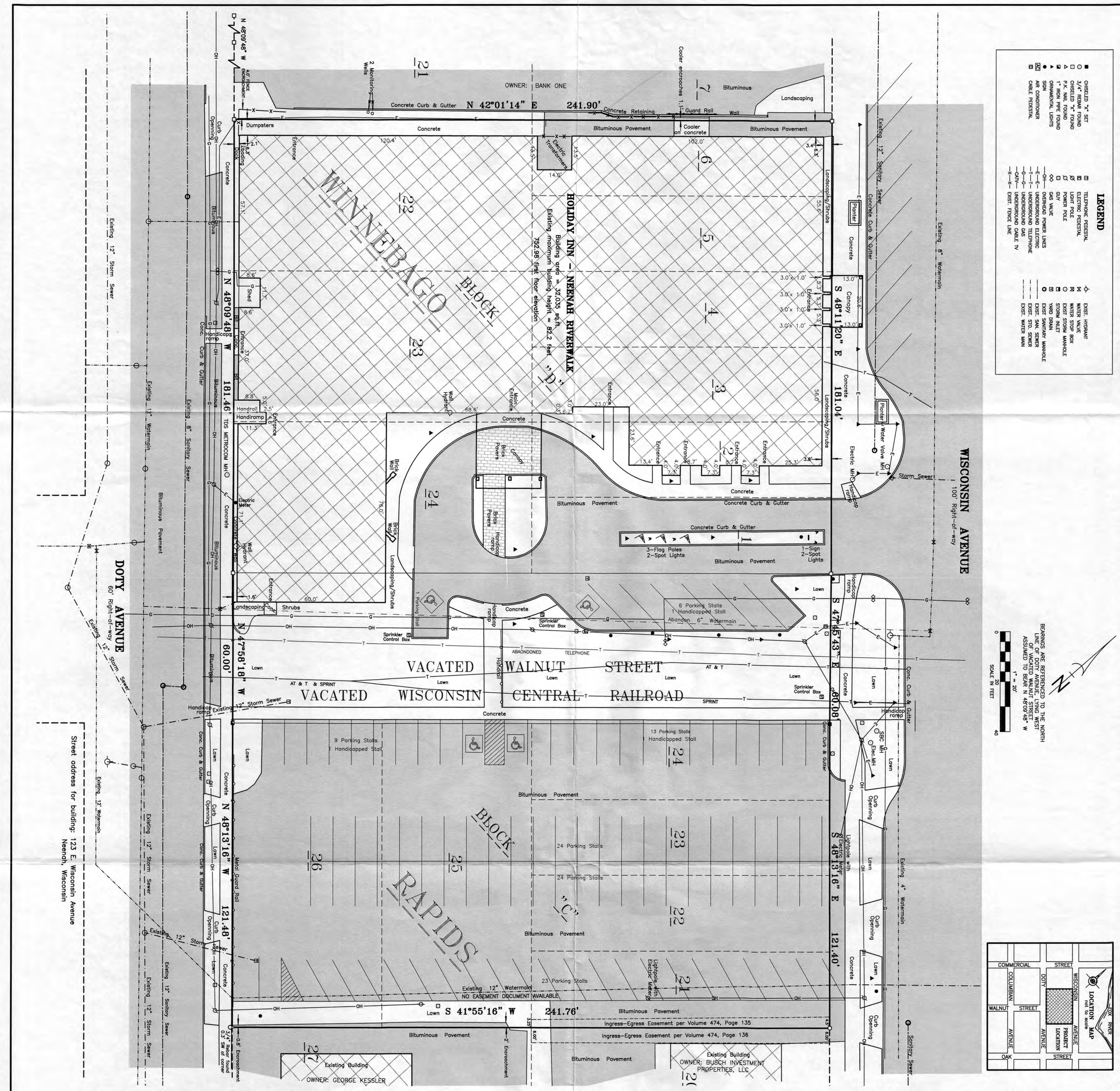

LEGAL DESCRIPTION:

