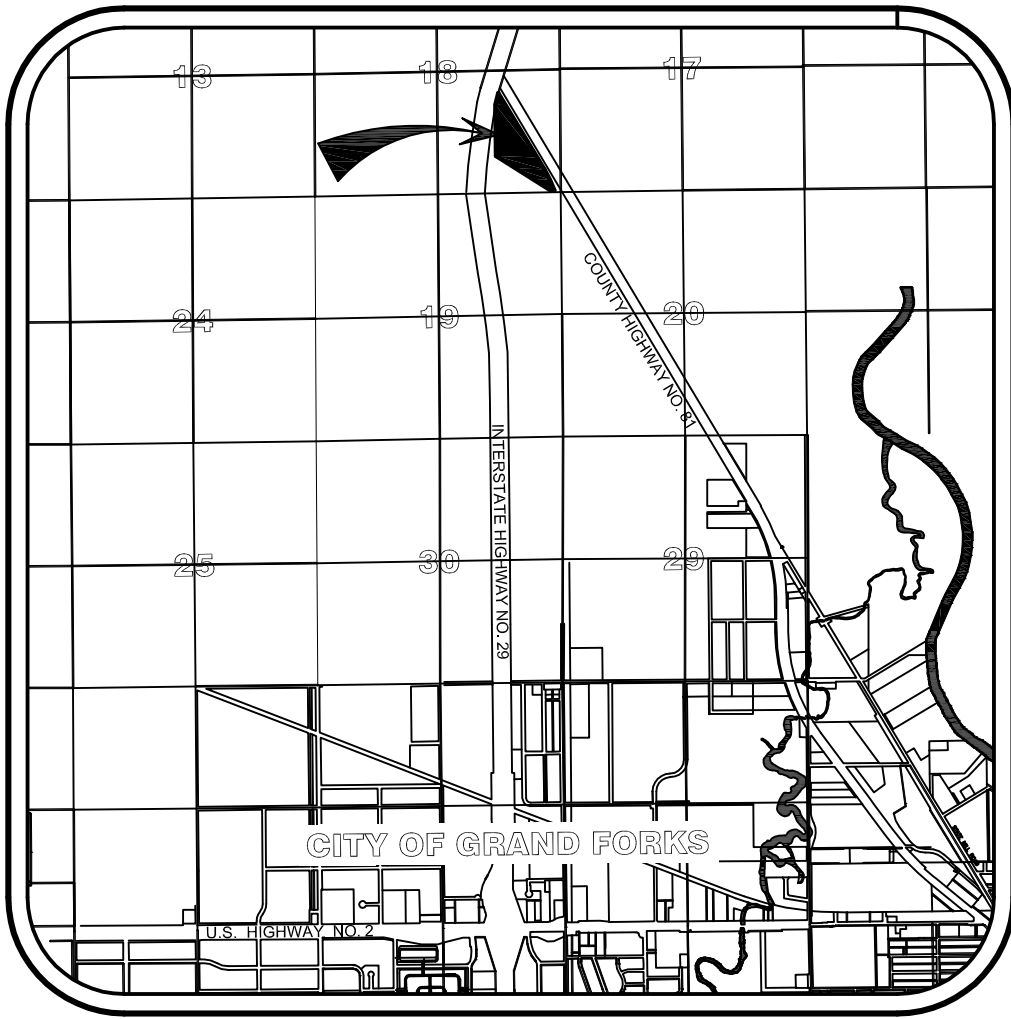


## Vicinity Map



## ALTA/ACSM Land Title Survey

### JPM Freebird Project Grand Forks

B&C Project No. 200800425-009  
4256 54th Avenue N., Grand Forks, ND

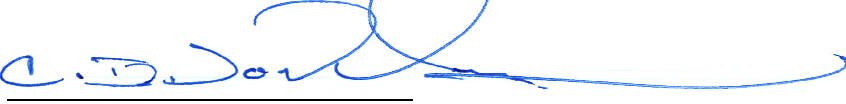
#### Surveyor's Certification

I, Christopher D. Jordheim, Professional Land Surveyor ("Surveyor") do hereby certify to Freebird II, LLC, Gavlon Grain, LLC, JPMorgan Chase Bank, N.A., as Administrative Agent ("Administrative Agent"), Commonwealth Land Title Insurance Company ("Title Company"), Bock & Clark Corporation, and their respective successors and assigns, as of the date written below, the following.

