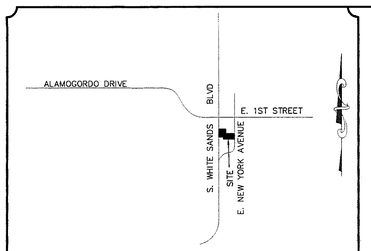


LOCATION MAP

NOT TO SCALE

ZONING INFORMATION

According to Rocio Dominquez, Planning & Zoning Coordinator, City of Alamogordo, New Mexico, (575) 439-4220 on November 14, 2007, the subject property is zoned "C-3" Business District and is subject to the following conditions:

Front Setback: See Restrictions Below
Side Setback: See Restrictions Below
Rear Setback: See Restrictions Below

Height Restrictions: None
Bulk Restrictions: None

29-03-310. YARDS--District C-3.
The rear yard and side yard regulations for dwellings within this district are the same as in the single-family district. In the case of business buildings, the yard requirements shall not apply except:
(a) On the side of a lot adjoining a dwelling district; in which case, there shall be a side yard of not less than five (5) feet; and
(b) On any street sides of a corner lot, there shall be a setback of not less than five (5) feet in width; and
(c) On the boundary of a lot adjoining an alley, there shall be a yard setback of not less than eight (8) feet if electric lines exist on the side of the alley abutting the property. No application for variance from the requirement set forth in this subsection (c) shall be accepted or considered without written concurrence of every public utility company providing electrical service within the corporate limits of the city.
(d) If electric lines do not exist on either side of the alley abutting the property, written concurrence on the proposed plans shall be required from every public utility company providing electrical service within the corporate limits of the city prior to the issuance of any building permit by the city. Except as otherwise specified, there are no other yard regulations for business buildings. However, no building shall be built on White Sands Boulevard within ten (10) feet of the front lot line. The city manager shall not issue a permit for the construction of any permanent structure within the ten-foot setback.

