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Guttilla Murphy Anderson
Ariz. Firm No. 00133300
Patrick M. Murphy (Ariz. No. 002964)
Steven R. Napoles (Ariz. No. 023379)
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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
PETITION NO. 41
PETITION FOR ORDER CLEARING TITLE TO THE WESTGATE PROPERTY AND APPROVING CHANGES TO THE GOVERNING DOCUMENTS OF LCI-WESTGATE, LLC

(Assigned to Judge Sam Myers)

Lauren Kingry, as the court appointed Receiver of Landmarc Capital & Investment Company, respectfully petitions the Court as follows:

1. On June 24, 2009, this Court entered its *Order Appointing Receiver and Order to Show Cause*, which appointed the Superintendent of the Arizona Department of Financial Institutions as Receiver of Landmarc Capital & Investment Company (“Landmarc”). On July 10, 2009, this Court entered its *Order Appointing Permanent Receiver and Injunction*. On

1 February 27, 2010, the Court entered its *Order placing Hayden Investments, LLC; Desert*
2 *Trails Holding, LLC; and Arizona Valuation Company, LLC in Receivership*. On May 12,
3 2010, the Court entered its *Amended Order Appointing Permanent Receiver and Injunction*
4 (collectively “Receivership Order”). The Receivership Order appointed Thomas Giallanza as
5 Deputy Receiver and authorized the Receiver to engage and employ Special Deputy
6 Receivers to carry on the day to day business of Landmarc.

7 2. In accordance with the Receivership Order, the Receiver has taken possession
8 of certain real property located at 6922 North 95th Avenue, Glendale, Arizona 85305,
9 identified as Maricopa County Assessor, Parcel No. 102-01-014 (“Westgate Property”). The
10 Westgate Property is legally described in Exhibit “1”, attached hereto.

11 3. On July 9, 2007, Landmarc made a loan in the amount of \$3,360,000.00
12 secured by a Deed of Trust against the Westgate Property for its acquisition. On or about
13 October 9, 2008, Landmarc took title to the Westgate Property by virtue of a Trustee’s Deed
14 Upon Sale (“Trustee’s Deed”) after the Borrower defaulted on the loan.

15 4. Although, fee title was initially vested in the name of Landmarc, the records of
16 Landmarc indicate that ownership of the Westgate Property resulted from the foreclosure of
17 the Deed of Trust in which the beneficial interest had been acquired by several of Landmarc’s
18 investors.

19 5. After the Trustee’s Sale and Landmarc’s acquisition of fee title to the Westgate
20 Property and before the appointment of the Receiver, Landmarc, with the consent of the
21 beneficial owners claiming an interest in the property, created LCI-Westgate, LLC, an

1 Arizona limited liability company (“LCI-Westgate”). Landmarc was designated as the
2 manager of LCI-Westgate in its Articles of Organization filed with the Arizona Corporation
3 Commission on December 10, 2008. However, despite the creation of the limited liability
4 company for the management and holding of the Westgate Property, Landmarc did not
5 prepare or execute an operating agreement.

6 6. On December 31, 2008, the Trustee’s Deed was re-recorded with the office of
7 the Maricopa County Recorder as Instrument No. 2008-1101163 to correct a typographical
8 error in the legal description. A true and correct copy of the corrected Trustee’s Deed is
9 attached as Exhibit “2”.

10 7. Thereafter, Landmarc executed a Warranty Deed for the Westgate Property
11 conveying title to LCI-Westgate. The Warranty Deed was recorded in the office of the
12 Maricopa County Recorder on December 31, 2008 as Instrument No. 20081101164. A true
13 and correct copy of the Warranty Deed is attached hereto, as Exhibit “3”.

14 8. Both the re-recording of the Trustee’s Deed and the recording of the Warranty
15 Deed was part of an escrow which Landmarc and LCI-Westgate opened with Fidelity
16 National Title Insurance Company (“Fidelity”) to facilitate the transfer of the Property.