- I am a duly registered land surveyor of the State of North Dakota.
- I have made a careful survey of the tract of land and improvements legally described herein (the "Property"), which is the same as described in Title Company Commitment No. 218370 with an effective date of April 2, 2008. All easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the Property.
- This survey was made in accordance with and/or satisfies the requirements of (i) the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, including Items 1, 2, 3, 4, 6 (local zoning), 7(a)(b)(c), 8, 9, 10, 11(a), 13, 14, 16, 17 and 18 of Table A thereof; (ii) the Accuracy Standards (as adopted by ALTA, ACSM and NSPS and in effect on the date of this certification) for ALTA/ACSM Land Title Surveys (as defined therein); (iii) the existing code of practice for land surveys adopted by applicable professional surveyor's associations and land title associations in the state in which the real property is located to which this surveyor has been made aware; and (iv) applicable laws of the state in which the real property is located.
- This survey was actually made upon the ground, by me or under my supervision; the other information, courses and distances shown thereon are accurate; the title lines and lines of actual possession are the same; the property description "closes" by engineering calculation; this survey correctly shows the size, location and type of all visible buildings, structures and other observable improvements on the Property and unless shown or noted on the survey, all are within the boundary lines and applicable zoning set-back lines affecting the Property; there are no easements, rights of way or uses affecting the Property known to the undersigned or appearing from a careful physical inspection of the same, other than those shown thereon; unless otherwise shown or noted on the survey, all visible utility services are located on the Property or within adjacent public rights of way or recorded easements; other than as shown thereon, there are no party walls with or observable encroachments upon adjoining premises, streets or alleys by any of said buildings, structures or other observable improvements, or observable encroachments upon or party walls with the Property by any building, structure or other observable improvement situated upon any of the adjoining premises; and all public streets necessary for access to the project have been completed and dedicated and there is direct access between such streets and the project.
- The Property is located within an area having a Zone Designation "un-named" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 380033 0008A, with a date of identification of September 2, 1980, for Community No. 380033 0008A, in Grand Forks County, State of North Dakota, which is the current Flood Insurance Rate map for the community in which said premises is situated.
- According to the zoning map for the City of Grand Forks on file with the City of Grand Forks Zoning Office, the Project is situated in I-2, Heavy Industrial Zoning District (the "Zoning District").
- The use permitted as of right in the Zoning District according to the Zoning Ordinance/By-Law on file with the City of Grand Forks Zoning Office is grain elevators and storage. The Surveyor makes no statement regarding the current use of the premises.
- Parking striping observed on the Property is as shown or noted on the survey or no parking striping was observed.
- Unless otherwise shown or noted on the survey, the Property does not visibly service any adjoining property for drainage, access, ingress, egress or any other known or observable purpose.
- The lots shown and described on the survey were approved as part of the definitive subdivision modification for the Plat of ConAgra Addition to the City of Grand Forks. Approved plans are recorded as Document No. 671223.
- Unless otherwise noted on the survey, the building on the Property complies with the Zoning Ordinance/By-Laws with respect to set-backs. The Surveyor makes no other statement with respect to compliance with any other zoning requirements imposed by any special permit, variance or conditional zoning approval.