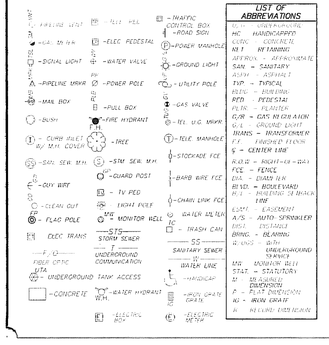
Parking Restrictions: See Below

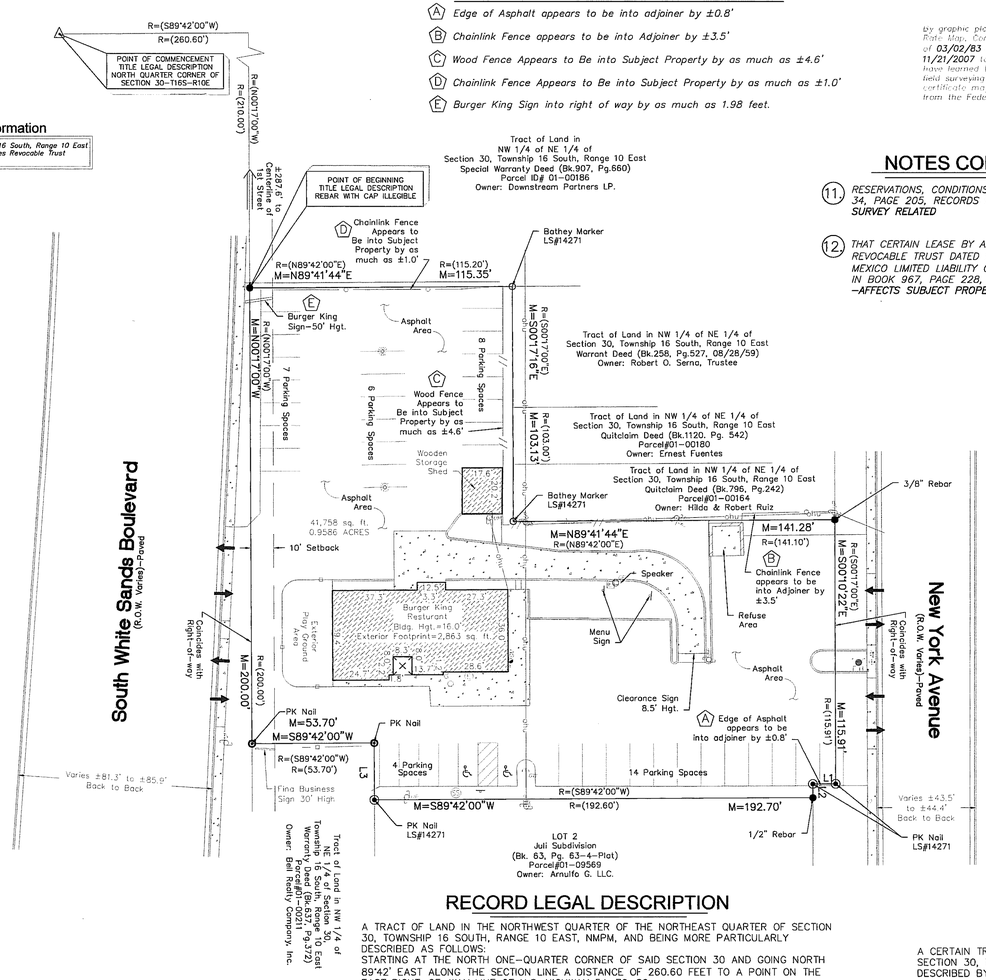
29-03-330. OFF-STREET PARKING--District C-3.
(a) Off-street parking for automobiles shall be provided within a distance of five hundred (500) feet for all business buildings erected in the business district, in a proportion of not less than three (3) square feet for each square foot of area inside any such business building. Plans showing the proposed off-street parking shall be submitted to the building inspector, together with the application for the building permit; and no building permit shall be issued by the building inspector until such plans for off-street parking have been submitted and approved by the building inspector.
(b) Where property has been zoned Class "C-3" and improved before the effective date of Ordinance No. 661, adopted September 13, 1983, then that property is exempt from the off-street parking provisions of this section so long as the existing improvements remain on the premises and there is no addition to, or expansion of, such improvements so as to occupy a greater portion of the premises. In all other cases, parking must be provided as set forth in subsection (a) of this section.
(c) For motels and hotels there shall be a minimum of one off-street parking space of at least nine (9) feet by twenty (20) feet for each guest room or apartment, plus one (1) for each one and one-fourth (1 1/4) employees. Areas devoted to accessory uses (including but not limited to restaurants, lounges, and meeting rooms) shall comply with the requirements of subsection (a). Parking spaces shall not be directly accessible from a public right-of-way, nor require backing across a sidewalk for egress.

Parking Spaces:
Regular: 39 Spaces
Handicapped: 2 Spaces
Total: 41 Spaces

Because there may be a need for interpretation of the applicable zoning codes, we refer you to the City of Alamogordo, New Mexico and the applicable zoning codes.

LEGEND





STATEMENT OF ENCROACHMENTS

(A) Edge of Asphalt appears to be into adjoiner by ±0.8'

(B) Chainlink Fence appears to be into Adjoiner by ±3.5'

(C) Wood Fence Appears to Be into Subject Property by as much as ±4.6'

(D) Chainlink Fence Appears to Be into Subject Property by as much as ±1.0'

(E) Burger King Sign into right of way by as much as 1.98 feet.