17 9. However, the transaction was never properly completed and Fidelity took the
18 position that the escrow never closed, despite the recording of the Warranty Deed transferring
19 the Westgate Property from Landmarc to LCI-Westgate, because Fidelity was not paid its
20 escrow fees or for the owners’ title policy which was part of the contemplated transaction.

21

1 10. As a result, Fidelity unilaterally made a determination that both the Trustee's
2 Deed and the Warranty Deed transferring the Westgate Property to LCI-Westgate were not
3 correct and Fidelity caused the recording of two "Affidavits of Erroneous Recording", on or
4 about January 29, 2009, as Instrument Nos. 2009-0055772 and 2009-0055773, stating that
5 there was no consideration paid for the Warranty Deed from Landmarc to LCI-Westgate,
6 LLC, and that the second recording of the Trustee's Deed was done in error. A true and
7 correct copy of each of the purported Affidavits of Erroneous Recording are attached hereto
8 as Exhibit "4".

9 11. To the best of the Receiver's knowledge, based upon conversations with former
10 officials of Landmarc as well as the other beneficial owners, Landmarc never authorized nor
11 consented to the recording of either Affidavit of Erroneous Recording.

12 12. The Affidavits of Erroneous Recording create a cloud over legal title to the
13 Westgate Property.

14 13. After the appointment of the Receiver, the Receiver took possession of the
15 Westgate Property and all accounts relating to the property which were being managed by
16 Landmarc. Ultimately, after significant investigation into the Westgate Property and its
17 operations, the Receiver discovered that there were multiple existing leases and outstanding
18 liabilities relating to the ongoing management of the property which several of the beneficial
19 owners were more familiar with, due to their involvement pre-Receivership.

20 14. As a result of the knowledge relating to the ongoing operations of the Westgate
21 Property that was possessed by an agent of several of the beneficial owners, the Receiver and

1 his counsel worked closely with the beneficial owners to facilitate the day-to-day
2 management of the Westgate Property which ultimately resulted in the Receiver entering into
3 a management agreement with Oxford Investment Partners, LLC for the day-to-day
4 management of the Westgate Property.

5 15. Based on the Receiver's investigation of the funding of the Westgate loan, the
6 Receiver has determined that the beneficial owners of the Westgate Property are as follows:

7	PK Holdings, LLC	7.44047%
8	Rhonda Kaye Solheim Family Trust U/A 05/09/77	14.88095%
9	Spruce Avenue Ltd. Partnership, LLP	5.95238%
10	S. Brotzman S. Vanbladel Revocable Trust U/A 02/15/07	5.95238%
11	OxTox Holdings, LLC	2.97619%
12	Robert Buchheit	2.97619%
13	1977 Gill Trust U/A 12/07/77	7.44047%
14	First Trust Company of Onaga FBO: Stephen L. Hooker, IRA	5.95238%
15	Landmarc Capital Partners, LLC	32.50000%
16	TBM Associates, LLC	<u>13.92859%</u>
17	Total	100.00000%

17 16. Given current market conditions and ongoing operational issues facing the
18 Westgate Property, the Receiver and the beneficial owners determined the best course of
19 action was to utilize the existing LCI-Westgate entity to continue to hold title and manage the
20 Westgate Property. Accordingly, the parties reached an agreement to modify the structure of
21 the management of LCI-Westgate, and negotiated and entered into a new operating

1 agreement for the company. The parties also executed restated Articles of Organization and
2 an operating agreement on or about April 15, 2010, reflecting the ownership percentages set
3 forth in paragraph 15 above and vesting management of the company with the members set
4 forth in paragraph 15 above.

5 17. As part of the reformation of LCI-Westgate, the Receiver has conducted a
6 thorough examination of all expenses and charges incurred with the original loan, the
7 Trustee's Sale, and as part of the transaction contemplated by the parties, all beneficial
8 owners have agreed to reimburse Landmarc for all fees and expenses incurred with the
9 Westgate Property. After accounting for all such fees and expenses, the Receiver continues
10 to hold and receive income on behalf of the Westgate project.

