

LEGAL DESCRIPTION

Real property in the City of Appleton, County of Winnebago, State of Wisconsin, and is described as follows:

PARCEL I:

All that part of the Northeast 1/4 and the Northwest 1/4 of Section 1, Township 20 North, Range 17 East, Town of Menasha (now City of Appleton), Winnebago County, Wisconsin, more fully described as follows:

Beginning at the Northwest corner of Lot 37 of the Southwood Plat; thence North 00°28'23" East, 849.96 feet (North 00°27'00" West, 850.00 feet) along the West line of said subdivision to a point on the South line of Calumet Street; thence North 89°08'30" West (west) along the South line of Calumet Street, 397.06 feet; thence South 57°30'59" West, 16.90 feet to a line that is 55.00 feet South measured at right angle to the right of way referenced line of Calumet Street pursuant to the relocation order of the Department of Transportation as shown on the Plat of right of way for Project No. 4660-1-21; thence North 89°19'43" West, 209.04 feet along the last described line to a point that is 80 feet Northwesterly and measured at right angles with said center line of Foster Street; thence South 57°27'17" West, 141.59 feet along the last described line to a point 60.00 feet Easterly of and measured radially to the right of way referenced line of State Trunk Highway "47" (Memorial Drive) as laid out and traveled on January 1, 1979; thence along an arc of a curve to the right as described in the last described line 278.75 feet which has a radius of 685.71 feet and a long chord of 276.83 feet which bears South 31°50'03" West to a point on the Southeasterly right of way of Foster Street; thence North 46°31'13" West, 10.00 feet to a point that is 50.00 feet Easterly of and measured radially to the right of way referenced line of State Trunk Highway "47" (Memorial Drive) as laid out and traveled on January 1, 1979; thence along an arc of a curve to the right as described in the last described line, 164.81 feet which has a radius of 675.71 feet and a long chord of 164.40 feet which bears South 50°28'02" West to a point of tangency; thence South 57°27'17" West, 436.07 feet along the Easterly right of way of STH "47"; thence South 00°30'12" West, 484.84 feet; thence South 89°15'56" East 927.95 feet (926.90 feet); thence North 00°20'32" East, 234.95 feet (235.20 feet); thence South 89°37'44" East, 99.08 feet (99.00 feet); thence North 00°24'24" East, 62.23 feet; thence South 89°06'05" East (East), 355.81 feet to the point of beginning.

Excepting Lot 1 of Certified Survey Map No. 295, Document No. 512147.

Excepting Lot 1 of Certified Survey Map No. 646, Document No. 539547.

Included in the above premises is all of Lot 1 of Certified Survey Map No. 712 filed in the office of the Register of Deeds for Winnebago County, Wisconsin, in Volume 1 of Certified Survey Maps, on Page 712, as Document No. 545017.

PARCEL II:

Lots One (1) and Two (2) of Block Two (2), in PLEASANT HEIGHTS, in the City of Appleton, Winnebago County, Wisconsin.

PARCEL III:

All that part of the Northwest 1/4 of Section 1, Township 20 North, Range 17 East, City of Appleton, Winnebago County, Wisconsin, more fully described as follows:

The point of beginning of lands herein described is the Northeast corner of Lot 1 of Block 2 in Plat of Pleasant Heights, a subdivision of record, thence North 271.64 feet to a point on the Southeasterly line of S.T.H. 47, known as Memorial Drive said point being 33 feet from the centerline of said road as measured perpendicular to said centerline; thence South 56°33'23" West, parallel to and 33 feet Southeasterly of the said centerline 119.84 feet to a point; thence South 205.23 feet to a point on the North line of Lot 1 of said Pleasant Heights; thence South 89°47'41" East along the North line of said Lot 1 100.00 feet to the point of beginning.

Description of area for Mortgage:

Being all of vacated Wilson Street and a part of vacated Foster Street, all of Lot 1 of Certified Survey Map No. 712 and being a part of the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 1, Township 20 North, Range 17 East, City of Appleton, Winnebago County, Wisconsin, containing 404,767 square feet (9.292 acres) of land and described as follows:

Beginning at the Northwest corner of Lot Thirty-Seven (37) of Southwood Plat (a recorded subdivision); Thence N89°06'05"W, 374.89 feet along the former south right-of-way line of vacated Wilson Street and its westerly extension; Thence N09°34'16"W, 144.53 feet; Thence N00°28'34"E, 131.17 feet; Thence N69°34'22"W, 197.54 feet; Thence N00°28'23"E, 500.59 feet to the southerly right-of-way line of Calumet Street; Thence S89°19'43"E, 174.53 feet along said southerly line; Thence N57°30'59"E, 16.90 feet along said southerly right-of-way line; Thence S89°06'30"E, 192.87 feet along said southerly line; Thence S00°28'23"W, 160.00 feet; Thence S89°06'30"E, 204.19 feet to the westerly line of of Southwood Plat; Thence S00°28'23"W, 689.96 feet along said westerly line of Southwood Plat to the Point of Beginning. Subject to all easements and restrictions of record.

