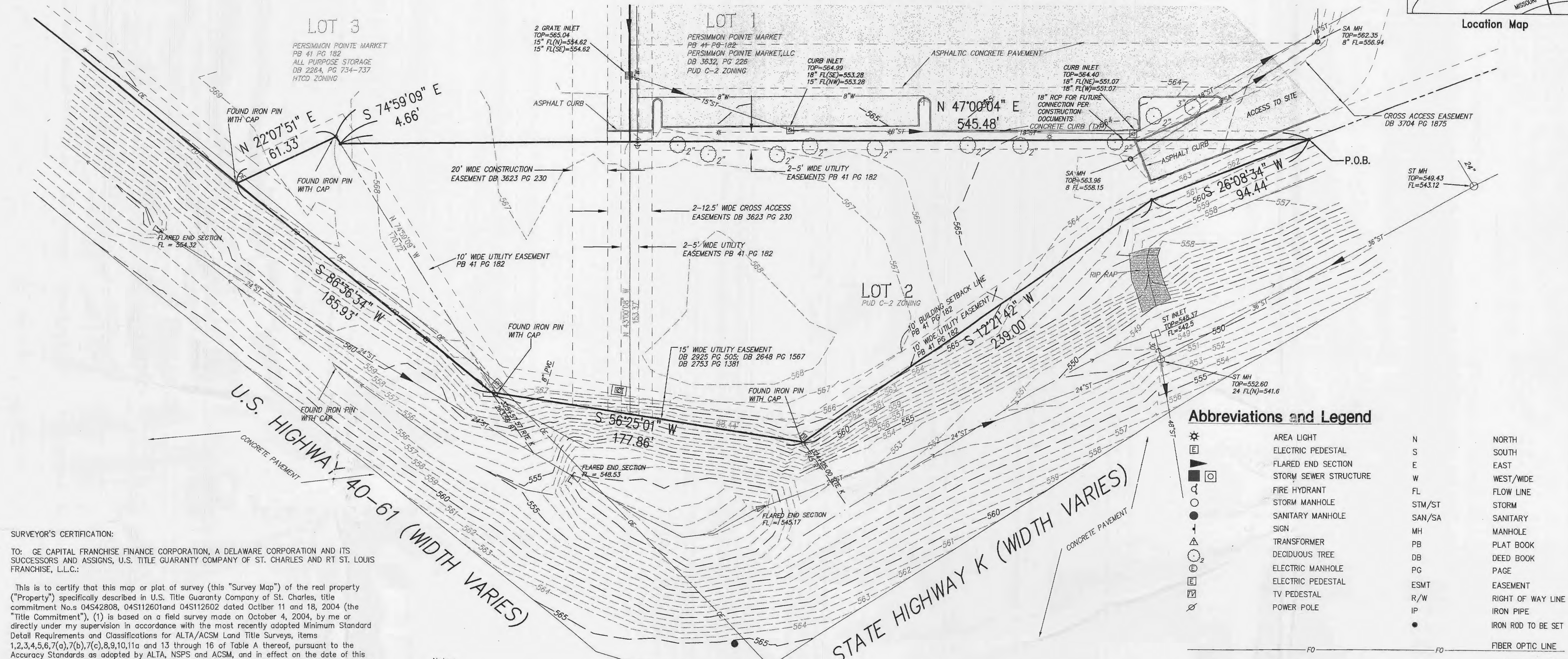
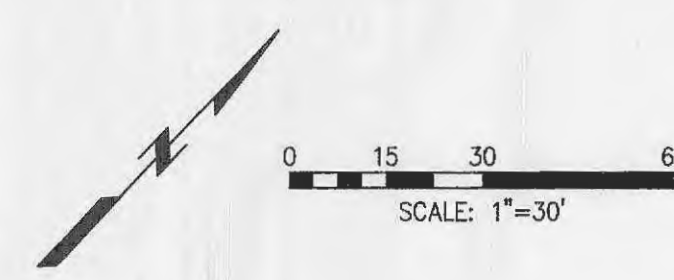


# ALTA/ACSM LAND TITLE SURVEY

ALL OF LOT 2 AND PART OF LOT 3 OF PERSIMMON POINTE MARKET  
IN U.S. SURVEY 1669, TOWNSHIP 46 NORTH, RANGE 3 EAST,  
CITY OF O'FALLON, ST. CHARLES COUNTY, MISSOURI