PARCEL 1
THE WESTERLY 40 FEET OF LOTS TWENTY-FIVE (25) AND TWENTY-SIX (26), OF BLOCK "C", IN PLAT OF WINNEBAGO RAPIDS; ALSO THE EASTERLY 40 FEET, FRONT AND REAR, OF THE WESTERLY 80 FEET, FRONT AND REAR OF LOTS 25 AND 26 OF BLOCK "C" OF WINNEBAGO RAPIDS, IN THE CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN.

PARCEL 2
LOTS TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), OF BLOCK "C", IN PLAT OF WINNEBAGO RAPIDS; AND THE EAST 40 FEET OF LOTS 25 AND 26, OF BLOCK "C", IN WINNEBAGO RAPIDS, IN THE CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN.

PARCEL 3
LOTS TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), ALL OF BLOCK "D", IN PLAT OF WINNEBAGO RAPIDS IN THE CITY OF NEENAH PER PALMER'S MAP, AND NOW IN THE THIRD WARD OF SAID CITY, WINNEBAGO COUNTY, WISCONSIN, EXCEPTING THEREFROM THAT PORTION THEREOF LYING EASTERLY OF A LINE DESCRIBED AS FOLLOWS, VIZ; COMMENCING ON THE NORTHERLY LINE OF LOT TWO (2) OF SAID BLOCK "D" AT A POINT THAT IS 5.4 FEET NORTHWESTERLY OF THE MOST EASTERLY CORNER OF SAID LOT 2; THENCE SOUTHWESTERLY, PARALLEL WITH THE EASTERLY LINE, AND THE EXTENDED EASTERLY LINE, OF SAID LOT 2 TO THE SOUTHERLY LINE OF LOT 24 OF SAID BLOCK "D".

PARCEL 4
THAT PART OF WALNUT STREET BEING PART OF THE SOUTHWEST 1/4, SECTION 22 AND THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, SECTION 27, TOWN 20 NORTH, RANGE 17 EAST, CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK "C", PLAT OF WINNEBAGO RAPIDS; THENCE WESTERLY 60.0 FEET ALONG THE NORTHERLY LINE OF DOTY AVENUE; THENCE SOUTH 240.0 FEET ALONG THE WESTERLY LINE OF BLOCK "C", TO THE NORTHERLY LINE OF DOTY AVENUE; THENCE WESTERLY 60.0 FEET ALONG THE NORTHERLY LINE OF DOTY AVENUE TO THE EASTERLY LINE OF BLOCK "D", PLAT OF WINNEBAGO RAPIDS; THENCE NORTHERLY 240.0 FEET ALONG THE EASTERLY LINE OF SAID BLOCK "D", TO THE SOUTH LINE OF WISCONSIN AVENUE; THENCE EASTERLY 60.0 FEET ALONG THE SOUTHERLY LINE OF WISCONSIN AVENUE TO THE POINT OF BEGINNING, AND LOT 1 AND THE EASTERLY 5.4 FEET OF LOT 2, BLOCK "D" AND THE EASTERLY 35.4 FEET OF LOT 23 AND LOT 24, BLOCK "D", PLAT OF WINNEBAGO RAPIDS, LOCATED IN THE CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN.