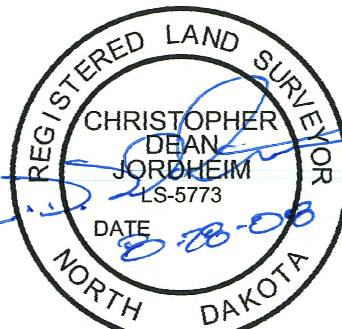
This Certificate is rendered to Title Company with the understanding that it will rely on this certification to issue a zoning endorsement for the Administrative Agent and the undersigned hereby consents to the reliance thereon.

Executed as a sealed instrument this 28th day of August, 2008.



Christopher D. Jordheim  
Registration No. 5773  
In the State of North Dakota  
Date of Survey: May 6, 2008  
Date of Last Revision: August 28, 2008  
Network Project No. 200800425-009

Survey Performed By:  
Wildse, Smith, Nolting  
2715 South Washington Street  
Grand Forks, ND 58201  
Phone: 701-795-1975  
Fax: 701-795-1978  
Email: chris.jordheim@wsn-mn.com



Sheet 1 of 2

## Items Corresponding to Schedule B

- Pipeline Easement to the City of Grand Forks, recorded in Book 66 of Misc., page 521 includes that portion of the subject property labeled on the plat of ConAgra Addition as "59.00' EASEMENT TO THE CITY OF GRAND FORKS." Said easement encumbers the subject property, and is plotted.
- Right of way Easement to Northwestern Bell Telephone Company, recorded in Book 120 of Misc., on page 215 lies within the platted 40.00' foot Right of way, dedicated to public use on the plat of ConAgra Addition. An easement labeled on said plat as "10.00' EASEMENT TO NORTHWESTERN BELL TELEPHONE COMPANY" lies immediately north of said 40.00' foot Right of way. This platted easement encumbers the subject property, and is plotted.
- Right of way Easement to Agassiz Water Users, Inc., recorded in Book 110 of Misc., on page 461 is 30.00' feet in width, and lies centered upon water lines as presently constructed and existing. In my opinion, this easement does encumber the subject property, although no observable evidence of said lines was noted at time of survey. Thus said easement is not plotted.
- Easement (for Underground Distribution Line Construction) to Nodak Rural Electric Cooperative, Inc., recorded as Document No. 397954 does, in my opinion, encumber the subject property. Because the easement is blanket in nature, it is not plotted.
- Easements as shown on the recorded plat of ConAgra Addition, filed of record February 6, 2008, as Document No. 671223 encumber the subject property, and are plotted.
- Terms and conditions of Rail Access Easement Agreement dated April 29, 2008, filed of record May 6, 2008, as Document No. 674069, by and between Conagra Foods, Inc., a Delaware corporation, and UAP Distribution, Inc., a Delaware corporation. Said Document No. 674070 describes an approximate 12' x 1900' emergency access road crossing Lots 1 and 2 as laid out in Exhibit C. Exhibit C is not recorded as part of Doc. No. 674070, although the roadway on the westerly side of the subject property appears to match the 12' x 1900' description. That portion of said apparent matching roadway within the subject property is plotted.
- Terms and conditions of Reciprocal Utility Easement Agreement dated April 29, 2008, filed of record May 6, 2008, as Document No. 674071, by and between Conagra Foods, Inc., a Delaware corporation, and UAP Distribution, Inc., a Delaware corporation. Said Document No. 674071 describes easements over existing utility lines. No underground utility lines were located in conjunction with this project, and therefore are not plotted.

## Utility Notes

- (UN1) The location of the utilities shown on the survey have been determined from observation of above ground opportunities only. The surveyor has not physically located the utilities.