**SURVEYOR'S CERTIFICATION:**  
TO: GE CAPITAL FRANCHISE FINANCE CORPORATION, A DELAWARE CORPORATION AND ITS SUCCESSORS AND ASSIGNS, U.S. TITLE GUARANTY COMPANY OF ST. CHARLES AND RT ST. LOUIS FRANCHISE, L.L.C.:

This is to certify that this map or plat of survey (this "Survey Map") of the real property ("Property") specifically described in U.S. Title Guaranty Company of St. Charles, title commitment No.s 04S42808, 04S112601 and 04S112602 dated October 11 and 18, 2004 (the "Title Commitment"), (1) is based on a field survey made on October 4, 2004, by me or directly under my supervision in accordance with the most recently adopted Minimum Standard Detail Requirements and Classifications for ALTA/ACSM Land Title Surveys, Items 1, 2, 3, 4, 5, 6, 7(a), 7(b), 7(c), 8, 9, 10, 11a and 13 through 16 of Table A thereof, pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM, and in effect on the date of this certification, undersigned further certifies that the proper field procedures, instrumentation, and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys" (2) was prepared in accordance with and includes all items and information required by the document titled "Survey Requirements for GE Capital Franchise Finance Corporation, a Delaware corporation dated August 3, 2001, and (3) to the best of my professional knowledge, information and belief,

- (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 +/-0.1 foot;
- (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; and
- (e) Except as otherwise noted below, if the Property consists of two or more parcels, there are no gaps or gores between said parcels.

This survey was executed in accordance with the current Standards established for an URBAN property, by the Missouri Board for Architects, Engineers, and Land Surveyors and the Missouri Department of Natural Resources, Division of Land Survey.

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

Farnsworth Group, Inc.  
Marc V. Edwards  
By: *Marc V. Edwards*  
Print Name: Marc V. Edwards, PLS (Agent)  
PLS-2360

Registration No.: 2360  
Within the State of: Missouri

The property described and shown hereon is the same property described in U.S. Title Guaranty Company of St. Charles title commitment No.s 04S42808, 04S112601 and 04S112602 dated October 11 and 18, 2004.

- Notes:**
- By graphic plotting only, the property surveyed is within the Zone "X" (areas determined to be outside of 500-year floodplain), as per FIRM Community Panel No. 29183C0430 E, dated August 2, 1996.
  - Source of Title Information: U.S. Title Guaranty Company of St. Charles, Commitment No.s 04S42808, dated October 11, 2004; 04S112601, dated October 18, 2004; 04S112602, dated October 18, 2004.
  - Source of Bearing System Used: Persimmon Pointe Market, a subdivision recorded in Plat Book 41 page 182 of the St. Charles County Records.
  - Property surveyed contains 60,085 square feet or 1.38 acres, more or less.
  - This survey meets the accuracy standards for an URBAN PROPERTY as defined under 4CSR 30-16.040.
  - Property corners to be set within 12 months of the recording of Persimmon Pointe Market Boundary Adjustment and Lot Consolidation Plat.
  - No encroachments. Driveway on site is within easement.
  - This site is currently being re-zoned. Setback requirements are subject to change.

**PROPERTY DESCRIPTION:**  
A tract of land being part of Lots 2 and 3 of Persimmon Pointe Market, a subdivision recorded in Plat Book 41 Page 182 of the St. Charles County Records and part of Lot No. 18 in John Coalter's Subdivision of Howell's Prairie Tract in U.S. Survey 1669, Township 46 North, Range 3 East and being more particularly described as follows:  
Beginning at the most Eastern corner of said Lot 2; thence along the Southeast lines of said Lot 2 and along the right-of-way of Missouri State Highway "K", variable width, South 26 degrees 08 minutes 34 seconds West a distance of 94.44 feet; thence South 12 degrees 21 minutes 42 seconds West a distance of 239.00 feet; thence South 56 degrees 25 minutes 01 seconds West a distance of 177.86 feet to a point being 263.56 feet perpendicular to State Highway "K" station 325+57.57; thence along the right-of-way for U.S. Highway 40-61, South 86 degrees 36 minutes 34 seconds West a distance of 185.93 feet; thence leaving said line, North 22 degrees 07 minutes 51 seconds East a distance of 61.33 feet; thence South 74 degrees 59 minutes 09 seconds East a distance of 4.66 feet; thence North 47 degrees 00 minutes 04 seconds East a distance of 545.48 feet to the POINT OF BEGINNING and containing 59,762 square feet or 1.37 acres, more or less.  
The above legal describes Lot 2A of the Persimmon Pointe Market Boundary Adjustment and Lot Consolidation Plat, currently being reviewed for recording.

