LEGEND

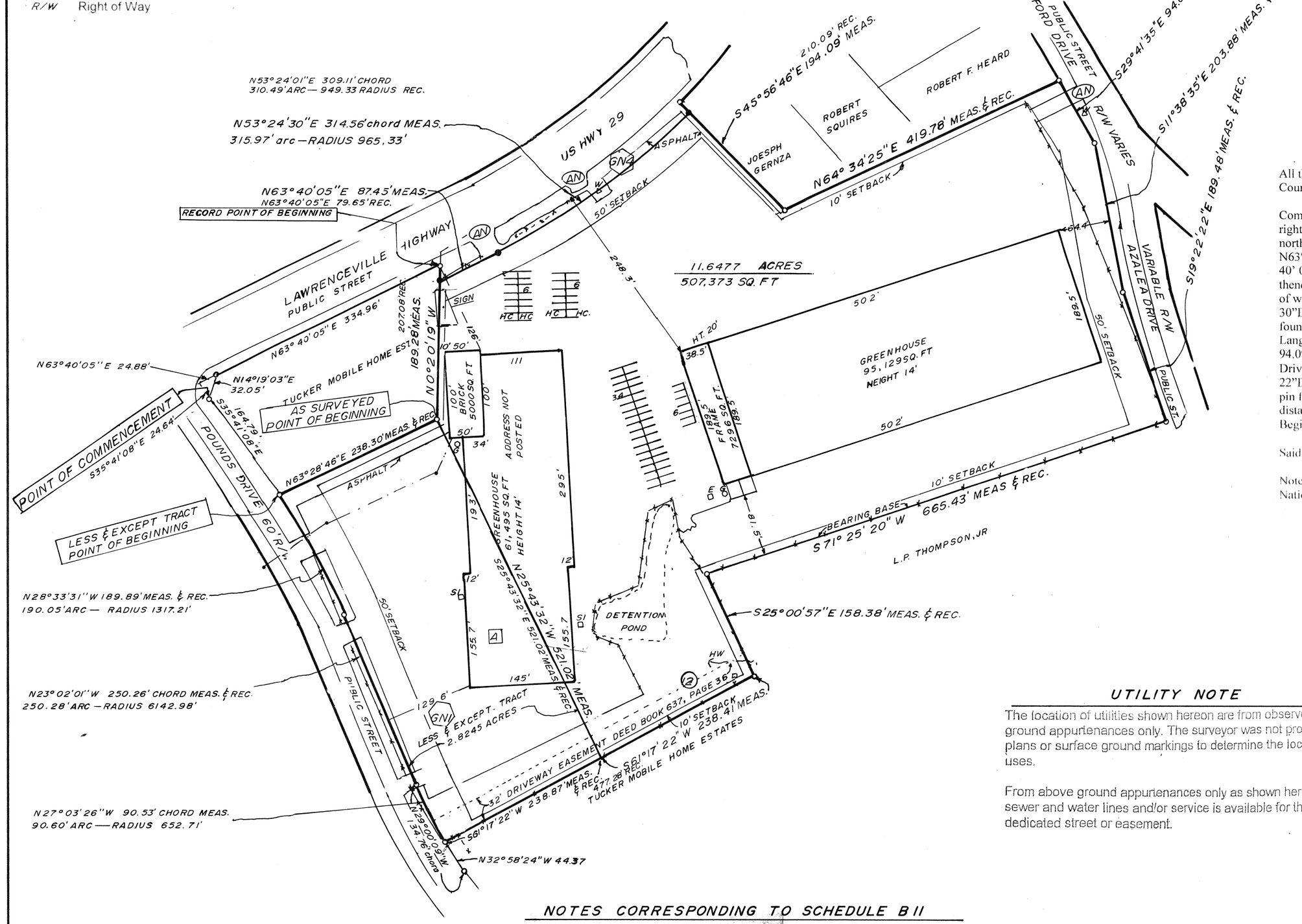
- Concrete Monument Found
- Iron Pin Set
- Iron Pin Found
- Degrees
- Minutes or Feet
- Seconds
- N North
- S South
- E East
- W West
- MEAS. Measured
- REC. Recorded
- SQ. FT. Square Feet
- R/W Right of Way
- Fence
- Water Valve
- Fire Hydrant
- Gas Valve
- Light Pole
- Power Line & Pole
- Sanitary Sewer Manhole
- Storm Manhole
- UE Underground Electric Line
- HW HeadWall
- CO Clean Out
- Storm Inlet