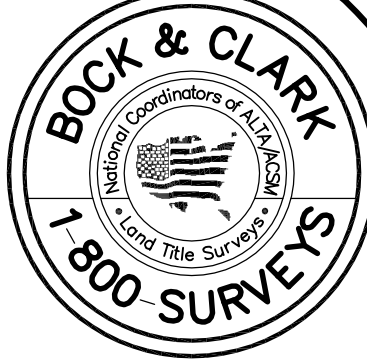
## Adjacent Property Owners

- 1 CARTER, JACK R & CAROL JEAN  
4502 54TH AVE N  
GRAND FORKS ND 58201
- 2 UAP DISTRIBUTION, INC.,  
7251 W. 4TH STREET  
GREELEY, CO 80634

## LEGAL DESCRIPTION

Lot 1, Block 1, ConAgra Addition to the City of Grand Forks, North Dakota, according to the Official Plat thereof, on file in the office of the County Recorder, in and for the County of Grand Forks and State of North Dakota.  
Together with an easement for ingress/ egress purposes as set forth in Emergency Access Road Easement Agreement dated April 29, 2008, filed May 6, 2008 as Document No. 674070.  
Together with easements for utility purposes as set forth in Reciprocal Utility Easement Agreement dated April 29, 2008, filed May 6, 2008 as Document No. 674071.

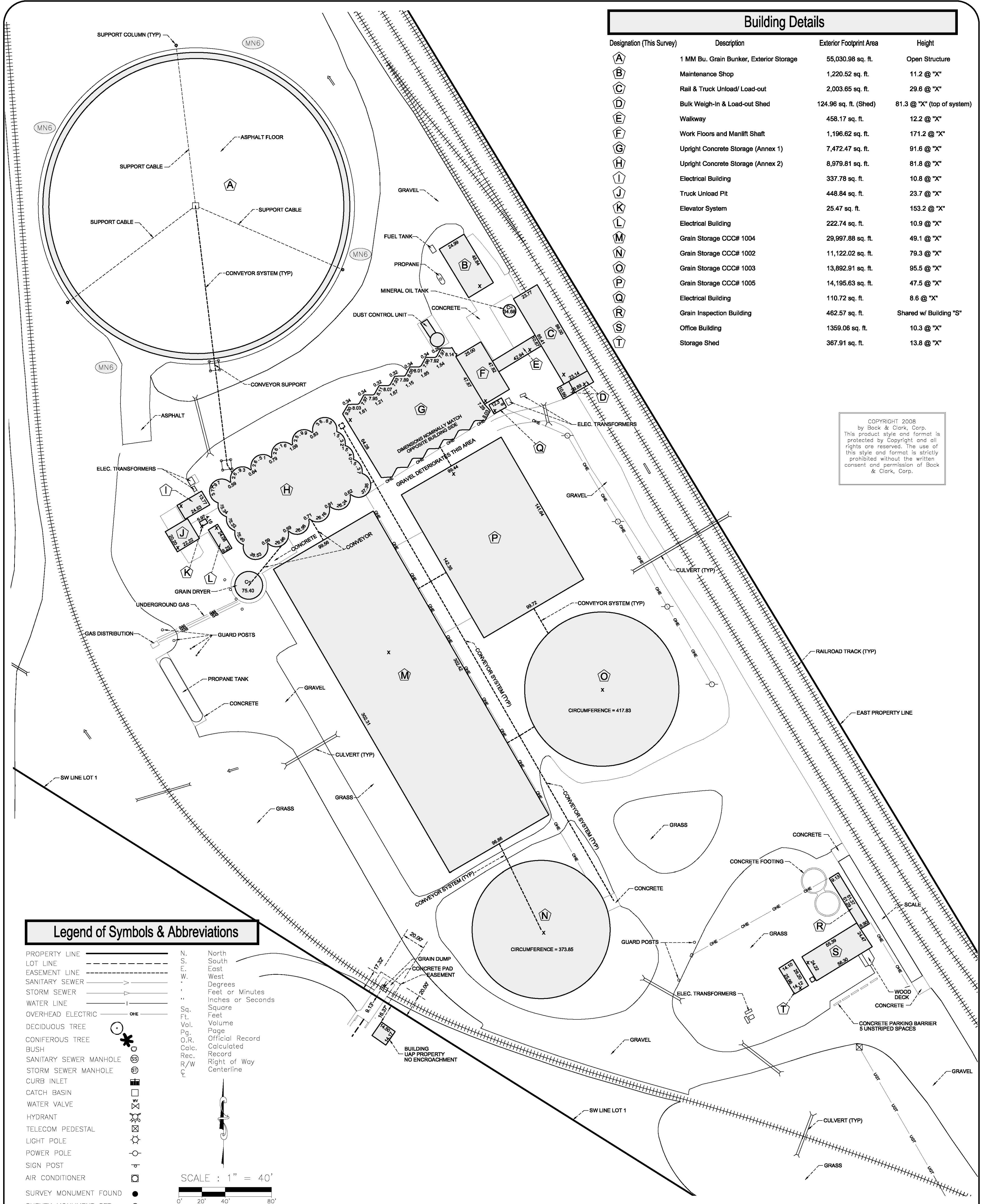
The above described parcel is the same land as described in Commonwealth Land Title Insurance Company Commitment No. 218370. Plat of ConAgra Addition recorded February 6, 2008.