11 18. Previously, this Court authorized procedures for the transfer of REO property
12 on June 21, 2010, and its *Order Approving Procedures for Disposing of Certain Real*
13 *Property Where Ownership by Third Parties is Not in Doubt Re: Petition No. 9*, authorizing
14 the Receiver to transfer interest in REO assets to the beneficial owners upon satisfaction of
15 certain conditions.

16 19. The Westgate Property would qualify for transfer under *Petition No. 9, Petition*
17 *for Order Approving Procedures for Disposing of Certain Real Property Where Ownership*
18 *By Third Parties is Not in Doubt*. Since the parties propose to use the same entity that title
19 was originally conveyed to, the only transfer or relief sought here concerning the title is to
20 eliminate the cloud on the title created by the recordation of the Affidavits of Erroneous
21

1 Recording attached as Exhibit "4". In addition, the Receiver requests approval operating
2 agreement for LCI-Westgate, LLC.

3 WHEREFORE, the Receiver respectfully requests that the Court enter an order:

4 1. Ratifying and approving the execution of the amended operating agreement and
5 the transfer of management responsibilities from Landmarc to LCI-Westgate, LLC;

6 2. Ratifying and approving the Receiver's transfer of all funds held in connection
7 with the Westgate Property, after accounting for all fees and expenses in accordance with the
8 terms and procedures set forth in the Court's Order authorizing Petition No. 9, *Petition for*
9 *Order Approving Procedures for Disposing of Certain Real Property Where Ownership By*
10 *Third Parties is Not in Doubt*, entered on June 21, 2010;

11 3. Declaring that the two Affidavits of Erroneous Recording recorded with the
12 Maricopa County Recorder as Instrument Nos. 2009-0055772 and 2009-0055773 are invalid
13 and that fee title in the real property described in the attached Exhibit "3" is vested in LCI-
14 Westgate, LLC, as of December 31, 2008.

15 Respectfully submitted this 11th day of January, 2011

16 GUTTILLA MURPHY ANDERSON

17
18 /s/Steven R. Napoles
19 Steven R. Napoles
20 Attorneys for the Plaintiff

21 1157-001 (101722_2)

EXHIBIT "A"

OWNER/TRANSFEROR STATE THAT PROPERTY ADDRESS IS:

6922 N. 95th Avenue, Glendale, Arizona

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF , STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL B, as shown on the MINOR LAND DIVISION plat recorded in Book 922 of Maps, page 4, records of Maricopa County, Arizona, more fully described as follows:

Situated in the Northwest quarter of Section 9, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a Found City of Glendale Brass Cap at the Northwest corner of said Section 9;

THENCE North 87 degrees 56 minutes 15 seconds East, an assumed bearing, 2641.99 feet along the North line of the Northwest quarter of said Section 9 to a found MCDOT Aluminum Cap at the Northeast corner of the Northwest quarter of said Section 9;

THENCE South 87 degrees 56 minutes 15 seconds West, 419.81 feet along the North line of the Northwest quarter of said Section 9;

THENCE South 01 degrees 47 minutes 39 seconds East, 285.83 feet along the West line of Lot 1B, FINAL PLAT OF WESTGATE, according to Book 745 of Maps, Unofficial Document page 10, records of Maricopa County, Arizona, to a set 1/2" rebar capped RLS 42924 and the Point of Beginning;

THENCE North 88 degrees 12 minutes 21 seconds East, 36.92 feet, to a set 1/2" rebar capped RLS 42924;

THENCE South 49 degrees 51 minutes 53 seconds East, 233.06 feet, to a set 1/2" rebar capped RLS 42924 on the Easternmost line of said Lot 1B;

THENCE South 41 degrees 55 minutes 46 seconds West, 110.04 feet, along the Easternmost line of said Lot 1B to a found 1/2" rebar capped RLS 36888 at the beginning of a curve concave to the Southeast having a radius of 560.00 feet, to which the radius bears South 48 degrees 04 minutes 14 seconds East;

