

FLOOD HAZARD MAP ~ NOT TO SCALE

NOTES:

1. ALL DIMENSIONS SHOWN ARE IN FEET & DECIMAL THEREOF.
2. ALL ELEVATIONS ARE BASED IN 1988 N.G.V.D.
3. EVIDENCE OF ANY COVENANTS AND/OR DEED RESTRICTIONS IF FOUND OR SUPPLIED HAVE BEEN SHOWN HEREON.
4. THIS PROPERTY IS SUBJECT TO ANY DOCUMENTS OF RECORD.
5. PROPERTY IS SUBJECT TO CHANGES ACCORDING TO THE FACTS THAT A CURRENT TITLE REPORT MAY DISCLOSE.
6. NO WETLANDS HAVE BEEN FOUND ON THIS LOT.
7. OFFSETS HEREON ARE NOT TO BE USED AS A BASIS FOR THE CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.
8. THE SUBJECT IS LOCATED IN FLOOD HAZARD "ZONE X" HAVING NO CITED BASE FLOOD ELEVATION AND HAVING A 0.2 % ANNUAL CHANCE FLOOD AS INDICATED ON "FLOOD INSURANCE RATE MAP, OCEAN COUNTY, NEW JERSEY (ALL JURISDICTIONS) PANEL 412 OF 611, CONTAINS COMMUNITY - TOWNSHIP OF OCEAN, NUMBER - 340518, PANEL 0412, SUFFIX - F, MAP NUMBER 34029C0412F, EFFECTIVE DATE SEPTEMBER 29, 2008"
9. UNDERGROUND IMPROVEMENTS AND ENCROACHMENTS, IF ANY ARE NOT SHOWN HEREON.
10. THIS CERTIFICATION IS MADE ONLY TO THE ABOVE NAMED PARTIES FOR THE PURCHASE AND/OR MORTGAGE OF THE HEREIN DELINEATED PROPERTY BY THE ABOVE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE SURVEYOR FOR THE USE OF THIS SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO THE USE OF THE SURVEY FOR A SURVEY OF AFFIDAVIT, RESALE OF THE PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.
11. ONLY COPIES FROM THE ORIGINAL OF THE SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID COPIES.
12. SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE NEW JERSEY STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

SURVEYOR'S CERTIFICATE:

The undersigned, being a registered surveyor of the state of New Jersey, certifies to IRWIN FRANCHISE CAPITAL CORPORATION, its Successors and/or assigns, TURTON SIGNATURE TITLE AGENCY, LLC, OCEAN 9 REAL ESTATE HOLDING LLC as follows:

- I. This map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by the American Land Title Association and the National Society of Professional Surveyors in 2005 and includes Items 1 thru 11 and 13 thru 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NPS and in effect on the date of this certification, the undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of New Jersey, the Relative Position Accuracy of this survey does not exceed that which is specified therein.
- II. The survey was made on the ground on February 8, 2008 by me or under my supervision and correctly shows the boundary lines, metes and bounds description and the land area of the subject property and of each individual parcel thereof as indicated hereon, the location and type of all buildings, structures and other improvements (including sidewalks, walkways, curbs, parking areas and spaces and fences) situated on the subject property, and any other matters situated on the property.
- III. Except as shown on the survey there are no visible improvements, party walls, drainage ditches, streams uses, discrepancies, conflicts, easements or rights of way of which the undersigned has been advised.
- IV. Except as shown on the survey, there are no party walls and no observable, above ground encroachments (a) by the improvements on the subject property upon adjoining properties, streets, roads, highways, alleys, easements or rights of way, or (b) by the improvements on any adjoining properties, streets, or alleys, upon the subject property, or (c) by improvements on the subject property into any easement, building setback line buffer, or other restricted area.
- V. The location of each easement, right of way, servitude, and other matter (above or below ground) affecting the subject property and listed in the title insurance commitment no. T10095 dated December 28, 2006, issued by Turton Signature Title Agency, LLC with respect to the subject property, has been shown on the survey, together with appropriate recording references, to the extent that such matters can be located. The property shown on the survey is the property described in the title insurance commitment no. T10095 dated December 28, 2006, issued by Turton Signature Title Agency, LLC with respect to the subject property in accordance with minimum setback, side yard and rear yard lines, provisions and restrictions of record for the subject property referenced in such title commitment.
- VI. The subject property has direct access to and from a duly dedicated and accepted public street or highway.
- VII. Except as shown on the survey, the subject property does not serve any adjoining property for drainage, utilities, structural support or ingress or egress.
- VIII. The record description of the subject property forms a mathematically closed figure.
- IX. The parcels comprising the subject property as described in the survey share common boundaries, there being no hiatus parcels between them.
- X. There are no unusual elements of use or possession affecting the subject property (i.e., cemeteries, parks) and no evidence of contemplated, commenced or newly completed construction.
- XI. The present zoning of the property is C-1 General Commercial District.
- XII. The subject property contains 1.065 acres or 46,411 gross square feet.
- XIII. No portion of the property shown on the survey lies within a Special Hazard Area, as described on the Flood Insurance Rate Map for the community in which the subject property is located.