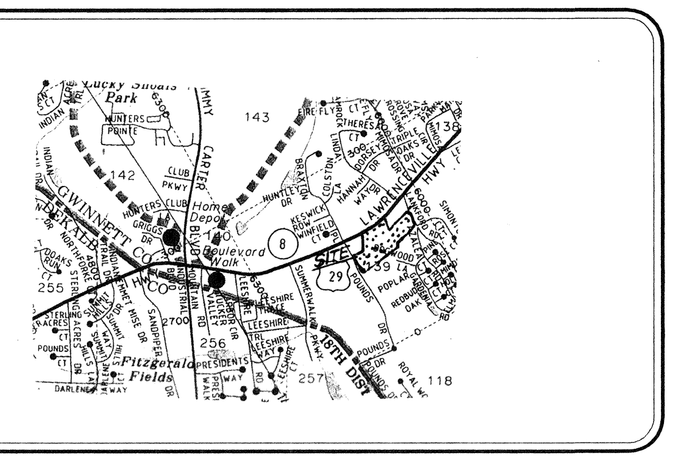
ACCESS NOTE

(AN) Subject property has paved drives onto **Lawrenceville** Highway (US Highway 29), and Langford Drive, all public streets.

STATEMENT OF ENCROACHMENTS

[A] Subject property's greenhouse encroaches less & except tract.





Vicinity Map

As Surveyed Legal Description

All that tract or parcel of land lying situate and being in Land Lot 139 of 6th District of Gwinnett County, Georgia and being more particularly described as follows:

Commence at an iron pin found on the mitered south right of way of Lawrenceville Highway (variable right of way) and the northeastern right of way of Pounds Drive (60' right of way) and go along the northeastern right of way of Pounds Drive S35° 41' 08"E a distance of 164.79' to an iron pin; thence go N63° 28' 46"E a distance of 238.30' to an iron pin found and the Point of Beginning; thence go N20° 40' 05"E a distance of 189.28' to an iron pin set on the south right of way of Lawrenceville Highway thence along said right of way N63° 40' 05"E a distance of 87.45' to PK nail set; thence along said right of way around a curve to the left 315.97' said curve having a radius of 965.33' and a chord of N53° 24' 30"E a distance of 314.56' to an iron pin set; thence S45° 56' 46"E a distance of 194.09' to an iron pin found; thence go N64° 34' 25"E a distance of 419.78' to an iron pin found on the east right of way of Langford Drive (variable right of way); thence along said east right of way S29° 41' 35"E a distance of 94.09' to an iron pin found; thence along said right of way as it becomes west right of way of Azalea Drive S11° 38 35"E a distance of 203.88' to an iron pin found; thence along said right of way S19° 22' 22"E a distance of 189.48' to an iron pin found; thence S71° 25' 20"W a distance of 665.43' to an iron pin found; thence S25° 00' 57"E a distance of 158.38' to an iron pin found; thence S61° 17' 22"W a distance of 477.28' to an iron pin found on the east right of way of Pounds Drive; thence along said east right of way around a curve to the right 90.60', said curve having a radius of 652.71' and a chord of N27° 03' 26"W a distance of 90.53' to an iron pin found; thence along said right of way around a curve to the right 250.28', said curve having a radius of 6142.98' and a chord of N23° 02' 01"W a distance of 250.26' to an iron pin found; thence around a curve to the left 190.05', said curve having a radius of 1317.21' and a chord of N28° 33' 31"W a distance of 189.89' to an iron pin found; thence N63° 28' 46"E a distance of 238.30' to an iron pin found; thence N0° 20' 19"W a distance of 207.08' to the Point of Beginning.

Said tract contains 14.6276 acres or 637180 square feet.