FLOOD NOTE

by graphic plotting only, this property is in Zone AH of the Flood Insurance Rate Map, Community Panel No. **35005450005B**, which bears an effective date of **03/02/83** and is in a Special Flood Hazard Area. By telephone, call dated **11/21/2007** to the National Flood Insurance Program (800 638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

NOTES CORRESPONDING TO SCHEDULE B

(11.) RESERVATIONS, CONDITIONS AND STIPULATIONS AS CONTAINED IN THE PATENT RECORDED IN BOOK 34, PAGE 205, RECORDS OF OTERO COUNTY, NEW MEXICO. **–AFFECTS SUBJECT PROPERTY – NOT SURVEY RELATED**

(12.) THAT CERTAIN LEASE BY AND BETWEEN GREG ANESI AS TRUSTEE OF THE NIZHONI PROPERTIES REVOCABLE TRUST DATED SEPTEMBER 8, 1988 (LESSOR) AND REDROCK FOODS, LTD., A NEW MEXICO LIMITED LIABILITY COMPANY, LESSEE, RECORDED IN BOOK 791, PAGE(S) 88, AND AMENDED IN BOOK 967, PAGE 228, RECORDS OF OTERO COUNTY, NEW MEXICO.
–AFFECTS SUBJECT PROPERTY – NOT SURVEY RELATED

UTILITY NOTES

(11a) The Aboveground utilities shown have been located from field survey information only. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further certifies that they are located as accurately as possible from the field information obtained.

SCALE : 1" = 30'

0 15 30 60

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00 R=(10.00')	S89°48'38"W R=(S89°42'00"W)
L2	6.00 R=(6.09')	S00°10'22"E R=(S00°17'00"E)
L3	25.00 R=(25.00')	N00°17'00"W R=(N00°17'00"W)

RECORD LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 10 EAST, NMPM, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
STARTING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 30 AND GOING NORTH 89°42' EAST ALONG THE SECTION LINE A DISTANCE OF 260.60 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 54-70-82;
THENCE SOUTH 00°17' EAST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 210.00 FEET TO THE PLACE OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;
THENCE NORTH 89°42' EAST A DISTANCE OF 115.20 FEET;
THENCE SOUTH 00°17' EAST A DISTANCE OF 103.00 FEET;
THENCE NORTH 89°42' EAST A DISTANCE OF 141.10 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NEW YORK AVENUE;
THENCE SOUTH 00°17' EAST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 115.91 FEET;
THENCE SOUTH 89°42' WEST A DISTANCE OF 10.00 FEET;
THENCE SOUTH 00°17' EAST A DISTANCE OF 6.09 FEET;
THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND GOING SOUTH 89°42' WEST A DISTANCE OF 192.60 FEET;
THENCE NORTH 00°17' WEST A DISTANCE OF 25.00 FEET;
THENCE SOUTH 89°42' WEST A DISTANCE OF 53.70 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 54-70-82;
THENCE NORTH 00°17' WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 200.00 FEET TO THE PLACE OF BEGINNING.

GENERAL NOTES

1. *The subject property has ingress and egress to New York Avenue and White Sands Boulevard, which are paved, public right-of-ways.*

2. *The bearing of N 00° 17' W as shown on the Westerly Boundary Line was used as the basis of bearing for the purpose of this survey.*

3. *The address of 117 South White Sands Boulevard was not physically observed and was not posted on site of subject property.*

4. *All field measurements matched record dimensions within the precision requirements of ALTA/ACSM specifications unless otherwise shown.*

5. *there is or there is no observable evidence of earth moving work building construction or building additions within recent months.*

6. *There are no changes in street right of way lines either completed or proposed, and available from the controlling jurisdiction.*

7. *There is no observable evidence of recent street or sidewalk construction or repairs.*

8. *There is no observable evidence of site use as a solid waste dump, sump sanitary Landfill Or Cemetery.*

8. *Subject property contains 41,758 sq. ft. square feet or 0.9586 acres more or less.*

STATE OF NEW MEXICO
OTERO COUNTY } S.S.
FILED FOR RECORD IN MY OFFICE
This 4 day of April, 20 08
At 853 o'clock A M and duly recorded
In Book No. 67 Page 54
The records of Otero County, New Mexico
Robyn Holmes
County Clerk, Otero County, New Mexico
By: Kate Jensen Deputy