PARCELS 1, 2, 3 AND 4 ARE ALSO DESCRIBED AS:

ALL OF LOTS 21, 22, 23, 24, 25 AND 26 OF BLOCK "C" AND LOTS 1, 2, 3, 4, 5, 6, 22, 23 AND 24 OF BLOCK "D" ALL IN THE PLAT OF WINNEBAGO RAPIDS, AND PART OF VACATED WALNUT STREET AND PART OF VACATED WISCONSIN CENTRAL RAILROAD ALL IN THE THIRD WARD OF THE CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 21 OF SAID BLOCK "C"; THENCE ALONG THE EASTERLY LINE OF LOTS 21, 25 AND 26 OF SAID BLOCK "C", SOUTH 41 DEGREES 55 MINUTES 16 SECONDS WEST, 241.76 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DOTY AVENUE, NORTH 48 DEGREES 13 MINUTES 16 SECONDS WEST, 121.48 FEET; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID DOTY AVENUE, NORTH 47 DEGREES 58 MINUTES 18 SECONDS WEST, 60.00 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 48 DEGREES 09 MINUTES 48 SECONDS WEST, 181.46 FEET; THENCE ALONG THE WESTERLY LINE OF LOTS 6 AND 22 OF SAID BLOCK "D", NORTH 42 DEGREES 01 MINUTES 14 SECONDS EAST, 241.90 FEET; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WISCONSIN AVENUE, SOUTH 48 DEGREES 11 MINUTES 20 SECONDS EAST, 181.04 FEET; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID WISCONSIN AVENUE, SOUTH 47 DEGREES 45 MINUTES 43 SECONDS EAST, 60.08 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 48 DEGREES 13 MINUTES 16 SECONDS EAST, 121.40 FEET TO THE POINT OF BEGINNING.

TAX KEY NO. 810-0040 AND 810-0058

ITEMS PER TABLE "A"

ITEM 3
THE PROPERTY DOES NOT LIE IN THE 100-YEAR FLOOD OR THE 500-YEAR FLOOD AREA PER FEMA MAP NO. 55139C0112E, FEMA PANEL NO. 0112E, EFFECTIVE DATE MARCH 17, 2003 FOR CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN.

ITEM 4
THE PROPERTY CONTAINS 87,729 SQUARE FEET.

ITEM 6
BUILDING PORTION IS ZONED C-2 (CENTRAL BUSINESS DISTRICT)
BUILDING SETBACKS PER CITY OF NEENAH ZONING ORDINANCE
MINIMUM FRONT = NONE. EXCEPT FOR PARKING AREAS WHICH SHALL BE 10 FEET
MINIMUM REAR = NONE
MINIMUM SIDE = NONE, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN TRANSITIONAL AREA REQUIREMENTS APPLY
MAXIMUM HEIGHT = 100 FEET OR 6 STORIES
PARKING LOT PORTION IS ZONED C-1 (GENERAL COMMERCIAL DISTRICT)
BUILDING SETBACKS PER CITY OF NEENAH ZONING ORDINANCE
MINIMUM FRONT = 1 FEET IF ABUTTING A RESIDENTIAL DISTRICT, ALL BUILDINGS SHALL ADHERE TO THE AVERAGE SETBACK OF THE ABUTTING DISTRICT.
MINIMUM REAR = 10 FEET
MINIMUM SIDE = NONE, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN TRANSITIONAL AREA REQUIREMENTS APPLY
MAXIMUM HEIGHT = 45 FEET OR 3 STORIES

ITEM 11
UTILITY LOCATIONS SHOWN ON THIS MAP ARE BASED ON OBSERVABLE FIELD LOCATIONS AND/OR MAPPING FROM THE RESPECTIVE UTILITY COMPANIES. THEREFORE THE LOCATIONS SHOWN ON THIS DRAWING CANNOT BE GUARANTEED.

EXCEPTIONS PER SCHEDULE "B" SECTION II OF TITLE COMMITMENT NO. NU496171, DATED AUGUST 10, 2006

EXCEPTION 4 - TIME WARNER BULK SERVICE AGREEMENT PER DOCUMENT NO. 1137225 - AFFECTS PARCEL AND IS BLANKET IN NATURE AND UNABLE TO PLOT.
EXCEPTION 5 - INGRESS/EGRESS EASEMENT PER VOL. 474, PAGE 136. AFFECTS PARCEL 2 AS SHOWN ON MAP. (NOTE: ALSO INGRESS/EGRESS EASEMENT PER VOL. 474, PAGE 135, [NOT IN TITLE COMMITMENT], AFFECTS PARCEL 2 AS SHOWN).
EXCEPTION 7 - MATTERS AS DISCLOSED BY MARTENSON & EISELE, INC. SURVEY DATED OCTOBER 13, 2003, BEING PROJECT 15420IA3 AFFECTS PARCELS AS SHOWN ON MAP.