John W. McCord, Sr.

3-14-08

JOHN W. McCORD, Sr. P.L.S. NEW JERSEY LICENSE No. 35385

~

DATE

REFERENCE:

1. FILED MAP ENTITLED "MAP OF SANDS POINT HARBOR, SECTION A-1, OCEAN TWP., OCEAN COUNTY, N. J. SCALE- 1"=30' DECEMBER, 1953. MAP & SURVEY MADE BY JOHN A. ERNST JR. E. & L.S. LIC. NO. 3674" BEING FILED ON FEBRUARY 15, 1961 IN THE OCEAN COUNTY CLERK'S OFFICE AS MAP NO. E-335.

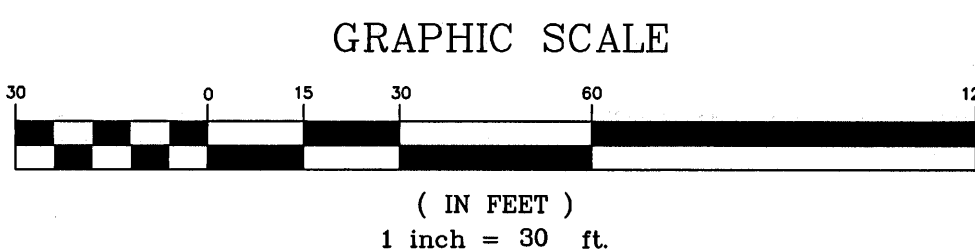
2. PRELIMINARY PLANS ENTITLED "MAP OF SURVEY OF A PORTION OF THE FORMER CENTRAL RAILROAD OF NEW JERSEY, FOR THE OCEAN COUNTY, BARNEGAT BRANCH TRAIL, BARNEGAT & OCEAN TOWNSHIPS, OCEAN COUNTY, NEW JERSEY" SHEETS 9, 10 & 11 OF 11, DATED AUGUST 2003. PREPARED BY CARL P. WERNER, P.L.S. OF THE FIRM OF ERNST, ERNST & LISSENDEN CONSULTING ENGINEERS, TOMS RIVER, NEW JERSEY FOR THE COUNTY OF OCEAN, STATE OF NEW JERSEY.

3. PLAN ENTITLED "OCEAN COUNTY SEWERAGE AUTHORITY, PARCEL SURVEY MAP, CENTRAL SERVICE AREA SOUTH BAYSHORE INTERCEPTOR, SECTION 3, PARCEL 19, TAX MAP BLOCK 65 LOTS 27 & 28, LANDS OF KONSTANTINOS RITHANIOS & IRENE RITHANIOS, HIS WIFE, SITUATE IN OCEAN TOWNSHIP, OCEAN COUNTY, NEW JERSEY." DATED 12-18-75 PREPARED ANDERSON & BALLUS ASSOC., INC. BRICK TOWNSHIP, NEW JERSEY.

4. PLAN ENTITLED "OCEAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, OCEAN TOWNSHIP, OCEAN COUNTY, NEW JERSEY, WASTEWATER COLLECTION SYSTEM RECORD DRAWINGS" SHEET NO. S-100, DATED OCT. '79, PREPARED BY FELLOWS READ & WEBER, INC. CONSULTING ENGINEERS, TOMS RIVER, NEW JERSEY

