

COPY  
CERTIFICATION

4/15/14 FILED 9:40am  
MICHAEL K. JEANES, Clerk  
By D. Harding  
D. Harding Deputy

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**CERTIFIED COPY**

Attorneys for the Receiver

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA ex rel. LAUREN )  
KINGRY, Superintendent of the Arizona )  
Department of Financial Institutions, )  
Plaintiff, )  
v. )  
LANDMARC CAPITAL & )  
INVESTMENT COMPANY, )  
Defendant. )

Cause No. CV2009-020595

ORDER APPROVING THE SALE OF  
APPROXIMATELY 37 ACRES OF LAND  
LOCATED AT THE SOUTHWEST  
CORNER OF WOODY MOUNTAIN  
ROAD AND ROUTE 66 NEAR  
FLAGSTAFF, ARIZONA  
RE: PETITION NO. 80

(Assigned to Judge Lisa Flores)

The Receiver having filed *Petition No. 80, Petition for Order Approving the Sale of*  
*Approximately 37 Acres of Land located at the Southwest Corner of Woody Mountain Road*  
*and Route 66 near Flagstaff Arizona* and the Court having considered same, and it appearing  
to the Court that the matters requested by *Petition No. 80* are reasonable, just and appropriate:

NOW, THEREFORE, IT IS HEREBY ORDERED:

Guttilla Murphy Anderson, P.C.  
City North  
5415 E. High Street, Suite 200  
Phoenix, Arizona 85054  
(480) 304-8300


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1 1. Approving the sale of the Property as set forth in the Purchase Agreement  
2 attached as Exhibit "2" to the Petition of the Property legally described in Exhibit "1"  
3 attached hereto.

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5 2. The sale of the Property shall be free and clear of all liens and encumbrances  
6 and any and all interests in the Property shall attach to the net sale proceeds which shall be  
7 held by the Receiver in trust until all claims to the Property by TBM and Partners arising  
8 under the \$14.2 Million DOT have been finally resolved; provided the Receiver is authorized  
9 to use funds that become available to the Receiver pursuant to the Purchase Agreement to pay  
10 obligations for real estate taxes and insurance regarding the Property.

11 3. Authorizing Thomas J. Giallanza, as Deputy Receiver, to execute all necessary  
12 documents in connection with the sale of the Property confirmed by the Court.  
13

14 Dated this 15<sup>th</sup> day of April, 2014.

15  
16   
17 Judge of the Superior Court  
18 Lisa Daniel Flores

19  
20  
21 1157-001(174196)

22 The foregoing instrument is a full, true and correct copy  
23 of the original document.

24 Attest April 15 2014  
25 MICHAEL K. JEANES, Clerk of the Superior Court of the  
26 State of Arizona, in and for the County of Maricopa.

By R. Harding Deputy

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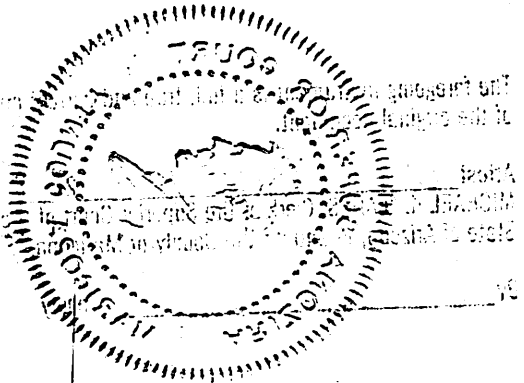
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Exhibit A

A parcel of land being a portion of the "Presidio West Tract" as said Tract is described in that certain Warranty Deed (Deed) recorded as Instrument No. 3228802, records of Coconino County, Arizona, wherein said "Presidio West Tract" is comprised of Parcel Nos. 1D, 3, 4, 5B, 8 and 9, which are situated in the East half of Section 24, Township 21 North, Range 6 East and in Section 19, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, Coconino County, Arizona, said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 24 as described in said Deed from which the North quarter corner of said Section 19, as described in said Deed, lies North  $89^{\circ} 31' 49''$  East, a distance of 2,634.20 feet;

Thence from said Northeast corner of Section 24, South  $01^{\circ} 56' 25''$  East, a distance of 1,718.05 feet along the line common to said Sections 24 and 19, to a point on the North boundary of said "Presidio West Tract" from which the West quarter corner of said Section 19, as described in said Deed, lies South  $01^{\circ} 54' 02''$  East, a distance of 916.63 feet;