- Schedule B Section II Exception Notes:**  
Commitment No. 04S112601:  
#8-Building lines and easements according to the plat of Subdivision recorded in Plat Book 41 page 182. Applies and affects as shown.  
#9-Limited access to North Outer Road as set forth in instrument recorded in Book 2753 Page 1381 of the St. Charles County Records. Does not affect.  
#10-Easement granted to State of Missouri by instrument recorded in Book 2753 page 1381. Applies and affects as shown.  
#11-Cross-Access Easement Agreement by and between All Purpose Storage, Inc. and Persimmon Pointe Market, LLC according to instrument recorded in Book 3632 page 230. Applies and affects as shown.  
#12-Sanitary Sewer Pipeline Easement Agreement according to instrument recorded in Book 3704 page 1840. Does not affect.  
#13-Cross-Access Easement Agreement according to instrument recorded in Book 3704 page 1875. Applies and affects as shown.  
#14-Possible easement rights in vacated Dardenne Road and Weldon Spring Road for which we find no recorded releases. Plat Book 41 page 182 list the Deed Book and pages of the releases from the utility companies.  
Commitment No. 04S42808:  
#8-Easement granted to Missouri Edison Company by instrument recorded in Book 257 page 86. Does not affect. Easement lies within ROW.  
#9-Limited access to Route 40-61 as set forth in instrument recorded in Book 2648 Page 1567 and Book 2925 page 505 of the St. Charles County Records. Does not allow access.  
#10-Utility Easement recorded in Book 2648 page 1567. Applies and affects as shown.

**Abbreviations and Legend**

|  |                          |        |                          |
|--|--------------------------|--------|--------------------------|
|  | AREA LIGHT               | N      | NORTH                    |
|  | ELECTRIC PEDESTAL        | S      | SOUTH                    |
|  | FLARED END SECTION       | E      | EAST                     |
|  | STORM SEWER STRUCTURE    | W      | WEST/WIDE                |
|  | FIRE HYDRANT             | FL     | FLOW LINE                |
|  | STORM MANHOLE            | STM/ST | STORM                    |
|  | SANITARY MANHOLE         | SAN/SA | SANITARY                 |
|  | SIGN                     | MH     | MANHOLE                  |
|  | TRANSFORMER              | PB     | PLAT BOOK                |
|  | DECIDUOUS TREE           | DB     | DEED BOOK                |
|  | ELECTRIC MANHOLE         | PG     | PAGE                     |
|  | ELECTRIC PEDESTAL        | ESMT   | EASEMENT                 |
|  | TV PEDESTAL              | R/W    | RIGHT OF WAY LINE        |
|  | POWER POLE               | IP     | IRON PIPE                |
|  | IRON ROD TO BE SET       | •      | IRON ROD TO BE SET       |
|  | FIBER OPTIC LINE         | FO     | FIBER OPTIC LINE         |
|  | OVERHEAD ELECTRIC        | OE     | OVERHEAD ELECTRIC        |
|  | SANITARY SEWER WITH SIZE | 12"SA  | SANITARY SEWER WITH SIZE |
|  | STORM SEWER WITH SIZE    | 12"ST  | STORM SEWER WITH SIZE    |
|  | WATER LINE WITH SIZE     | 12"W   | WATER LINE WITH SIZE     |

ENGINEERS  
ARCHITECTS  
SURVEYORS  
SCIENTISTS

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PROJECT:  
RT ST. LOUIS  
FRANCHISE LLC

RUBY TUESDAY  
PERSIMMON  
POINTE MARKE

1140 TECHNOLOGY C  
O'FALLON, MO

Date:  
Design/Drawn:  
Approved:  
Book No.:

SHEET TITLE:  
ALTA/ACSM  
LAND TITLE SURV

GE CAPITAL # 80

SHEET NUMBER:  
**SUV-**  
SHEET 1 OF

Project No.:

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Bldg Inspector