THENCE Southerly 192.69 feet along said curve through a central angle of 19 degrees 42 minutes 53 seconds to a set nail tagged RLS 42924 which bears from the radius North 67 degrees 47 minutes 07 seconds West;

THENCE North 59 degrees 14 minutes 47 seconds West, 50.50 feet along the Southernmost line of said Lot 1B to a found 1/2" rebar tagged RLS 42924;

THENCE North 24 degrees 29 minutes 02 seconds East, 34.26 feet along the Westerly line of said Lot 1B to a found 1/2" rebar capped RLS 37259;

THENCE North 01 degrees 47 minutes 39 seconds West, 336.58 feet, along the West line of said Lot 1B to the Point of Beginning.

102-01-014A

FIDELITY NATIONAL TITLE

Unofficial
Document

When Recorded mail to:
LCI-Westgate, LLC
4110 N. Scottsdale Rd., #330
Scottsdale, AZ 85251

FT08017502

CAPTION HEADING:

TRUSTEE'S DEED

This document is being re-recorded to correct the legal description

****DO NOT REMOVE****

****THIS IS NOW PART OF THE OFFICIAL RECORDING****

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20080874800 10/09/2008 02:05
ELECTRONIC RECORDING

8100313-3-11-11--
sarabiam

STEWART TITLE & TRUST OF PHOENIX

When recorded please return to:

Amy D. Howland
Burch & Cracchiolo, P.A.
P.O. Box 16882
Phoenix, Arizona 85011

08100313

EXEMPT A.R.S. 11-1134 (b) (1)

11/11

TRUSTEE'S DEED

For the consideration of the sum of Three Million Eight Hundred Ninety Five Thousand Nine Hundred Forty One and 87/100ths and No/100ths Dollars (\$3,895,941.87), Amy D. Howland as Trustee under that certain Deed of Trust executed by MSI Westgate, LLC, a Delaware limited liability company as Trustor, and recorded on July 9, 2007, at Instrument No 2007-0778016 in the records of Maricopa County, Arizona, does hereby convey to LANDMARC CAPITAL & INVESTMENT COMPANY, an Arizona corporation, the following described real property situated in Maricopa County, Arizona:

See Exhibit "A" attached hereto

SUBJECT TO: Current taxes, assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions and restrictions as may appear of record.

This conveyance is made pursuant to Trustee's Sale held on September 22, 2008, under notice thereof recorded at Instrument No. 2008-0538097 in the records of Maricopa County, Arizona.

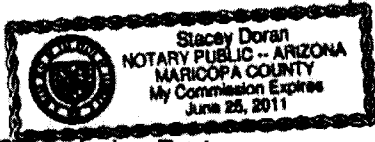
IN WITNESS WHEREOF, Amy D. Howland as Trustee, has caused her name to be signed this 22 day of September 2008.

By Amy D. Howland
Amy D. Howland, Esq.
Trustee

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 22nd day of September, 2008, before me, the undersigned officer, personally appeared Amy D. Howland, Esq. , who acknowledged him/her self to be the Trustee named in the Notice of Trustee's Sale and that he/she, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Stacey Doran
Notary Public

My Commission Expires:

June 25, 2011

Unofficial Document

Exhibit A

PARCEL B, as shown on the MINOR LAND DIVISION plat recorded in Book 922 of Maps, page 4, records of Maricopa County, Arizona, more fully described as follows:

Situated in the Southwest quarter of Section 9, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a Found City of Glendale Brass Cap at the Northwest corner of said Section 9;

THENCE North 87 degrees 56 minutes 15 seconds East, an assumed bearing, 2611.99 feet along the North line of the Northwest quarter of said Section 9 to a found MCDOT Aluminum Cap at the Northeast corner of the Northwest quarter of said Section 9;