## Bock & Clark's National Surveyors Network National Coordinators of ALTA/ACSM Land Title Surveys

537 North Cleveland-Massillon Road Akron, Ohio 44333  
Phone: (800) Surveys, Fax: (330) 666-3608 www.1800surveys.com





Building Details			
Designation (This Survey)	Description	Exterior Footprint Area	Height
A	1 MM Bu. Grain Bunker, Exterior Storage	55,030.98 sq. ft.	Open Structure
B	Maintenance Shop	1,220.52 sq. ft.	11.2 @ "X"
C	Rail & Truck Unload/ Load-out	2,003.65 sq. ft.	29.6 @ "X"
D	Bulk Weigh-in & Load-out Shed	124.96 sq. ft. (Shed)	81.3 @ "X" (top of system)
E	Walkway	458.17 sq. ft.	12.2 @ "X"
F	Work Floors and Manlift Shaft	1,196.62 sq. ft.	171.2 @ "X"
G	Upright Concrete Storage (Annex 1)	7,472.47 sq. ft.	91.6 @ "X"
H	Upright Concrete Storage (Annex 2)	8,979.81 sq. ft.	81.8 @ "X"
I	Electrical Building	337.78 sq. ft.	10.8 @ "X"
J	Truck Unload Pit	448.84 sq. ft.	23.7 @ "X"
K	Elevator System	25.47 sq. ft.	153.2 @ "X"
L	Electrical Building	222.74 sq. ft.	10.9 @ "X"
M	Grain Storage CCC# 1004	29,997.88 sq. ft.	49.1 @ "X"
N	Grain Storage CCC# 1002	11,122.02 sq. ft.	79.3 @ "X"
O	Grain Storage CCC# 1003	13,892.91 sq. ft.	95.5 @ "X"
P	Grain Storage CCC# 1005	14,195.63 sq. ft.	47.5 @ "X"
Q	Electrical Building	110.72 sq. ft.	8.6 @ "X"
R	Grain Inspection Building	462.57 sq. ft.	Shared w/ Building "S"
S	Office Building	1359.06 sq. ft.	10.3 @ "X"
T	Storage Shed	367.91 sq. ft.	13.8 @ "X"

COPYRIGHT 2008  
by Bock & Clark, Corp.  
This product style and format is  
protected by Copyright and all  
rights are reserved. The use of  
this style and format is strictly  
prohibited without the written  
consent and permission of Bock  
& Clark, Corp.