SURVEYOR'S CERTIFICATE

TO: WATERMARK MONTCLAIR WISCONSIN HOTELS LLC, AN ILLINOIS LIMITED LIABILITY COMPANY;
WATERMARK MONTCLAIR WISCONSIN MANAGER LLC, AN ILLINOIS LIMITED LIABILITY COMPANY;
GREENWICH CAPITAL FINANCIAL PRODUCTS, INC., ITS SUCCESSORS AND ASSIGNS; AND
FIRST AMERICAN TITLE INSURANCE COMPANY

I HEREBY CERTIFY THAT ON THE 16TH DAY OF OCTOBER, 2006:

(A) THIS SURVEY WAS MADE ON THE GROUND UNDER MY PERSONAL SUPERVISION FOR USE WITH COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. NU496171 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY HAVING AN EFFECTIVE DATE OF AUGUST 10, 2006 AND THAT THIS MAP OR PLAT IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND I HEREBY FURTHER CERTIFY THAT THE SURVEY CONFORMS TO THE CONDITIONS AND STIPULATIONS AS SET FORTH BELOW AND CORRECTLY SHOWS (I) THE BOUNDARIES AND AREAS OF THE SUBJECT PROPERTY (THE LINES OF ACTUAL POSSESSION ARE THE SAME EXCEPT AS NOTED); (II) THE LOCATION OF ALL RIGHTS-OF-WAY, EASEMENTS AND ANY OTHER MATTERS OF RECORD DESCRIBED ON THE COMMITMENT (OR OF WHICH I HAVE KNOWLEDGE OR HAVE BEEN ADVISED, WHETHER OR NOT OF RECORD) AFFECTING THE SUBJECT PROPERTY; (III) ALL ABUTTING DEDICATED PUBLIC STREETS PROVIDING ACCESS TO THE SUBJECT PROPERTY, TOGETHER WITH THE WIDTH AND NAME THEREOF; (IV) ALL RIVERS, CREEKS OR OTHER WATER COURSES AFFECTING THE SUBJECT PROPERTY AND ANY DISCHARGE INTO RIVERS, CREEKS OR OTHER CONVEYANCE SYSTEM; AND (V) ALL OTHER SIGNIFICANT ITEMS ON THE SUBJECT PROPERTY;

(B) EXCEPT AS SHOWN AND NOTED ON THE SURVEY, THERE ARE NO (I) ENCROACHMENTS UPON THE SUBJECT PROPERTY BY IMPROVEMENTS ON ADJACENT PROPERTY, (II) ENCROACHMENTS ON ADJACENT PROPERTY, STREETS OR ALLEYS BY ANY IMPROVEMENTS ON THE SUBJECT PROPERTY, (III) PARTY WALLS, (IV) CONFLICTS OR PROTRUSIONS, OR (V) USES WHICH AFFECT THE SUBJECT PROPERTY;

(C) THERE ARE NO VIOLATIONS OF ZONING ORDINANCES, RESTRICTIONS OR OTHER RULES AND REGULATIONS WITH RESPECT TO THE LOCATION OF THE BUILDINGS AND IMPROVEMENTS ON THE SUBJECT PROPERTY;

(D) ADEQUATE INGRESS TO AND EGRESS FROM THE SUBJECT PROPERTY IS PROVIDED BY WISCONSIN AVENUE AND DOTY AVENUE, THE SAME BEING PAVED AND ROUTINELY MAINTAINED ROADWAY(S), MAINTAINED BY CITY OF NEENAH PUBLIC WORKS DEPARTMENT.

