Respectfully, the Board should reconsider its transfer of jurisdiction and reject Black’s effort to “review one unauthorized action by taking another. Apart from the Secretary, this Board is the final authority with respect to this appeal, not Black.

1. Black’s Attempt to Assume Jurisdiction Violates the Vacancies Reform Act

Congress passed the Federal Vacancies Reform Act of 1998 to ensure that the President respects the Senate’s advice and consent role when appointing executive branch officers. The Act, which is the sole statutory vehicle for temporarily filling vacant positions

pending confirmation, enumerates the exclusive ways in which temporary appointments may be made and limits the President's choice of temporary appointees and their terms. *See* 5 U.S.C. §§ 3347(a), 3345-46. The Act prohibits agencies from using their enabling statutes as an alternative basis for, or superseding means of, filling vacancies. *Id.* § 3347(b).

Stand Up for California!, Patty Johnson, Joe Teixeira and Lynn Wheat (“Citizens”) raised the Federal Vacancies Reform Act (“FVRA”) in their Petition for Preliminary Relief on an Expedited Basis and Statement of Reasons (“Petition”) to explain why Black could not exercise the authority of the Assistant Secretary under Amended Secretarial Order 3345. Petition at 8-9 (filed February 21, 2017). Specifically, Citizens explained:

1. Sections 3345 and 3346 are “the *exclusive means* for temporarily authorizing an acting officer to perform the functions and duties of any office” requiring Presidential appointment by and with the consent of the Senate, unless a statute expressly authorizes the Secretary to make a temporary appointment or to designate an officer to perform the function. 5 U.S.C. § 3347(a) (emphasis added).
2. The President’s exercise of the temporary appointment power is limited to: (1) the first assistant to the Senate-confirmed officer whose office is vacant; (2) an officer who currently works in an executive agency for which an appointment is required, but only if directed by the President (“and only the President”); or (3) a career civil servant, paid at or above the GS-15 rate, who has worked in the agency in which the vacancy exists for at least 90 of the past 365 days, but again, only if directed by the President (“and only the President”). *Id.* § 3345(a).
3. Black cannot serve as Acting Assistant Secretary under the FVRA because he did not serve as the first assistant to Kevin Washburn, the last Senate-confirmed officer in the position of the Assistant Secretary. Larry Roberts served as first assistant to Kevin Washburn, and then served as the Acting Assistant Secretary until August 2016, at which point the time limitations set forth in 5 U.S.C. § 3346 applied. Neither President Obama nor President Trump have directed Black to serve as Acting Assistant Secretary.

4. Black relies on Amended Secretarial Order 3345 (Amendment No. 1),¹ dated January 20, 2017 and signed by Kevin Haugrud as Acting Secretary, which purports to delegate the authority of the Assistant Secretary–Indian Affairs to Black. Amended Secretarial Order 3345 does not suffice for two reasons:
 - a. The Order states that the delegation is made pursuant to Section 2 of the Reorganization Plan No. 3 of 1950, 64 Stat. 1262, and in compliance with the FVRA. But the FVRA does not permit the head of an agency to rely on a statutory provision providing general authority to delegate certain responsibilities. *Id.* § 3347(b). Section 2 of the Reorganization Plan is a general statutory authorization.² Accordingly, Haugrud did not have authority to delegate to Black the authority of the Assistant Secretary.³
 - b. Haugrud, himself, did not have authority to act as Acting Secretary. Prior to former Solicitor Hillary Tompkins’ departure, Haugrud was the Principal Deputy Solicitor. He was not the “first assistant” to the Secretary. Under the FVRA, the only legally permissible way for Haugrud to have served as the Acting Secretary would have been if the President directed him to do so. There is no Presidential Order to that effect.⁴
5. Black, therefore, cannot assume jurisdiction based on Amended Secretarial Order 3345. If permitted to proceed, he will impermissibly usurp the Board’s authority to make final decisions on behalf of the Department. Moreover, under the FVRA, whatever action he might take “shall have no force or effect” and “may not be ratified.” *Id.* § 3348(d)(1)-(2).

¹ Secretarial Order 3345 was issued by Secretary Sally Jewell on January 19, 2017, with an effective date of January 20, 2017 at 12:00 Eastern Standard Time. Amended Secretarial Order 3345 (Amendment No. 1) has the same effective date.

² Section 2 provides: “The Secretary ... may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.”

³ For the same reasons, Secretary Jewell did not have authority to delegate to Black the authority of the Assistant Secretary under Secretarial Order 3345, dated January 19, 2017.

⁴ Executive Order 13244 (Dec. 18, 2001), as amended by Executive Order 13261 (Mar. 19, 2002), provides an order of succession for the office of Secretary of the Interior when both the Secretary and the Deputy Secretary are unable to perform the functions of that office. The Solicitor is first in the order of succession, but the Order expressly excludes anyone serving in an acting capacity from that order of succession.

Black's March 7, 2017 Memorandum does not address any of the arguments Citizens made in their Petition. He merely asserts that he has authority to assume jurisdiction. He does not. At the very least, the Board should order Black to explain the basis for his legal conclusion, in light of the authorities Citizens cited. The Administrative Procedure Act demands that agencies engage in reasoned decision-making, including by addressing relevant issues raised by litigants. 5 U.S.C. § 706(2)(A) (arbitrary and capricious standard of review); *see Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971) (arbitrariness depends on "whether the decision was based on a consideration of the relevant factors"); *Greater Boston Television Corp. v. FCC*, 444 F.2d 841, 850-52 (D.C. Cir. 1970) (the court will intervene if it "becomes aware, especially through a combination of danger signals, that the agency has not really taken a 'hard look' at the salient problems, and has not genuinely engaged in reasoned decisionmaking"). Black's attempt to assume jurisdiction without adequate explanation of why the FVRA does not prevent him from doing so violates yet another federal statute—the APA.

It is worth noting that Black has conceded that the January 19, 2017 decision to acquire land in trust for the Wilton Rancheria was *not* final for the Department. The Board stated that "if BIA... contends that the ROD is final for the Department, it shall state the legal grounds and provide all information and evidence relied on for that contention." Pre-Docketing Notice and Order for Briefing on Jurisdiction at 2. BIA did not do so. Nor did Black did state the legal grounds or provide any information or evidence to support the contention that the January 19, 2017 trust decision was final agency action. In fact, Black's attempt to assume jurisdiction under 25 C.F.R. § 2.20(c) and 43 C.F.R. § 4.332(b) necessarily means that Black does *not* consider the January 19, 2017 trust decision to have

been final. The only possible legal conclusion, then, is that the transfer of title in trust on February 10, 2017 was *ultra vires*. The Board should order BIA to revoke its February 10, 2017 Acceptance of Conveyance.⁵

2. The Board Should Retain Jurisdiction Over the Appeal and Require Agency Officials to Comply with Congressional and Agency Limits on Their Authority

Black's disregard for the law raises significant constitutional problems, and it appears that many of the decisions made by the Department during the last several months may not be authorized as well. The requirement of Presidential appointment, by and with the advice and consent of the Senate, serves important purposes, purposes that Black appears to accord little weight.

The Framers vested the power of advice and consent regarding Presidential nominees and appointees in the Senate in order to avoid the "incautious or corrupt nominations" and "flagrant partiality or error" otherwise likely to result from presidential misuse of the appointment power. The Records of the Federal Convention of 1787, at 80 (Max Farrand ed., 1966) (remarks of James Madison). The Supreme Court has explained that the Appointments Clause reflects more than a "frivolous" concern for "etiquette or protocol." *Buckley v. Valeo*, 424 U.S. 1, 125 (1976) (per curiam). Rather, it limits the exercise of certain kinds of governmental power to those persons appointed pursuant to the specific procedures it sets forth for the appointment of "officers." *See* Officers of the United States

⁵ The chain of title is included for the Board's convenience. Exhibit 1. Boyd Gaming and the Wilton Rancheria executed the Grant Deed to the United States on January 16 and 17, 2017, before the close of the final comment period on the final environmental impact statement and two days before the final decision. Under California law, grant deeds are effective upon delivery, the date of which Citizens does not know. But it is at least unusual for parties to execute a grant deed to a parcel of land worth over \$36 million *before* the close of a comment period, let alone before a final decision. And of course, the January 19, 2017 ROD was not a final action under agency regulations, making the entire decision-making process problematic, at best.

Within the Meaning of the Appointments Clause, 31 Op. O.L.C. 73, 74 (2007). The requirement that political officers be appointed is one of “the significant structural safeguards of the constitutional scheme,” whose purpose is “to preserve political accountability relative to important government assignments.” *Edmond v. United States*, 520 U.S. 651, 659, 663 (1997). It “is a bulwark against one branch aggrandizing its power at the expense of another branch.” *Ryder v. United States*, 515 U.S. 177, 182 (1995).

Although there is no question that the Office of the Assistant Secretary requires Presidential appointment and Senate confirmation, the reason for it is worth considering. It is a “federal office [that] involves a position to which is delegated by legal authority a portion of the sovereign powers of the federal government.” Officers of the United States Within the Meaning of the Appointments Clause, 31 Op. O.L.C. at 77. The Assistant Secretary can “bind[] the government or third parties for the benefit of the public, such as by administering, executing, or authoritatively interpreting the laws.” *Id.*

A decision to acquire land in trust binds the federal government and more. The transfer of land in trust implicates fundamental federalism concerns and impacts state sovereignty by eliminating state and local jurisdiction over land. Presumably BIA had the significance of trust decisions in mind when it revised 25 C.F.R. § 151.12 to differentiate between decisions made by high-level political appointees, which are final for the Department, and those made by other agency officials, which are not. The Department has generally required the largest and most controversial trust decisions—usually those made for casino development—to be made at the Secretary or Assistant Secretary level, almost certainly because such decisions are often highly controversial and thus political. Satisfied that less controversial decisions could be made by career staff, BIA designated the Board as

having final word as to their legality. As to those decisions, the Board “ensures consistency in the decision-making across BIA regions and addresses any procedural errors before the decision becomes final for the Department.” 78 Fed. Reg. 67928, 67933 (Nov. 13, 2013).

In this case, Roberts ignored *both* the requirement that trust decisions for gaming be made at the Assistant Secretarial-level *and* the regulation requiring Board review of any trust decision made by an agency official other than the Secretary or the Assistant Secretary. 25 C.F.R. § 151.12(d). Thus, Roberts exercised authority he did not have to render a decision for which he is neither legally nor politically accountable. Black too is attempting to exercise a power reserved to political officers, but under the FVRA, Black does not have any such power. Accordingly, jurisdiction over the January 19, 2017 trust decision rests with the Board. If the Board does not require officials like Black and Roberts to comply with the rule of law—particularly in times of transition when the stability of government is lessened—an important “bulwark against one branch aggrandizing its power at the expense of another branch” will be eliminated.

CONCLUSION

For the foregoing reasons, the Board should reconsider its transfer of jurisdiction and reject Black’s attempt to assume jurisdiction over this appeal. In addition, that attempt and its failure to respond to the Board’s Order for Briefing on Jurisdiction effectively concedes that the ROD is not a final agency decision. The February 10, 2017, transfer of title is therefore *ultra vires*, and the Board should immediately order BIA to revoke the acceptance of that conveyance while Citizens pursue this appeal.

DATED: March 15, 2017

Respectfully Submitted,



Jena A. MacLean
Odin A. Smith
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Washington, D.C. 20005-2011
(202) 654-6344
osmith@perkinscoie.com

Attorneys for Citizens

Exhibit 1

DOCUMENTS

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY
AND WHEN RECORDED MAIL TO

M&H REALTY PARTNERS III L.P.
Peter J. Merlone
353 Sacramento Street 21st
Floor
San Francisco, CA 94111



Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK 20020103 PAGE 0207
Thursday, JAN 03, 2002 8:28:19 AM
PCR \$20.00
Ttl Pd \$30.00 Nbr-0001018168
001-Unincorp. DTT PAID SLT/22/1-2

Escrow No. 1058923 - VS
Order No. 1058923 - KF

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Assessor's Parcel No:
134-0600-019-0000

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ declared on separate document

unincorporated area City of

computed on the full value of the interest or property conveyed, or is

computed on the full value less the value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
MARILYN J. WACKMAN, TRUSTEE OF THE MARILYN J. WACKMAN REVOCABLE TRUST UNDER
DECLARATION OF TRUST ESTABLISHED OCTOBER 6, 1994

hereby GRANT(S) to
M&H REALTY PARTNERS III L.P., A CALIFORNIA LIMITED PARTNERSHIP

the following described real property in the City of
County of SACRAMENTO, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

This Grant Deed consummates the option as set forth in agreement recorded Jan.22,1996
Series #199601220947, and amended January 7, 1997 Series No. 199701070485.

Dated December 27, 2001

STATE OF CALIFORNIA
COUNTY OF Sacramento) SS.
On 12-28-01 before me,

Vivian Sellers

a Notary Public in and for said County and State, personally appeared
Marilyn J. Wackman

Marilyn J. Wackman Trustee
MARILYN J. WACKMAN, TRUSTEE OF THE
MARILYN J. WACKMAN REVOCABLE TRUST UDT
ESTABLISHED OCTOBER 6, 1994

personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Vivian Sellers
Signature of Notary

12-26-05
Date My Commission Expires

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City, State & Zip

LEGAL DESCRIPTION EXHIBIT

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 7 OF TOWNSHIP 6 NORTH, RANGE 6 EAST, M.D.B. & M., AND RUNNING THENCE ALONG THE SECTION LINE COMMON TO SECTIONS 7 AND 12 OF TOWNSHIP 6 NORTH, RANGE 5 EAST, NORTH 0°31' WEST 31.10 CHAINS TO ITS INTERSECTION WITH THE WESTERLY LINE OF THE UPPER STOCKTON ROAD SO-CALLED; THENCE ALONG THE WESTERLY LINE OF THE UPPER STOCKTON ROAD, SOUTH 37°44' EAST 39.05 CHAINS TO ITS INTERSECTION WITH THE SECTION LINE COMMON TO SECTIONS 7 AND 18 IN TOWNSHIP 6 NORTH, RANGE 6 EAST, THENCE ALONG SAID SECTION LINE SOUTH 89°32' WEST 23.62 CHAINS TO THE POINT OF BEGINNING AND BEING A FRACTIONAL PART OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 6 EAST, AND BEING THE SAME LAND THAT IS SHOWN AND DELINEATED ON THAT CERTAIN MAP MADE BY J.C. BOYD, COUNTY SURVEYOR, ENTITLED "PLAT OF TRACT OF LAND OWNED BY SACRAMENTO BANK", ETC. AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY ON THE 22ND DAY OF DECEMBER 1902, THE SAID LAND AS HEREINABOVE DESCRIBED BEING PARTICULARLY DESIGNATED THEREON AS TRACT 3.

EXCEPTING, HOWEVER, THAT PORTION OF ALL THAT PART OF SAID PARCEL LYING NORTHEASTERLY FROM A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH AN EXISTING STATE HIGHWAY RIGHT OF WAY MONUMENT DISTANT 52.00 FEET, SOUTHWESTERLY, MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION "B" 79+00.00 AS PER SHEET 12 OF 17, ROAD X-SAC-4-B, APPROVED AUGUST 29, 1933, FILED SEPTEMBER 30, 1953 IN STATE HIGHWAY MAP BOOK NO. 3 AT PAGE 95, RECORDS OF SACRAMENTO COUNTY, BEARS SOUTH 46°30'44" EAST 338.39 FEET, SAID POINT ALSO BEING DISTANT 142 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION "B3", 82+32.80 OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY FROM 1-1/2 MILES SOUTH OF THE CONSUMNES RIVER TO 1/2 MILE SOUTH OF ELK GROVE ROAD, ROAD III-SAC-4-B; THENCE FROM SAID POINT OF BEGINNING, PARALLEL WITH SAID BASE LINE, NORTH 37°30'30" WEST 1767.20 FEET TO A POINT DISTANT 142 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES FROM ENGINEER'S STATION "B3" 100+00.00 OF SAID BASE LINE; THENCE NORTH 37°30'30" WEST 1999.13 FEET TO A POINT DISTANT 142.48 FEET SOUTHWESTERLY, MEASURED RADIALLY FROM ENGINEER'S STATION "B3" 119+98.57 OF SAID BASE LINE.

INCLUDING ALL THE UNDERLYING FEE INTEREST APPURTENANT TO THE ABOVE DESCRIBED PARCEL OF LAND IN AND TO THE EXISTING STATE HIGHWAY AS PER THAT CERTAIN GUARDIANS DEED DATED NOVEMBER 28, 1932 RECORDED JANUARY 21, 1933 IN BOOK 426 AT PAGE 74, OFFICIAL RECORDS OF SACRAMENTO COUNTY.

ASSESSOR'S PARCEL NUMBER 134-600-019

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY
AND WHEN RECORDED MAIL TO

ROBERT H. LENT AND LISA LENT
10550 W. STOCKTON BLVD.
ELK GROVE, CA 95758



Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK 20020213 PAGE 2665
Wednesday, FEB 13, 2002 4:03:54 PM
Ttl Pd \$12.00 Nbr-0001058305

JRH/40/1-2

Escrow No. 1071721 - NP
Order No. 1071721 - RN

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Assessor's Parcel No:
134-0220-069

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$0.00

unincorporated area City of ELK GROVE

computed on the full value of the interest or property conveyed, or is

computed on the full value less the value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
ROBERT H. LENT, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY, WHO ACQUIRED TITLE
AS ROBERT J. LENT, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY

hercby GRANT(S) to
ROBERT H. LENT AND LISA LENT, HUSBAND WIFE, AS JOINT TENANTS

the following described real property in the City of ELK GROVE
County of SACRAMENTO, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated February 7, 2002

Robert H. Lent

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO) SS.

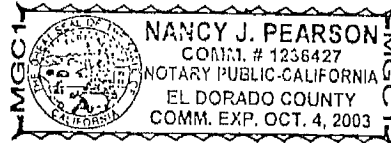
On February 8, 2002 before me,

the undersigned

a Notary Public in and for said County and State, personally appeared

ROBERT H. LENT

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature of Notary

10-4-03
Date My Commission Expires

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City, State & Zip

GD1 -05/30/97bk

Page 1

Escrow No. 1071721 -NP

LEGAL DESCRIPTION EXHIBIT

CITY OF ELK GROVE

PARCEL B, AS SAID PARCEL IS SHOWN UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON MARCH 24, 1998 IN BOOK 150 OF MAPS, AT PAGE 7.

ASSESSOR'S PARCEL NUMBER 134-0220-069-0000

DEEDLEGL-08/09/94bk

CTC 1070381 VS
RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL TO,
AND MAIL TAX STATEMENT TO:


Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK 20020701 PAGE 0370
Monday, JUL 01, 2002 8:44:05 AM
Ttl Pd \$18.00 Nbr-0001322469
TJH/12/1-4

M&H Realty Partners Affiliated Fund III L.P.
353 Sacramento Street, 21st Floor
San Francisco, California 94111
Attn: Mr. Peter J. Merlone

(Above Space For Recorder's Use Only)

GRANT DEED

The undersigned grantor declares:

This conveyance is exempt from Documentary Transfer Tax because the grantors and the grantees in this conveyance are comprised of the same parties who continue to hold the same proportionate interest in the property. Section 11923(d) of the California Revenue and Taxation Code.

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, M&H Realty Partners III L.P., a California limited partnership, hereby GRANTS to M&H Realty Partners Affiliated Fund III L.P., a California limited partnership, the following described real property located in the County of Sacramento, State of California:

See Exhibit "A" which is attached hereto and incorporated by reference herein.

The property is conveyed subject to:

- A. All liens, encumbrances, easements, covenants, conditions and restrictions, whether on- or off-record;
- B. All matters which would be revealed or disclosed in an accurate survey of the property; and

C. Liens for taxes on real property not yet delinquent, and liens for any general or special assessments of record against the property not yet delinquent.

DATED: June 24, 2002

M&H Realty Partners III L.P.,
a California limited partnership

By: MHRP III L.P.,
a California limited partnership,
General Partner

By: Merlone/Hagenbuch Inc.,
a California corporation,
General Partner

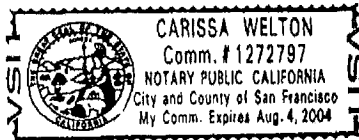
By: 
Name: JOHN J. HAGENBUCH
Title: CHAIRMAN

STATE OF CALIFORNIA }
COUNTY OF SAN FRANCISCO } ss

On June 24, 2002, before me, CARISSA WELTON, personally appeared JOHN J. HAGENBUCH, personally known to me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature 



PARCEL ONE:

BEGINNING AT A POINT WHICH BEARS NORTH 44° 10' 47" WEST, 167.61 FEET FROM THE NORTHWEST CORNER OF PARCEL B AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP "POR. OF THE NW 1/4 & NE 1/4 OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 6 EAST, M.D.M." AS SAID PARCEL MAP IS FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 150 OF PARCEL MAPS PAGE 7; THENCE FROM SAID POINT OF BEGINNING ALONG THE ARC OF A 830.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING NORTH 25° 08' 23" WEST, 380.32 FEET; THENCE NORTH 11° 54' 21" W, 607.10 FEET, THENCE NORTH 18° 08' 38" WEST, 168.82 FEET, THENCE NORTH 30° 01' 48" WEST, 175.29 FEET; THENCE NORTH 37° 31' 52" WEST, 530.39 FEET; THENCE NORTH 37° 31' 52" WEST, 845.95 FEET; THENCE ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING NORTH 70° 42' 44" WEST, 75.62 FEET; THENCE ALONG THE ARC OF A 1043.58 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 80° 29' 39" WEST, 827.88 FEET; THENCE ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING NORTH 79° 22' 20" WEST, 34.42 FEET; THENCE NORTH 35° 52' 10" WEST 86.17 FEET; THENCE ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING NORTH 63° 08' 16" WEST, 302.39 FEET; THENCE SOUTH 89° 35' 38" WEST, 130.07 FEET, THENCE SOUTH 00° 24' 22" EAST, 871.03 FEET, THENCE ALONG THE ARC OF A 1500.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 34° 40' 52" EAST, 1689.50 FEET; THENCE SOUTH 68° 57' 23" EAST, 496.47 FEET; THENCE ALONG THE ARC OF A 1500.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING SOUTH 53° 52' 28" EAST, 780.59 FEET; THENCE NORTH 51° 36' 06" EAST, 735.25 FEET TO THE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTOIN IS PURSUANT TO THAT CERTAIN LOT LINE ADJUSTMENT, DESIGNATED AS, "NEW PARCEL B," RECORDED JANUARY 7, 2002, IN BOOK 20020107 PAGE 0276

PORTION OF ASSESSOR'S PARCEL NUMBER: 134-0220-068 (OLD)
134-0200-070 (NEW)
PORTION OF ASSESSOR'S PARCEL NUMBER: 134-0600-019 (OLD)
134-0600-038 (NEW)
PORTION OF ASSESSOR'S PARCEL NUMBER: 132-0152-002 (OLD)
132-0152-004 (NEW)

PARCEL TWO

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL NO. 2 AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP "NE 1/4 SECTION 13, AND A PORTION OF SE 1/4 SECTION 12, TOWNSHIP 6 NORTH, RANGE 5 EAST, M.D.B.&M," AS SAID PARCEL MAP IS FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 146 OF PARCEL MAPS PAGE 22; THENCE FROM SAID POINT OF BEGINNING, ALONG THE WESTERLY BOUNDARY OF SAID PARCEL, NORTH 00° 18' 25" WEST, 5287.09 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL NORTH 89° 39' 39" EAST, 505.43 FEET TO THE WESTERLY RIGHT OF WAY OF WEST STOCKTON BOULEVARD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES, SOUTH 37° 05' 19" EAST, 83.37 FEET; THENCE SOUTH 37° 31' 52" EAST, 2391.40 FEET; THENCE ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING NORTH 70° 42' 44" WEST, 75.62 FEET; THENCE ALONG THE ARC OF A 1043.58 FOOT RADIUS CURVE TO THE LEFT SUBTENDED BY A CHORD BEARING SOUTH 80° 29' 39" WEST, 827.88 FEET; THENCE ALONG THE ARC OF A 25.00 FOOT

RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING NORTH 79° 22' 20" WEST, 34.42 FEET; THENCE NORTH 35° 52' 10" WEST, 86.17 FEET; THENCE ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING NORTH 63° 08' 16" WEST, 302.39 FEET; THENCE SOUTH 89° 35' 38" WEST, 130.07 FEET; THENCE SOUTH 00° 24' 22" EAST, 871.03 FEET, THENCE ALONG THE ARC OF A 1500.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 34° 40' 52" EAST, 1689.50 FEET; THENCE SOUTH 68° 57' 23" EAST, 496.47 FEET; THENCE ALONG THE ARC OF A 1500.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING SOUTH 53° 52' 28" EAST, 780.59 FEET; THENCE SOUTH 51° 36' 06" WEST, 142.74 FEET; THENCE ALONG THE ARC OF A 2000.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING SOUTH 70° 38' 30" WEST, 1304.91 FEET, TO A POINT ON THE CENTERLINE OF KAMMERER ROAD; THENCE ALONG SAID CENTERLINE, THE FOLLOWING TWO (2) COURSES; SOUTH 89° 40' 54" WEST, 325.31 FEET AND SOUTH 89° 41' 35" WEST, 1005.24 FEET TO THE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION IS PURSUANT TO THAT CERTAIN LOT LINEADJUSTMENT DESIGNATED AS "NEW PARCEL A," RECORDED JANUARY 7, 2002, IN BOOK 2002-0107 PAGE 276.