THENCE South 87 degrees 56 minutes 15 seconds West, 419.81 feet along the North line of the Northwest quarter of said Section 9;

THENCE South 01 degrees 47 minutes 39 seconds East, 285.83 feet along the West line of Lot 1B, FINAL PLAT OF WESTGATE, according to Book 745 of Maps, page 14, records of Maricopa County, Arizona, to a set 1/2" rebar capped RLS 42924 and the Point of Beginning;

THENCE North 88 degrees 12 minutes 21 seconds East, 36.92 feet, to a set 1/2" rebar capped RLS 42924;

Unofficial Document

THENCE South 49 degrees 51 minutes 53 seconds East, 233.06 feet, to a set 1/2" rebar capped RLS 42924 on the Easternmost line of said Lot 1B;

THENCE South 41 degrees 55 minutes 46 seconds West, 110.04 feet, along the Easternmost line of said Lot 1B to a found 1/2" rebar capped RLS 36888 at the beginning of a curve concave to the Southeast having a radius of 560.00 feet, to which the radius bears South 48 degrees 04 minutes 14 seconds East;

THENCE Southerly 192.69 feet along said curve through a central angle of 19 degrees 42 minutes 53 seconds to a set nail tagged RLS 42924 which bears from the radius North 67 degrees 47 minutes 07 seconds West;

THENCE North 59 degrees 14 minutes 47 seconds West, 50.50 feet along the Southernmost line of said Lot 1B to a found 1/2" rebar tagged RLS 42924;

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Unofficial Document

20080874800
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL



The foregoing instrument is
a full, true and correct
copy of the original record
in this office.

Attest: 12/31/2008 09:40:00 AM


By  Recorder

EXHIBIT "A"

OWNER/TRANSFEROR STATE THAT PROPERTY ADDRESS IS:

6922 N. 95th Avenue, Glendale, Arizona

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF , STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

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102-01-014A

FIDELITY NATIONAL TITLE

Unofficial
Document

Recorded at the request of
Fidelity National Title Insurance Company

When recorded mail to:
LCI-Westgate, LLC,
4110 N. Scottsdale Road #330
Scottsdale, Az

Escrow No.: FT08017502-FT24

Space above this line for Recorder's Use

FT08017502

WARRANTY DEED

Exempt B7

For the consideration of Ten Dollars, and other valuable considerations,

Landmarc Captial & Investment Co.

does hereby convey to

LCI-Westgate, LLC, a limited liability Company

the following real property situated in County, Arizona:

PARCEL B, as shown on the MINOR LAND DIVISION plat recorded in Book 922 of Maps, page 4, records of Maricopa County, Arizona, more fully described as follows:

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THENCE North 01 degrees 47 minutes 39 seconds West, 336.58 feet, along the West line of said Lot 1B to the Point of Beginning.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, covenants, conditions and restrictions as may appear of record.

Exempt from Affidavit filing fee pursuant to ARS 11-1134 B7

The undersigned hereby warrants the title against all persons whomsoever, subject to the matters set forth.

IN WITNESS THEREOF, said Corporation has caused these presents to be signed by its duly authorized officer(s), this 18th day of December, 2008.

Landmarc Captial & Investment Co.

BY: Malecia Jewell, Corporate Secretary
Malecia Jewell, Corporate Secretary

State of Arizona

County of Maricopa

The foregoing document was acknowledged before me this 31 day of Dec, 2008.

by Malecia Jewell, Corporate Secretary, the _____ of

Landmarc Capital

a Corporation, on behalf of the Landmarc Capital & Inv.