Thence along said North boundary, South  $72^{\circ} 44' 49''$  East, a distance of 1,413.86 feet to the beginning of an offset spiral;

Thence along said North boundary, being a line curved to the left, that is offset 66.00 feet Southerly from the centerline of the right of way of said U.S. Highway 66, said centerline being a clothoid spiral defined by the elements Theta =  $3^{\circ} 00' 00''$ , Xs = 299.92 feet, Ys = 5.23 feet and Ls = 300.00 feet, the long chord bearing and length of said curved line of the North boundary are South  $73^{\circ} 47' 13''$  East ~ 303.42 feet, and said curved line of the North boundary runs to an offset Point of Spiral to Curve;

Thence along said North boundary, being a simple curve to the left that is offset 66.00 feet Southerly from said centerline of the right of way of U.S. Highway 66, said simple curve having a radius of 2,930.79 feet, chord bearing and length of South  $79^{\circ} 01' 53''$  East ~ 332.31 feet and central angle of  $6^{\circ} 30' 00''$ , an arc distance of 332.49 feet to an offset Point of Curve to Spiral;

Thence along said North boundary, being a line curved to the left that is offset 66.00 feet Southerly from said centerline of the right of way of U.S. Highway 66, said centerline being a clothoid spiral defined by the elements Theta =  $3^{\circ} 00' 00''$ , Xs = 299.92 feet, Ys = 5.23 feet and Ls = 300.00 feet, the long chord bearing and length of said curved line of the North boundary are South  $84^{\circ} 16' 33''$  East ~ 303.42 feet, and said curved line of the North boundary runs to the end of said offset spiral;

Thence along said North boundary, South  $85^{\circ} 16' 49''$  East, a distance of 203.51 feet to a  $\frac{1}{2}$ " rebar with plastic cap stamped "LS 14184" set at the POINT OF BEGINNING;

Thence departing said North boundary of the "Presidio West Tract", South  $00^{\circ} 42' 05''$  West, a distance of 1,107.36 feet to a  $\frac{1}{2}$ " rebar with plastic cap stamped "LS 14184" (set);

Thence South  $43^{\circ} 42' 33''$  West, a distance of 785.53 feet to a  $\frac{1}{2}$ " rebar with plastic cap stamped "LS 14184" (set);

Thence South  $54^{\circ} 55' 29''$  East, a distance of 708.84 feet to a  $\frac{1}{2}$ " rebar with plastic cap stamped "LS 14184" set at the beginning of a nontangent curve on the West boundary of that certain parcel of land granted to the City of Flagstaff for public right of way per Instrument Number 3337514, records of Coconino County, Arizona;

Thence Northeasterly along said West boundary, being a nontangent curve to the right, having a radius of 93.00 feet, chord bearing and length of North  $66^{\circ} 57' 32''$  East ~ 98.24 feet and central angle of  $83^{\circ} 46' 00''$ , an arc distance of 103.50 feet to a  $\frac{1}{2}$ " rebar with plastic cap stamped "LS 14184" set on said East boundary of the "Presidio West Tract";

Thence Northeasterly along said East boundary, being a nontangent curve to the left, having a radius of 5,679.58 feet, chord bearing and length of North 40° 18' 29" East ~ 108.64 feet and central angle of 1° 05' 45", an arc distance of 108.64 feet to a Point of Tangency;

Thence along said East boundary, North 39° 45' 36" East, a distance of 350.46 feet;

Thence along said East boundary, South 50° 13' 40" East, a distance of 50.01 feet;

Thence along said East boundary, North 40° 18' 19" East, a distance of 261.46 feet to the beginning of a Point of Curvature;

Thence Northerly along said East boundary, being a tangent curve to the left, having a radius of 716.20 feet, chord bearing and length of North 19° 59' 01" East ~ 497.46 feet and central angle of 40° 38' 37", an arc distance of 508.05 feet to a Point of Tangency;

Thence along said East boundary, North 00° 20' 18" West, a distance of 992.42 feet to the Northeast corner of said "Presidio West Tract" per said Deed;

Thence along said North boundary of the "Presidio West Tract", North 85° 16' 49" West, a distance of 782.95 feet to the POINT OF BEGINNING.

EXCEPT all oil, gas and other hydrocarbon substances, helium or other substances of a gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description, and except all materials which may be essential to the production of fissionable material as reserved in Arizona Revised Statutes.