PORTION OF ASSESSOR'S PARCEL NUMBER: 134-0220-068 (OLD)
134-0220-071 (NEW)
PORTION OF ASSESSOR'S PARCEL NUMBER: 134-0600-019 (OLD)
134-0600-037 (NEW)
ASSESSOR'S PARCEL NUMBER: 132-0152-002 (OLD)
132-0152-003 (NEW)



Sacramento County Recording
 Mark Norris, Clerk/Recorder
 BOOK **20031119** PAGE **2201**
 Wednesday, NOV 19, 2003 1:35:12 PM
 Ttl Pd \$16.00 Nbr-0002437737
 007-Elk Grove DTY PAID KPM/36/1-4

RECORDING REQUESTED BY,
 AND WHEN RECORDED MAIL TO,
 AND MAIL TAX STATEMENT TO:

Elk Grove Town Center
 c/o General Growth Properties, Inc.
 110 North Wacker Drive
 Chicago, Illinois 60606
 Attention: David F. Pursel, Esq.

#1077969 NJP

(Above Space For Recorder's Use Only)

AP #134-0220-070
 #134-0600-038
 #132-0152-004

GRANT DEED

The undersigned grantor declares:

Documentary Transfer Tax not shown pursuant to Section 11932 of the California Revenue and Taxation Code

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, M&H Realty Partners Affiliated Fund III L.P., a California limited partnership, hereby GRANTS to Elk Grove Town Center, L.P., a Delaware limited partnership, the following described real property located in the City of Elk Grove, County of Sacramento, State of California:

See Exhibit "A" which is attached hereto and incorporated by reference herein.

The property is conveyed subject to:

- A. All liens, encumbrances, easements, covenants, conditions and restrictions, whether on- or off-record;
- B. All matters which would be revealed or disclosed in an accurate survey of the property; and

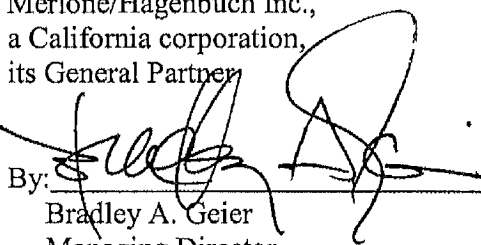
C. Liens for taxes on real property not yet delinquent, and liens for any general or special assessments of record against the property not yet delinquent.

DATED: November 7, 2003

M&H REALTY PARTNERS AFFILIATED FUND III L.P.,
a California limited partnership

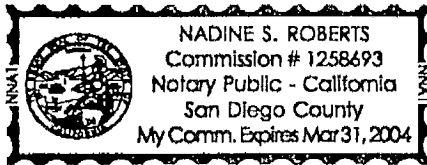
By: MHRP AFFILIATED III L.P., a California limited
partnership, its General Partner

By: Merlone/Hagenbuch Inc.,
a California corporation,
its General Partner

By: 
Bradley A. Geier
Managing Director

STATE OF CALIFORNIA)
) SS.
County of San Diego)

On November 7, 2003, before me, Nadine S. Roberts, Notary Public, personally appeared Bradley A. Geier, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Seal

WITNESS my hand and official seal.

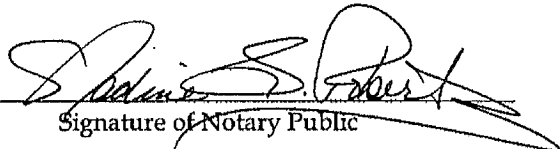

Signature of Notary Public

EXHIBIT A

Legal Description

BEGINNING AT A POINT WHICH BEARS NORTH 44° 10' 47" WEST, 167.61 FEET FROM THE NORTHWEST CORNER OF PARCEL B AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP "POR. OF THE NW 1/4 & NE 1/4 OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 6 EAST, M.D.M." AS SAID PARCEL MAP IS FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY IN BOOK 150 OF PARCEL MAPS PAGE 7; THENCE FROM SAID POINT OF BEGINNING ALONG THE ARC OF A 830.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING NORTH 25° 08' 23" WEST, 380.32 FEET; THENCE NORTH 11° 54' 21" W, 607.10 FEET, THENCE NORTH 18° 08' 38" WEST, 168.82 FEET, THENCE NORTH 30° 01' 48" WEST, 175.29 FEET; THENCE NORTH 37° 31' 52" WEST, 530.39 FEET; THENCE NORTH 37° 31' 52" WEST, 845.95 FEET; THENCE ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING NORTH 70° 42' 44" WEST, 75.62 FEET; THENCE ALONG THE ARC OF A 1043.58 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 80° 29' 39" WEST, 827.88 FEET; THENCE ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING NORTH 79° 22' 20" WEST, 34.42 FEET; THENCE NORTH 35° 52' 10" WEST 86.17 FEET; THENCE ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING NORTH 63° 08' 16" WEST, 302.39 FEET; THENCE SOUTH 89° 35' 38" WEST, 130.07 FEET, THENCE SOUTH 00° 24' 22" EAST, 871.03 FEET, THENCE ALONG THE ARC OF A 1500.00 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 34° 40' 52" EAST, 1689.50 FEET; THENCE SOUTH 68° 57' 23" EAST, 496.47 FEET; THENCE ALONG THE ARC OF A 1500.00 FOOT RADIUS CURVE TO THE RIGHT, SUBTENDED BY A CHORD BEARING SOUTH 53° 52' 28" EAST, 780.59 FEET; THENCE NORTH 51° 36' 06" EAST, 735.25 FEET TO THE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION IS PURSUANT TO THAT CERTAIN LOT LINE ADJUSTMENT, DESIGNATED AS, "NEW PARCEL B," RECORDED JANUARY 7, 2002, IN BOOK 20020107 PAGE 0276

ASSESSOR'S PARCEL NUMBER: 134-0220-070
ASSESSOR'S PARCEL NUMBER: 134-0600-038
ASSESSOR'S PARCEL NUMBER: 132-0152-004

RECORDING REQUESTED BY:
Fidelity National Title Company - C & I
Escrow No. 515254-MN
Title Order No. 00515254

When Recorded Mail Document
and Tax Statement To:



Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK 20041115 PAGE 1922

Monday, NOV 15, 2004 1:28:57 PM
Ttl Pd \$12.00 Nbr-0003195806

HMO/55/1-2

APN: 134-0220-072

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

The undersigned grantor(s) declare(s)

Documentary transfer tax is \$NO TAX DUE* City Tax is \$Gift

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area City of Elk Grove

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Susan L. Rasmussen

hereby remises, releases and quitclaims to Robert H. Lent, individually and Robert H. Lent, as General Trustee of the Brian Wayne Lent Trust

the following described real property in the City of Elk Grove, County of Sacramento, State of California:
SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

*This deed is being recorded to perfect the lots as described in that certain Lot Line Adjustment, recorded January 7, 2002, in Book 20020107, Page 0276, Official Records of Sacramento County and the Amended Order of Final Distribution on Waiver of Accounting recorded 12/19/95 as instrument number 199512190062 in the official records of Sacramento County, California.

DATED: October 12, 2004

STATE OF CALIFORNIA
COUNTY OF Alameda
ON 10/22/04 before me,
Hiten Patel, Notary Public personally appeared

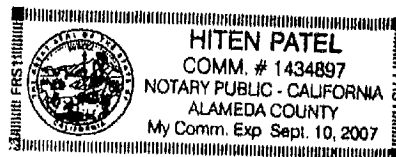
Susan L. Rasmussen

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature _____

Susan L. Rasmussen
Susan L. Rasmussen



MAIL TAX STATEMENTS AS DIRECTED ABOVE

FD-13F (Rev 9/94)

QUITCLAIM DEED


EXHIBIT ONE

Parcel B as said Parcel is shown and so designated on that certain Parcel Map "Por. of the NW 1/4 & NE 1/4 of Section 18, T. 6M1., R. 6E., M.D.M." as said Parcel Map is filed in the office of the Recorder of Sacramento County, in Book 150 of Parcel Maps, at Page 7.

Also being new Parcel D of the Lot Line Adjustment recorded January 7, 2002, in Sacramento County Book 20020107, Page 276.

RECORDING REQUESTED BY:
Fidelity National Title Company - C & I
Escrow No. 515254-MN
Title Order No. 00515254

When Recorded Mail Document
and Tax Statement To:


Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK **20041115** PAGE **1923**
Monday, NOV 15, 2004 1:28:57 PM
T&I Pd \$12.00 Nbr-0003195807
HMO/55/1-2

APN: 134-0220-072

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

The undersigned grantor(s) declare(s)

Documentary transfer tax is \$NO TAX DUE* City Tax is \$ 4.44

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area City of Elk Grove

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Robert H. Lent, individually and Robert H. Lent, as General Trustee of the Brian Wayne Lent Trust

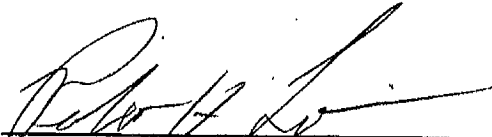
hereby remises, releases and quitclaims to Susan L. Rasmussen

the following described real property in the City of Elk Grove, County of Sacramento, State of California:
SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

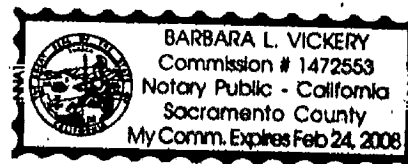
*This deed is being recorded to perfect the lots as described in that certain Lot Line Adjustment, recorded January 7, 2002, in Book 20020107, Page 0276, Official Records of Sacramento County and the Amended Order of Final Distribution on Waiver of Accounting recorded 12/19/95 as instrument number 199512190062 in the official records of Sacramento County, California.

DATED: October 12, 2004

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
ON NOVEMBER 10, 2004 before me,
BARBARA L. VICKERY personally appeared
ROBERT H. LENT


Robert H. Lent, individually and as General Trustee of
the Brian Wayne Lent Trust

personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

Signature Barbara L. Vickery

MAIL TAX STATEMENTS AS DIRECTED ABOVE

FD-13F (Rev 9/94)

QUITCLAIM DEED

EXHIBIT ONE

Beginning at the Southwest corner of Parcel B as said Parcel is shown and so designated on that certain Parcel Map "Por. of the NW 1/4 & NE 1/4 of Section 18, T.6N., R.6E., M.D.M." as said Parcel Map is filed in the office of the Recorder of Sacramento County, in Book 150 of Parcel Maps at Page 7; said point also being on the centerline of Kammerer Road; thence from said point of beginning along the centerline of Kammerer Road; thence from said point of beginning along the centerline of Kammerer Road, South 89° 40' 54" West, 2039.44 feet; thence along the arc of a 2000.00 foot radius curve to the left, subtended by a chord bearing North 70° 38' 30" East, 1304.91 feet; thence North 51° 36' 06" East, 877.99 feet to a point on the Westerly right of way of West Stockton Boulevard; thence along said right of way line along the arc of a 830.00 foot radius curve to the left, subtended by a chord bearing South 44° 10' 47" East, 167.61 feet to the Northwest corner of said Parcel B; thence along the Westerly line of said parcel South 00° 13' 41" East, 846.35 feet to the point of beginning.

Also being new Parcel C of the Lot Line Adjustment recorded January 7, 2002, in Sacramento County Book 20020107, Page 276.

RECORDING REQUESTED BY:

Fidelity National Title Company
Escrow No.: 04-515254-MN
Locate No.: CAFNT0934-0934-0010-0000515254
Title No.: 04-515254



Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK **20050225** PAGE **2309**

Friday, FEB 25, 2005 2:41:38 PM
Ttl Pd \$10.00 Nbr-0003402828
007-Elk Grove DTT PAID REB/51/1-2

**When Recorded Mail Document
and Tax Statement To:**

Marvin L. Oates
8615 Elder Creek Road
Sacramento, CA 95828

APN: 134-0220-072

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

Documentary transfer tax is not shown pursuant to Section 11932 of the Revenue and Taxation Code, as amended

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Susan L. Rasmussen, an unmarried woman

hereby GRANT(S) to Marvin L. Oates, Trustee of the Marvin L. Oates Trust, dated March 7, 1995, as to an undivided 75% interest and OBF, a California general partnership, as to an undivided 25% interest, all of Grantors right, title and interest

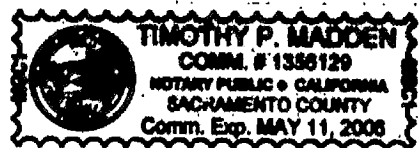
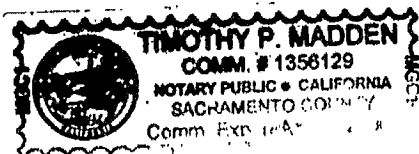
in that certain real property located in the City of **Elk Grove**, County of **Sacramento**, State of **California**: Described in Exhibit "A" attached hereto and made a part hereof, subject to current liens, assessments, covenants, conditions and restrictions and all other encumbrances of record.

DATED: February 22, 2005

STATE OF CALIFORNIA
COUNTY OF Sacramento
ON February 24 2005 before me,
the undersigned Notary Public personally appeared

Susan L. Rasmussen

Susan L. Rasmussen
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

Signature Timothy P. Madden

MAIL TAX STATEMENTS AS DIRECTED ABOVE

FD-213 (Rev 7/96)
(grant)(09-04)

GRANT DEED

Escrow No.: 04-515254-MN
Locate No.: CAFNT0934-0934-0010-0000515254
Title No.: 04-515254

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at the Southwest corner of Parcel B as said Parcel is shown and so designated on that certain Parcel Map "Por. of the NW 1/4 & NE 1/4 of Section 18, T. 6N., R6E. M.D.M." as said Parcel Map is filed in the Office of the Recorder of Sacramento County in Book 150 of Parcel Map at Page 7; said point also being on the center line of Kammerer Road, thence from said point of beginning along the center line of Kammerer Road, South 89°40'54" West, 2039.44 feet; thence along the arc of a 2000.00 foot radius curve to the left, subtended by a chord bearing North 70°38'30" East, 1304.91 feet, thence North 51°36'06" East, 877.99 feet to a point on the Westerly right of way of West Stockton Boulevard; thence along said right of way line along the arc of a 830.00 foot radius curve to the left, subtended by a chord bearing South 44°10'47" East 167.61 feet to the Northwest corner of said Parcel B; thence along the Westerly line of said Parcel South 00°13'41" East, 846.35 feet to the point of beginning.

As shown as Parcel C of that certain Lot Line Adjustment recorded January 7, 2002 in Book 20020107, Page 276.

Initials: _____



RECORDING REQUESTED BY
Alliance Title Company
AND WHEN RECORDED MAIL TO

Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK **20050421** PAGE **2314**
Thursday, APR 21, 2005 3:27:55 PM
Ttl Pd \$12.00 Nbr-0003525304
TJH/12/1-2

Name Robert H. Lent
Street Address 10550 West Stockton Boulevard
City, State Elk Grove, CA 95757
Zip

Order No. 12326957-807-ML2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
City of Elk Grove
Conveyance Tax is \$ _____
Parcel No. 134-0220-069-0000

Documentary Transfer Tax is \$None- Change in the manner of vesting
 computed on full value of interest or property conveyed, or
 full value less value of liens or encumbrances remaining at the time of sale

THE UNDERSIGNED SO DECLARES
Declarant or Agent Determining Tax

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Robert H. Lent and Lisa Lent, husband and wife, as joint tenants
hereby GRANT(s) to
Robert H. Lent and Lisa K. Lent, husband and wife as joint tenants
the following real property in the city of **Elk Grove**
county of **Sacramento**, state of **California**:
See Exhibit A attached hereto and made a part hereof.

Dated: April 19, 2005

STATE OF CALIFORNIA
COUNTY OF Sacramento

On April 20, 2005 before me,
the undersigned

} S.S. Robert H. Lent
Lisa Lent

a Notary Public in and for said County and State, personally appeared
Robert H. Lent + Lisa Lent

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.
Signature Sandra L. McFall



(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON THE FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City & State

Exhibit A

All that certain real property situate in the City of Elk Grove, County of Sacramento, State of California, described as follows:

Parcel B, as said Parcel is shown and so designated on that certain Parcel Map "Por. of the NW ¼ & NE ¼ of Section 18, T.6M1., R. 6E., M.D.M.", as said Parcel Map is filed in the Office of the Recorder of Sacramento County, in Book 150 of Parcel Maps, at Page 7.

Also being new Parcel D of the Lot Line Adjustment recorded January 7, 2002, in Sacramento County, Book 20020107, Page 276.

MAIL TAX STATEMENTS TO PARTY SHOWN ON THE FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City & State

RECORDING REQUESTED BY:

Fidelity National Title Company
Escrow No.: 06-5002393-MN
Locate No.: CAFNT0934-0934-0010-0005002393
Title No.: 06-5002393

**When Recorded Mail Document
and Tax Statement To:**
Feletto Development, LLC
1020 45th Street
Sacramento, Ca. 95819



Sacramento County Recording
Craig A Kramer, Clerk/Recorder
BOOK **20060301** PAGE **1311**

Check Number 237777
Wednesday, MAR 01, 2006 2:00:40 PM
Ttl Pd \$10.00 Nbr-0004164323

007-Elk Grove DTT PAID

JRH/40/1-2

APN: 134-0220-072

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)

Documentary transfer tax is not shown pursuant to Section 11932 of the Revenue and Taxation code, as amended

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Marvin L. Oates, Trustee of the Marvin L. Oates Trust, dated March 7, 1995 and OBF, a California general partnership

hereby GRANT(S) to Feletto Development, LLC, a California limited liability company

the following described real property in the City of Elk Grove, County of Sacramento, State of California:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: February 27, 2006

STATE OF CALIFORNIA)
COUNTY OF Sacramento)
ON February 28, 2006 before me,
Katherine H. Pease, NOTARY PUBLIC
(here insert name and title of the officer), personally
appeared Marvin L. Oates and Philip D. Oates

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature [Signature]

[Signature]

Marvin L. Oates, Trustee of the
Marvin L. Oates Trust, dated March 7, 1995

OBF,
a California General Partnership

By: [Signature]
Philip D. Oates, Managing General Partner



MAIL TAX STATEMENTS AS DIRECTED ABOVE

FD-213 (Rev 7/96)
(grant)(02-06)

GRANT DEED

Escrow No.: 06-5002393-MN
Locate No.: CAFNT0934-0934-0010-0005002393
Title No.: 06-5002393

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at the Southwest corner of Parcel B as said Parcel is shown and so designated on that certain Parcel Map "Por. of the NW 1/4 & NE 1/4 of Section 18, T. 6N., R6E. M.D.M." as said Parcel Map is filed in the Office of the Recorder of Sacramento County in Book 150 of Parcel Map at Page 7; said point also being on the center line of Kammerer Road, thence from said point of beginning along the center line of Kammerer Road, South 89°40'54" West, 2039.44 feet; thence along the arc of a 2000.00 foot radius curve to the left, subtended by a chord bearing North 70°38'30" East, 1304.91 feet, thence North 51°36'06" East, 877.99 feet to a point on the Westerly right of way of West Stockton Boulevard; thence along said right of way line along the arc of a 830.00 foot radius curve to the left, subtended by a chord bearing South 44°10'47" East 167.61 feet to the Northwest corner of said Parcel B; thence along the Westerly line of said Parcel South 00°13'41" East, 846.35 feet to the point of beginning.

As shown as Parcel C of that certain Lot Line Adjustment recorded January 7, 2002 in Book 20020107, Page 276.

APN 134-0220-072

Exhibit Page - Legal(exhibit)(8-02)

RECORDING REQUESTED BY

City of Elk Grove
Development Services/Public Works
8401 Laguna Palms Way
Elk Grove, CA 95758

WHEN RECORDED MAIL TO:

City Clerk
City of Elk Grove
8380 Laguna Palms Way
Elk Grove, CA 95758



Sacramento County Recorder
Frederick B. Garcia, Clerk/Recorder
BOOK **20080910** PAGE **0449**

Check Number 8424
Wednesday, SEP 10, 2008 8:26:47 AM
Ttl Pd \$0.00 Nbr-0005563534

TJH/12/1-18

Title No. 5000403

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

FINAL ORDER OF CONDEMNATION

DOCUMENT TITLE

PUBLIC ENTITY - EXEMPT FROM RECORDER'S FEES PURSUANT TO GOV. CODE §27383

Mail Tax Statements To:

Finance Department
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

SEPARATE PAGE PURSUANT TO GOV. CODE §27361.6

COPY

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2008 JUL 17 PM 1:02

SACRAMENTO COURTS
DEPT. #54

1 JOHN H. ERICKSON, No. 43996
2 ALICE M. BEASLEY, No. 56523
3 ALLISON D. DANIELS, No. 146126
4 THOMAS C. NAGLE, No. 37619
5 ERICKSON, BEASLEY & HEWITT LLP
6 483 Ninth Street, Suite 200
7 Oakland, California 94607
8 Telephone: (510) 839-3448; Fax: (510) 839-1622

9 Attorneys for Plaintiff
10 City of Elk Grove

Public Entity: Exempt from filing fees
pursuant to Gov. Code §6103

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SACRAMENTO

13 CITY OF ELK GROVE,
14 Plaintiff,
15 v.
16 ELK GROVE TOWN CENTER, L.P., et al.,
17 Defendants.

) Case No. 05AS04328
) Assessor's Parcel No. 134-0220-078
)
) **FINAL ORDER OF CONDEMNATION**
)
) Action Filed: September 28, 2005
) Trial Date: None Set

18 Judgment in Condemnation having been entered in the above entitled action on June 23,
19 2008 in the office of the Clerk of the Sacramento County Superior Court, State of California;
20 that judgment having ordered, adjudged and decreed that plaintiff City of Elk Grove is entitled to
21 take by condemnation the following: (1) a fee simple interest in the property described in
22 **Exhibit A** attached hereto and incorporated herein by reference; (2) a permanent public utility
23 easement interest in the property described in **Exhibit A-1**, attached hereto and incorporated
24 herein by reference; (3) a temporary construction easement in the property described in **Exhibit**
25 **A-2**, attached hereto and incorporated herein by reference; and it appearing to the Court's
26 satisfaction that plaintiff City of Elk Grove has satisfied the terms of the settlement agreement
27 referenced in the Judgment in Condemnation entered herein;

28 THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the fee simple
interest together with the improvements, if any, situated thereon, and the underlying fee interest

1 appurtenant to such parcel in and to any adjoining streets, alleys, public ways, or railroad
2 rights-of-way as described and as referenced in Exhibit A attached hereto and incorporated
3 herein by reference, be and it hereby is condemned to and taken by plaintiff for the following
4 public use, to wit, for the construction, operation and maintenance of road improvements located
5 in and around the interchange of Grant Line Road and State Route 99.