Mercedes Liljegen
Notary Public

(Seal)



MERCEDES LILJEGREN
Notary Public - Arizona
Maricopa County
Expires 08/31/09

2009-0055772

When recorded, mail to:
FIDELITY NATIONAL TITLE GROUP
7600 N. 15TH STREET, SUITE 200
PHOENIX, AZ 85020

File No. FT08017502

8X17502

112

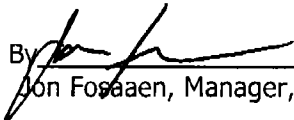
AFFIDAVIT OF ERRONEOUS RECORDING OF TRUSTEE'S DEED

The undersigned affiant, Jon Fosaaen first being duly sworn deposes and states that he is the Manager of the Fidelity National Title Group, (hereinafter "Fidelity") and hereby avers the following facts and on behalf of Fidelity makes this affidavit:

1. That on December 31, 2008, Fidelity caused to be recorded a re-recording of a Trustee's Deed which recorded at Instrument No. 20081101163 of the official records in the Maricopa County Recorder's Office of Maricopa County, Arizona, attached hereto and made a part hereof.
2. Said re-recording of Trustee's Deed recorded at Instrument No. 20081101163 was recorded in error by Fidelity.
3. That said re-recording of Trustee's Deed referenced above is therefore of no force and effect due to the fact that it was recorded in error.

Further Affiant Sayeth Naught.

Dated this 21st day of January, 2009.

By 
Jon Fosaaen, Manager, Fidelity National Title Group

NOTARY ACKNOWLEDGMENT ATTACHED HERETO AND MADE A PART HEREOF

NOTARY ACKNOWLEDGMENT TO AFFIDAVIT OF ERRONEOUS RECORDING OF DEED OF TRUST

STATE OF ARIZONA)
) ss.
County of MARICOPA)

This instrument was acknowledged before me this 21st day of January, 2009, by JON FOSAAEN, **as Manager of Fidelity National Title Group.**

Edward H. Kramer

Notary Public

My commission expires 10-15-12

Unofficial Document



Edward H. Kramer
EDWARD H. KRAMER
Notary Public - Arizona
Maricopa County
Expires 10/15/2012

FIDELITY NATIONAL TITLE

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20081101163 12/31/2008 02:58
8017502-6-2-1--
ELECTRONIC RECORDING

When Recorded mail to:
LCI-Westgate, LLC
4110 N. Scottsdale Rd., #330
Scottsdale, AZ 85251

PT08017502

CAPTION HEADING:

TRUSTEE'S DEED

This document is being re-recorded to correct the legal description

****Unofficial Document DO NOT REMOVE****

****THIS IS NOW PART OF THE OFFICIAL RECORDING****

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20080874800 10/09/2008 02:05
ELECTRONIC RECORDING

8100313-3-11-11--
sarabiam

STEWART TITLE & TRUST OF PHOENIX

When recorded please return to:

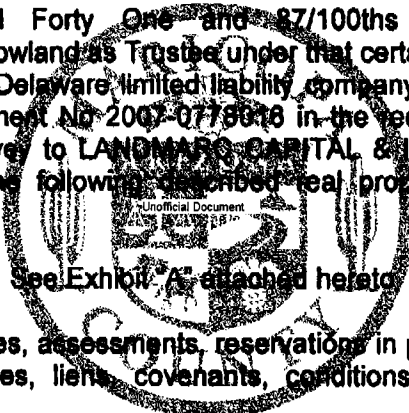
Amy D. Howland
Burch & Cracchiolo, P.A.
P.O. Box 18882
Phoenix, Arizona 85011

08100313

EXEMPT A.R.S. 11-1134 (b) (1)

TRUSTEE'S DEED

For the consideration of the sum of Three Million Eight Hundred Ninety Five Thousand Nine Hundred Forty One and 87/100ths and No/100ths Dollars (\$3,895,941.87), Amy D. Howland as Trustee under that certain Deed of Trust executed by MSI Westgate, LLC, a Delaware limited liability company as Trustor, and recorded on July 9, 2007, at Instrument No. 2007-0778918 in the records of Maricopa County, Arizona, does hereby convey to LANDMARK CAPITAL & INVESTMENT COMPANY, an Arizona corporation, the following described real property situated in Maricopa County, Arizona:



See Exhibit "A" attached hereto

SUBJECT TO: Current taxes, assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions and restrictions as may appear of record.