5. DEEDS RECORDED IN THE OCEAN COUNTY CLERK'S OFFICE, TOMS RIVER, OCEAN COUNTY, NEW JERSEY.
DEED BOOK 13918, PAGE 0379 ~ TRANSFER TITLE OF A VACATED PORTION OF BAYBERRY DRIVE PURSUANT TO OCEAN TOWNSHIP ORDINANCE #2007-14
DEED BOOK 13353, PAGE 1594 ~ TAX LOT 19.01, BLOCK 129
DEED BOOK 12160, PAGE 561 ~ TAX LOT 28.01, BLOCK 65
DEED BOOK 11359, PAGE 1389 ~ TAX LOT 11, BLOCK 65
DEED BOOK 9674, PAGE 649 ~ TAX LOT 28.01, BLOCK 65
(DEED CONSOLIDATING TAX LOT 26, 27 & 28, BLOCK 65)
DEED BOOK 5674, PAGE 486 ~ TAX LOT 10, BLOCK 64
DEED BOOK 5338, PAGE 10 ~ TAX LOTS 26, 27 & 28, BLOCK 65
DEED BOOK 4991, PAGE 333 ~ TAX LOT 11, BLOCK 65
DEED BOOK 4445, PAGE 433 ~ TAX LOTS 26, 27 & 28, BLOCK 65
DEED BOOK 3325, PAGE 732 ~ TAX LOT 27, BLOCK 65
DEED BOOK 3176, PAGE 230 ~ TAX LOT 28, BLOCK 65
DEED BOOK 1842, PAGE 110 ~ TAX LOT 28, BLOCK 65
DEED BOOK 1732, PAGE 114 ~ TAX LOT 28, BLOCK 65
DEED BOOK 1644, PAGE 36 ~ TAX LOT 28, BLOCK 65

- DEEDS OF EASEMENT:
DEED BOOK 2707, PAGE 471 ~ ATLANTIC CITY ELECTRIC EASEMENT DOES NOT APPLY TO THIS PROPERTY
DEED BOOK 3593, PAGE 286 ~ OCEAN COUNTY SEWERAGE AUTHORITY EASEMENT, SHOWN ON MAP SEE (NOTE NO. 3)
DEED BOOK 3605, PAGE 442 ~ OCEAN COUNTY SEWERAGE AUTHORITY EASEMENT, SAME AS DB 3593, PG 286, SHOWN ON MAP (NOTE NO. 3)
DEEDS OF RESTRICTION:
DEED BOOK 1654, PAGE 435 ~ SANDS POINTS HARBOR RESTRICTIONS IMPACTS ON THE LAND
DEED BOOK 2808, PAGE 250 ~ SANDS POINTS HARBOR RESTRICTIONS IMPACTS ON THE LAND
DEED BOOK 3593, PAGE 286 ~ OCEAN COUNTY SEWERAGE AUTHORITY RESTRICTIONS, IMPACTS ON THE LAND



TITLE BINDER TABLE A:

1. All Boundary corners have been found and shown on plan of survey.
2. Vicinity map shown on plan.
3. Flood map shown on plan, Flood zone information see note no. 6
4. Gross land area shown on plan
5. Contours shown on map, Datum information see note no. 2
6. See zoning chart, minimum setback line are shown on the plan
7. As shown on map
8. All substantial and visible improvements are shown on map
9. There is no defined parking area
10. Subject property has no curbs or defined driveways and complete access to both adjoining roadways
11. All visible utilities and utility markout are shown on map
12. N/A
13. Names of adjoining owners are shown on plan
14. Subject property is at the intersection
15. This survey has been performed on the ground utilizing a Topcon total station instrument
16. No observable evidence of earth movement or building construction within the recent month
17. No changes in street right of ways and no sidewalks
18. No observable evidence of site use as a solid waste dump or land fill

EXHIBIT 2: PARKING TAB

1. There exist 37 regular parking spaces and 2 handicap parking spaces on the subject property.

METES AND BONDS DESCRIPTION OF TAX LOT 28.01, TAX BLOCK 65

ALL THAT CERTAIN TRACT, PARCEL AND LOT OF LAND LYING AND BEING SITUATE IN THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE EASTERLY LINE OF NEW JERSEY STATE HIGHWAY ROUTE 9 (73' FOOT RIGHT OF WAY) AT ITS INTERSECTION WITH THE FORMER NORTHERLY LINE OF BAYBERRY DRIVE (A VACATED 50' FOOT RIGHT OF WAY), THENCE:

1. NORTH 81°16'06" EAST ALONG THE AFORESAID FORMER NORTHERLY LINE OF BAYBERRY DRIVE A DISTANCE OF 82.92 FEET TO A POINT OF CURVATURE, HAVING A CAPPED IRON PIN FOUND, THENCE;
2. EASTERLY, NORTHEASTERLY, NORTHERLY ON A CURVE BEARING TO THE LEFT HAVING A RADIUS OF 80.00 FEET CONTINUING ALONG THE AFORESAID FORMER NORTHERLY LINE OF BAYBERRY DRIVE AN ARC DISTANCE OF 108.51 FEET TO A POINT, HAVING A CAPPED IRON PIN FOUND 0.12 FEET SOUTH AND 0.06 FEET WEST, THENCE;
3. SOUTH 86°26'54" EAST A DISTANCE OF 54.46 FEET TO A POINT ON THE WESTERLY LINE OF TAX LOT 9, TAX BLOCK 65, HAVING A CONCRETE MONUMENT FOUND 0.48 FEET SOUTH, 0.46 FEET WEST, THENCE;
4. SOUTH 03°33'06" WEST ALONG THE AFORESAID WESTERLY LINE OF TAX LOT 9, TAX BLOCK 65, A DISTANCE OF 274.62 FEET TO A POINT ON THE NORTHERLY LINE OF TAX LOT 19.01, TAX BLOCK 129 HAVING A CAPPED IRON PIN FOUND 0.11 FEET SOUTH AND 0.36 FEET WEST OF THE SOUTH WEST CORNER OF TAX LOT 9, TAX BLOCK 65, THENCE;
5. SOUTH 65°16'06" WEST ALONG THE AFORESAID NORTHERLY LINE OF TAX LOT 19.01, TAX BLOCK 129, A DISTANCE OF 162.19 FEET TO A POINT ON THE AFORESAID EASTERLY LINE OF NEW JERSEY STATE HIGHWAY ROUTE NO. 9 HAVING A CAPPED IRON PIN FOUND AT THE NORTH WEST CORNER OF TAX LOT 19.01, TAX BLOCK 129, THENCE;
6. NORTH 08°43'54" WEST ALONG THE AFORESAID EASTERLY LINE OF NEW JERSEY STATE HIGHWAY NO. 9, A DISTANCE OF 261.49 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING: 46,411 SQUARE FEET OR 1.065 ACRES

ZONE: C-1 GENERAL COMMERCIAL DISTRICT

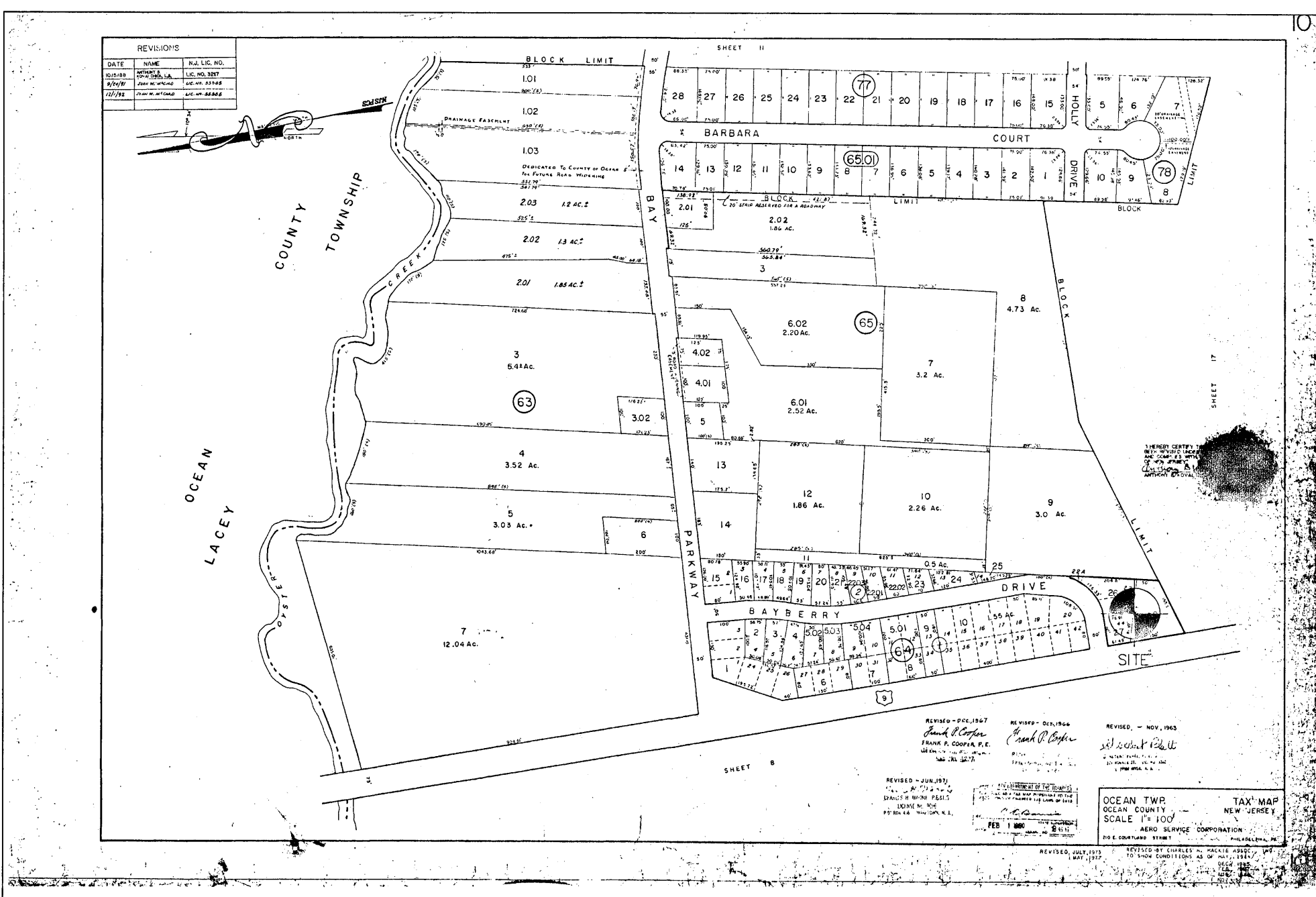
LOT MINIMUMS:	
LOT AREA	30,000 SQUARE FEET
LOT WIDTH	100 FEET
IMPERVIOUS COVERAGE	70 %
LOT COVERAGE (BUILDING)	40 %