OTERO COUNTY CLERK

MONUMENT LEGEND

- 1/2" IRON PIN SET
- IRON PIN FOUND
- P-K NAIL SET (MAGNETIC NAIL)
- P-K NAIL FOUND (MAGNETIC NAIL)
- CUT "X" SET
- CUT "X" FOUND
- LOCATION OF WHERE BUILDING HEIGHT WAS MEASURED

PLAT OF BOUNDARY SURVEY & ALTA/ACSM LAND TITLE SURVEY

Burger King

117 South White Sands Boulevard
Alamogordo, New Mexico

Surveyor's Certification

TO: General Electric Capital Corporation, a Delaware Corporation, and its successors and assigns, LandAmerica Financial Group, Inc., Lawyers Title Insurance Corporation, Commonwealth Land Title Insurance Company, S.J. Financial Inc. & Red Rock Foods, Ltd. Co.:

The undersigned certifies to each of you that:
(1) This map or plat of survey (this "Survey Map") of the real property ("Property") specifically described in Lawyers Title Insurance Corporation, commitment No.20071169 dated November 7, 2007 (the "Title Commitment") is based on a field survey made on November 16, 2007, by me or directly under my supervision in accordance with the 2005 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as adopted by the American Land Title Association and the National Society of Professional Surveyors (the "2005 ALTA/ASCM Survey Requirements") and includes Items 1, 2, 3, 4, 6, 7(a), 7(b)(i), 7(c), 8, 9, 10, 11(a), 13, and 14 of Table A thereof, as well as each of the items listed in Item 4 of Appendix A, GEFF Survey Map Requirements, dated April 3, 2006, a copy of which has been given to the undersigned prior to undertaking the Survey Map work;
(2) This Survey Map is made pursuant to the Accuracy Standards for ALTA/ASCM Land Tilte Surveys as set forth in the 2005 ALTA/ASCM Survey Requirements.
(3) To the best of my professional knowledge, information and belief, except as otherwise shown on the Survey Map:
(a) This Survey Map correctly represents the facts found at the time of the survey;
(b) There are no discrepancies between the boundary lines of the Property as shown on this Survey Map and as described in the legal description presented in the Title Commitment;
(c) The boundary line dimensions as shown on this Survey Map form a mathematically closed figure within the allowable relative positional accuracy for measurements controlling land boundaries on ALTA/ASCM Land Title Surveys which are part of the 2005 ALTA/ASCM Survey Requirements;
(d) The boundary lines of the Property are contiguous with the boundary lines of all adjoining streets, highways, rights of way and easements, public or private, as described in their most recent respective legal descriptions of record;
(e) Except as otherwise noted on the Survey Map, if the Property consists of two or more parcels, there are no gaps or gores between said parcels; and

The undersigned understands and agrees that the parties to whom this certification is addressed will be relying upon this Survey Map for accuracy with respect to the Property.

This map or plat of survey of the premises shown hereon is the same as that described in Alamogordo Title Company title commitment number 20071169 dated November 7, 2007.

Will Platner Jr. 4/2/08
R.P.L.S.: Will Platner, Jr. Date
R.P.L.S. No. : 14271
In the State of: New Mexico
Date of Survey :November 16, 2007

Surveyor's Certification

I, Will Platner Jr., a New Mexico registered professional land surveyor do hereby certify that a boundary survey of the real property shown hereon has been surveyed, monumented and platted in accordance with the standards for land surveys in the state of New Mexico, and is true and correct to the best of my knowledge and belief. I further certify that this survey and plat do not meet New Mexico subdivision ordinance, and is not intended to subdivide an existing parcel. This is a boundary survey plat of an existing tract and is not a land division or subdivision as defined in the new mexico subdivision act. No encroachments exist except as noted and all improvements are shown in their correct location relative to record boundaries as located by this survey.