Less and Except

All that tract or parcel of land lying and being in Land Lot 139 of the 8th District of Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the intersection formed by southerly right of way line of Lawrenceville Highway (U.S. Highway 29/State Route 8) (88' right of way) and the easterly right of way line of Pounds Drive a/k/a Pounds Road (60' right of way) if said right of way were extended to form an angle instead of a curve; thence running southerly along the easterly right of way line of Pounds Drive, S35° 41' 08"E a distance of 24.64' to a ½" rebar found; thence continuing southerly along the easterly right of way of Pounds Drive South 35° 41' 08"E a distance of 164.79' to a ½" rebar found and the True Point of Beginning; thence continuing southerly along the easterly right of way line of Pounds Drive along the arc of a curve a distance of 190.05' to a point (said arc being subtended by a chord bearing S28° 32' 31"E a chord distance of 189.89' and having a radius of 1317.21'); thence continuing southerly along the easterly right of way of line of Pounds Drive along the arc of a curve a distance of 250.28' to a point (said arc being subtended by a chord bearing S23° 02' 01"E a chord distance of 250.26' and having a radius of 6142.98'); thence continuing southerly along the easterly right of way line of Pounds Drive along the arc of a curve a distance of 135.00' to a point(said curve being subtended by a chord bearing S29° 00' 09"E a chord distance of 134.76' and having a radius of 652.71'); thence leaving the easterly right of way line of Pounds Drive and running thence N61° 17' 22"E a distance of 238.87' to a point; thence running N25° 43' 32"W a distance of 521.02' to a point; thence running S61° 28' 46"W a distance of 238.20' to a ½" rebar found and the True Point of Beginning, being designated as Option Tract on Boundary and Above Ground "As-Built" Survey for John Franklin Galzer, Jr., Wachovia Bank of Georgia, N.A., and Old Republic National Title Insurance Company prepared by Pearson & Associates, inc. and bearing the seal of Mark A. Buckner, GRLS # 2422, dated February 2, 1990, last revised April 25, 1995 and containing 2.8245 acres

Note: The above legal description describes the same property as Title Commitment No. -- of First American Title Insurance Company dated September 25, 2005.

UTILITY NOTE

The location of utilities shown hereon are from observed evidence of above ground appurtenances only. The surveyor was not provided with underground plans or surface ground markings to determine the location of any subterranean uses.

From above ground appurtenances only as shown hereon, electric, gas, sanitary sewer and water lines and/or service is available for the subject property within a dedicated street or easement.

GENERAL NOTES

GN1 There is an error in the description of the "First Refusal" tract in the third call from the point of beginning.

GN3 No evidence of new construction was observed.

GN4 There are changes in street right of way lines (Lawrenceville Hwy.) and no no evidence of recent street repairs.

GN5 No evidence site used as a **solid waste** dump, sump, or land fill.

FLOOD NOTE: By graphic plotting only, this property is in Zone C of the Flood Insurance Rate Map, Community Panel No. 130322 0260B, which bears an effective date of JUNE 15, 1981 and is not in a Special Flood Hazard Area. By telephone call dated 10/28/05 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 II

8. Gwinnett County right of way deed for Pounds Drive recorded in Deed Book 1715, page 5, does not affect subject property (affects less & except tract).
9. Gwinnett County right of way deed for Pounds Drive recorded in Deed Book 1846, page 301, does not affect subject property (affects less & except tract).
10. Gwinnett County right of way deed for Pounds Drive recorded in Deed Book 1941, page 38, does not affect subject property and is not plotted.
11. Department of Transportation right of way deed recorded in Deed Book 2453, page 605, does not affect subject property.
12. Easement granted in Deed Book 637, page 36, is plotted hereon.
13. ALTA/ACSM Land Title Survey for Pike Nursery Holding LLC and First American Title Insurance Company by Preston Land Surveyors discloses:
    a) 50' setback line along Pounds Drive does not affect subject property. 50' setback along Lawrenceville Highway and Langford Drive are plotted.
    b) 10' setback along all other boundary lines is plotted hereon.
    c) 20' setback along easternmost southeastern boundary line no longer affects subject property.
    d) fence encroachment along Pounds Drive does not affect subject property.
    e) overhead power lines & poles does not affect subject property.
    f) storm inlets, detention pond and outfall are plotted hereon.
    g) gas valves, water valves, electric boxes and other utility apparatus are plotted hereon.
14. Unrecorded ground lease with Outdoor Systems (aka Viacom) is not available therefore no survey matters are plotted.