6 THEREFORE, IT IS FURTHER HEREBY ORDERED AND ADJUDGED that the
7 permanent public utilities easement, as described and as referenced in Exhibit A-1 attached
8 hereto and incorporated herein by reference, be and it hereby is condemned to and taken by
9 plaintiff for the following public use, to wit, for the construction, operation and maintenance of
10 road improvements located in and around the interchange of Grant Line Road and State Route
11 99.

12 THEREFORE, IT IS HEREBY FURTHER ORDERED AND ADJUDGED that the
13 temporary construction easement, as described and as referenced in Exhibit A-2 attached hereto
14 and incorporated herein by reference, be and it hereby is condemned to and taken by plaintiff for
15 the following public use, to wit, for activities reasonably related to or incidental to the
16 construction of road improvements located in and around the interchange of Grant Line Road
17 and State Route 99, said temporary construction easement expiring automatically on the earlier
18 of (i) the completion of the construction of the Grant Line Road/State Route 99 Interchange
19 Project and (ii) March 1, 2009.

20 IT IS FURTHER ORDERED AND ADJUDGED that upon filing a certified copy of this
21 Final Order of Condemnation with the County Recorder of Sacramento County, State of
22 California, the fee interest in the entire real property described in Exhibit A, attached hereto and
23 incorporated herein by reference, and title thereto, shall vest in plaintiff, its successors, and its
24 assigns.

25 IT IS FURTHER ORDERED AND ADJUDGED that on filing a certified copy of this
26 Final Order of Condemnation with the County Recorder of Sacramento County, State of
27 California, the permanent public utility easement described in Exhibit A-1, attached hereto and
28 incorporated herein by reference, and title thereto, shall vest in plaintiff, its successors, and its

1 assigns.

2 IT IS FURTHER ORDERED AND ADJUDGED that on filing a certified copy of this
3 Final Order of Condemnation with the County Recorder of Sacramento County, State of
4 California, the temporary construction easement described in Exhibit A-2, attached hereto and
5 incorporated herein by reference, and title thereto, shall vest in plaintiff, its successors, and its
6 assigns, subject to the conditions stated herein with respect to said temporary construction
7 easement.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any taxes, penalties or
9 assessments of Sacramento County or any other taxing agency accruing on the property
10 described in Exhibit A attached hereto and incorporated herein by reference, from and after
11 January 22, 2006, the effective date of the Order for Immediate Possession, are hereby canceled,
12 pursuant to California Revenue and Taxation Code, Division 1, Article 5, section 5081 et seq.

13

14 Dated:

JUL 17 2008

JEFFREY L. GUNTHER


JUDGE OF THE SUPERIOR COURT

15

16

17 APPROVED AS TO FORM:

18

19 
Kevin M. Kemper
Law Offices of George E. Phillips
20 Attorneys for Defendants Elk Grove Town Center, L.P.
and General Growth Properties, Inc.
21

21

22

23

24

25 Q:\Elk Grove\Routes 99 Grant Line IC 1284\Elk Grove Town Center 1355\PI\092607 FOC.wpd

26

27

28

1 **CONSENT AND APPROVAL OF PARTIES:**

2 **GRANTOR(S):**

3 ELK GROVE TOWN CENTER, L.P.
4 a Delaware limited partnership

5 By: Elk Grove Town Center, L.L.C.,
6 its general partner

7 By: GGPLP L.L.C., its sole member

8 By: GGP Limited Partnership,
9 its managing member

10 By: General Growth Properties,
11 Inc., its general partner

12 By [Signature]

13 Name Bernard Freibaum

14 Title Authorized Officer

15 Dated: _____

16 GENERAL GROWTH PROPERTIES, INC.

17 By [Signature]

18 Name Bernard Freibaum

19 Title Executive Vice President

20 Dated: _____

21 By _____

22 Name _____

23 Title _____

24 Dated: _____

25 _____

26 _____

27 _____

28 _____

GRANTEE(S):

CITY OF ELK GROVE, a Municipal Corporation

By [Signature]
~~John H. Danielson, City Manager~~
Jim Estep, Interim City Manager
Dated: November 14, 2007

RECOMMENDED FOR APPROVAL:

By [Signature]
John F. Almazan,
Interim Real Property Manager
Dated: 11-14-07

APPROVED AS TO FORM:

By [Signature]
Susan Cochran, City Attorney
Dated: 30 November 2007

ATTEST:

By [Signature]
for Peggy E. Jackson, City Clerk
Susan J. Blackston, Chief Deputy
Dated: 12-4-07



Exhibit A

Exhibit 'A' Page 1 of 3

City Parcel 04-15-11-A
In APN 134-0220-078

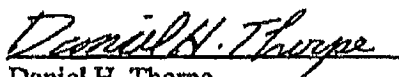
Located in the City of Elk Grove, County of Sacramento, State of California, and in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being a portion of New Parcel B described in the Lot Line Adjustment recorded January 7, 2002, in Book 20020107 Page 276, Official Records of Sacramento County, and more particularly described as follows:

COMMENCING at the West Quarter-section corner of said Section 18; thence along the east-west centerline of said Section 18, North89°17'25"East 811.334 meters to the Center Quarter-section corner of said Section 18; thence North44°44'09"West 311.166 meters to the **POINT OF BEGINNING** on the southeasterly boundary line of said New Parcel B; thence along last said line, South51°12'37"West a distance of 108.877 meters to the southerly corner of said New Parcel B; thence along the southwesterly boundary line of said New Parcel B, along a curve to the left having a radius of 457.196 meters, a chord bearing North41°06'05"West 30.592 meters, through a central angle of 3°50'04" an arc length of 30.598 meters; thence North46°55'06"East a distance of 15.840 meters; thence North51°38'01"East a distance of 3.663 meters; thence along a non-tangent curve to the left having a radius of 2.591 meters, a chord bearing South88°40'02"East 3.342 meters, through a central angle of 80°19'56" an arc length of 3.632 meters to a point of tangency; thence North51°10'00"East a distance of 56.137 meters; thence North56°05'45"East a distance of 32.077 meters; thence South38°47'23"East a distance of 26.883 meters to the **POINT OF BEGINNING**.

Containing an area of 0.32254 hectares (34,718 square feet or 0.7970 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.


Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

May 22, 2005
Date



City Parcel 04-15-11-C
In APN 134-0220-078

Located in the City of Elk Grove, County of Sacramento, State of California, and in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being a portion of New Parcel B described in the Lot Line Adjustment recorded January 7, 2002, in Book 20020107 Page 276, Official Records of Sacramento County, and more particularly described as follows:

COMMENCING at the West Quarter-section corner of said Section 18; thence along the east-west centerline of said Section 18, North $89^{\circ}17'25''$ East 811.334 meters to the Center Quarter-section corner of said Section 18; thence North $44^{\circ}44'09''$ West 311.166 meters to the **POINT OF BEGINNING** on the southeasterly boundary line of said New Parcel B; thence North $38^{\circ}47'23''$ West a distance of 26.883 meters; thence North $42^{\circ}54'44''$ East a distance of 93.262 meters to a point of curvature; thence along a tangent curve to the left having a radius of 15.000 meters, a chord bearing North $3^{\circ}30'05''$ East 19.046 meters, through a central angle of $78^{\circ}49'17''$ an arc length of 20.635 meters to a point of reverse curvature; thence along a tangent curve to the right having a radius of 200.000 meters, a chord bearing North $19^{\circ}16'03''$ West 114.555 meters, through a central angle of $33^{\circ}17'01''$ an arc length of 116.182 meters to a point of tangency; thence North $2^{\circ}37'32''$ West a distance of 123.753 meters to the westerly right of way of the frontage road (now known as West Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along said right of way line, South $12^{\circ}17'08''$ East a distance of 166.955 meters to a point of curvature, and thence along a tangent curve to the left having a radius of 252.982 meters, a chord bearing South $25^{\circ}32'17''$ East 115.991 meters, through a central angle of $26^{\circ}30'19''$ an arc length of 117.031 meters to the easterly corner of said New Parcel B; thence along said southeasterly boundary line of New Parcel B, South $51^{\circ}12'37''$ West a distance of 115.316 meters to the **POINT OF BEGINNING**.

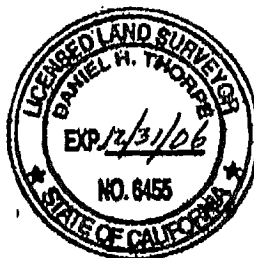
Containing an area of 0.79642 hectares (85,726 square feet or 1.9680 acres), more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



May 22, 2005
Date

Exhibit 'A' Page 3 of 3

City Parcel 04-15-11-E
In APN 134-0220-078

Located in the City of Elk Grove, County of Sacramento, State of California, and in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being a portion of New Parcel B described in the Lot Line Adjustment recorded January 7, 2002, in Book 20020107 Page 276, Official Records of Sacramento County, and more particularly described as follows:

COMMENCING on the westerly right of way line of the frontage road (now known as West Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 26, Sacramento County Records; at the angle point labeled "F3" 78+74.83 30.00'; thence along said right of way line, North18°33'29"West 48.527 meters to the **POINT OF BEGINNING**; thence North30°27'03"West a distance of 11.894 meters; thence North33°03'01"West a distance of 75.135 meters to said westerly right of way line; thence along last said line, South37°55'23"East a distance of 30.892 meters, and thence South30°27'03"East a distance of 53.428 meters, and thence South18°33'29"East a distance of 2.958 meters to the **POINT OF BEGINNING**.

Containing an area of 0.01185 hectares (1,275 square feet or 0.0293 acres), more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway, and also hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway, on and across the following courses:

BEGINNING at said **POINT OF BEGINNING** described above; thence along said westerly right of way of frontage road, South18°33'29"East a distance of 48.527 meters, and thence South12°17'08"East a distance of 18.034 meters.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



May 22, 2005
Date

Exhibit A-1

City Parcel 04-15-11-B
In APN 134-0220-078

Located in the City of Elk Grove, County of Sacramento, State of California, and in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being a 3.810 meter wide strip of land in New Parcel B described in the Lot Line Adjustment recorded January 7, 2002, in Book 20020107 Page 276, Official Records of Sacramento County, and more particularly described as follows:

COMMENCING at the West Quarter-section corner of said Section 18; thence along the east-west centerline of said Section 18, North89°17'25"East 811.334 meters to the Center Quarter-section corner of said Section 18; thence North44°44'09"West 311.166 meters to a point on the southeasterly boundary line of said New Parcel B; thence North38°47'23"West 26.883 meters to the **POINT OF BEGINNING**; thence South56°05'45"West a distance of 32.077 meters; thence South51°10'00"West a distance of 56.137 meters to a point of curvature; thence along a tangent curve to the right having a radius of 2.591 meters, a chord bearing North88°40'02"West 3.342 meters, through a central angle of 80°19'56" an arc length of 3.632 meters; thence North38°50'00"West a distance of 1.654 meters; thence North51°10'00"East a distance of 58.855 meters; thence North56°05'45"East a distance of 31.801 meters; thence North42°54'44"East a distance of 92.822 meters to a point of curvature; thence along a tangent curve to the left having a radius of 11.190 meters, a chord bearing North3°30'05"East 14.208 meters, through a central angle of 78°49'17" an arc length of 15.394 meters to a point of reverse curvature; thence along a tangent curve to the right having a radius of 203.810 meters, a chord bearing North19°16'03"West 116.737 meters, through a central angle of 33°17'01" an arc length of 118.395 meters to a point of tangency; thence North2°37'32"West a distance of 123.432 meters to the westerly line of the 12.5 feet wide Public Utility Easement along the westerly side of West Stockton Boulevard as shown on the Parcel Map filed March 24, 1998, in Book 150 of Parcel Maps at Page 7, Sacramento County Records; thence along said westerly line, South12°17'08"East a distance of 22.706 meters; thence South2°37'32"East a distance of 101.048 meters to a point of curvature; thence along a tangent curve to the left having a radius of 200.000 meters, a chord bearing South19°16'03"East 114.555 meters, through a central angle of 33°17'01" an arc length of 116.182 meters to a point of reverse curvature; thence along a tangent curve to the right having a radius of 15.000 meters, a chord bearing South3°30'05"West 19.046 meters, through a central angle of 78°49'17" an arc length of 20.635 meters; thence South42°54'44"West a distance of 93.262 meters to the **POINT OF BEGINNING**.

Containing an area of 0.16419 hectares (17,673 square feet or 0.4057 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe

Daniel H. Thorpe
Professional Land Surveyor

112 California No. 6455



May 23, 2005
Date

Exhibit 'A-1' Page 2 of 3

City Parcel 04-15-11-D
In APN 134-0220-078

Located in the City of Elk Grove, County of Sacramento, State of California, and in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being a portion of New Parcel B described in the Lot Line Adjustment recorded January 7, 2002, in Book 20020107 Page 276, Official Records of Sacramento County, and more particularly described as follows:

COMMENCING on the westerly right of way line of the frontage road (now known as West Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 26, Sacramento County Records; at the angle point labeled "F3" 78+74.83 30.00'; thence along said right of way line, North18°33'29"West 48.130 meters; thence South71°26'31"West a distance of 3.810 meters to the **POINT OF BEGINNING** on the westerly line of the 12.5 feet wide Public Utility Easement adjoining West Stockton Boulevard as shown on the Parcel Map filed March 24, 1998, in Book 150 of Parcel Maps at Page 7, Sacramento County Records; thence along said westerly line of the Public Utility Easement, North30°27'03"West a distance of 11.411 meters; thence North33°03'01"West a distance of 74.887 meters to said westerly line of the Public Utility Easement; thence along last said line, South37°55'23"East a distance of 30.805 meters, and thence South30°27'03"East a distance of 52.782 meters, and thence South18°33'29"East a distance of 2.958 meters to the **POINT OF BEGINNING**.

Containing an area of 0.01175 hectares (1,265 square feet or 0.0290 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Company Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



May 23, 2005
Date

Exhibit 'A-1' Page 3 of 3

The purpose of the Public Utility Easement is for construction, re-construction, installation, use, repair, rehabilitation and maintenance of public utilities inclusive of water, gas, sewer, drainage pipes, poles, overhead wires and appurtenances thereto, over, across, and under all that real property situated in the City of Elk Grove, County of Sacramento, State of California.

Exhibit A-2

City Parcel 04-15-11-F
In APN 134-0220-078

Located in the City of Elk Grove, County of Sacramento, State of California, in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, in New Parcel B described in the Lot Line Adjustment recorded January 7, 2002, in Book 20020107 Page 276, Official Records of Sacramento County, and more particularly described as follows:

COMMENCING at the most easterly corner of said Parcel B, on the westerly right of way line of the frontage road (now known as West Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along the southeasterly boundary line of said Parcel B, South51°12'37"West 115.316 meters; thence North38°47'23"West 26.883 meters to the **POINT OF BEGINNING**; thence South56°05'45"West a distance of 32.077 meters; thence South51°10'00"West a distance of 56.137 meters to a point of curvature; thence along a tangent curve to the right having a radius of 2.591 meters, a chord bearing North88°40'02"West 3.342 meters, through a central angle of 80°19'56" an arc length of 3.632 meters; thence South51°38'01"West a distance of 3.663 meters; thence South46°55'06"West a distance of 15.840 meters to the southwesterly boundary line of said Parcel B; thence along last said line, along a non-tangent curve to the left having a radius of 457.196 meters, a chord bearing North43°07'15"West 1.629 meters, through a central angle of 0°12'15" an arc length of 1.629 meters; thence North46°55'06"East a distance of 15.841 meters; thence North51°10'00"East a distance of 62.638 meters; thence North37°00'19"West a distance of 11.483 meters to a point of curvature; thence along a tangent curve to the right having a radius of 58.500 meters, a chord bearing North11°30'47"East 87.652 meters, through a central angle of 97°02'11" an arc length of 99.076 meters to a point of tangency; thence North60°01'52"East a distance of 21.521 meters to a point of curvature; thence along a tangent curve to the left having a radius of 29.500 meters, a chord bearing North22°08'42"East 36.232 meters, through a central angle of 75°46'21" an arc length of 39.013 meters to a point of tangency; thence North15°44'29"West a distance of 18.727 meters to a point of curvature; thence along a tangent curve to the right having a radius of 192.000 meters, a chord bearing North5°05'40"West 70.946 meters, through a central angle of 21°17'38" an arc length of 71.356 meters to a point of tangency; thence North5°33'09"East a distance of 27.109 meters to a point of curvature; thence along a tangent curve to the left having a radius of 289.500 meters, a chord bearing North13°39'22"West 190.498 meters, through a central angle of 38°25'03" an arc length of 194.113 meters to a point of tangency; thence North32°51'54"West a distance of 165.377 meters to said westerly right of way line of the frontage road; thence along last said line South37°55'23"East a distance of 137.299 meters; thence South33°03'01"East a distance of 75.135 meters; thence South30°27'03"East a distance of 11.894 meters to said westerly right of way line of the frontage road; thence along last said line, South18°33'29"East a distance of 48.527 meters, and thence South12°17'08"East a distance of 18.034 meters; thence South2°37'32"East a distance of 123.753 meters to a point of curvature; thence along a tangent curve to the left having a radius of 200.000 meters, a chord bearing South19°16'03"East 114.555 meters, through a central angle of 33°17'01" an arc length of 116.182 meters to

Exhibit 'A-2' Page 2 of 3

City Parcel 04-15-11-F
In APN 134-0220-078

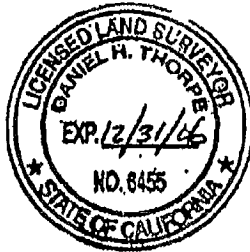
a point of reverse curvature; thence along a tangent curve to the right having a radius of 15,000 meters, a chord bearing South3°30'05"West 19.046 meters, through a central angle of 78°49'17" an arc length of 20.635 meters to a point of tangency; thence South42°54'44"West a distance of 93.262 meters to the **POINT OF BEGINNING**.

Containing an area of 1.64221 hectares (176,765 square feet or 4.0580 acres), more or less.

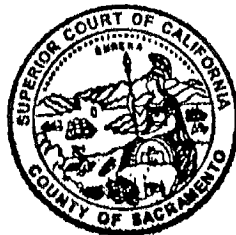
The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



June 20, 2005
Date



The annexed instrument is a correct copy of the original on file in my office.

Attest: 7-17-08

Certified
Superior Court of Sacramento
County of Sacramento

By [Signature] Deputy


Exhibit 'A-2' Page 3 of 3

The term of the Temporary Construction Easement is for two years and shall terminate upon the completion of the construction of the Grant Line Road/State Route 99 Interchange Project, or March 1, 2009, whichever occurs earlier.

The annexed instrument is a true and correct copy of the original on file in my office.

Attest:
Clerk of Superior Court of Sacramento
County of Sacramento

Clerk





Sacramento County Recorder
 Frederick B. Garcia, Clerk/Recorder
 BOOK **20081110** PAGE **0382**
 Monday, NOV 10, 2008 9:44:16 AM
 Ttl Pd \$0.00 Nbr-0005637537

NO FEE DOCUMENT
 Government Code §6103 & §27383
RECORDING REQUESTED BY AND
 WHEN RECORDED MAIL TO:

City Clerk
CITY OF ELK GROVE
 8380 Laguna Palms Way
 Elk Grove, CA 95758

AMH/68/1-4

OK to Accept: Ray, M
 Date: 11/5/08

Project Name: Abandoned West Stockton Boulevard
 Address: Lent Ranch Marketplace
 Project No.: 221-0000-441.24-05

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTIONS 6103 and 27383 OF THE CALIFORNIA GOVERNMENT CODE.

QUITCLAIM DEED

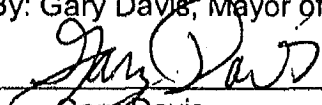
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **CITY OF ELK GROVE**, a municipal corporation hereby REMISES, RELEASES AND FOREVER QUITCLAIMS to M & H REALTY PARTNERS, AFFILIATED FUND III, L.P., A CALIFORNIA LIMITED PARTNERSHIP all that real property situated in the City of Elk Grove, County of Sacramento, State of California, and described as follows:

See Exhibit "A," legal description, attached hereto and made a part hereof.

Executed this 22nd day of October, 2008

City of Elk Grove, a Municipal Corporation

By: Gary Davis, Mayor of the City of Elk Grove



 Gary Davis

Mail Tax Statements To:
 Finance Department
 City of Elk Grove
 8401 Laguna Palms Way
 Elk Grove, CA 95758

Quitclaim to lot G.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SACRAMENTO

On 10-30-2008 before me, JASON ROLF LINDGREN, Notary Public

personally appeared GARY DAVIS

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: QUITCLAIM DEED

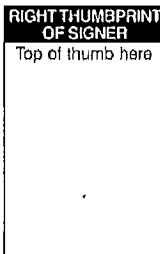
Document Date: OCTOBER 22, 2008 Number of Pages: 3

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: GARY DAVIS

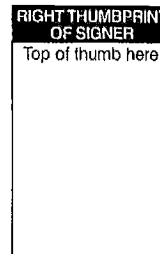
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: MAYOR



Signer Is Representing: CITY OF ELK GROVE

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Exhibit "A"
Legal Description
Abandoned West Stockton Boulevard
Resolution No. 2008-237
City of Elk Grove, County of Sacramento, State of California

That portion of that certain "frontage road" being 46 feet wide, 65 feet wide and of varying width in the City of Elk Grove, County of Sacramento, State of California as described in that certain document entitled "Relinquishment of State Highway, In the County of Sacramento, Road III-SAC-4-A,B" recorded in Volume 3710 at Page 472, recorded in the County of Sacramento Recorder's Office at the request of the Commissioner of Highways on February 26, 1959, Official Records of said County described as follows:

Bounded on the southeast by the northwesterly prolongation that certain line having a bearing and distance of North 33°02'59" West 245.24 feet in the northeasterly line of Lot A as shown on "Subdivision No. 00-038.00, Lent Ranch Marketplace" filed in Book 372 at Page 27 of Maps, Records of said County, on the northeast by the northeasterly line of said "frontage road", on the northwest by the north line of the Southeast One-Quarter of Section 12, T.6.N., R.5.E., Mount Diablo Baseline and Meridian as shown on said Subdivision Map and on the southwest by the northeasterly lines of Lots A and G as shown on said Subdivision Map.