This conveyance is made pursuant to Trustee's Sale held on September 22, 2008, under notice thereof recorded at Instrument No. 2008-0538097 in the records of Maricopa County, Arizona.

IN WITNESS WHEREOF, Amy D. Howland as Trustee, has caused her name to be signed this 22 day of September 2008.

By Amy D. Howland
Amy D. Howland, Esq.
Trustee

Exhibit A

PARCEL B, as shown on the MINOR LAND DIVISION plat recorded in Book 922 of Maps, page 4, records of Maricopa County, Arizona, more fully described as follows:

Situated in the Southwest quarter of Section 9, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a Found City of Glendale Brass Cap at the Northwest corner of said Section 9;

THENCE North 87 degrees 56 minutes 15 seconds East, an assumed bearing, 2641.99 feet along the North line of the Northwest quarter of said Section 9 to a found MCDOT Aluminum Cap at the Northeast corner of the Northwest quarter of said Section 9;

THENCE South 87 degrees 56 minutes 15 seconds West, 419.81 feet along the North line of the Northwest quarter of said Section 9;

THENCE South 01 degrees 47 minutes 39 seconds East, 285.83 feet along the West line of Lot 1B, FINAL PLAT OF WESTGATE, according to Book 745 of Maps, page 14, records of Maricopa County, Arizona, to a set 1/2" rebar capped RLS 42924 and the Point of Beginning;

THENCE North 88 degrees 12 minutes 21 seconds East, 36.92 feet, to a set 1/2" rebar capped RLS 42924;

Unofficial Document

THENCE South 49 degrees 51 minutes 53 seconds East, 233.06 feet, to a set 1/2" rebar capped RLS 42924 on the Easternmost line of said Lot 1B;

THENCE South 41 degrees 55 minutes 46 seconds West, 110.04 feet, along the Easternmost line of said Lot 1B to a found 1/2" rebar capped RLS 36888 at the beginning of a curve concave to the Southeast having a radius of 560.00 feet, to which the radius bears South 48 degrees 04 minutes 14 seconds East;

THENCE Southerly 192.69 feet along said curve through a central angle of 19 degrees 42 minutes 53 seconds to a set nail tagged RLS 42924 which bears from the radius North 67 degrees 47 minutes 07 seconds West;

THENCE North 59 degrees 14 minutes 47 seconds West, 50.50 feet along the Southernmost line of said Lot 1B to a found 1/2" rebar tagged RLS 42924;

THENCE North 24 degrees 29 minutes 02 seconds East, 34.26 feet along the Westerly line of said Lot 1B to a found 1/2" rebar capped RLS 37259;

THENCE North 01 degrees 47 minutes 39 seconds West, 336.58 feet, along the West line of said Lot 1B to the Point of Beginning.

Unofficial Document

20080874800
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL



The foregoing instrument is
a full, true and correct
copy of the original record
in this office.

Attest: 12/31/2008 09:40:00 AM

By  Recorder

EXHIBIT "A"

OWNER/TRANSFEROR STATE THAT PROPERTY ADDRESS IS:

6922 N. 95th Avenue, Glendale, Arizona

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF , STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL B, as shown on the MINOR LAND DIVISION plat recorded in Book 922 of Maps, page 4, records of Maricopa County, Arizona, more fully described as follows:

Situated in the Northwest quarter of Section 9, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

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THENCE North 01 degrees 47 minutes 39 seconds West, 336.58 feet, along the West line of said Lot 1B to the Point of Beginning.