### Legend of Symbols & Abbreviations

PROPERTY LINE	---	N.	North
LOT LINE	---	S.	South
EASEMENT LINE	---	E.	East
SANITARY SEWER	---	W.	West
STORM SEWER	---	D.	Degrees
WATER LINE	---	F.	Feet or Minutes
OVERHEAD ELECTRIC	---	I.	Inches or Seconds
DECIDUOUS TREE	---	Sq.	Square
CONIFEROUS TREE	---	Ft.	Feet
BUSH	---	Vol.	Volume
SANITARY SEWER MANHOLE	---	Pg.	Page
STORM SEWER MANHOLE	---	O.R.	Official Record
CURB INLET	---	Calc.	Calculated
CATCH BASIN	---	Rec.	Record
WATER VALVE	---	R/W	Right of Way
HYDRANT	---	C	Centerline
TELECOM PEDESTAL	---		
LIGHT POLE	---		
POWER POLE	---		
SIGN POST	---		
AIR CONDITIONER	---		
SURVEY MONUMENT FOUND	---		
SURVEY MONUMENT SET	---		
MARKED LS-5773	---		

SCALE : 1" = 40'

Zoning Information			
ITEM	REQUIRED	OBSERVED	SOURCE INFORMATION
PERMITTED USE	Rail freight, processing & storage	same	City of Grand Forks P&Z
MINIMUM LOT AREA	N.A.	992,361 Sq. Ft. 22.78 Acres	255 N 4th St Grand Forks ND 58206
MINIMUM FRONTAGE	N.A.	250'	PERSON CONTACTED Ryan Brooks, Senior Planner
MINIMUM LOT WIDTH	N.A.	Irregular	DATE CONDUCTED May 5, 2008
MAX. IMPERVIOUS AREA	85%	15% Building Coverage	PHONE NUMBER (701) 746-2660
MINIMUM SETBACKS FRONT	25'+1'-71" for bldg height over 25'	64.78'	EMAIL ADDRESS rbrooks@grandforksgov.com
MINIMUM SETBACKS SIDE	15'	27.01'	NOTES: The property is zoned I-2 Heavy Industrial, by Ordinance No. 4212, an amendment to rezone and exclude from the A-2 district, and to include within the I-2 INDUSTRIAL DISTRICT, ALL OF CONAGRA SUBDIVISION. Approved by the City Council of Grand Forks, ND December 17, 2007. *Existing structures may allow to remain as constructed as permitted non-conforming structures.
MINIMUM SETBACKS REAR	20'	724.79'	
MAX. BUILDING HEIGHT	6 stories or 75'	171.2'	
PARKING REGULAR	N.A.	5	
PARKING HANDICAP	N.A.	0	
PARKING TOTAL	N.A.	5	

### Miscellaneous Notes

- MN1 Building setback lines not shown for clarity purposes. Current building types and locations approved by City of Grand Forks. See note in Zoning Information.
- MN2 The south line of the Southeast Quarter of Section 18 is assumed to have a bearing of South 86 degrees 58 minutes 04 seconds West.
- MN3 Character of possession of the subject property is in accordance with the described boundary.
- MN4 No evidence of cemeteries or burial grounds were observed on, or immediately adjacent to, the subject property at the time of this survey.
- MN5 Distance to nearest intersecting street is 275.60' from SE lot corner to the intersection of County highway No. 81 with 54th Avenue North. (shown graphically on sheet 1)
- MN6 Evidence of earth moving work and recent construction was observed in and near the grain bunker building, designated "A" this sheet.
- MN7 No predicted or planned right of way changes affect the streets adjacent to the subject property, per City of Grand Forks, and North Dakota DOT. No evidence of recent street or sidewalk construction observed.
- MN8 No evidence observed of site used as a solid waste dump, sump, or sanitary landfill.

### Building Notes

- BN1 No building street numbers observed in field/ no addresses posted.

**JPM Freebird Project**  
Grand Forks  
B&C Project No. 200800425, 009  
4256 54th Avenue N., Grand Forks, ND

Christopher D. Jordheim  
Registration No. 5773  
In the State of North Dakota  
Date of Survey: May 6, 2008  
Date of Last Revision: August 28, 2008  
Network Project No. 200800425-009

Survey Performed By:  
Widseth, Smith, Nolting  
2715 South Washington Street  
Grand Forks, ND 58201  
Phone: 701-795-1975  
Fax: 701-795-1978  
Email: chris.jordheim@wsn-mn.com