

VICINITY MAP
(NOT TO SCALE)

SCHEDULE 'A' DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF GENEVA, COUNTY OF ONTARIO AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY HIGHWAY BOUNDARY OF HAMILTON ROAD, ALSO KNOWN AS THE OLD BUFFALO AND ALBANY TURNPIKE, U.S. ROUTE 20 AND N.Y.S. ROUTE 5, SAID POINT BEING 219.16 FEET EASTERLY FROM THE INTERSECTION OF THE NORTHERLY HIGHWAY BOUNDARY OF HAMILTON ROAD WITH THE EASTERLY LINE OF TREMONT STREET.

THENCE N6°21'00"E A DISTANCE OF 250.00 FEET;

THENCE S73°39'00"E PARALLEL WITH THE NORTHERLY LINE OF HAMILTON ROAD A DISTANCE OF 27.00 FEET TO THE NORTHWEST CORNER OF FFCA ACQUISITION CORPORATION BY DEED RECORDED IN LIBER 484 OF DEEDS AT PAGE 672;

THENCE CONTINUING S73°39'00"E PARALLEL WITH THE NORTHERLY LINE OF HAMILTON ROAD A DISTANCE OF 123.00 FEET TO THE NORTHWEST CORNER OF MOSIER ENTERPRISES, INCORPORATED BY DEED RECORDED IN LIBER 819 OF DEEDS AT PAGE 960;

THENCE S16°21'00"W ALONG THE WESTERLY LINE OF SAID MOSIER ENTERPRISES, INCORPORATED A DISTANCE OF 250.00 FEET TO THE NORTHERLY LINE OF HAMILTON ROAD;

THENCE N73°39'00"W ALONG THE NORTHERLY LINE OF HAMILTON ROAD A DISTANCE OF 150.00 FEET TO THE POINT OR PLACE OF BEGINNING.

CERTIFICATION

TO:

- GE CAPITAL FRANCHISE FINANCE CORPORATION, A DELAWARE CORPORATION
- SPIRIT FINANCE CORPORATION, A MARYLAND CORPORATION, AND ITS AFFILIATES, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS USING EACH COMPANIES RESPECTIVE CERTIFICATIONS
- LAWYERS TITLE INSURANCE CORP
- SPIRIT MASTER FUNDING IV, LLC

THE UNDERSIGNED CERTIFIED TO EACH OF YOU THAT:

1. THIS MAP OR PLAT OF SURVEY (THIS "SURVEY MAP") OF THE REAL PROPERTY ("PROPERTY") SPECIFICALLY DESCRIBED IN THE LAWYERS TITLE INSURANCE CORP TITLE COMMITMENT NO. AP070030181 EFFECTIVE OCTOBER 15, 2007 (THE "TITLE COMMITMENT") IS BASED ON A FIELD SURVEY MADE ON DECEMBER 14, 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/ACSM SURVEY REQUIREMENTS") AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(A), 7(B)(1), 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, GEF 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/ACSM LAND TITLE SURVEYS AS SET FORTH IN THE 2005 ALTA/ACSM 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 DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY AS SHOWN ON THIS SURVEY MAP 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/ACSM LAND TITLE SURVEYS WHICH ARE PART OF THE 2005 ALTA/ACSM 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

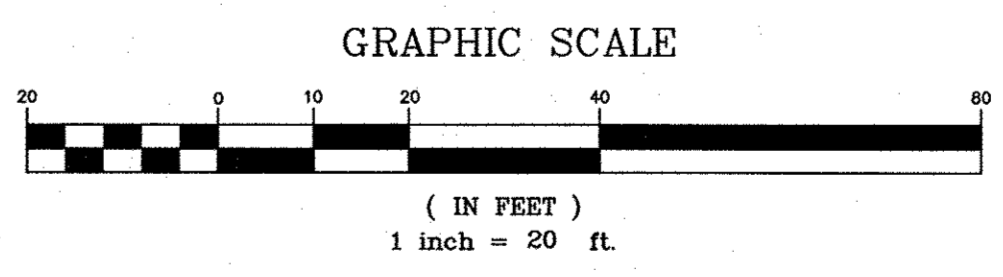
THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THE PARTIES TO WHO THIS CERTIFICATION IS ADDRESSED SHALL BE RELYING UPON THIS SURVEY MAP FOR ACCURACY WITH RESPECT TO THE PROPERTY.