Excepting there from that portion of said "frontage road" lying southeasterly of the following described line:

Beginning at the easterly terminus in the curved southerly boundary of Lot G, as shown on that certain map entitled "Lent Ranch Marketplace" filed in Book 372 at Page 27 of Maps, records of said County, being a curve concave to the south having a radius of 400 feet, a radial line of said curve to said terminus bears North 24°22'51" East; thence from said point of beginning North 52°04'42" East 46.00 feet to the northeasterly line of said "frontage road".

Excepting there from the rights of ingress and egress from West Stockton Boulevard in and to the adjoining Freeway as reserved by the State of California in said "Relinquishment of State Highway, In the County of Sacramento, Road III- SAC-4-A,B" recorded in Volume 3710 at Page 472.

Also reserving there from the following described easements:

Easement No. 1:

An easement for the right to construct, maintain, operate, replace, remove and renew **sanitary sewers** and appurtenant structures including the right of ingress and egress in, upon and over that portion of West Stockton Boulevard described as follows:

A 20 foot wide strip of land the northwesterly line of said strip is described as follows:

Beginning at the northeasterly terminus of that certain course having a bearing and distance of North 52°04'42" East 222.55 feet on the northwesterly line of that certain 20 foot wide sewer easement as granted to the County Sanitation District No. 1 of Sacramento per document recorded in Book 20080514 at Page 319, Official Records, records of said County; thence along the northeasterly prolongation of said line North 52°04'42" East to the northeasterly line of said West Stockton Boulevard.

The southeasterly line of said strip shall be prolonged or shortened as to end northeasterly in the northeasterly line of said West Stockton Boulevard and southwesterly in the northeasterly line of said Lot G.

Easement No. 2:

An easement for the transportation and distribution of electrical energy and all uses incident including the right of ingress and egress in, upon and over that portion of West Stockton Boulevard described as follows:

A 20 foot wide strip of land the southwesterly line of said strip being the northeasterly lines of said Lots A and G.

The northeasterly line of said 20 foot wide strip of land shall be prolonged or shortened as to end northwesterly in the north line of the Southeast One-Quarter of said Section 12 and on the southeast by the northwesterly prolongation of said line having a bearing and distance of North 33°02'59" West 245.24 feet.

Contains 114,802 sq. ft. / 2.635 acres, more or less.

End of Description

Basis of Bearings; The bearings shown here-on are based "Subdivision No. 00.038.00, Filed in Book 372 at Page 27, of Maps, Records of Sacramento County, State of California.

This Legal Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

Jon Crawford

L.S./R.C.E No. C32935

Registration Expires: 6-30-2010



11-5-08

Date

RECORDING REQUESTED BY

City of Elk Grove
Development Services/Public Works
8401 Laguna Palms Way
Elk Grove, CA 95758

WHEN RECORDED MAIL TO:

City Clerk
City of Elk Grove
8380 Laguna Palms Way
Elk Grove, CA 95758



Sacramento County Recorder
Frederick B. Garcia, Clerk/Recorder
BOOK **20081230** PAGE **0520**

Tuesday, DEC 30, 2008 9:42:35 AM
Ttl Pd \$0.00 Nbr-0005691502

TMH/74/1-6

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

FINAL ORDER OF CONDEMNATION

DOCUMENT TITLE

PUBLIC ENTITY - EXEMPT FROM RECORDER'S FEES PURSUANT TO GOV. CODE §27383

Mail Tax Statements To:

Finance Department
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

SEPARATE PAGE PURSUANT TO GOV. CODE §27361.6

ORIGINAL

FILED
ENDORSED
08 SEP 11 PM 4:25
SACRAMENTO COURTS
DEPT. #53

1 JOHN H. ERICKSON, No. 43996
2 ALICE M. BEASLEY, No. 56523
3 ALLISON D. DANIELS, No. 146126
4 THOMAS C. NAGLE, No. 37619
5 ERICKSON, BEASLEY & HEWITT LLP
6 483 Ninth Street, Suite 200
7 Oakland, California 94607
8 Telephone: (510) 839-3448; Fax: (510) 839-1622

9 Attorneys for Plaintiff
10 City of Elk Grove

Public Entity: Exempt from filing fees
pursuant to Gov. Code §6103

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SACRAMENTO

13 CITY OF ELK GROVE,

14 Plaintiff,

15 v.

16 M&H REALTY PARTNERS AFFILIATED
17 FUND III L.P., et al.,

18 Defendants.

Case No. 05AS04337

Assessor's Parcel No. 134-0600-039

FINAL ORDER OF CONDEMNATION

Action Filed: September 28, 2005
Trial Date: None Set

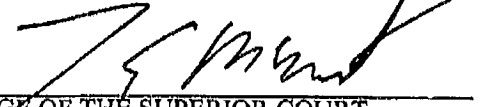
19 Judgment in Condemnation having been entered in the above entitled action on June 13,
20 2008 in the office of the Clerk of the Sacramento County Superior Court, State of California; that
21 judgment having ordered, adjudged and decreed that plaintiff is entitled to take by condemnation
22 the fee simple interest in the property described in Exhibit A attached hereto and incorporated
23 herein by reference, and it appearing to the Court's satisfaction that plaintiff City of Elk Grove
24 has paid to defendant the sum of money assessed by the Judgment in Condemnation entered
25 herein.

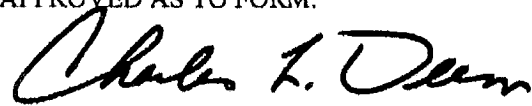
26 THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the fee simple
27 interest together with the improvements, if any, situated thereon, and the underlying fee interest
28 appurtenant to such parcel in and to any adjoining streets, alleys, public ways, or railroad
rights-of-way as described and as referenced in Exhibit A attached hereto and incorporated herein

1 by reference, be and it hereby is condemned to and taken by plaintiff for the following public use,
2 to wit, for the construction, operation and maintenance of road improvements located in and
3 around the interchange of Grant Line Road and State Route 99.

4 IT IS FURTHER ORDERED AND ADJUDGED that upon filing a certified copy of this
5 Final Order of Condemnation with the County Recorder of Sacramento County, State of
6 California, the fee interest in the entire real property described in Exhibit A, attached hereto and
7 incorporated herein by reference, and title thereto, shall vest in plaintiff, its successors, and its
8 assigns.

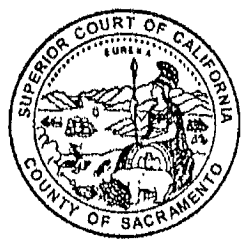
9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any taxes, penalties or
10 assessments of Sacramento County or any other taxing agency accruing on the property described
11 in Exhibit A attached hereto and incorporated herein by reference, from and after January 22,
12 2006, the effective date of the Order for Immediate Possession, are hereby canceled, pursuant to
13 California Revenue and Taxation Code, Division 1, Article 5, section 5081 et seq.


14
15 Dated: SEP 11 2008 
16 JUDGE OF THE SUPERIOR COURT
17 LOREN E. McMASTER

18 APPROVED AS TO FORM:
19 

20 Charles L. Deem, Bar No. 110557
21 DLA Piper US LLP
22 401 B Street, Suite 1700
23 San Diego, CA 92101-4297
24 (619) 699-2978, Fax (619) 699-2701

25 Attorneys for Defendant M & H Realty Partners Affiliated Fund III LP



26 The annexed instrument is a correct copy of the
27 original on file in my office.
28 Attest: SEP 22 2008
Certified
Superior Court of Sacramento
County of Sacramento
By 
Deputy

1 **CONSENT AND APPROVAL OF PARTIES:**

2 **GRANTOR(S):**

3 M&H REALTY PARTNERS AFFILIATED
4 FUND III L.P.

5 By *Bradley A. Geier*

6 Name BRADLEY A. GEIER
7 MANAGING DIRECTOR

7 Title _____

8 Dated: 5/21/08

9 By _____

11 Name _____

12 Title _____

13 Dated: _____

GRANTEE(S):

CITY OF ELK GROVE, a Municipal
Corporation

By *Cody Tubbs*

Cody Tubbs, Interim City Manager

Dated: 6-4-08

RECOMMENDED FOR APPROVAL:

By *John F. Alhazan*
John F. Alhazan, Real Property Manager

Dated: 5-30-08

APPROVED AS TO FORM:

By *Susan Cochran*
Susan Cochran, City Attorney

Dated: 2 June 08

ATTEST:

By *Susan J. Blackston*
Susan J. Blackston, City Clerk

Dated: June 4, 2008



Q:\Elk Grove\Route 99 Grant Line IC 1284\M & H Realty 1316\Pid1051908 POC wpd

Exhibit A

to Final Order of Condemnation

EXHIBIT 'A' Page 1 of 1

City Parcel 04-15-26-A
In APN 134-0600-039

Located in the City of Elk Grove, County of Sacramento, State of California, and in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being a portion of New Parcel A described in the Lot Line Adjustment recorded January 7, 2002, in Book 20020107 Page 276, Official Records of Sacramento County, and more particularly described as follows:

BEGINNING at the most easterly corner of said New Parcel A; thence along the southeasterly boundary of said New Parcel A, South $51^{\circ}12'37''$ West a distance of 30.431 meters; thence North $38^{\circ}47'23''$ West a distance of 18.990 meters; thence North $33^{\circ}19'44''$ West a distance of 3.802 meters; thence along a non-tangent curve to the left having a radius of 5.639 meters, a chord bearing North $6^{\circ}30'45''$ East 8.659 meters, through a central angle of $100^{\circ}19'02''$ an arc length of 9.873 meters; thence North $46^{\circ}55'06''$ East a distance of 22.744 meters to a northeasterly boundary of said New Parcel A; thence along last said boundary, along a non-tangent curve to the right having a radius of 457.196 meters, a chord bearing South $41^{\circ}06'05''$ East 30.592 meters, through a central angle of $3^{\circ}50'04''$ an arc length of 30.598 meters to the POINT OF BEGINNING.

Containing an area of 0.08523 hectares (9,175 square feet or 0.2106 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

May 21, 2005
Date





Sacramento County Recorder
 Frederick B. Garcia, Clerk/Recorder
 BOOK **20090312** PAGE **0947**

Thursday, MAR 12, 2009 11:19:45 AM
 Ttl Pd \$0.00 Nbr-0005787446

REB/51/1-5

NO FEE DOCUMENT
 Government Code §6103 & §27383
RECORDING REQUESTED BY AND
 WHEN RECORDED MAIL TO:

City Clerk
CITY OF ELK GROVE
 8380 Laguna Palms Way
 Elk Grove, CA 95758

OK to Accept: FB
 Date: 3/5/09

Project Name: Abandoned West Stockton Boulevard
 Address: Lent Ranch Marketplace
 Project No.: 221- 0000-441.24-05

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTIONS 6103 and 27383 OF THE CALIFORNIA GOVERNMENT CODE.

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **CITY OF ELK GROVE**, a municipal corporation hereby REMISES, RELEASES AND FOREVER QUITCLAIMS to ELK GROVE TOWN CENTER L.P., A DELAWARE LIMITED PARTNERSHIP all that real property situated in the City of Elk Grove, County of Sacramento, State of California, and described as follows:

See Exhibit "A," legal description, attached hereto and made a part hereof.

Executed this 6th day of March 2009.

City of Elk Grove, a Municipal Corporation

By: Laura S. Gill, City Manager of the City of Elk Grove

Laura A. Gill
 Laura S. Gill

Exhibit "A"
Legal Description
Abandoned West Stockton Boulevard
Resolution No. 2008-237 (Book 20081110 Page 381)
City of Elk Grove, County of Sacramento, State of California

That portion of that certain "frontage road" being 46 feet wide, 65 feet wide and of varying width in the City of Elk Grove, County of Sacramento, State of California as described in that certain document entitled "Relinquishment of State Highway, In the County of Sacramento, Road III-SAC-4-A,B" recorded in Volume 3710 at Page 472, recorded in the County of Sacramento Recorder's Office at the request of the Commissioner of Highways on February 26, 1959, Official Records of said County described as follows:

Bounded on the southeast by the northwesterly prolongation that certain line having a bearing and distance of North 33°02'59" West 245.24 feet in the northeasterly line of Lot A as shown on "Subdivision No. 00-038.00, Lent Ranch Marketplace" filed in Book 372 at Page 27 of Maps, Records of said County, on the northeast by the northeasterly line of said "frontage road", on the northwest by the north line of the Southeast One-Quarter of Section 12, T.6.N., R.5.E., Mount Diablo Baseline and Meridian as shown on said Subdivision Map and on the southwest by the northeasterly lines of Lots A and G as shown on said Subdivision Map.

Excepting there from that portion of said "frontage road" lying northwesterly of the following described line:

Beginning at the easterly terminus in the curved southerly boundary of Lot G, as shown on that certain map entitled "Lent Ranch Marketplace" filed in Book 372 at Page 27 of maps, records of said County, being a curve concave to the south having a radius of 400 feet, a radial line of said curve to said terminus bears North 24°22'51" East; thence from said point of beginning North 52°04'42" East 46.00 feet to the northeasterly line of said "frontage road".

Also, Excepting there from the rights of ingress and egress from West Stockton Boulevard in and to the adjoining Freeway as reserved by the State of California in said "Relinquishment of State Highway, In the County of Sacramento, Road III- SAC-4-A,B" recorded in Volume 3710 at Page 472.

Also excepting and reserving to the City of Elk Grove, together with the right to grant to the State of California the rights of ingress and egress to the adjoining Freeway over that certain course as described above being the **northwesterly prolongation** of the northeasterly line of said Lot A having a bearing and distance of North 33°02'59" West 245.24 feet.

Also reserving there from the following described easements:

Easement No. 2:

An easement for the transportation and distribution of electrical energy and all uses incident including the right of ingress and egress in, upon and over that portion of West Stockton Boulevard described as follows:

A 20 foot wide strip of land the southwesterly line of said strip being the northeasterly lines of said Lots A and G.

The northeasterly line of said 20 foot wide strip of land shall be prolonged or shortened as to end northwesterly in the north line of the Southeast One-Quarter of said Section 12 and on the southeast by the northwesterly prolongation of said line having a bearing and distance of North 33°02'59" West 245.24 feet.

Easement No. 3:

An easement for the right to construct, maintain, operate, replace, remove and renew storm drains and appurtenant structures in, upon and over that certain strip of land described as follows:

A 30 foot wide strip of land lying 15 feet on each side of the following described centerline:

Commencing at the northerly terminus of that certain course described above as having a bearing and distance of North 33°02'59" West 245.24 feet; thence along the northeasterly line of said Lot A, North 37°55'18" West a distance of 84.31 feet to the **Point of Beginning**; thence leaving said northeasterly line South 87°00'59" East as distance of 8.85 feet to the northwesterly prolongation of the above mentioned line have a bearing and distance of North 33°02'59" West 245.24 feet.

The sidelines of said strip are to be prolonged or shortened as to end southwesterly in the northeasterly line of said Lot A and northeasterly in the above mentioned line having a bearing and distance of North 33°02'59" West 245.24 feet

Contains 46,279 Sq. Ft. / 1.062 acres, more or less.

End of Description

Basis of Bearings; The bearings shown here-on are based "Subdivision No. 00.038.00, Filed in Book 372 at Page 27, of Maps, Records of Sacramento County, State of California.

This Legal Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.



Raymond Michael Manger

L.S. No. 5154

Registration Expires: June 30, 2009

MARCH 6, 2009

Date:



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento

On March 10, 2009 before me, Susan J. Blackston, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Laura S. Gill

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

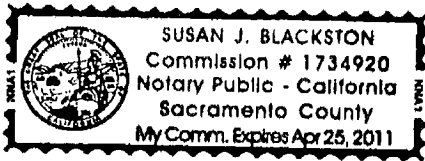
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Susan J. Blackston

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Quit Claim Deed (Project: 221-0000-441.24-05)

Document Date: March 6, 2009 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

Name Elizabeth Pullen, Paralegal
Street McDonough Holland & Allen PC
Address 500 Capitol Mall, 18th Floor
City & State Sacramento, CA 95814

MAIL TAX STATEMENTS TO

Name Robert H. Lent
Street 10551 W. Stockton Blvd.
Address Elk Grove, CA 95757
City & State



Sacramento County Recorder
Craig A. Kramer, Clerk/Recorder
BOOK 20090923 PAGE 0641

Check Number 9484
Wednesday, SEP 23, 2009 12:28:13 PM
Ttl Pd \$14.00 Nbr-0006057368

ABG/86/1-2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Interspousal Transfer Deed

MH&A-E-0100 (Rev'd 7/94)

APN: 134-1010-011 (formerly APN 134-0220-069)

Individual Grant Deed (Excluded from Reappraisal Under Proposition 13)

The undersigned Grantor(s) declare(s):
THERE IS NO CONSIDERATION FOR THIS TRANSFER.

Documentary transfer tax is \$ _____

- Computed on full value of property conveyed, or computed on full value less value of liens and encumbrances remaining at time of sale or transfer.
- There is no Documentary transfer tax due (state reason and give Code § or Ordinance number) This is a transfer of property between spouses to effect a division of property pursuant to a judgment decreeing dissolution of marriage (CA Rev. & Tax Code §11927).

This is an INTERSPOUSAL TRANSFER under §63 of the Revenue & Taxation Code, Grantee(s) has (have) checked the applicable exclusion:

- From joint tenancy to community property;
- From one spouse to both spouses;
- From one spouse to the other spouse;
- From both spouses to one spouse;
- Other: _____

GRANTOR:

Lisa K. Lent,

hereby GRANT(S) to

Robert H. Lent, as his sole and separate property, any and all interest she may own in

the following described real property in the City of Elk Grove
County of Sacramento, State of California:

For legal description, see Exhibit A attached hereto and incorporated herein by this reference.

Dated: 9-11-09

STATE OF CALIFORNIA
COUNTY OF Sacramento

On 9-11-09, before me,
Patrice Wiebe, Notary Public
(here insert name and title of the officer)

personally appeared LISA K. LENT, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patrice Wiebe

LISA K. LENT



(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1215387v1 20565/0005

Exhibit A

All that certain real property situate in the City of Elk Grove, County of Sacramento, State of California, described as follows:

Parcel B, as said Parcel is shown and so designated on that certain Parcel Map "Por. of the NW ¼ & NE ¼ of Section 18, T.6M1., R. 6E., M.D.M.", as said Parcel Map is filed in the Office of the Recorder of Sacramento County, in Book 150 of Parcel Maps, at Page 7.

Also being new Parcel D of the Lot Line Adjustment recorded January 7, 2002, in Sacramento County, Book 20020107, Page 276.

APN: 134-1010-011

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law

500 Capitol Mall, 18th Floor
Sacramento, CA 95814
Attention: Elizabeth Pullen, Paralegal

MAIL TAX STATEMENTS TO:

Robert H. Lent
10551 W. Stockton Blvd.
Elk Grove, CA 95757



Sacramento County Recorder
Craig A. Kramer, Clerk/Recorder
BOOK 20091020 PAGE 0964

Check Number 9858
Tuesday, OCT 20, 2009 11:53:24 AM
Ttl Pd \$14.00 Nbr-0006090548

ABG/86/1-2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Trust Transfer Deed

(Rev'd 7/04)

APN: 134-1010-011 (formerly APN 134-0220-069)

Grant Deed (Excluded from Reappraisal Under Proposition 13, i.e., Calif. Const. Art 13A §1 et. seq.)

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:

Documentary transfer tax is \$0.00.

- Computed on full value of property conveyed, or computed on full value less value of liens and encumbrances remaining at time of sale or transfer.
- There is no Documentary transfer tax due (state reason and give Code § or Ordinance number) No tax due. This is a transfer from an individual to a trust that results solely in a change in the method of holding title, proportional ownership interests remain the same; grantor received nothing in return (CA Rev. & Tax Code §§11923(d) and 11930).
- Unincorporated area City of Elk Grove

This is a Trust Transfer under §62 of the Revenue and Taxation Code and Grantor(s) has (have) checked the applicable exclusion;

- Transfer to a revocable trust;
- Transfer to a trust where the trustor or the trustor's spouse is the sole beneficiary;
- Change of trustee holding title;
- Transfer from trust to trustor's spouse where prior transfer to trust was excluded from reappraisal and for a valuable consideration, receipt of which is acknowledged.
- Other: _____

Robert H. Lent, as his sole and separate property,
hereby GRANT(S) to

Robert H. Lent, Trustee of the Robert H. Lent Trust dated March 13, 2009,
the following described real property in the City of Elk Grove
County of Sacramento
State of California:

For legal description, see Exhibit A attached hereto and incorporated herein by this reference.

Dated: Oct 16 2009

State of California
County of Sacramento


ROBERT H. LENT

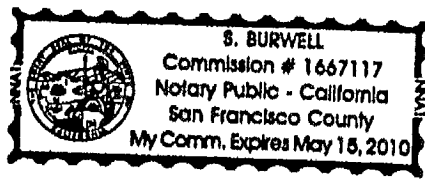
On 10.16.09, before me,
Susan Burwell, a notary public
(here insert name and title of the officer)

personally appeared Robert H. Lent,
who proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~
authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the
instrument the person(s); or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature S Burwell (Seal)



(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1215408v1 20565/0005

Exhibit A

All that certain real property situate in the City of Elk Grove, County of Sacramento, State of California, described as follows:

Parcel B, as said Parcel is shown and so designated on that certain Parcel Map "Por. of the NW ¼ & NE ¼ of Section 18, T.6M1., R. 6E., M.D.M.", as said Parcel Map is filed in the Office of the Recorder of Sacramento County, in Book 150 of Parcel Maps, at Page 7.

Also being new Parcel D of the Lot Line Adjustment recorded January 7, 2002, in Sacramento County, Book 20020107, Page 276.

APN: 134-1010-011

ASSESSOR'S PARCEL NO: APN 134-1010-001-0000

RECORDING REQUESTED BY

Thomas D. Farrell
Tides 8, LLC
1128 19th St
Sacramento, CA 95811

AND WHEN RECORDED MAIL TO

Thomas D. Farrell
Tides 8, LLC
1128 19th St
Sacramento, CA 95811



Sacramento County Recorder
Donna Allred, Clerk/Recorder
BOOK 20160607 PAGE 0686
Tuesday, JUN 07, 2016 11:21:44 AM
Ttl Pd \$57.00 Rcpt # 0009104530
REB/51/1-13

MEMORANDUM OF OPTION AGREEMENT
(Elk Grove Promenade Phase 2, Elk Grove, CA 95757)

This MEMORANDUM OF OPTION AGREEMENT (the "Memorandum") is dated this 31 day of MAY, 2016, and is made by and between Elk Grove Town Center L.P. ("Owner"), and Boyd Gaming Corporation and the Wilton Rancheria (collectively, "Optionee").

RECITALS

A. Owner is the owner of record of that certain property located in the City of Elk Grove and known as the Elk Grove Premium Outlet site, as more particularly described in Exhibit A attached hereto (the "Land"), Assessors Parcel Number (APN)134-1010-001-0000, comprising approximately 99.28 acres.