The above description is being prepared for mortgage purposes only and may not be used for a land title transfer. The creation of this parcel for transfer purposes would require platting by a Certified Survey Map or subdivision plat per the city of Appleton Subdivision ordinance.

SCHEDULE B - SECTION II EXCEPTIONS

Commitment No.: 905868-2

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

- Any discrepancies or conflicts in boundary lines, any shortages in area, any encroachment, overlapping of improvements, or any other facts, rights, interest or claims which are not shown by the public record but which could be ascertained by an accurate survey of the land.
- Rights or claims of parties in possession not shown by the public records.
- Easements or claims thereof, which are not shown by the public record.
- Any lien, or right to lien for services, labor or material imposed by law and not shown by the public records.
- Special taxes, assessments or charges, if any.
- Taxes, general and special for the year 2006, not now due and payable.
- Taxes, general and special for the year 2005.
- Delinquent taxes for the year(s) 2004 in the sum of \$28,176.00.  
(As to Tax Key No. 318 200500), plus interest.
- Delinquent taxes for the year(s) 2004 in the sum of \$510.00.  
(As to Tax Key No. 318 211500), plus interest.
- Delinquent taxes for the year(s) 2004 in the sum of \$670.00.  
(As to Tax Key No. 318200600), plus interest.
- Mortgage between Youth Futures, Inc., a Wisconsin non-stock corporation, as mortgagor, and M&J Marshall & Isley Bank, as mortgagee, in the original stated principal amount of \$1,100,000.00, recorded February 15, 2005, as Document No. 1344853.
- Assignment of Leases, Rents and Profits recorded February 15, 2005 as Document No. 1344854.
- Mortgage between Youth Futures, Inc., a Wisconsin non stock corporation as mortgagor, and M&J Marshall & Isley Bank, as mortgagee, in the original stated principal amount of \$500,000.00, recorded February 15, 2005 as Document No. 1344855.
- Assignment of Leases, Rents and Profits recorded February 15, 2005 as Document No. 1344856.
- Mortgage between Youth Futures, Inc as mortgagor, and Farm Bureau Life Insurance Company, as mortgagee, in the original stated principal amount of \$400,000.00, recorded February 15, 2005 as Document No. 1344857.
- Financing Statement between Youth Futures, Inc., debtor and M&J Marshall & Isley Bank, secured party, recorded February 15, 2005 as Document No. 1344858.
- Construction Lien  
Against: Youth Futures Inc., 2145 South Memorial Drive, Suite 2011, Appleton, Wisconsin 54915  
Creditor: Keller Inc., N216 Highway 55, Kaukauna, Wisconsin 54130  
Docketed: October 4, 2005  
In the sum of: \$89,517.00, damages and costs  
Case No.: 2005CL57  
Attorney: ----

18. Utility Easement recorded in the office of the Register of Deeds in Volume 698 of Miscellaneous, Page 325, as Document No. 209966.

19. Right of Way Contract recorded in the office of the Register of Deeds in Volume 698, Page 327, as Document No. 209967.

20. Agreement recorded in the office of the Register of Deeds as Document No. 491060.

21. Reservation as contained in Quit Claim Deed from Town of Menasha to Hoffman Shopping Center, Inc., recorded in the office of the Register of Deeds as Document No. 495882, providing as follows:  
Party of the first part reserves unto itself and its assigns the right to enter upon the above described premises for the purpose of servicing and maintaining all sanitary sewer, water and gas mains, together with all telephone lines located thereon.

22. Agreement recorded in the office of the Register of Deeds as Document No. 505062.

Amendment to Easement Agreement recorded in the office of the Register of Deeds as Document No. 512677.

(PROPERTY SUBJECT TO CROSS EASEMENT AGREEMENT FOR INGRESS/EGRESS, PARKING & PEDESTRIAN WAYS TOGETHER WITH A UTILITY EASEMENT AND SIGN EASEMENT WHICH CANNOT BE SPECIFICALLY LOCATED).

23. Easement Agreement recorded in the office of the Register of Deeds as Document No. 512675.

(PROPERTY SUBJECT TO CROSS EASEMENT AGREEMENT FOR INGRESS/EGRESS, PARKING & PEDESTRIAN WAYS).

24. Reservation as contained in Quit Claim Deed from the State of Wisconsin (Department of Transportation, Division of Highways) to Rural Security Life Insurance Company, recorded in the office of the Register of Deeds as Document No. 533731, providing as follows:

Also reserving to the Town of Menasha and its assigns the right to enter upon the above described parcels for the purpose of servicing and maintaining all sanitary sewer, water and gas mains together with all telephone and power lines located thereon.

Also it is expressly intended and agreed by and between the parties hereto that: There shall be no vehicular ingress and egress between the above described lands and the highway currently designated State Trunk Highway 47 (Memorial Drive) and Calumet Street.