102-01-014A

When recorded, mail to:
FIDELITY NATIONAL TITLE GROUP
7600 N. 15TH STREET, SUITE 200
PHOENIX, AZ 85020

File No. FT08017502

2/2

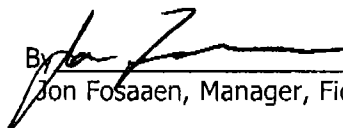
AFFIDAVIT OF ERRONEOUS RECORDING OF WARRANTY DEED

The undersigned affiant, Jon Fosaaen first being duly sworn deposes and states that he is the Manager of the Fidelity National Title Group, (hereinafter "Fidelity") and hereby avers the following facts and on behalf of Fidelity makes this affidavit:

1. That on December 31, 2008, Fidelity caused to be recorded a Warranty Deed which recorded at Instrument No. 20081101164 of the official records in the Maricopa County Recorder's Office of Maricopa County, Arizona, attached hereto and made a part hereof.
2. That there was no consideration for said Warranty Deed and that said Warranty Deed recorded at Instrument No. 20081101164 was recorded in error by Fidelity.
3. That said recording of Warranty Deed referenced above is therefore of no force and effect due to the fact that it was recorded in error.

Further Affiant Sayeth Naught.

Dated this 21st day of January, 2009.

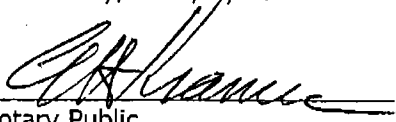
By 
Jon Fosaaen, Manager, Fidelity National Title Group

NOTARY ACKNOWLEDGMENT ATTACHED HERETO AND MADE A PART HEREOF

NOTARY ACKNOWLEDGMENT TO AFFIDAVIT OF ERRONEOUS RECORDING OF DEED OF TRUST

STATE OF ARIZONA)
) ss.
County of MARICOPA)

This instrument was acknowledged before me this 21st day of January, 2009, by JON FOSAAEN, **as Manager of Fidelity National Title Group.**


Notary Public

My commission expires 10-15-12

Unofficial Document

Edward H. Kramer
EDWARD H. KRAMER
Notary Public - Arizona
Maricopa County
Expires 10/15/2012

FIDELITY NATIONAL TITLE

OFFICIAL RECORDS OF
 MARICOPA COUNTY RECORDER
 HELEN PURCELL
 20081101164 12/31/2008 02:58
 8017502-2-2-2--
 ELECTRONIC RECORDING

Recorded at the request of
 Fidelity National Title Insurance Company

When recorded mail to:
 LCI-Westgate, LLC,
 4110 N. Scottsdale Road #330
 Scottsdale, Az

Escrow No.: FT08017502-FT24

Space above this line for Recorder's Use

FT08017502

WARRANTY DEED

Exempt B7

For the consideration of Ten Dollars, and other valuable considerations,

Landmarc Capital & Investment Co.

does hereby convey to

LCI-Westgate, LLC, a limited liability Company

the following real property situated in County, Arizona:

PARCEL B, as shown on the MINOR LAND DIVISION plat recorded in Book 922 of Maps, page 4, records of Maricopa County, Arizona, more fully described as follows:

Situated in the Northwest quarter of Section 9, Township 2 North, Range 1 East of the G1a and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

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THENCE North 01 degrees 47 minutes 39 seconds West, 336.58 feet, along the West line of said Lot 1B to the Point of Beginning.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, covenants, conditions and restrictions as may appear of record.

Exempt from Affidavit filing fee pursuant to ARS 11-1134 B7

The undersigned hereby warrants the title against all persons whomsoever, subject to the matters set forth.

IN WITNESS THEREOF, said Corporation has caused these presents to be signed by its duly authorized officer(s), this 18th day of December, 2008.

Landmarc Capital & Investment Co.

BY: Malecia Jewell, Corporate Secretary
Malecia Jewell, Corporate Secretary

State of Arizona

County of Maricopa

The foregoing document was acknowledged before me this 31 day of Dec., 2008.

by Malecia Jewell, Corporate Secretary the _____ of Landmarc Capital

a Corporation, on behalf of the Landmarc Capital & Inv.

(Seal)

Mercedes Liljegen
Notary Public



MERCEDES LILJEGREN
Notary Public - Arizona
Maricopa County
Expires 08/31/09