B. Owner and Optionee have entered into that certain Option Agreement dated MAY 31, 2016 (the "Agreement"), wherein Owner has granted to Optionee an option to purchase a portion of the Land and the improvements located thereon, comprising 35.92 acres (the "Option Property"), commonly known as Phase 2 of the Elk Grove Premium Outlets, Elk Grove, CA 95757. The Option Property is more particularly described on Exhibit "B" attached hereto.

I.

MEMORANDUM

1.1 Pursuant to the terms of the Agreement, Owner has granted to Optionee the option to purchase the Option Property (the "Option").

1.2 The term of the Option commences on the date hereof and continues until 5:00 p.m. California time on MAY 31, 2017, unless extended or terminated as provided therein.

1.3 The Option Property shall not be conveyed to Optionee by Owner unless and until the Option Property has been created as a legal parcel by the City of Elk Grove under the requirements of the California Subdivision Map Act, California *Government Code* §66000 et seq.

1.4 The terms of this Memorandum shall not modify, waive, revoke or otherwise alter the terms and provisions of the Agreement.

1.5 This Memorandum may be executed in two or more counterparts and all such executed counterparts shall constitute one agreement binding on all of the parties hereto notwithstanding that all of the parties hereto are not signatories to the original or to the same counterpart.

II.

EXECUTION

This Memorandum has been executed by the parties on the date first written above.

OWNER:

ELK GROVE TOWN CENTER L.P.,

a Delaware limited partnership

By: 

Name: GRANT HERLITZ

Title: PRESIDENT

OPTIONEE:

BOYD GAMING CORPORATION,

a Nevada corporation

By: SIGNED IN COUNTERPART

Name: _____

Title: _____

1.3 The Option Property shall not be conveyed to Optionee by Owner unless and until the Option Property has been created as a legal parcel by the City of Elk Grove under the requirements of the California Subdivision Map Act, California *Government Code* §66000 et seq.

1.4 The terms of this Memorandum shall not modify, waive, revoke or otherwise alter the terms and provisions of the Agreement.

1.5 This Memorandum may be executed in two or more counterparts and all such executed counterparts shall constitute one agreement binding on all of the parties hereto notwithstanding that all of the parties hereto are not signatories to the original or to the same counterpart.

II.

EXECUTION

This Memorandum has been executed by the parties on the date first written above.

OWNER:

ELK GROVE TOWN CENTER L.P.,

a Delaware limited partnership

By: SIGNED IN COUNTERPART

Name: _____

Title: _____

OPTIONEE:

BOYD GAMING CORPORATION,

a Nevada corporation

By: Brian A. Larson

Name: BRIAN A. LARSON

Title: Executive Vice President

WILTON RANCHERIA,

a federally recognized tribe

See Attached
Notarial Certificate

By: Raymond C Hitchcock

Name: RAYMOND C HITCHCOCK

Title: CHAIRMAN

EXHIBIT "A"

THE LAND

EXHIBIT 'A'

**LEGAL DESCRIPTION
ELK GROVE PROMENADE
MALL PARCEL
Page 1 of 1**

Being all of Lot A as shown on that certain map entitled "Subdivision No. 00-038.00 Lent Ranch Marketplace" filed for record on December 14, 2007 in Book 372 of Maps, Page 27, located in the City of Elk Grove, County of Sacramento, State of California.

Containing 99.28 acres, more or less.

May 27, 2016

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT "B"
THE OPTION PROPERTY

EXHIBIT 'B'

OPTION PARCEL

Page 1 of 3

Being a portion of Lot A as shown on that certain map entitled "Subdivision No. 00-038.00 Lent Ranch Marketplace" filed for record on December 14, 2007 in Book 372 of Maps, Page 27, located in the City of Elk Grove, County of Sacramento, State of California, more particularly described as follows:

Commencing at a point which is the northeasterly corner of Lot A of said map, being a 3/4" iron pipe with plug stamped L.S. 6815; Thence leaving said **Point of Commencement** along the northeasterly line of said Lot A, South 37°55'18" East, a distance of 533.10 feet; Thence leaving said northeasterly line, entering and passing through said Lot A, South 51°30'01" West, a distance of 24.29 feet to the true **Point of Beginning**. Thence leaving said Point of Beginning and continuing through said Lot A, South 51°30'01" West, a distance of 1780.56 feet to a point on the southwesterly line of said Lot A, also being a point on the northeasterly right-of-way line of Promenade Parkway as shown on said map;

Thence northwesterly and northerly, respectively, along said right-of-way line, the following Twenty-one (21) arcs, courses and distances:

- 1) from a radial line which bears South 57°17'37" West, along a non-tangent curve concave to the east, having a radius of 1,452.00 feet, northwesterly 564.43 feet along said curve through a central angle of 22°16'20";
- 2) North 79°33'57" East, a distance of 6.00 feet;
- 3) from a radial line which bears South 79°33'57" West, along a non-tangent curve concave to the southeast, having a radius of 25.00 feet, northeasterly 40.55 feet along said curve through a central angle of 92°56'41";
- 4) North 82°30'38" East, a distance of 51.72 feet;
- 5) North 07°29'22" West, a distance of 100.00 feet; 6) South 82°30'38" West, a distance of 53.51 feet;
- 7) along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 40.62 feet along said curve through a central angle of 93°06'07";
- 8) South 85°36'45" West, a distance of 6.00 feet;
- 9) from a radial line which bears South 85°36'45" West, along a non-tangent curve concave to the east, having a radius of 1,454.00 feet, northerly 93.58 feet along said curve through a central angle of 03°41'16";
- 10) North 00°42'00" West, a distance of 147.80 feet;
- 11) North 89°18'00" East, a distance of 6.00 feet;
- 12) from a radial line which bears South 89°18'00" West, along a non-tangent curve concave to the southeast, having a radius of 25.00 feet, northeasterly 39.27 feet along said curve through a central angle of 90°00'00";
- 13) North 89°18'00" East, a distance of 6.00 feet;
- 14) North 00°42'00" West, a distance of 50.00 feet;
- 15) South 89°18'00" West, a distance of 13.34 feet;

EXHIBIT 'B'

OPTION PARCEL

Page 2 of 3

- 16) along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 38.46 feet along said curve through a central angle of 88°08'33";
- 17) South 87°26'33" West, a distance of 6.00 feet;
- 18) North 02°33'27" West, a distance of 51.58 feet;
- 19) North 00°42'00" West, a distance of 563.84 feet;
- 20) North 89°18'00" East, a distance of 6.00 feet;
- 21) from a radial line which bears South 89°18'00" West, along a non-tangent curve concave to the east, having a radius of 25.00 feet, northerly 6.76 feet along said curve through a central angle of 15°30'00" to the northwest corner of said Lot A and a point on the common line between said Lot A and Lot G of said Map;

Thence leaving said northeasterly line, along said common line, the following four (4) arcs, courses and distances:

- 1) North 89°12'25" East, a distance of 86.70 feet;
- 2) along a tangent curve concave to the southwest, having a radius of 330.00 feet, southeasterly 314.08 feet along said curve through a central angle of 54°31'51";
- 3) South 36°15'44" East, a distance of 86.17 feet;
- 4) along a tangent curve concave to the north, having a radius of 25.00 feet, easterly 37.96 feet along said curve through a central angle of 87°00'21";

Thence leaving said common line, entering and passing through said Lot A, the following eight (8) arcs, courses and distances:

- 1) South 32°02'06" East, a distance of 66.91 feet;
- 2) from a radial line which bears North 33°08'11" West, along a non-tangent curve concave to the south, having a radius of 978.00 feet, easterly 417.51 feet along said curve through a central angle of 24°27'35";
- 3) North 81°19'25" East, a distance of 19.83 feet;
- 4) along a tangent curve concave to the south, having a radius of 879.00 feet, easterly 342.73 feet along said curve through a central angle of 22°20'25";
- 5) South 76°20'11" East, a distance of 12.19 feet;
- 6) along a tangent curve concave to the southwest, having a radius of 342.00 feet, southeasterly 157.69 feet along said curve through a central angle of 26°25'03";
- 7) along a compound curve concave to the southwest, having a radius of 342.00 feet, southeasterly 71.04 feet along said curve through a central angle of 11°54'08";
- 8) South 38°01'00" East, a distance of 346.19 feet to the **POINT OF BEGINNING**.

Containing 35.92 acres, more or less.

EXHIBIT 'B'

**OPTION PARCEL
Page 3 of 3**

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, NAD 83, Epoch Date 1997.30 as measured between NGS Station "Eschinger", 1st Order and NGS Station "Keller", 1st Order. Said Bearing is North 20°56'36" West. Distances shown are ground based.

May 23, 2016

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

STATE OF TEXAS

}

COUNTY OF DALLAS

}

} S.S.

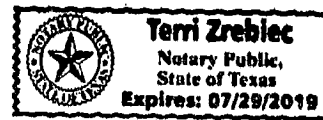
On June 2, 2016, before me, TERRI ZREBIEC, a Notary Public in and for said County and State, personally appeared Grant Herlitz, as PRESIDENT of Elk Grove Town Center, L.P., a Delaware limited partnership, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

Terri Zrebiec



(Notary Seal)

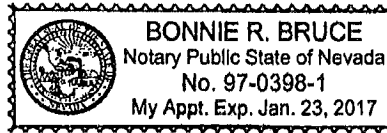
State of Nevada

County of Clark

This instrument was acknowledged before me on June 2, 2016 by Brian A. Larson.

Bonnie R. Bruce

Notary Public



CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF Sacramento }

On 6/2/16 before me, Francisco Javier Patino Notary
Public,

Date

(here insert name and title of the officer)

personally appeared Raymond C Hitchcock

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature] (Seal)

OPTIONAL

Description of Attached Document

Title or Type of Document: Memorandum of Option Agreement Number of Pages: 9

Document Date: 6/2/16 Other: _____

Sacramento County Recorder
Donna Allred, Clerk/Recorder
BOOK 20170109 PAGE 1363
Acct 1003-SIMPLIFILE
Monday, JAN 09, 2017 3:06:40 PM
Ttl Pd \$102.00 Nbr-0009395441
MCY/82/1-28

RECORDING REQUESTED BY:

MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:
Elk Grove Town Center, LP
10801 West Charleston Blvd
Las Vegas, NV 89135

830246

Space Above This Line for Recorder's Use Only

A.P.N.: 134-1010-001-0000

File No.: NCS-659603-HHLV (js)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$Exempt 11911-No Consideration correction of title only; CITY TRANSFER TAX \$;

- computed on the consideration or full value of property conveyed, OR
 computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
 unincorporated area; City of **Elk Grove**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Elk Grove Town Center, L.P., a Delaware limited partnership**

hereby GRANTS to **Elk Grove Town Center, L.P., a Delaware limited partnership**

This deed is given to consummate the Lot Line Adjustment recorded December 23, 2016 Book 20161223, page 1010.

the following described property in the City of **Elk Grove**, County of **Sacramento**, State of **California**:

See Attached Exhibits 'A', 'B', 'C'

Mail Tax Statements To: **SAME AS ABOVE**

Grant Deed - continued

Date: **01/06/2017**

A.P.N.: 134-1010-001-0000 and 134-1010-001

File No.: NCS-659603-HHLV (js)

Dated: January 06, 2017

Elk Grove Town Center, L.P., a Delaware limited partnership

By: Elk Grove Town Center, L.L.C., its general partner

By: The Howard Research and Development Corporation its sole member

By: _____


David Kautz, SVP, Development

STATE OF *NEVADA*)
COUNTY OF *CLARK*) : ss.

This instrument was acknowledged before me on *JANUARY 6, 2017* by David Kautz, SVP Development of The Howard Research and Development Corporation, sole member of Elk Grove Town Center, L.L.C., general partner of Elk Grove Town Center, L.P., a Delaware limited partnership

Shirley A. Wing
Notary Public
(My commission expires: *2-28-2020*)

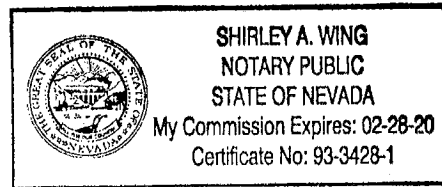


EXHIBIT 'A'
DESCRIPTION OF EXISTING
LANDS OF ELK GROVE TOWN CENTER, L.P.

All that certain real property situated in the City of Elk Grove, County of Sacramento, State of California, more particularly described as follows:

Parcel One:

Parcel 1 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

Parcel Two:

Parcel 6 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

Parcel Three:

Parcel 7 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

Parcel Four:

Parcel 10 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

EXHIBIT 'B'
DESCRIPTION OF
TRANSFER AREAS

TRANSFER AREA 1:

Being a portion of Parcel 10 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County, more particularly described as follows:

BEGINNING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF BEGINNING**, along the line of said Parcels 1 and 10, South 51°30'01" West, a distance of 70.29 feet;

thence leaving said line the following seven (7) arcs, courses and distances:

1. North 38°01'00" West, a distance of 346.19 feet;
2. along a tangent curve concave to the southwest, having a radius of 342.00 feet, northwesterly 71.04 feet along said curve through a central angle of 11°54'08";
3. along a compound curve concave to the southwest, having a radius of 342.00 feet, northwesterly 157.69 feet along said curve through a central angle of 26°25'03";
4. North 76°20'11" West, a distance of 12.19 feet;
5. along a tangent curve concave to the south, having a radius of 879.00 feet, westerly 342.73 feet along said curve through a central angle of 22°20'25";
6. South 81°19'25" West, a distance of 19.83 feet;
7. along a tangent curve concave to the southeast, having a radius of 978.00 feet, westerly 417.51 feet along said curve through a central angle of 24°27'35" to the southeasterly prolongation of the most easterly line of Parcel 9, having a bearing and distance of "N32°02'06"W, 38.51 feet";

thence along said prolongation and said easterly line, North 32°02'06" West, a distance of 66.91 feet to the northerly line of said Parcel 10;

thence along said northerly line the following three (3) arcs, courses and distances:

1. from a radial line which bears North 33°16'05" West, along a non-tangent curve concave to the south, having a radius of 1,043.58 feet, easterly 851.29 feet along said curve through a central angle of 46°44'18";
2. along a compound curve concave to the south, having a radius of 400.00 feet, easterly 76.17 feet along said curve through a central angle of 10°54'38";
3. North 52°04'42" East, a distance of 46.00 feet to the northeasterly line of said Parcel 10;

thence along said northeasterly line, South 37°55'18" East, a distance of 532.63 feet; to the **POINT OF BEGINNING**.

Containing 2.303 acres, more or less.

See Exhibit "B-1", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION



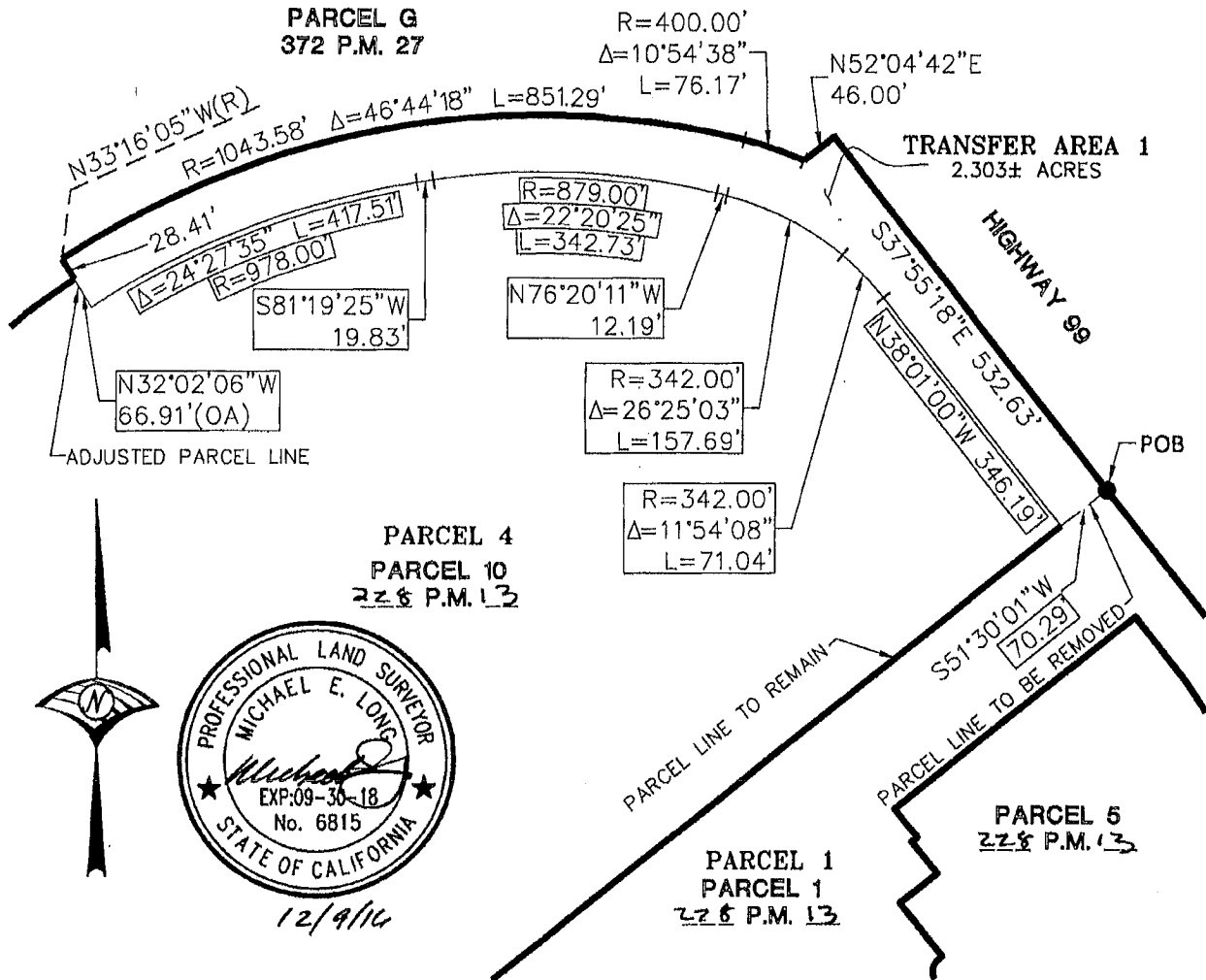
PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

EXHIBIT 'B-1'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A BOUNDARY LINE ADJUSTMENT TRANSFER AREA

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

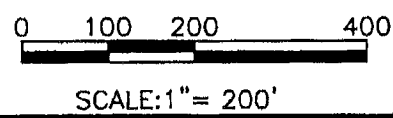


LEGEND:

- P.O.B. POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- - - - PARCEL LINE TO BE REMOVED
- 50.00' EXISTING DIMENSION
- 50.00' ADJUSTED DIMENSION

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC

SEE DESCRIPTION FOR
COURSE INFORMATION



WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C St., Bldg. 100-B Tel 916.341.7780
Sacramento, CA 95816 Fax 916.341.7787
1610.031 SHEET 1 OF 3

TRANSFER AREA 2:

Being a portion of Parcel 1 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County, more particularly described as follows:

COMMENCING at the most northerly corner of said Parcel 1; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1, South 51°30'01" West, a distance of 1408.41 feet to the **TRUE POINT OF BEGINNING**, thence from said **TRUE POINT OF BEGINNING**, along the southwesterly prolongation of said northwesterly line, South 51°30'01" West, a distance of 38.04 feet to a point on the curved northwesterly line of said Parcel 1, having a radius of 24.50 feet and being concave to the northwest, a radial line of said curve to said point being North 71°48'02" East;

thence along the northwesterly line of said Parcel 1, the following three (3) arcs, courses and distances:

1. northwesterly 8.68 feet along said curve through a central angle of 20°18'01";
2. North 51°30'01" East, a distance of 35.00 feet;
3. from a radial line which bears South 51°30'01" West, along a non-tangent curve concave to the northeast, having a radius of 24.50 feet, southeasterly 8.68 feet along said curve through a central angle of 20°18'01", to the **TRUE POINT OF BEGINNING**.

Containing 306 square feet or 0.007 acres, more or less.

See Exhibit "B-2", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

TRANSFER AREA 3:

Being a portion of Parcel 10 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County, more particularly described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1446.45 feet to a point on the curved northwesterly line of said Parcel 1, having a radius of 24.50 feet and being concave to the northwest, a radial line of said curve to said point being North 71°48'02" East, and being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along the northwesterly line of said Parcel 1, southerly 29.80 feet along said curve through a central angle of 69°41'59";

thence continuing along said line, South 51°30'01" West, a distance of 218.78 feet to the northwest corner of said Parcel 1;

thence along the northerly prolongation of the west line of said Parcel 1, North 38°29'59" West, a distance of 16.00 feet to an intersection with the southwesterly prolongation of the northwesterly line of said Parcel 1;

thence along said prolongation, North 51°30'01" East, a distance of 241.76 feet to the **TRUE POINT OF BEGINNING**.

Containing 3,768 square feet or 0.087 acres, more or less.