The above described lands shall not be used for the accumulation or storage of junked automobiles or farm machinery, or parts thereof, or other salvage materials, nor shall said lands be used for the storage of wrecked or inoperable motor vehicles or farm machinery.

The above described lands shall be subject to all applicable zoning laws and/or ordinances.

These covenants, burdens and restrictions shall run with the land and shall forever bind the grantee, its successors and assigns.

25. Rights of The Kohl Corporation, by reason of Short Form Lease by and between Appleton Joint Venture by John P. Livesey and The Kohl Corporation, recorded in the office of the Register of Deeds as Document No. 534482.

26. Rights of The Kohl Corporation, by reason of Short Form Lease by and between Appleton Joint Venture by John P. Livesey and The Kohl Corporation, recorded in the office of the Register of Deeds as Document No. 534483.

27. Sanitary Sewer and Ingress and Egress Easement as reserved on Certified Survey Map No. 646.

28. Easement Agreement recorded in the office of the Register of Deeds as Document No. 540107.  
(PROPERTY SUBJECT TO CROSS EASEMENT AGREEMENT FOR INGRESS/EGRESS, PARKING & PEDESTRIAN WAYS TOGETHER WITH A UTILITY EASEMENT AND SIGN EASEMENT WHICH CANNOT BE SPECIFICALLY LOCATED).

29. Utility Easement recorded in the office of the Register of Deeds as Document No. 540665.

30. Utility Easement recorded in the office of the Register of Deeds as Document No. 542111.

31. Contract for Line Extension recorded in the office of the Register of Deeds as Document No. 542747.  
(Contract for line extension purposes - Does not contain described easement location; However this contract expired on October 10th, 1983).

32. Reservation as contained in Instrument recorded in the office of the Register of Deeds as Document No. 545206.

33. Easements and rights of incidental thereto in connection with the continued use and right of entrance, maintenance, construction and repair of municipal or utility facilities as may exist underground or overground in or on that portion of the subject premises which were formerly a part of Foster Street now vacated (discontinued).

34. Declaration of Easement recorded in the office of the Register of Deeds as Document No. 580126.

Amendment to Declaration of Easement recorded in the office of the Register of Deeds as Document No. 661358.

35. Rights of Kohl's Food Stores, Inc., by reason of Assignment of Lease recorded in the office of the Register of Deeds as Document No. 604132.

36. Rights of Kohl's Department Stores, Inc., by reason of Affidavit recorded in the office of the Register of Deeds as Document No. 717470.

37. Rights of Fabri-Centers of America, Inc., an Ohio Corporation, by reason of Memorandum of Lease recorded in the office of the Register of Deeds as Document No. 609656.

38. Rights of Book World, Inc., by reason of Amendment to Lease Agreement recorded in the office of the Register of Deeds as Document No. 742396.

39. Rights of the public in that portion of the subject premises lying within the limits of Wilson Street.  
(Wilson Street is not located within the boundaries of the subject property)

40. Utility Easement to Wisconsin Traction, Light, Heat and Power Company, its successors and assigns  
Recorded: February 17, 1926  
Volume/Jacket/Reel: 378  
Page/Image: 392.

41. Utility Easement to Wisconsin Michigan Power Co., a Wis. Corp., its successors  
Volume/Jacket/Reel: 409  
Page/Image: 82.  
(DOES NOT AFFECT THE SUBJECT PROPERTY)

42. The owner's policy will contain an exception for the marital rights of the spouse, if any, of any individual insured, and any claim asserted through or under the spouse.

43. NOTE: Prior year 2005 tax data:  
General Tax \$30,133.71; Lottery Credit \$0.00; Special Assessment \$19,416.03; Total Net General and Special Taxes \$49,549.74.  
(As to Tax Key No. 318 200500)

44. NOTE: Prior year 2005 tax data:  
General Tax \$1,469.23; Lottery Credit \$0.00; Special Assessment \$0.00; Total Net General and Special Taxes \$1,469.23.  
(As to Tax Key No. 318 21500)

45. NOTE: Prior year 2005 tax data:  
General Tax \$1,714.11; Lottery Credit \$0.00; Special Assessment \$372.72; Total Net General and Special Taxes \$2,086.83.  
(As to Tax Key No. 318 200600)

REVISION

DATE

NO.

**McMAHON ASSOCIATES**  
ENGINEERS/ARCHITECTS/ENVIRONMENTAL PROJECT MANAGERS  
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SURVEYED

HPA

DRAWN

MJA

CHECKED

DEW

VALLEY FAIR MALL ALTA  
SECTION 1. TOWNSHIP 20 NORTH, RANGE 17 EAST  
CITY OF APPLETON, WINNEBAGO COUNTY, WISCONSIN

SCALE

1" = 60'

DATE

JAN., 2005

PROJECT NO.

W0031 95066.3.10

SHEET NO.

2  
OF 2

FILE NO.

CAD