SCHEDULE "B"

- ① UTILITY EASEMENT GRANTED TO NEW YORK STATE ELECTRIC AND GAS CORPORATION BY INSTRUMENT RECORDED ON APRIL 9, 1987 IN LIBER 861 OF DEEDS, PAGE 53 IS PLOTTED HEREON.
 - ② UTILITY EASEMENT GRANTED TO NEW YORK STATE ELECTRIC AND GAS CORPORATION BY INSTRUMENT RECORDED ON APRIL 9, 1987 IN LIBER 861 OF DEEDS, PAGE 51 IS PLOTTED HEREON.
 - ③ UTILITY EASEMENT GRANTED TO NEW YORK STATE ELECTRIC AND GAS CORPORATION BY INSTRUMENT RECORDED ON FEBRUARY 15, 1977 IN LIBER 762 OF DEEDS, PAGE 1002.
- POTENTIAL ENCROACHMENTS**
- ④ OVERHEAD WIRES ARE LOCATED NORTHERLY OF THE RIGHT OF WAY
 - ⑤ LIGHT WITH 2" DIAMETER BASE IS 2.3'SH ONTO PROPERTY
 - ⑥ BLACKTOP IS 0.1'SH TO 4.6' SH ONTO PROPERTY

NOTES

1. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
2. THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED TO THE BEST OF OUR KNOWLEDGE, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.
3. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS
4. THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL OR CEMETERY.
5. THERE ARE A TOTAL OF 39 STRIPED PARKING SPACES, INCLUDING 1 HANDICAPPED PARKING SPACE.



ZONING NOTE

ZONE: B1- BUSINESS ZONE
 MAXIMUM BUILDING HEIGHT: NYS FIRE CODE RESTRICTION 35X COVERAGE
 MAXIMUM BUILDING SIZE: 75 FEET MINIMUM FRONT YARD SETBACK; 25 FEET MINIMUM SIDE YARD SETBACK; 35 FEET MINIMUM REAR YARD SETBACK
 PARKING REQUIREMENTS: 1 SPACE PER 50 SQUARE FEET OF CUSTOMER FLOOR AREA

LEGEND

- LIGHT POST
- UTILITY POLE
- GUY WIRE
- OVERHEAD WIRES
- DRAINAGE INLET (STORM SEWER)
- MANHOLE
- SANITARY MANHOLE
- BOLLARD

FLOOD NOTE

ZONE 'C'
 (AREAS OF MINIMAL FLOODING)
 REFERENCE: F.I.R.M. (WWW.FEMA.GOV) COMMUNITY PANEL NO. 360600 0001B EFFECTIVE DATE: FEBRUARY 15, 1978

INFORMATION TAKEN FROM PREVIOUS SURVEY DONE BY HAYES & MATTHEWS, INC. DATED AUGUST 11, 1997

THE SETBACK LIMITS ARE NOT PLOTTED ON THIS SURVEY. WHEN THE BUILDING WAS BUILT - IT WAS WITHIN THE SETBACK LIMITS, BUT WITH THE EASTERLY 27' WIDE PROPERTY BEING CONVEYED TO ANOTHER PARTY, THE BUILDING IS NOT WITHIN THE SETBACK LIMITS.

NOTE: UNAUTHORIZED ALTERATIONS OR ADDITIONS TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
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"ALTA / ACSM LAND TITLE SURVEY"

PREPARED FOR:

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 National ALTA Survey Management

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MARK	DATE	REVISION	BY	APVD



GE Capital
 Franchise Finance

812 Hamilton Boulevard
 GENEVA, NY
 (Pizza Hut)

SCALE: 1" = 20.00'	CHKD/APV'D:
DATE: 12/14/2007	APPROVED:
DWN. BY: AJT/MKB	GEFF NO.: 8000-5564
CHKD. BY: MJE	

12-21-07 MISC. REVISIONS - M.J.E. J.N.: 32904

ALTA/ACSM LAND TITLE SURVEY
 OF
812 HAMILTON ROAD
 TOWN OF GENEVA
 COUNTY OF ONTARIO STATE OF NEW YORK

6452/02-104
 3556 Lake Shore Road
 Buffalo, New York 14219-1494
 (716) 827-8000
 www.nussclark.com

DRAWN BY: AJT	REV. 12-21-07 M.J.E.	SHEET NO.
DATE: 12/14/07	JOB NO. 07J2-1192	OF
SCALE: 1" = 20'	DWG. NO. SC-3469	



1933
 MICHAEL J. NUSSBAUM, PLS
 NEW YORK STATE LICENSE NO. 80415
 12-21-07