See Exhibit "B-2", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION



12/9/16

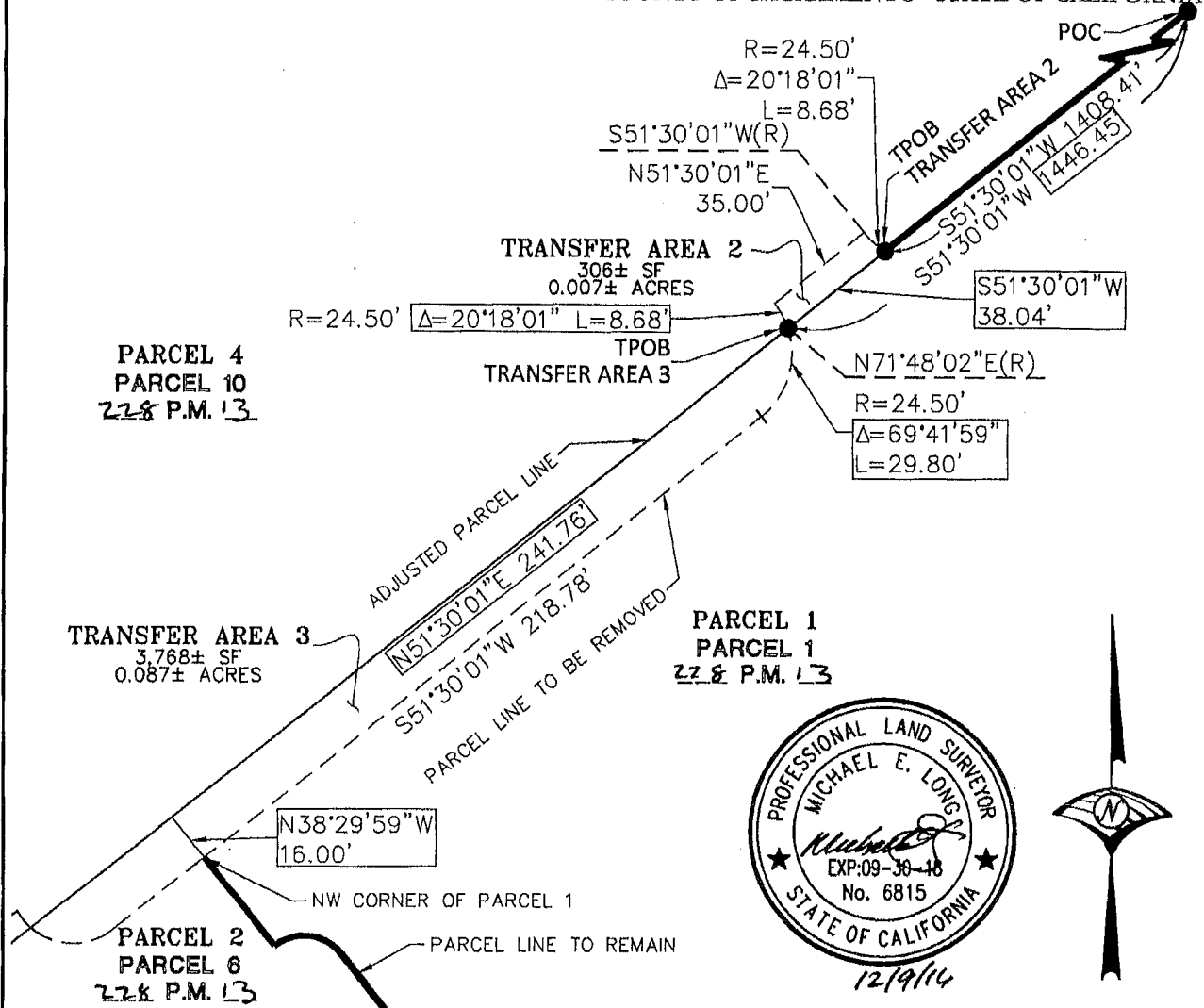
PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

EXHIBIT 'B-2'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
TRANSFER AREA

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- PARCEL LINE TO BE REMOVED
- 50.00' EXISTING DIMENSION
- ADJUSTED DIMENSION

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC



SCALE: 1" = 50'

SEE DESCRIPTION FOR
COURSE INFORMATION

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Sacramento, CA 95816 Fax 916.341.7767
1610.031 SHEET 2 OF 3

TRANSFER AREA 4:

Being a portion of Parcel 10 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County, more particularly described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1688.21 feet to an intersection with the northerly prolongation of the west line of said Parcel 1 having a bearing and distance of "N38°29'59"W, 35.00 feet", and being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along last said northerly prolongation, South 38°29'59" East, a distance of 16.00 feet to the northwest corner of said Parcel 1;

thence along the northerly line of said Parcel 6 the following two (2) arcs, courses, and distances:

1. South 51°30'01" West, a distance of 36.06 feet;
2. along a tangent curve concave to the north, having a radius of 19.50 feet, westerly 27.11 feet along said curve through a central angle of 79°39'37" to an intersection with said southwesterly prolongation of the northwesterly line of said Parcel 1;

thence along said southwesterly prolongation, North 51°30'01" East, a distance of 55.25 feet; to the **POINT OF BEGINNING**.

Containing 808 square feet or 0.019 acres, more or less.

See Exhibit "B-3", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION



12/9/14

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

TRANSFER AREA 5:

Being a portion of Parcel 6 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book ~~226~~ of Parcel Maps, at Page 13, Records of Sacramento County, more particularly described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1743.46 feet to an intersection with that certain 19.50 foot radius curve concave to the north, being the westerly line of said Parcel 6, said intersection being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along said southwesterly prolongation, South 51°30'01" West, a distance of 36.36 feet to a point on the curved easterly line of said Parcel 6, having a radius of 465.50 feet, concave to the northeast and to which point a radial line of said curve to said point bears South 58°52'35" West;

Thence along the northerly line of said Parcel 6, the following three (3) arcs, courses and distances:

1. northwesterly 12.01 feet along said curve through a central angle of 01°28'41";
2. North 60°21'17" East, a distance of 35.00 feet to the beginning of a non-tangent curve concave to the northeast, having a radius of 19.50 feet and to which beginning a radial line of said curve to said beginning bears South 60°21'17" West;
3. southeasterly 6.53 feet along said curve through a central angle of 19°11'39"; to the **TRUE POINT OF BEGINNING**.

Containing 327 square feet or 0.008 acres, more or less.

See Exhibit "B-3", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

TRANSFER AREA 6:

Being a portion of Parcel 7 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 226 of Parcel Maps, at Page 13, Records of Sacramento County, more particularly described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1779.82 feet to a point on the curved northeasterly line of said Parcel 7, being a curve having a radius of 465.50 feet, concave to the northeast and to which point a radial line of said curve to said point bears South 58°52'35" West, and being the **TRUE POINT OF BEGINNING**;

thence from said **TRUE POINT OF BEGINNING**, along the northeasterly and southeasterly lines of said Parcel 7 the following six (6) arcs, courses and distances:

1. southeasterly 11.93 feet along said curve through a central angle of 01°28'06";
2. along a reverse curve concave to the west, having a radius of 4.50 feet, southerly 6.58 feet along said curve through a central angle of 83°50'03";
3. South 51°14'32" West, a distance of 25.15 feet;
4. South 38°45'28" East, a distance of 36.96 feet;
5. along a tangent curve concave to the west, having a radius of 2.50 feet, southerly 3.93 feet along said curve through a central angle of 90°00'00";
6. South 51°14'32" West, a distance of 39.00 feet to the westerly line of said Parcel 7;

thence along said westerly line, North 38°45'28" West, a distance of 40.57 feet to the beginning of non-tangent curve, concave to the northeast having a radius of 1,452.00 feet and to which beginning a radial line of said curve to said beginning bears South 56°41'45" West;

thence northwesterly 15.14 feet along said curve through a central angle of 00°35'51" to an intersection with the southwesterly prolongation of said northwesterly line;

thence along said prolongation, North 51°30'01" East, a distance of 71.04 feet to the **TRUE POINT OF BEGINNING**.

Containing 2,769 square feet or 0.064 acres, more or less.

See Exhibit "B-3", plat to accompany description, attached hereto and made a part hereof.

The basis of bearings for this description is identical to that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 226 of Parcel Maps, at Page 13, Records of Sacramento County.

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA



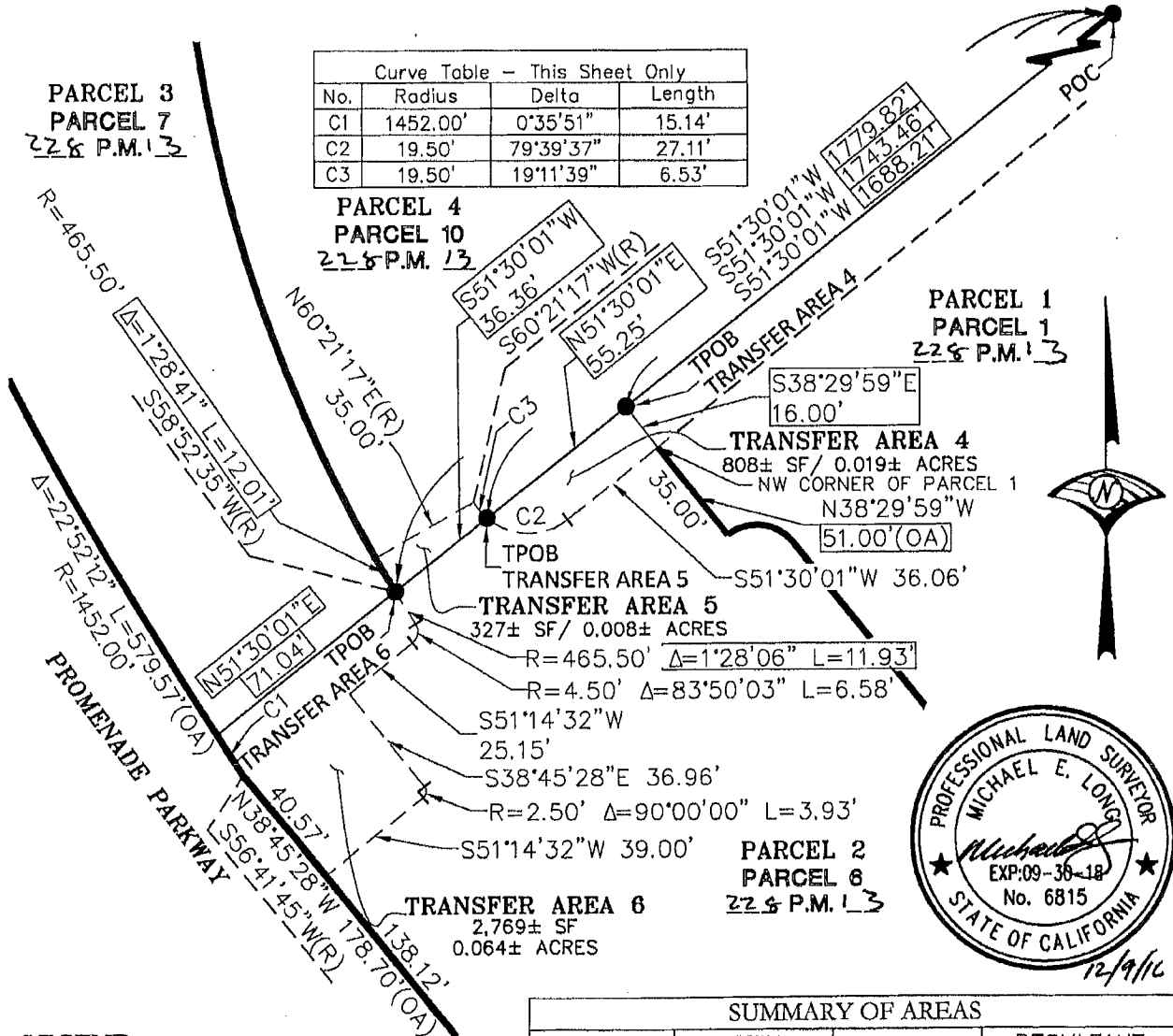
12/9/16

EXHIBIT 'B-3'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
TRANSFER AREA

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



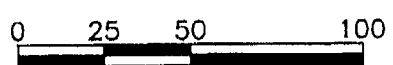
Curve Table - This Sheet Only			
No.	Radius	Delta	Length
C1	1452.00'	0°35'51"	15.14'
C2	19.50'	79°39'37"	27.11'
C3	19.50'	19°11'39"	6.53'



LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- PARCEL LINE TO BE REMOVED
- 50.00' EXISTING DIMENSION
- ADJUSTED DIMENSION

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC



SCALE: 1" = 50'

SEE DESCRIPTION FOR
COURSE INFORMATION

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3301 C St., Bldg. 100-B Sacramento, CA 95818 1610.031
Tel 916.341.7780 Fax 916.341.7767
SHEET 3 OF 3

EXHIBIT 'C'
DESCRIPTION OF
RESULTANT PARCELS

RESULTANT PARCEL 1

Parcel 1 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

TOGETHER WITH that portion of Parcel 10 as shown of said map described as follows:

BEGINNING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF BEGINNING**, along the line of said Parcels 1 and 10, South 51°30'01" West, a distance of 70.29 feet;

thence leaving said line the following seven (7) arcs, courses and distances:

1. North 38°01'00" West, a distance of 346.19 feet;
2. along a tangent curve concave to the southwest, having a radius of 342.00 feet, northwesterly 71.04 feet along said curve through a central angle of 11°54'08";
3. along a compound curve concave to the southwest, having a radius of 342.00 feet, northwesterly 157.69 feet along said curve through a central angle of 26°25'03";
4. North 76°20'11" West, a distance of 12.19 feet;
5. along a tangent curve concave to the south, having a radius of 879.00 feet, westerly 342.73 feet along said curve through a central angle of 22°20'25";
6. South 81°19'25" West, a distance of 19.83 feet;
7. along a tangent curve concave to the southeast, having a radius of 978.00 feet, westerly 417.51 feet along said curve through a central angle of 24°27'35" to the southeasterly prolongation of the most easterly line of Parcel 9, having a bearing and distance of "N35°02'06"W, 38.51 feet";

thence along said prolongation and said easterly line, North 32°02'06" West, a distance of 66.91 feet to the northerly line of said Parcel 10;

thence along said northerly line the following three (3) arcs, courses and distances:

1. from a radial line which bears North 33°16'05" West, along a non-tangent curve concave to the south, having a radius of 1,043.58 feet, easterly 851.29 feet along said curve through a central angle of 46°44'18";
2. along a compound curve concave to the south, having a radius of 400.00 feet, easterly 76.17 feet along said curve through a central angle of 10°54'38";
3. North 52°04'42" East, a distance of 46.00 feet to the northeasterly line of said Parcel 10;

thence along said northeasterly line, South 37°55'18" East, a distance of 532.63 feet; to the **POINT OF BEGINNING**.

TOGETHER WITH that portion of Parcel 10 as shown of said map described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1446.45 feet to a point on the curved northwesterly line of said Parcel 1, having a radius of 24.50 feet and being concave to the northwest, a radial line of said curve to said point being North 71°48'02" East, and being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along the northwesterly line of said Parcel 1, southerly 29.80 feet along said curve through a central angle of 69°41'59";

thence continuing along said line, South 51°30'01" West, a distance of 218.78 feet to the northwest corner of said Parcel 1;

thence along the northerly prolongation of the west line of said Parcel 1, North 38°29'59" West, a distance of 16.00 feet to an intersection with the southwesterly prolongation of the northwesterly line of said Parcel 1;

thence along said prolongation, North 51°30'01" East, a distance of 241.76 feet to the **TRUE POINT OF BEGINNING**.

EXCEPTING THEREFROM the following:

COMMENCING at the most northerly corner of said Parcel 1; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1, South 51°30'01" West, a distance of 1408.41 feet to the **TRUE POINT OF BEGINNING**, thence from said **TRUE POINT OF BEGINNING**, along the southwesterly prolongation of said northwesterly line, South 51°30'01" West, a distance of 38.04 feet to a point on the curved northwesterly line of said Parcel 1, having a radius of 24.50 feet and being concave to the northwest, a radial line of said curve to said point being North 71°48'02" East;

thence along the northwesterly line of said Parcel 1, the following three (3) arcs, courses and distances:

1. northwesterly 8.68 feet along said curve through a central angle of 20°18'01";
2. North 51°30'01" East, a distance of 35.00 feet;
3. from a radial line which bears South 51°30'01" West, along a non-tangent curve concave to the northeast, having a radius of 24.50 feet, southeasterly 8.68 feet along said curve through a central angle of 20°18'01", to the **TRUE POINT OF BEGINNING**.

Containing 2,215,153 square feet or 50.853 acres, more or less.

See Exhibits "C-1A" and "C-1B", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA



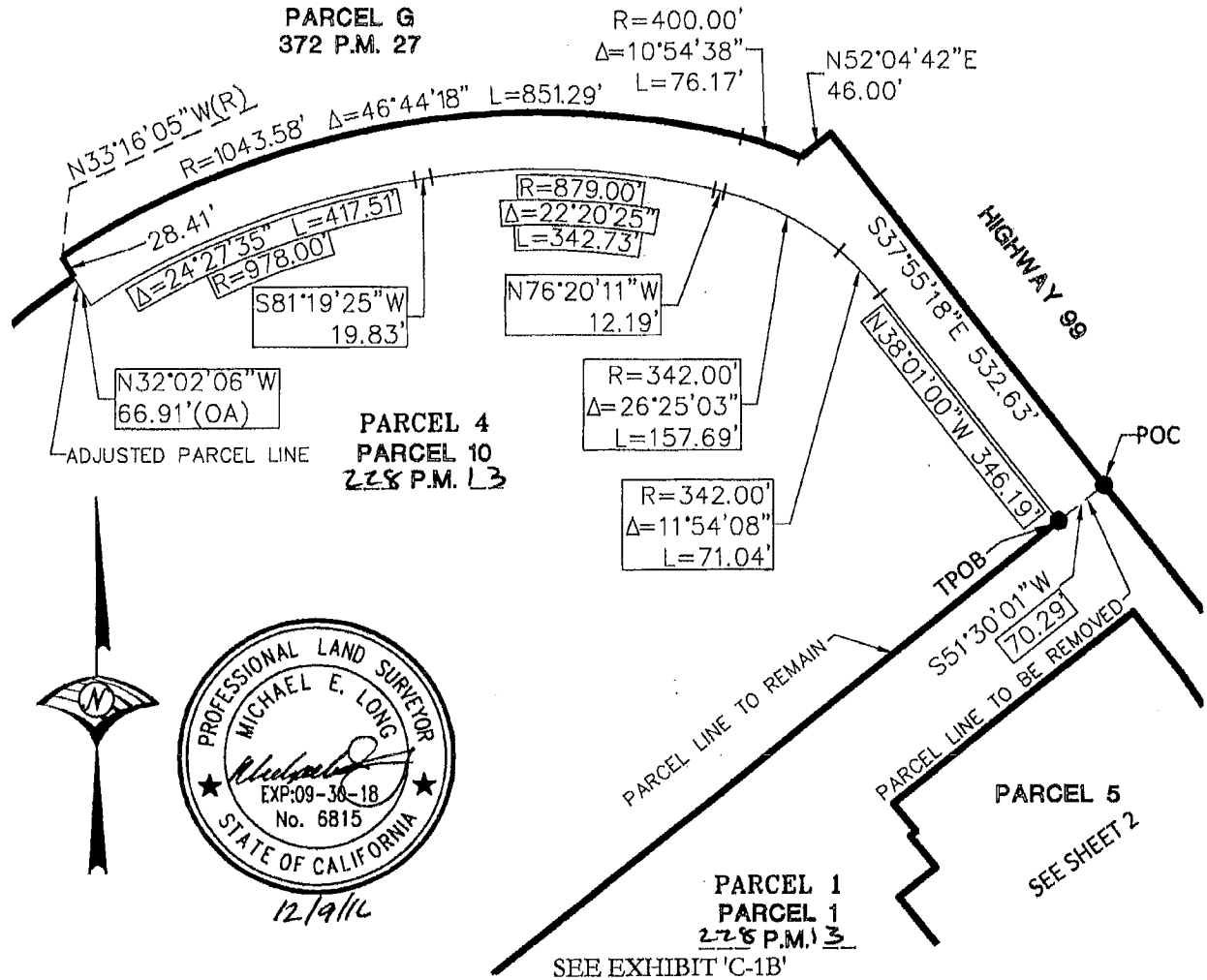
12/9/14

EXHIBIT 'C-1A'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
RESULTANT PARCEL 1

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

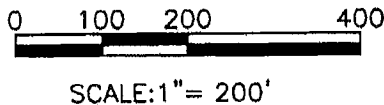


LEGEND:

- P.O.B. POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- - - - PARCEL LINE TO BE REMOVED
- 50.00' EXISTING DIMENSION
- 50.00' ADJUSTED DIMENSION

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC

SEE EXHIBIT C FOR
COURSE INFORMATION



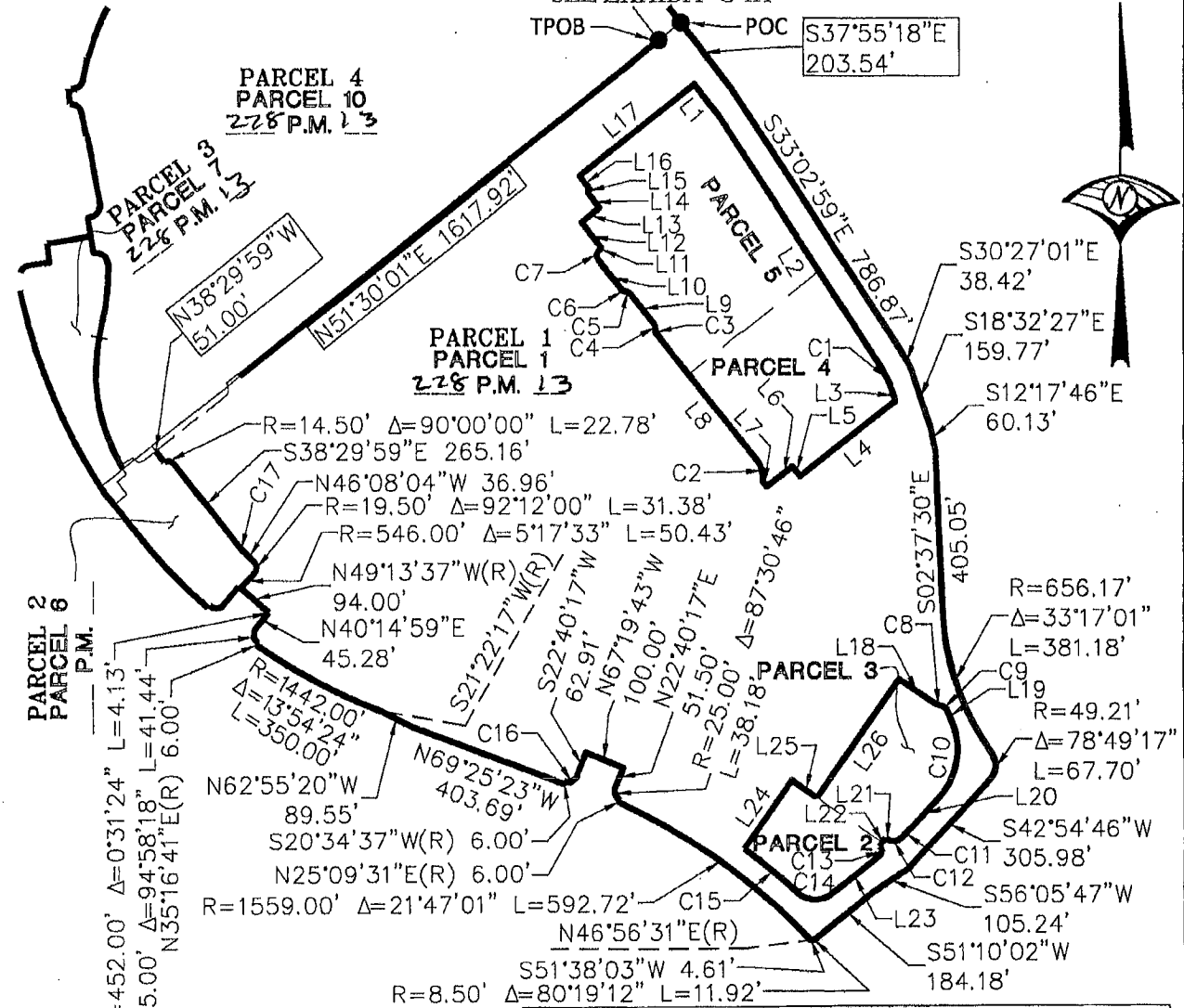
WOOD RODGERS
DEVELOPING - INNOVATIVE - DESIGN - SOLUTIONS
3301 C St., Bldg. 100-B Tel 916.341.7750
Sacramento, CA 95816 Fax 916.341.7767
1610.031 SHEET 1 OF 3

EXHIBIT 'C-1B'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
RESULTANT PARCEL 1

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA
SEE EXHIBIT 'C-1A'

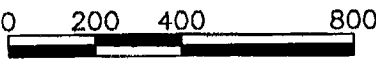


SUMMARY OF AREAS

PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC

LEGEND:

- P.O.B. POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- PARCEL LINE TO BE REMOVED
- ADJACENT PARCEL LINE SEE SHEET 3 (EXHIBIT 'C-1C')
- 50.00' EXISTING DIMENSION FOR LINE AND CURVE TABLES
- 50.00' ADJUSTED DIMENSION



SCALE: 1" = 400'

SEE EXHIBIT C FOR
COURSE INFORMATION



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1610.031 SHEET 2 OF 3

EXHIBIT 'C-1C'PLAT TO ACCOMPANY
DESCRIPTION


PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
RESULTANT PARCEL 1
CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

Line Table		
No.	Bearing	Length
L1	S38°01'00"E	95.30'
L2	S33°03'17"E	747.68'
L3	S18°33'26"E	33.42'
L4	S51°30'01"W	303.79'
L5	N38°29'59"W	31.00'
L6	S51°30'01"W	81.00'
L7	N38°29'59"W	16.33'
L8	N38°29'59"W	404.33'
L9	N38°29'59"W	90.15'
L10	N38°29'59"W	94.10'
L11	N51°30'01"E	5.00'
L12	N38°29'59"W	80.50'
L13	N51°30'01"E	57.00'
L14	N38°29'59"W	49.00'
L15	N51°30'01"E	9.00'
L16	N38°29'59"W	44.00'
L17	N51°30'01"E	369.14'
L18	S55°14'29"E	110.77'
L19	S23°15'35"E	30.22'
L20	S42°46'01"W	104.06'
L21	N55°14'29"W	8.01'
L22	N34°45'31"E	27.00'
L23	S51°30'01"W	153.76'
L24	N34°45'31"E	208.29'
L25	N55°14'29"W	76.50'
L26	S34°45'31"W	360.00'

Curve Table			
No.	Radius	Delta	Length
C1	237.50'	14°29'50"	60.09'
C2	75.50'	44°17'57"	58.37'
C3	7.00'	47°23'47"	5.79'
C4	25.50'	47°23'47"	21.09'
C5	25.50'	47°23'47"	21.09'
C6	7.00'	47°23'47"	5.79'
C7	19.50'	90°00'00"	30.63'
C8	101.50'	8°41'45"	15.40'
C9	19.50'	54°58'16"	18.71'
C10	177.50'	66°01'36"	204.55'
C11	477.50'	4°18'58"	35.97'
C12	24.50'	77°40'33"	33.21'
C13	14.50'	106°44'30"	27.01'
C14	65.50'	81°39'20"	93.35'
C15	1619.50'	6°06'13"	172.53'
C16	25.00'	87°54'20"	38.36'
C17	134.50'	7°38'05"	17.92'

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC

SEE EXHIBIT C FOR
COURSE INFORMATION


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Sacramento, CA 95816 Fax 916.341.7767
1610.031 SHEET 3 OF 3

RESULTANT PARCEL 2

Parcel 6 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

TOGETHER WITH that portion of Parcel 10 as shown on said map described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1688.21 feet to an intersection with the northerly prolongation of the west line of said Parcel 1 having a bearing and distance of "N38°29'59"W, 35.00 feet", and being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along last said northerly prolongation, South 38°29'59" East, a distance of 16.00 feet to the northwest corner of said Parcel 1;

thence along the northerly line of said Parcel 6 the following two (2) arcs, courses, and distances:

1. South 51°30'01" West, a distance of 36.06 feet;
2. along a tangent curve concave to the north, having a radius of 19.50 feet, westerly 27.11 feet along said curve through a central angle of 79°39'37" to an intersection with said southwesterly prolongation of the northwesterly line of said Parcel 1;

thence along said southwesterly prolongation, North 51°30'01" East, a distance of 55.25 feet; to the **POINT OF BEGINNING**.