(E) ALL POTABLE AND WASTE WATER, ELECTRIC, GAS AND TELEPHONE UTILITIES ARE LOCATED ON OR READILY AVAILABLE TO THE SUBJECT PROPERTY. ANY UTILITY SERVICES FOR THE SUBJECT PROPERTY THAT ENTER THE SUBJECT PROPERTY THROUGH ADJOINING PUBLIC STREETS ARE SHOWN HEREON, AND THE SURVEY SHOWS THE POINT OF ENTRY AND LOCATION OF ANY ABOVE-GROUND UTILITIES WHICH PASS THROUGH OR ARE LOCATED ON ADJOINING PRIVATE LAND;

(F) ANY REQUIRED BUILDING SETBACK LINES ON THE SUBJECT PROPERTY ARE LOCATED AS SHOWN HEREON;

(G) THE SUBJECT PROPERTY DOES NOT LIE WITHIN FLOOD HAZARD AREAS IN ACCORDANCE WITH ANY MAPS ENTITLED "FLOOD INSURANCE RATE MAP", "FLOOD BOUNDARY MAP," OR "FLOOD BOUNDARY AND FLOODWAY MAP" PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR A FLOOD HAZARD BOUNDARY MAP PUBLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

(H) THIS SURVEY IS MADE AT LEAST IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED IN 1999 BY AMERICAN LAND TITLE ASSOCIATION ("ALTA"), AMERICAN CONGRESS ON SURVEYING AND MAPPING ("ACSM"), AND NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS ("NSPS"), AND INCLUDING ITEMS 1-4, 6, 7(A) (B) (C), 8-10, 11A, 11B, 13, 15 AND 16 OF TABLE A THEREOF, BUT EXCLUDING ITEM 5(G) OF SAID MINIMUM STANDARD DETAIL REQUIREMENTS.

(I) PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, ACSM AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT THE POSITIONAL UNCERTAINTIES RESULTING FROM SURVEY MEASUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE POSITIONAL TOLERANCE.

Gary A. Zahringer

GARY A. ZAHRINGER, REGISTERED PUBLIC SURVEYOR S-2098
MARTENSON & EISELE, INC.
1377 MIDWAY ROAD
MENASHA, WI 54952-0449
920-731-0381

WISCONSIN
GARY A. ZAHRINGER
S-2098
STOCKBRIDGE
WIS.
REGISTERED LAND SURVEYOR

Street address for building: 123 E. Wisconsin Avenue
Neenah, Wisconsin

ALTA/ACSM LAND TITLE SURVEY

LOTS 21, 22, 23, 24, 25 AND 26 OF BLOCK "C" AND LOTS 1, 2, 3, 4, 5, 6, 23 AND 24 OF BLOCK "D" ALL IN THE PLAT OF WINNEBAGO RAPIDS, AND PART OF VACATED WALNUT STREET AND PART OF VACATED WISCONSIN CENTRAL RAILROAD, ALL IN THE THIRD WARD, CITY OF NEENAH, WINNEBAGO COUNTY WISCONSIN.

SURVEY FOR: KRIS E. CURRAN, ESQ.
UNGARETTI & HARRIS, LLP
3500 THREE FIRST NATIONAL PLAZA
CHICAGO, IL 60602

DRAWN BY	CHECKED	APPROVED
kml/ams	jhk	gaz

NO.	DATE	REVISION

Martenson & Eisele, Inc.
Planning - Surveying - Engineering - Architecture
1377 Midway Road, Menasha, WI 54952
Phone (920) 731-0381 Fax (920) 733-8578
www.martenson-eisele.com
info@martenson-eisele.com

SCALE	DATE
1" = 20'	10/16/06
COMPUTER FILE	
15420IBalta.dwg	

DRAWING NO.
154-201 B