ZONING INFORMATION				
Status:			District:	C-2, General Business
ITEM	REQUIRED	OBSERVED	Source of Information:	Gwinnett Co. Planning
Permitted Use	plant nursery	plant nursery	Address	25 Langley Dr., Lawrenceville, Ga.
Minimum Lot Area	none	11.8031 acres	Person Contacted	George Carroll, Jr
Minimum Frontage	none	N/A	Dated Contacted	10/25/05
Minimum Lot Width	none	N/A	Phone / Fax Number	770 822 7615
Maximum Building Coverage	not listed	N/A	Email address	
Minimum Setbacks Front	50'	64.4'	Notes: 5 spaces for each 1,000sq. ft. floor are	
Side	10'	10'		
Rear	15'	81.5'		
Maximum Building Height	3 stories or 35'	20'		
Parking Regular	see note	52		
Handicap		4		
Total		56		

BEARING BASED ON PLAT BY GASKIN & HOGAN DATED 3/24/77

SCALE : 1" = 100'

0' 100' 200

COPYRIGHT 2005
by Bock & Clark, Corp.
This product style and format is protected by Copyright and all rights are reserved. The use of this style and format is strictly prohibited without the written consent and permission of Bock & Clark, Corp.

Survey Description

RECORD LEGAL DESCRIPTION

All that tract or parcel of land lying situate and being in Land Lot 139 of 6th District of Gwinnett County, Georgia and being more particularly described as follows:

Commence at an iron pin found on the mitered south right of way of Lawrenceville Highway (88' right of way) and the northeastern right of way of Pounds Drive (60' right of way) and go along said miter N14° 19' 03"E a distance of 32.05' to an iron pin found; thence along the south right of way of Lawrenceville Highway N63° 40' 05"E a distance of 334.96' to an iron pin found and the Point of Beginning; thence along said right of way N63° 40' 05"E a distance of 79.65' to an iron pin found; thence along said right of way around a curve to the left 310.49' said curve having a radius of 949.33' and a chord of N53° 24' 01"E a distance of 309.11' to an iron pin found; thence S45° 56' 46"E a distance of 210.09' to an iron pin found; thence go N64° 34' 25"E a distance of 419.78' to an iron pin found on the east right of way of Langford Drive (variable right of way); thence along said east right of way S29° 41' 35"E a distance of 94.09' to an iron pin found; thence along said right of way as it becomes west right of way of Azalea Drive S11° 38 35"E a distance of 203.88' to an iron pin found; thence along said right of way S19° 22' 22"E a distance of 189.48' to an iron pin found; thence S71° 25' 20"W a distance of 665.43' to an iron pin found; thence S25° 00' 57"E a distance of 158.38' to an iron pin found; thence S61° 17' 22"W a distance of 477.28' to an iron pin found on the east right of way of Pounds Drive; thence along said east right of way around a curve to the right 90.60', said curve having a radius of 652.71' and a chord of N27° 03' 26"W a distance of 90.53' to an iron pin found; thence along said right of way around a curve to the right 250.28', said curve having a radius of 6142.98' and a chord of N23° 02' 01"W a distance of 250.26' to an iron pin found; thence around a curve to the left 190.05', said curve having a radius of 1317.21' and a chord of N28° 33' 31"W a distance of 189.89' to an iron pin found; thence N63° 28' 46"E a distance of 238.30' to an iron pin found; thence N0° 20' 19"W a distance of 207.08' to the Point of Beginning.

Said tract contains 14.6276 acres or 637180 square feet.