ALSO TOGETHER WITH that portion of Parcel 7 as shown on said map described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1779.82 feet to a point on the curved northeasterly line of said Parcel 7, being a curve having a radius of 465.50 feet, concave to the northeast and to which point a radial line of said curve to said point bears South 58°52'35" West, and being the **TRUE POINT OF BEGINNING**;

thence from said **TRUE POINT OF BEGINNING**, along the northeasterly and southeasterly lines of said Parcel 7 the following six (6) arcs, courses and distances:

1. southeasterly 11.93 feet along said curve through a central angle of 01°28'06";
2. along a reverse curve concave to the west, having a radius of 4.50 feet, southerly 6.58 feet along said curve through a central angle of 83°50'03";
3. South 51°14'32" West, a distance of 25.15 feet;
4. South 38°45'28" East, a distance of 36.96 feet;

5. along a tangent curve concave to the west, having a radius of 2.50 feet, southerly 3.93 feet along said curve through a central angle of 90°00'00";
6. South 51°14'32" West, a distance of 39.00 feet to the westerly line of said Parcel 7;

thence along said westerly line, North 38°45'28" West, a distance of 40.57 feet to the beginning of non-tangent curve, concave to the northeast having a radius of 1,452.00 feet and to which beginning a radial line of said curve to said beginning bears South 56°41'45" West;

thence northwesterly 15.14 feet along said curve through a central angle of 00°35'51" to an intersection with the southwesterly prolongation of said northwesterly line;

thence along said prolongation, North 51°30'01" East, a distance of 71.04 feet to the **TRUE POINT OF BEGINNING.**

EXCEPTING THEREFROM the following:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1743.46 feet to an intersection with that certain 19.50 foot radius curve concave to the north, being the westerly line of said Parcel 6, said intersection being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along said southwesterly prolongation, South 51°30'01" West, a distance of 36.36 feet to a point on the curved easterly line of said Parcel 6, having a radius of 465.50 feet, concave to the northeast and to which point a radial line of said curve to said point bears South 58°52'35" West;

Thence along the northerly line of said Parcel 6, the following three (3) arcs, courses and distances:

1. northwesterly 12.01 feet along said curve through a central angle of 01°28'41";
2. North 60°21'17" East, a distance of 35.00 feet to the beginning of a non-tangent curve concave to the northeast, having a radius of 19.50 feet and to which beginning a radial line of said curve to said beginning bears South 60°21'17" West;
3. southeasterly 6.53 feet along said curve through a central angle of 19°11'39"; to the **TRUE POINT OF BEGINNING.**

Containing 70,798 square feet or 1.626 acres, more or less.

See Exhibit "C-2", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA



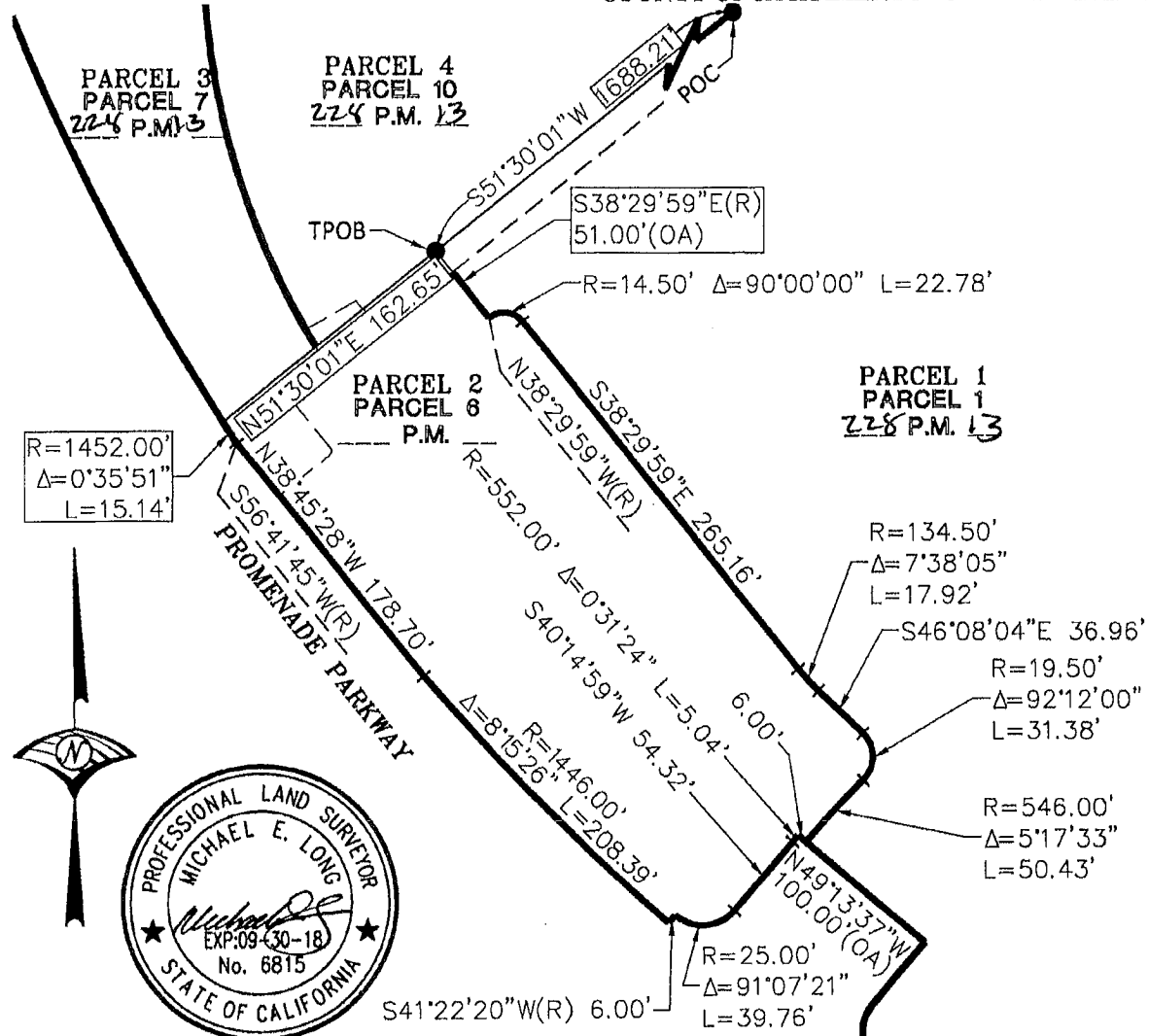
12/9/16

EXHIBIT 'C-2'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
RESULTANT PARCEL 2

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



R=1452.00'
Δ=0°35'51"
L=15.14'



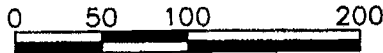
12/9/16

LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- PARCEL LINE TO BE REMOVED
- 50.00' EXISTING DIMENSION
- 50.00' ADJUSTED DIMENSION

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC

SEE DESCRIPTION FOR
COURSE INFORMATION



SCALE: 1" = 100'



WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95818 Fax 916.341.7767
1610.031

RESULTANT PARCEL 3

Parcel 7 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

EXCEPTING THEREFROM the following:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1779.82 feet to a point on the curved northeasterly line of said Parcel 7, being a curve having a radius of 465.50 feet, concave to the northeast and to which point a radial line of said curve to said point bears South 58°52'35" West, and being the **TRUE POINT OF BEGINNING**;

thence from said **TRUE POINT OF BEGINNING**, along the northeasterly and southeasterly lines of said Parcel 7 the following six (6) arcs, courses and distances:

1. southeasterly 11.93 feet along said curve through a central angle of 01°28'06";
2. along a reverse curve concave to the west, having a radius of 4.50 feet, southerly 6.58 feet along said curve through a central angle of 83°50'03";
3. South 51°14'32" West, a distance of 25.15 feet;
4. South 38°45'28" East, a distance of 36.96 feet;
5. along a tangent curve concave to the west, having a radius of 2.50 feet, southerly 3.93 feet along said curve through a central angle of 90°00'00";
6. South 51°14'32" West, a distance of 39.00 feet to the westerly line of said Parcel 7;

thence along said westerly line, North 38°45'28" West, a distance of 40.57 feet to the beginning of non-tangent curve, concave to the northeast having a radius of 1,452.00 feet and to which beginning a radial line of said curve to said beginning bears South 56°41'45" West;

northwesterly 15.14 feet along said curve through a central angle of 00°35'51" to an intersection with the southwesterly prolongation of said northwesterly line;

thence along said prolongation, North 51°30'01" East, a distance of 71.04 feet to the **TRUE POINT OF BEGINNING**.

Containing 83,032 square feet or 1.906 acres, more or less.

See Exhibit "C-3", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA



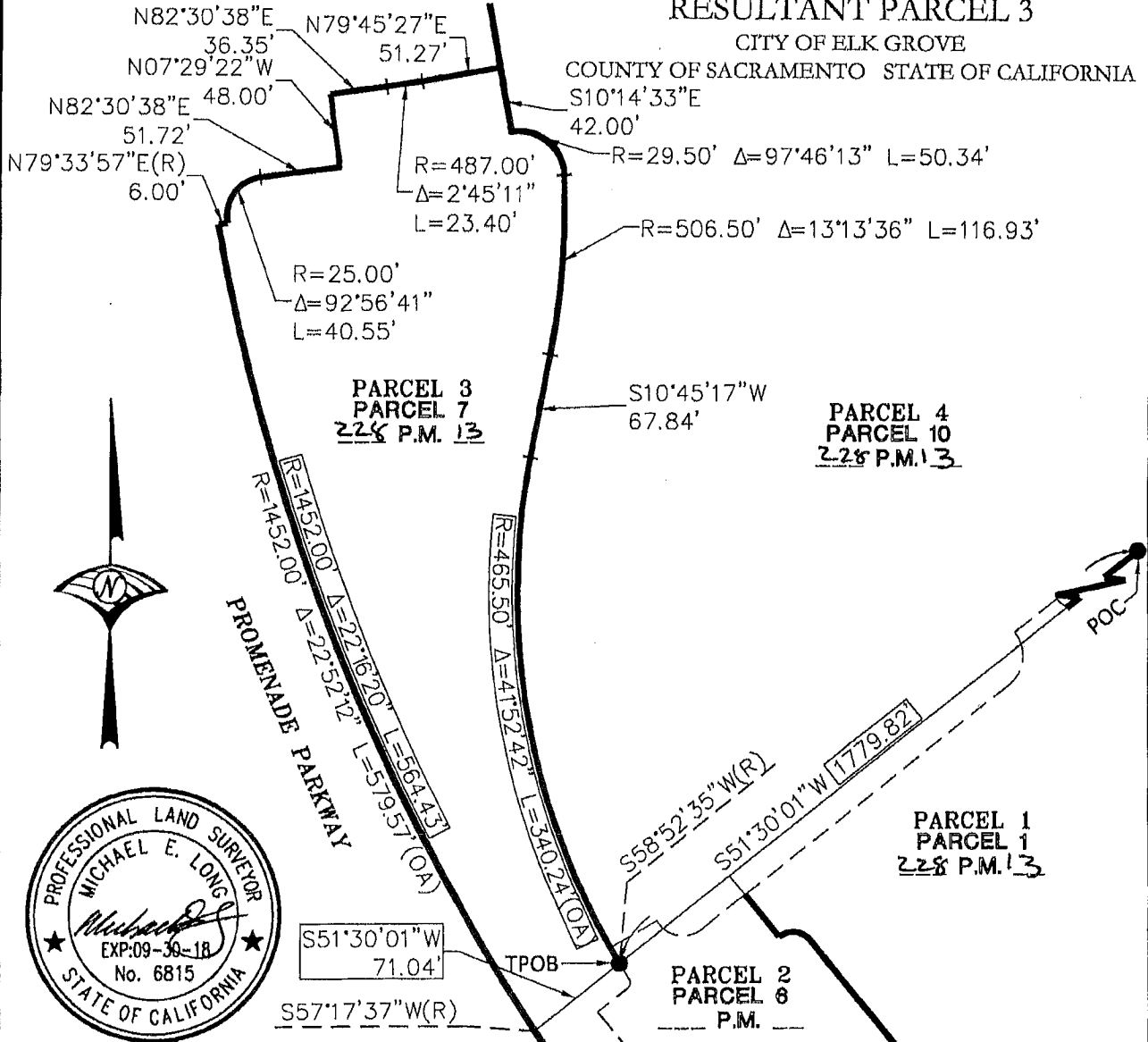
12/9/14

EXHIBIT 'C-3'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
RESULTANT PARCEL 3

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

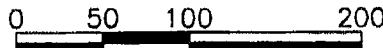


LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- - - PARCEL LINE TO BE REMOVED
- 50.00' EXISTING DIMENSION
- 50.00' ADJUSTED DIMENSION

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC

SEE DESCRIPTION FOR
COURSE INFORMATION



SCALE: 1" = 100'



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3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767
1610.031

RESULTANT PARCEL 4

Parcel 10 as shown on that certain map titled "Parcel Map No. 07-137, Elk Grove Promenade – Lot A", filed in Book 228 of Parcel Maps, at Page 13, Records of Sacramento County.

TOGETHER WITH that portion of Parcel 1 as shown on said map described as follows:

COMMENCING at the most northerly corner of said Parcel 1; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1, South 51°30'01" West, a distance of 1408.41 feet to the **TRUE POINT OF BEGINNING**, thence from said **TRUE POINT OF BEGINNING**, along the southwesterly prolongation of said northwesterly line, South 51°30'01" West, a distance of 38.04 feet to a point on the curved northwesterly line of said Parcel 1, having a radius of 24.50 feet and being concave to the northwest, a radial line of said curve to said point being North 71°48'02" East;

thence along the northwesterly line of said Parcel 1, the following three (3) arcs, courses and distances:

1. northwesterly 8.68 feet along said curve through a central angle of 20°18'01";
2. North 51°30'01" East, a distance of 35.00 feet;
3. from a radial line which bears South 51°30'01" West, along a non-tangent curve concave to the northeast, having a radius of 24.50 feet, southeasterly 8.68 feet along said curve through a central angle of 20°18'01", to the **TRUE POINT OF BEGINNING**.

ALSO TOGETHER WITH that portion of Parcel 1 as shown on said map described as follows:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1743.46 feet to an intersection with that certain 19.50 foot radius curve concave to the north, being the westerly line of said Parcel 6, said intersection being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along said southwesterly prolongation, South 51°30'01" West, a distance of 36.36 feet to a point on the curved easterly line of said Parcel 6, having a radius of 465.50 feet, concave to the northeast and to which point a radial line of said curve to said point bears South 58°52'35" West;

thence along the northerly line of said Parcel 6, the following three (3) arcs, courses and distances:

1. northwesterly 12.01 feet along said curve through a central angle of 01°28'41";
2. North 60°21'17" East, a distance of 35.00 feet to the beginning of a non-tangent curve concave to the northeast, having a radius of 19.50 feet and to which beginning a radial line of said curve to said beginning bears South 60°21'17" West;

3. southeasterly 6.53 feet along said curve through a central angle of 19°11'39"; to the **TRUE POINT OF BEGINNING**.

EXCEPTING THEREFROM the following:

BEGINNING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF BEGINNING**, along the line of said Parcels 1 and 10, South 51°30'01" West, a distance of 70.29 feet;

thence leaving said line the following seven (7) arcs, courses and distances:

1. North 38°01'00" West, a distance of 346.19 feet;
2. along a tangent curve concave to the southwest, having a radius of 342.00 feet, northwesterly 71.04 feet along said curve through a central angle of 11°54'08";
3. along a compound curve concave to the southwest, having a radius of 342.00 feet, northwesterly 157.69 feet along said curve through a central angle of 26°25'03";
4. North 76°20'11" West, a distance of 12.19 feet;
5. along a tangent curve concave to the south, having a radius of 879.00 feet, westerly 342.73 feet along said curve through a central angle of 22°20'25";
6. South 81°19'25" West, a distance of 19.83 feet;
7. along a tangent curve concave to the southeast, having a radius of 978.00 feet, westerly 417.51 feet along said curve through a central angle of 24°27'35" to the southeasterly prolongation of the most easterly line of Parcel 9, having a bearing and distance of "N35°02'06"W, 38.51 feet";

thence along said prolongation and said easterly line, North 32°02'06" West, a distance of 66.91 feet to the northerly line of said Parcel 10;

thence along said northerly line the following three (3) arcs, courses and distances:

1. from a radial line which bears North 33°16'05" West, along a non-tangent curve concave to the south, having a radius of 1,043.58 feet, easterly 851.29 feet along said curve through a central angle of 46°44'18";
2. along a compound curve concave to the south, having a radius of 400.00 feet, easterly 76.17 feet along said curve through a central angle of 10°54'38";
3. North 52°04'42" East, a distance of 46.00 feet to the northeasterly line of said Parcel 10;

thence along said northeasterly line, South 37°55'18" East, a distance of 532.63 feet; to the **POINT OF BEGINNING**.

ALSO EXCEPTING THEREFROM the following:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwestery prolongation thereof, South 51°30'01" West, a distance of 1446.45 feet to the to a point on the curved northwesterly line of said Parcel 1, having a radius of 24.50 feet and being concave to the northwest, a radial line of said curve to said point being North 71°48'02" East, and being the **TRUE POINT OF BEGINNING**;

thence from said **TRUE POINT OF BEGINNING**, along the northwesterly line of said Parcel 1, southerly 29.80 feet along said curve through a central angle of 69°41'59";

thence continuing along said line, South 51°30'01" West, a distance of 218.78 feet to the northwest corner of said Parcel 1;

thence along the northerly prolongation of the west line of said Parcel 1, North 38°29'59" West, a distance of 16.00 feet to an intersection with the southwesterly prolongation of the northwesterly line of said Parcel 1;

thence along said prolongation, North 51°30'01" East, a distance of 241.76 feet to the **TRUE POINT OF BEGINNING**.

ALSO FINALLY EXCEPTING THEREFROM the following:

COMMENCING at the most northerly corner of Parcel 1 as shown on said map; thence from said **POINT OF COMMENCEMENT**, along the northwesterly line of said Parcel 1 and the southwesterly prolongation thereof, South 51°30'01" West, a distance of 1688.21 feet to an intersection with the northerly prolongation of the west line of said Parcel 1 having a bearing and distance of "N38°29'59"W, 35.00 feet", and being the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, along last said northerly prolongation, South 38°29'59" East, a distance of 16.00 feet to the northwest corner of said Parcel 1;

thence along the northerly line of said Parcel 6 the following two (2) arcs, courses, and distances:

1. South 51°30'01" West, a distance of 36.06 feet;
2. along a tangent curve concave to the north, having a radius of 19.50 feet, westerly 27.11 feet along said curve through a central angle of 79°39'37" to an intersection with said southwesterly prolongation of the northwesterly line of said Parcel 1;

thence along said southwesterly prolongation, North 51°30'01" East, a distance of 55.25 feet; to the **POINT OF BEGINNING**.

Containing 1,216,970 square feet or 27.937 acres, more or less.

See Exhibit "C-4", plat to accompany description, attached hereto and made a part hereof.