Will Platner 4/2/08
Will W. Platner Jr. Date
N.M.P.S. No. 14271

WILL W. PLOTNER JR. NEW MEXICO No. 14271 REGISTERED PROFESSIONAL SURVEYOR

CARTESIAN SURVEYS INC.
P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244

MEASURED LEGAL DESCRIPTION

A CERTAIN TRACT OF LAND SITUATE WITHIN NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 10 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT, POINT BEING MARKED BY A REBAR W/CAP ILLEGIBLE, LYING ON THE EASTERLY RIGHT OF WAY OF SOUTH WHITE SANDS BOULEVARD, WHENCE THE NW QUARTER CORNER OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 10 EAST BEARS N 00°17' W, A DISTANCE OF 210.00 FEET (CALCULATED) AND S 89°42' W A DISTANCE OF 260.60 FEET (CALCULATED);

THENCE FROM SAID POINT OF BEGINNING, LEAVING SOUTH WHITE SANDS BOULEVARD RIGHT OF WAY, N 89°41'44" E, A DISTANCE OF 115.35 FEET, TO AN ANGLE POINT, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, S 00°17'16" E, A DISTANCE OF 103.13 FEET, TO AN ANGLE POINT, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, N 89°41'44" E, A DISTANCE OF 141.28 FEET, TO THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT, LYING ON THE WESTERLY RIGHT OF WAY LINE OF NEW YORK AVENUE, MARKED BY A 3/8" REBAR;

THENCE, COINCIDING THE WESTERLY RIGHT OF WAY LINE OF NEW YORK AVENUE THE FOLLOWING THREE COURSES:

S 00°10'22" E, A DISTANCE OF 115.91 FEET, TO THE SOUTH EAST CORNER OF HEREIN DESCRIBED TRACT MARKED BY A PK NAIL "LS 14271";

S 89°48'38" W, A DISTANCE OF 10.00 FEET, TO AN ANGLE POINT, MARKED BY A PK NAIL WITH "LS 14271";

S 00°10'22" E, A DISTANCE OF 6.00 FEET, TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT, MARKED BY A 1/2" REBAR;

THENCE, LEAVING SAID WESTERLY RIGHT OF WAY LINE OF NEW YORK AVENUE, S 89°42'00" W, A DISTANCE OF 192.70 FEET, TO AN ANGLE POINT OF HEREIN DESCRIBED TRACT, MARKED BY A PK NAIL WITH TAG "LS 14271";

THENCE, N 00°17'00" W, A DISTANCE OF 25.00 FEET, TO AN ANGLE POINT OF HEREIN DESCRIBED TRACT, MARKED BY A PK NAIL;

THENCE, S 89°42'00" W, A DISTANCE OF 53.70 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, MARKED BY A PK NAIL, LYING ON THE EASTERLY RIGHT-OF-WAY OF SOUTH WHITE SANDS BOULEVARD;

THENCE, COINCIDING SAID SOUTH WHITE SANDS BOULEVARD RIGHT OF WAY, N 00°17'00" W, A DISTANCE OF 200.00 FEET, TO THE POINT OF BEGINNING CONTAINING 0.9586 ACRES (41,758 SQ. FT.) MORE OR LESS.

Acknowledgment

STATE OF NEW MEXICO
COUNTY OF BERNALILLO } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 4/2/08

BY WILL W. PLOTNER JR., PRESIDENT, CARTESIAN SURVEYS INC.

OFFICIAL SEAL
CHARLES CALDERON
NOTARY PUBLIC-STATE OF NEW MEXICO
My Commission Expires 3/8/2010

Chas Calderon 3/8/2010
NOTARY PUBLIC *MY COMMISSION EXPIRES*

MARK	DATE	REVISION	BY	AP'V'D
	12/4/07	REVISED CERTIFICATION		

GE Capital
Franchise Finance

117 South White Sands Boulevard
Alamogordo, NM
(Burger King)

SCALE: 1"=30'	CHKD./AP'V'D:
DATE: 11/16/07	APPROVED:
DWN. BY: JMP	PROPERTY ID: 8005-1192
CARD BY: WMB	UNIT NO: 3570

BURGER KING
SECTION 30, T16S, R10E
BK 67 PG 54