PRINCIPAL BUILDING MINIMUMS:

FRONT SETBACK	40 FEET
REAR SET BACK	25 FEET
SIDE SETBACK	10 FEET
COMBINED SIDE SETBACKS	25 FEET

LEGEND

- UTILITY POLE
- GUY WIRE
- LIGHT POLE
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- SIGN
- SEWER MANHOLE
- CLEAN OUT
- SPOT ELEVATION
- DRAINAGE MANHOLE
- CURB INLET CATCHBASIN
- FLAT GRATE CATCHBASIN
- BOLLARD
- CAPPED PIN FOUND



AREA TAX MAP ~ NOT TO SCALE

DESCRIPTION:

BEING KNOWN AND DESIGNATED AS TAX LOT 28.01, TAX BLOCK 65 AS SHOWN ON SHEET NO. 10 OF THE OFFICIAL TAX MAPS FOR THE TOWNSHIP OF OCEAN, OCEAN COUNTY, NEW JERSEY. ALSO KNOWN AS LOTS 22, 22A, 23 & 44, BLOCK 2 AS SHOWN ON A MAP ENTITLED "MAP OF SANDS POINT HARBOR, SECTION A-1, OCEAN TWP., OCEAN COUNTY, N. J. SCALE- 1"=30' DECEMBER, 1953. MAP & SURVEY MADE BY JOHN A. ERNST JR. E. & L.S. LIC. NO. 3674" BEING FILED ON FEBRUARY 15, 1961 IN THE OCEAN COUNTY CLERK'S OFFICE AS MAP NO. E-335.

ALONG WITH FORMER LOT 28, BLOCK 65 AS DESCRIBED IN DEED BOOK 1942, PAGE 110 BEING RECORDED IN THE OCEAN COUNTY CLERK'S OFFICE ON SEPT. 13, 1971.

LOTS 22A, 22, 23, 44 & 28 HAVE BEEN CONSOLIDATED BY DEED OF CONSOLIDATION DATED MARCH 19, 1999, RECORDED ON MARCH 23, 1999 IN THE OCEAN COUNTY CLERK'S OFFICE IN DEED BOOK 5674, PAGE 0649.

INCLUDING A FULL 50 FOOT WIDE VACATED PORTION OF BAYBERRY DRIVE AS DESCRIBED IN DEED BOOK 13198, PAGE 379, RECORDED ON FEBRUARY 14, 2008 IN THE OCEAN COUNTY CLERK'S OFFICE

NO.	REVISION DESCRIPTION	DATE	DRWN	CHKD BY

A.L.T.A. / A.C.S.M. LAND TITLE SURVEY
FOR
566 NEW JERSEY STATE HIGHWAY RT. 9
OF
TAX LOT 28.01 ~ TAX BLOCK 65
OCEAN TOWNSHIP ~ OCEAN COUNTY ~ NEW JERSEY
(REFERENCE TAX MAP SHEET NO.10)

JOHN W. McCORD, SR.
PROFESSIONAL LAND SURVEYOR

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FAX (732)-269-4795

John W. McCord, Sr.
3-14-08
JOHN W. McCORD, Sr., P.L.S.

PROFESSIONAL LAND SURVEYOR NEW JERSEY LICENSE No. 35385

SCALE: 1"=30'
DATE: 02-28-08
DRAWN BY: JWM
CHKD. BY: MJM
FILE: 06-1206
DWS. NO: 06-1206-ALTA-S