END OF DESCRIPTION



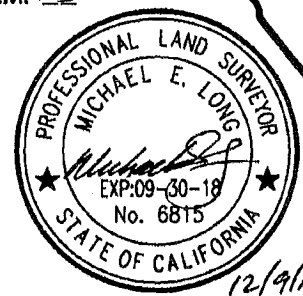
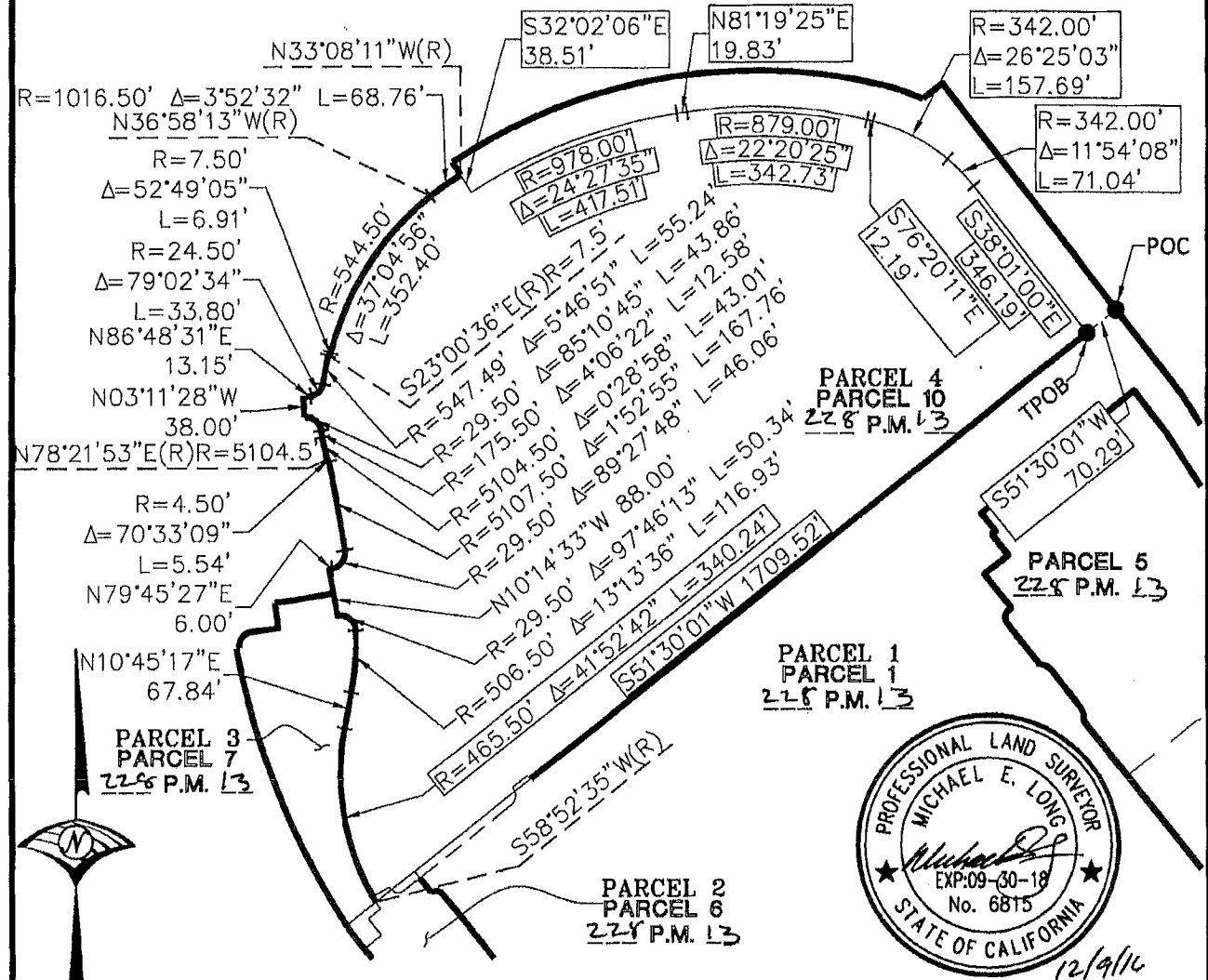
PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

EXHIBIT 'C-4'

PLAT TO ACCOMPANY
DESCRIPTION

PROMENADE - LOT A
BOUNDARY LINE ADJUSTMENT
RESULTANT PARCEL 4

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

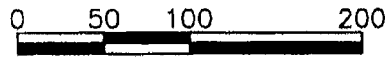


LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- EXISTING PARCEL LINE
- ADJUSTED PARCEL LINE
- - - PARCEL LINE TO BE REMOVED
- 50.00' EXISTING DIMENSION
- 50.00' ADJUSTED DIMENSION

SUMMARY OF AREAS			
PARCEL	EXISTING	TRANSFER	RESULTANT
PARCEL 1	48.471± AC	2.383± AC	50.854± AC
PARCEL 2	1.551± AC	0.075± AC	1.626± AC
PARCEL 3	1.970± AC	0.064± AC	1.906± AC
PARCEL 4	30.331± AC	2.394± AC	27.937± AC

SEE DESCRIPTION FOR
COURSE INFORMATION



SCALE: 1" = 100'

WOOD RODGERS
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3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95818 Fax 916.341.7767
1610.031

Sacramento County Recorder
Donna Allred, Clerk/Recorder
BOOK 20170119 PAGE 0810
Acct 1003-SIMPLIFILE
Thursday, JAN 19, 2017 12:36:19 PM
Ttl Pd \$27.00 Nbr-0009406979
007-Elk Grove DTT PAID
JLW/14/1-5

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Thomas D. Farrell, Esq.
1128 19th St
Sacramento, CA 95811

MAIL TAX STATEMENT TO:

Thomas D. Farrell, Esq.
1128 19th St
Sacramento, CA 95811

(Space Above Line for Recorder's Use Only)

A.P.N. 134-1010-001 (portion of)

GRANT DEED

The undersigned Grantor declares:
Documentary Transfer Tax: \$39,600.00
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED

FOR VALUE RECEIVED, Elk Grove Town Center L.P., a Delaware limited partnership ("Grantor"), hereby grants to Boyd Gaming Corporation, a Nevada corporation, and Wilton Rancheria, a federally recognized tribe (collectively, "Grantee"), all that certain real property (land and improvements) situated in the County of Sacramento, State of California, described on Exhibit "A" attached hereto and by this reference incorporated herein (the "Property").

TO HAVE AND TO HOLD, the Property with all the rights, privileges and appurtenances thereto belonging, or in any way appertaining, unto the said Grantee and Grantee's successors and assigns.

SUBJECT TO the following:

- (a) All liens, encumbrances, easements, covenants, conditions, restrictions and other matters of record; and
- (b) A lien not yet delinquent for taxes for real property and personal property, and any general or special assessments against the Property.

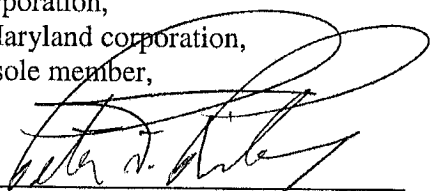
[SIGNATURE FOLLOWS ON NEXT PAGE]

Dated: 1-18-17, 2017

ELK GROVE TOWN CENTER L.P.,
a Delaware limited partnership,

By: Elk Grove Town Center, L.L.C.,
a Delaware limited liability company,
its general partner,

By: The Howard Research And Development
Corporation,
a Maryland corporation,
its sole member,

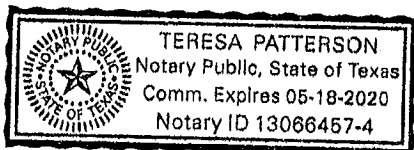
By: 
Peter F. Riley
Secretary

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on January 12, 2017, by Peter F. Riley, Secretary of The Howard Research And Development Corporation, a Maryland corporation, as sole member of Elk Grove Town Center, L.L.C., a Delaware limited liability company, the general partner of ELK GROVE TOWN CENTER L.P. a Delaware limited partnership, on behalf of said corporation, limited liability company and limited partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



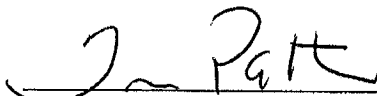
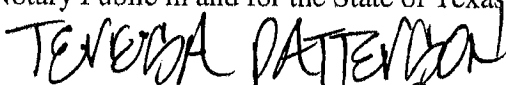

Notary Public in and for the State of Texas

13066457-4 EXP. 5-18-20

EXHIBIT 'A'

LEGAL DESCRIPTION ELK GROVE PROMENADE BOYD GAMING PARCEL Page 1 of 3

Being a portion of Lot A as shown on that certain map entitled "Subdivision No. 00-038.00 Lent Ranch Marketplace" filed for record on December 14, 2007 in Book 372 of Maps, Page 27, located in the City of Elk Grove, County of Sacramento, State of California, more particularly described as follows:

Commencing at a point which is the northeasterly corner of Lot A of said map, being a 3/4" iron pipe with plug stamped L.S. 6815; Thence leaving said **Point of Commencement** along the northeasterly line of said Lot A, South 37°55'18" East, a distance of 533.10 feet; Thence leaving said northeasterly line, entering and passing through said Lot A, South 51°30'01" West, a distance of 24.29 feet to the true **Point of Beginning**. Thence leaving said Point of Beginning and continuing through said Lot A, South 51°30'01" West, a distance of 1780.56 feet to a point on the southwesterly line of said Lot A, also being a point on the northeasterly right-of-way line of Promenade Parkway as shown on said map;

Thence northwesterly and northerly, respectively, along said right-of-way line, the following Twenty-one (21) arcs, courses and distances:

- 1) from a radial line which bears South 57°17'37" West, along a non-tangent curve concave to the east, having a radius of 1,452.00 feet, northwesterly 564.43 feet along said curve through a central angle of 22°16'20";
- 2) North 79°33'57" East, a distance of 6.00 feet;
- 3) from a radial line which bears South 79°33'57" West, along a non-tangent curve concave to the southeast, having a radius of 25.00 feet, northeasterly 40.55 feet along said curve through a central angle of 92°56'41";
- 4) North 82°30'38" East, a distance of 51.72 feet;
- 5) North 07°29'22" West, a distance of 100.00 feet;
- 6) South 82°30'38" West, a distance of 53.51 feet;
- 7) along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 40.62 feet along said curve through a central angle of 93°06'07";
- 8) South 85°36'45" West, a distance of 6.00 feet;
- 9) from a radial line which bears South 85°36'45" West, along a non-tangent curve concave to the east, having a radius of 1,454.00 feet, northerly 93.58 feet along said curve through a central angle of 03°41'16";
- 10) North 00°42'00" West, a distance of 147.80 feet;
- 11) North 89°18'00" East, a distance of 6.00 feet;
- 12) from a radial line which bears South 89°18'00" West, along a non-tangent curve concave to the southeast, having a radius of 25.00 feet, northeasterly 39.27 feet along said curve through a central angle of 90°00'00";
- 13) North 89°18'00" East, a distance of 6.00 feet;
- 14) North 00°42'00" West, a distance of 50.00 feet;
- 15) South 89°18'00" West, a distance of 13.34 feet;

EXHIBIT 'A'

LEGAL DESCRIPTION ELK GROVE PROMENADE BOYD GAMING PARCEL Page 2 of 3

- 16) along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 38.46 feet along said curve through a central angle of 88°08'33";
- 17) South 87°26'33" West, a distance of 6.00 feet;
- 18) North 02°33'27" West, a distance of 51.58 feet;
- 19) North 00°42'00" West, a distance of 563.84 feet;
- 20) North 89°18'00" East, a distance of 6.00 feet;
- 21) from a radial line which bears South 89°18'00" West, along a non-tangent curve concave to the east, having a radius of 25.00 feet, northerly 6.76 feet along said curve through a central angle of 15°30'00" to the northwest corner of said Lot A and a point on the common line between said Lot A and Lot G of said Map;

Thence leaving said northeasterly line, along said common line, the following four (4) arcs, courses and distances:

- 1) North 89°12'25" East, a distance of 86.70 feet;
- 2) along a tangent curve concave to the southwest, having a radius of 330.00 feet, southeasterly 314.08 feet along said curve through a central angle of 54°31'51";
- 3) South 36°15'44" East, a distance of 86.17 feet;
- 4) along a tangent curve concave to the north, having a radius of 25.00 feet, easterly 37.96 feet along said curve through a central angle of 87°00'21";

Thence leaving said common line, entering and passing through said Lot A, the following eight (8) arcs, courses and distances:

- 1) South 32°02'06" East, a distance of 66.91 feet;
- 2) from a radial line which bears North 33°08'11" West, along a non-tangent curve concave to the south, having a radius of 978.00 feet, easterly 417.51 feet along said curve through a central angle of 24°27'35";
- 3) North 81°19'25" East, a distance of 19.83 feet;
- 4) along a tangent curve concave to the south, having a radius of 879.00 feet, easterly 342.73 feet along said curve through a central angle of 22°20'25";
- 5) South 76°20'11" East, a distance of 12.19 feet;
- 6) along a tangent curve concave to the southwest, having a radius of 342.00 feet, southeasterly 157.69 feet along said curve through a central angle of 26°25'03";
- 7) along a compound curve concave to the southwest, having a radius of 342.00 feet, southeasterly 71.04 feet along said curve through a central angle of 11°54'08";
- 8) South 38°01'00" East, a distance of 346.19 feet to the **POINT OF BEGINNING**.

Containing 35.92 acres, more or less.

EXHIBIT 'A'

**LEGAL DESCRIPTION
ELK GROVE PROMENADE
BOYD GAMING PARCEL
Page 3 of 3**

The above described parcel also being Parcels 8 and 9 as shown on that certain Parcel Map entitled "Parcel Map No. 07-137 Elk Grove Promenade – Lot A" filed for record on December 23, 2016 in Book 228 of Parcel Maps, Page 13, and Resultant Parcels 3 and 4 as described in the that certain Grant Deed filed for record on January 9, 2017 in Book 20170109 of Official Records, Page 1363, Sacramento County Records.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, NAD 83, Epoch Date 1997.30 as measured between NGS Station "Eschinger", 1st Order and NGS Station "Keller", 1st Order. Said Bearing is North 20°56'36" West. Distances shown are ground based.

January 17, 2017

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA



Sacramento County Recorder
 Donna Allred, Clerk/Recorder
 BOOK **20170210** PAGE **1080**
 Friday, FEB 10, 2017 3:02:45 PM
 Ttl Pd \$39.00 Rept # 0009435658

FCA/34/1-7

Recording Requested By:
 Bureau of Indian Affairs
 U.S. Dept. of the Interior

When Recorded, Mail To:
 Bureau of Indian Affairs
 Pacific Region
 2800 Cottage Way
 Sacramento, CA 95825

A.P.N. 134-1010-001 (portion of)

R&TC §11922

Documentary Transfer Tax \$ -0-	
Indian Affairs	
Signature of Declarant	Firm Name

GRANT DEED

For valuable consideration, the undersigned, as the authorized representatives of Boyd Gaming Corporation, a Nevada corporation, and the Wilton Rancheria, California, a federally recognized tribe, do hereby grant to the United States of America in Trust for the Wilton Rancheria, California, the following described real property in the County of Sacramento, State of California, more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein.

Acceptance of this conveyance on behalf of the United States of America shall be attached hereto as Exhibit "B" and recorded with this Grant Deed.

Date: 01/16/17

BOYD GAMING CORPORATION,
 a Nevada corporation

By: Brian Larson
 Name: Brian Larson
 Title: Executive Vice President

Date: 01/17/17

WILTON RANCHERIA,
 a federally recognized tribe

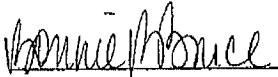
By: Raymond C. Hitchcock
 Name: Raymond Hitchcock
 Title: Chairman

Loose Notarization Attached

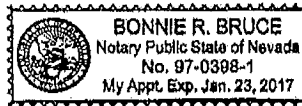
State of Nevada)

County of Clark)

This instrument was acknowledged before me on January 16, 2017 by Brian A. Larson as Executive Vice President of Boyd Gaming Corporation.



Notary Public



This acknowledgement accompanies a Grant Deed dated January 16, 2017

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sacramento

On 1/17/2017 before me, Raquel Elaine Williams Notary Public
(Insert name and title of the officer)

personally appeared Raymond C. Hitchcock
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *RE*

(Seal)

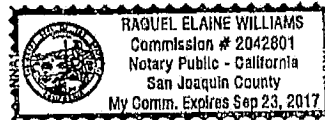


EXHIBIT 'A'

**LEGAL DESCRIPTION
ELK GROVE PROMENADE
BOYD GAMING PARCEL
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Being a portion of Lot A as shown on that certain map entitled "Subdivision No. 00-038.00 Lent Ranch Marketplace" filed for record on December 14, 2007 in Book 372 of Maps, Page 27, located in the City of Elk Grove, County of Sacramento, State of California, more particularly described as follows:

Commencing at a point which is the northeasterly corner of Lot A of said map, being a 3/4" iron pipe with plug stamped L.S. 6815; Thence leaving said **Point of Commencement** along the northeasterly line of said Lot A, South 37°55'18" East, a distance of 533.10 feet; Thence leaving said northeasterly line, entering and passing through said Lot A, South 51°30'01" West, a distance of 24.29 feet to the true **Point of Beginning**. Thence leaving said Point of Beginning and continuing through said Lot A, South 51°30'01" West, a distance of 1780.56 feet to a point on the southwesterly line of said Lot A, also being a point on the northeasterly right-of-way line of Promenade Parkway as shown on said map;

Thence northwesterly and northerly, respectively, along said right-of-way line, the following Twenty-one (21) arcs, courses and distances:

- 1) from a radial line which bears South 57°17'37" West, along a non-tangent curve concave to the east, having a radius of 1,452.00 feet, northwesterly 564.43 feet along said curve through a central angle of 22°16'20";
- 2) North 79°33'57" East, a distance of 6.00 feet;
- 3) from a radial line which bears South 79°33'57" West, along a non-tangent curve concave to the southeast, having a radius of 25.00 feet, northeasterly 40.55 feet along said curve through a central angle of 92°56'41";
- 4) North 82°30'38" East, a distance of 51.72 feet;
- 5) North 07°29'22" West, a distance of 100.00 feet;
- 6) South 82°30'38" West, a distance of 53.51 feet;
- 7) along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 40.62 feet along said curve through a central angle of 93°06'07";
- 8) South 85°36'45" West, a distance of 6.00 feet;
- 9) from a radial line which bears South 85°36'45" West, along a non-tangent curve concave to the east, having a radius of 1,454.00 feet, northerly 93.58 feet along said curve through a central angle of 03°41'16";
- 10) North 00°42'00" West, a distance of 147.80 feet;
- 11) North 89°18'00" East, a distance of 6.00 feet;
- 12) from a radial line which bears South 89°18'00" West, along a non-tangent curve concave to the southeast, having a radius of 25.00 feet, northeasterly 39.27 feet along said curve through a central angle of 90°00'00";
- 13) North 89°18'00" East, a distance of 6.00 feet;
- 14) North 00°42'00" West, a distance of 50.00 feet;
- 15) South 89°18'00" West, a distance of 13.34 feet;

EXHIBIT 'A'

**LEGAL DESCRIPTION
ELK GROVE PROMENADE
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- 16) along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 38.46 feet along said curve through a central angle of 88°08'33";
- 17) South 87°26'33" West, a distance of 6.00 feet;
- 18) North 02°33'27" West, a distance of 51.58 feet;
- 19) North 00°42'00" West, a distance of 563.84 feet;
- 20) North 89°18'00" East, a distance of 6.00 feet;
- 21) from a radial line which bears South 89°18'00" West, along a non-tangent curve concave to the east, having a radius of 25.00 feet, northerly 6.76 feet along said curve through a central angle of 15°30'00" to the northwest corner of said Lot A and a point on the common line between said Lot A and Lot G of said Map;

Thence leaving said northeasterly line, along said common line, the following four (4) arcs, courses and distances:

- 1) North 89°12'25" East, a distance of 86.70 feet;
- 2) along a tangent curve concave to the southwest, having a radius of 330.00 feet, southeasterly 314.08 feet along said curve through a central angle of 54°31'51";
- 3) South 36°5'44" East, a distance of 86.17 feet;
- 4) along a tangent curve concave to the north, having a radius of 25.00 feet, easterly 37.96 feet along said curve through a central angle of 87°00'21";

Thence leaving said common line, entering and passing through said Lot A, the following eight (8) arcs, courses and distances:

- 1) South 32°02'06" East, a distance of 66.91 feet;
- 2) from a radial line which bears North 33°08'11" West, along a non-tangent curve concave to the south, having a radius of 978.00 feet, easterly 417.51 feet along said curve through a central angle of 24°27'35";
- 3) North 81°19'25" East, a distance of 19.83 feet;
- 4) along a tangent curve concave to the south, having a radius of 879.00 feet, easterly 342.73 feet along said curve through a central angle of 22°20'25";
- 5) South 76°20'11" East, a distance of 12.19 feet;
- 6) along a tangent curve concave to the southwest, having a radius of 342.00 feet, southeasterly 157.69 feet along said curve through a central angle of 26°25'03";
- 7) along a compound curve concave to the southwest, having a radius of 342.00 feet, southeasterly 71.04 feet along said curve through a central angle of 11°54'08";
- 8) South 38°01'00" East, a distance of 346.19 feet to the **POINT OF BEGINNING**.

Containing 35.92 acres, more or less.

EXHIBIT 'A'

**LEGAL DESCRIPTION
ELK GROVE PROMENADE
BOYD GAMING PARCEL
Page 3 of 3**

The above described parcel also being Parcels 8 and 9 as shown on that certain Parcel Map entitled "Parcel Map No. 07-137 Elk Grove Promenade – Lot A" filed for record on December 23, 2016 in Book 228 of Parcel Maps, Page 13, and Resultant Parcels 3 and 4 as described in the that certain Grant Deed filed for record on January 9, 2017 in Book 20170109 of Official Records, Page 1363, Sacramento County Records.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, NAD 83, Epoch Date 1997.30 as measured between NGS Station "Eschinger", 1st Order and NGS Station "Keller", 1st Order. Said Bearing is North 20°56'36" West. Distances shown are ground based.

January 17, 2017

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Exhibit "B"

ACCEPTANCE OF CONVEYANCE

The undersigned, as the authorized representative of the Secretary of the Interior, United States Department of the Interior, Bureau of Indian Affairs, hereby accepts that grant of real property described in that Grant Deed dated January 16, 2017 and January 17, 2017 from an authorized representative of Boyd Gaming Corporation, a Nevada Corporation, and Wilton Rancheria, California, a federally recognized tribe, to the United States of America in trust for the Wilton, California. Said grant is accepted by the United States of America pursuant to the Indian Reorganization Act of 1934 (25 U.S.C. § 5108).

Date: 2/10/17

Kevin Bejar
Acting Regional Director

Pursuant to the authority delegated from the Secretary as set forth in 209 DM 8, 230 DM 1, and 3 IAM 4.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sacramento)

On 2/10/17, before me, Lorrae Russell, a notary public, personally appeared Kevin Bejarquiver, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.



Signature Lorrae Russell
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document with accompanying Exhibit was served by United States first-class mail this 15th day of March, 2017 upon the following:

Interior Board of Indian Appeals
U.S. Department of the Interior
801 North Quincy St., Suite 300
Arlington, VA 22203

Associate Solicitor-Indian Affairs
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W., MS 4140-MIB
Washington, DC 20240

Assistant Secretary-Indian Affairs
U.S. Department of the Interior
1849 C Street, N.W., MS 3642
Washington, DC 20240

Chairman Raymond Hitchcock
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Laura Gill, City Manager
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

Leighann Moffitt, Planning Director
Sacramento County
827 7th Street, Rm. 225
Sacramento, CA 95814

Sara Drake, Deputy Attorney General
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Angela Tsubera
9422 Rhone Valley Way
Elk Grove, CA 95624

Carolyn Soares
100080 Pleasant Grove School Rd.
Elk Grove, CA 95624

Larry Greene
Executive Director
Sacramento Air Quality Mgt. Dist.
777 12th St., 3rd Floor
Sacramento, CA 95814

Eugene Palazzo
City Manager
City of Galt
380 Civic Drive
Galt, CA 95632

Chairman Nicholas Fonseca
Shingle Springs Band of Miwok Indians
5168 Honpie Road
Placerville, CA 95667

Kathleen Martyn Goforth
Manager, Environmental Review Section
Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Eric Fredericks, Chief
Office of Transportation Planning
California Dept. of Transportation
Dist. 3 - Sacramento Office
2379 Gateway Oaks Dr., Ste. 150-MS 19
Sacramento, CA 95833

DATED: March 15, 2017

Respectfully Submitted,



Jena A. MacLean