Less and Except

All that tract or parcel of land lying and being in Land Lot 139 of the 8th District of Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the intersection formed by southerly right of way line of Lawrenceville Highway (U.S. Highway 29/State Route 8) (88' right of way) and the easterly right of way line of Pounds Drive a/k/a Pounds Road (60' right of way) if said right of way were extended to form an angle instead of a curve; thence running southerly along the easterly right of way line of Pounds Drive, S35° 41' 08"E a distance of 24.64' to a ½" rebar found; thence continuing southerly along the easterly right of way of Pounds Drive South 35° 41' 08"E a distance of 164.79' to a ½" rebar found and the True Point of Beginning; thence continuing southerly along the easterly right of way line of Pounds Drive along the arc of a curve a distance of 190.05' to a point (said arc being subtended by a chord bearing S28° 32' 31"E a chord distance of 189.89' and having a radius of 1317.21'); thence continuing southerly along the easterly right of way of line of Pounds Drive along the arc of a curve a distance of 250.28' to a point (said arc being subtended by a chord bearing S23° 02' 01"E a chord distance of 250.26' and having a radius of 6142.98'); thence continuing southerly along the easterly right of way line of Pounds Drive along the arc of a curve a distance of 135.00' to a point(said curve being subtended by a chord bearing S29° 00' 09"E a chord distance of 134.76' and having a radius of 652.71'); thence leaving the easterly right of way line of Pounds Drive and running thence N61° 17' 22"E a distance of 238.87' to a point; thence running N25° 43' 32"W a distance of 521.02' to a point; thence running S61° 28' 46"W a distance of 238.20' to a ½" rebar found and the True Point of Beginning, being designated as Option Tract on Boundary and Above Ground "As-Built" Survey for John Franklin Galzer, Jr., Wachovia Bank of Georgia, N.A., and Old Republic National Title Insurance Company prepared by Pearson & Associates, inc. and bearing the seal of Mark A. Buckner, GRLS # 2422, dated February 2, 1990, last revised April 25, 1995 and containing 2.8245 acres

Note: The above legal description describes the same property as Title Commitment No. -- of First American Title Insurance Company dated September 25, 2005.

ALTA/ACSM Land Title Survey

Pike Lawrenceville Project
Pike Nursery
6100 Lawrenceville Highway, Tucker, GA
30084

Surveyor's Certification

The undersigned hereby certifies to Pike Nursery Holding LLC, Spirit Master Funding LLC, and Bock & Clark Corporation as of October 25, 2005 that this survey was actually made upon the ground; that it and the information, courses and distances shown thereon are accurate; that the title lines and lines of actual possession are the same; that the property description "closes" by engineering calculation; that this survey correctly shows the size, location, and type of all buildings, structures and other improvements on the property and all are within the boundary lines and applicable set-back lines (whether established by subdivision plat, recorded restrictions or applicable zoning or building codes) affecting the property; that there are no easements, rights of way or uses affecting the property known to the undersigned or appearing from a careful physical inspection of the same, other than those shown thereon; that all visible utility services are present on the property or within adjacent public rights of way or recorded easements; that other than as shown on this survey there are no party walls with or encroachments upon adjoining premises, streets or alleys by any of said buildings, structures or other improvements, or encroachments upon or party walls with the property by any building, structure or other improvement situated upon any adjoining premises; that all public streets necessary for access to the property have been completed and dedicated and there is direct access between such streets and the property; that the property comprises 11.6477 acres (or 507,373 square feet) and is located in a zoning district classification of General Business which permits use of the property as Plant Nursery; that the property lies within a minimal flood hazard area and is within an area designated as Flood Zone C, shown on Flood Insurance Boundary Map No. 130322 0260 B published by the Federal Emergency Management Agency; that the property does not lie within any local flood or wetlands area district; that this survey was made in accordance with the "Minimum Standard Detail Requirements for Land Title Surveys" jointly established by ALTA and ACSM in 1999 and includes Items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 11(b), 13, 14, 15 and 16 of Table A as specifically defined therein, and the undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys.", as defined therein; that the street address of the property is 6100 Lawrenceville Highway; and that the property has not less than 56 parking spaces on site.

Abb W. Preston
Abb W. Preston
Registration No. 1799
In the State of Georgia
Date of Survey: October 25, 2005
Date of Last Revision: November 4, 2005
Network Project No. 20051110-1

GEORGIA REGISTERED No. 1799 LAND SURVEYOR ABB W. PRESTON

Survey Performed By:
Preston Land Surveyors
309 Old Dawson Road
Americus, GA 31719
Phone: 229-924-4241
Fax: 229-924-8487

Sheet 1 of 1

Bock & Clark's National Surveyors Network
National Coordinators of ALTA/ACSM Land Title Surveys
537 North Cleveland-Massillon Road Akron, Ohio 44333
Phone: (800) Surveys, Fax: (330) 666-3608 www.1800Surveys.com
BOCK & CLARK National Coordinators of ALTA/ACSM Land Title Surveys 1-800-SURVEYS