



TERMS OF SALE FOR TWO (2) SEALED BID AUCTIONS

**54± Acres Parker Auto Plaza, Parker, CO and
35 Acres Castle Rock @ I-25, Castle Rock, CO**

SEALED BID DUE DATE: FEBRUARY 10, 2009

BID PROCEDURE: All Bids must be received by 5:00 p.m. P.S.T. February 10, 2009 at Accelerated Marketing Group, Inc., 5000 Birch Street, Suite 205, Newport Beach, CA 92660 Attention: Todd Good, President. Bids that are received after the deadline *may not* be eligible for consideration and may be returned to the sender unopened. All bids must have a complete return address on the outside of the envelope.

DOCUMENTS AVAILABLE: All Bidders are required to purchase a Property Information Packet (PIP). Said PIP is being sold at a cost of \$30.00; provided, however, that all such information set forth in the PIP shall be confidential, and each Bidder shall execute and return the enclosed confidentiality agreement. Property Information Packet contains: Preliminary Title Report; zoning; specimen contract (the "Contract"), site plans, environmental reports and bidding procedures. All information contained in this brochure and all other auction-related material is subject to and superseded by the Contract, which should be carefully reviewed by an attorney prior submission of the bid.

WINNING BIDS: The Seller will consider all bids but has set the following Published Reserve amounts above which the Seller is obligated to sell the Properties to the highest conforming bidder.

Parker Auto Plaza 54± Acre Property:

The Seller has set Published Reserves according to the following table. The Seller is obligated to sell each Lot of the Property to the highest conforming Bidder at or above the Published Reserve amount for that Lot. **NOTE: Bidders that are exempt from taxation under Colorado law may NOT bid on the Parker Auto Plaza properties and any bids received from tax-exempt bidders will not be reviewed and will be returned to the bidder with no obligation to the Seller.**

<u>Lot Label</u>	<u>Land Description</u>	<u>Acreage±</u>	<u>S.F.±</u>	<u>Reserve \$/S.F.</u>
Filing 3	Pad H Near Chevrolet	2.3	100,188	\$6.25
Filing 1, Block 3	Pine Ln & Parker	16	696,960	\$9.85
Filing 2, Block 3	Interior; West of 20 mile; south of Pine	13.09	570,200	\$4.90
Filing 2, Block 2	West of CARMAX; Long & Skinny parcel	4.98	216,929	\$4.90
Filing 2 Block 1, Lot 1	East of CARMAX along 20 mile; 2 parcels	5.94	258,746	\$8.85
Filing 2 Block 1, Lot 2		5.28	229,997	\$4.90
Block 2, Lot 1	Dransfield behind shopping center	1.5	65,340	\$6.00
Pad "H"	Parcel H in Parker Plaza	2.2	95,832	\$6.45
Filing 1, Block 1	CDJ surplus	2.77	120,661	\$4.80

Castle Rock 35± Acre Property: The Seller has set a Published Reserve of Three Dollars Fifteen Cents (\$3.15) per square foot. The Seller is obligated to sell this Property to the highest conforming Bidder at or above this Published Reserve amount.

BID CONSIDERATION: Seller shall review and evaluate the bids, and shall consider, without limitation, the following factors:

1. Purchase price.
2. Conformity to the terms and conditions of the Contract.
3. Bidder's financial status and capabilities.
4. Bids that are for all Lots in the Parker Auto Plaza Property.
5. Bids that are for both Properties.

Seller shall select the winning bid in its sole and absolute discretion

NOTE: Any changes to the Seller-approved Contract should be requested in writing to the Broker by January 29, 2009.

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The Seller will consider all bids with the exception of tax-exempt bids for the Parker Auto Plaza properties. A bidder may submit a Conforming Bid, which is a bid on the Contract form supplied in the Bidder's Information Packet. The bid must include a cashier's check in the amount of five percent (5%) of the Total Purchase Price amount being bid as initial earnest money deposit made payable to LandAmerica Title as provided for in the Contract. The earnest money must be increased by an additional five percent (5%) to total ten percent (10%) of the Total Purchase Price amount within five business days of notification of the acceptance of the bid. All earnest money will be held in an interest bearing account during the consideration period and prior to closing in the case of successful bid. All bids shall also include a completed recent financial statement or other evidence of the bidder's ability to close the transaction. All such financial information shall be treated as strictly confidential by Seller and Broker. In the event two or more bids are determined in the Seller's sole discretion to be equivalent, Seller reserves the right to request an additional Best and Final Bid from those bidders.

CONDUCT OF THE AUCTION: The Properties are being sold on an "AS-IS, WHERE-IS" basis. An inspection of the Properties by you and your experts, prior to the auction, is invited. Such inspection may include but not be limited to zoning, size and any other developmental concerns relevant to you. Buyer and/or any person receiving information regarding the Properties to be sold acknowledge that Seller is providing this information without warranty or representation as to its accuracy or completeness. Buyer and/or any person receiving information regarding the Properties to be sold acknowledges and agrees that the Properties are being sold in an "AS IS" condition subject to the above and neither Seller nor Broker makes any other warranty or representation regarding the Properties or any other matter relating to the Properties and further acknowledges that no agent acting on behalf of Seller has been authorized to make any such other warranty or representation.

Buyer and/or any person receiving information regarding the Properties to be sold further acknowledges that it has been given an opportunity to investigate the Properties, including the right and opportunity to obtain its own consultants to examine the Properties and any structure thereon and that Buyer and/or any person receiving information regarding the Properties to be sold is relying solely upon its own investigation and not upon any statement made by Seller or its agents or Auctioneer.

BID AWARD: All bids shall be irrevocable and subject to acceptance for a period of 5 business days following the submission deadline. All persons submitting bids will be notified in writing of the acceptance or rejection of their bid. Failure of Bidder to receive the notice shall not constitute an acceptance of their bid.

BACK-UP BIDDER: The next highest bid below the Successful High Bidder is considered a Back-Up Bidder and *may* be informed that it is in the Back Up Bidder position. The Back-Up Bidder's Initial Down Payment will be held until 5:00 pm, February 17, at which time it will a) be returned to the Back-Up Bidder upon Seller's receipt of the Successful High Bidder's additional earnest money or b) become immediately non-refundable upon default of Successful High Bidder and Back-Up Bidder will be notified by escrow that the Seller has executed their approved Real Estate Sales Contract. If the Back-Up Bidder's Initial Down Payment is less than 10% of its Total Purchase Price, then it **MUST** be increased to 10% of its Total Purchase Price by cashier's check or wired funds within three business days of notification by escrow.

INSPECTION SESSIONS: Call the Auction Information Center at (949) 313-0701 for an appointment and additional information.

CLOSING DATE: Closing will occur on or before March 31, 2009. The Sale will settle on or before this date as specified in the Contract, at which time the purchaser will pay the balance of the purchase price.



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BUYER'S PREMIUM: All sales shall provide that each purchaser pay a premium equal to three percent (3%) of the High Bid Price. This amount shall be added to the final bid and inserted in the Contract to determine the Total Purchase Price.

AGENCY DISCLOSURE: It is understood that the Accelerated Marketing Group, a licensed California broker together with Staubach Retail Group, a licensed Colorado broker (collectively, "Broker"), is acting in the capacity of real estate Broker on behalf of the Seller and that the Broker has been approved by Seller to conduct the sale. The Seller and Broker have executed an agency agreement, which provides for the payment of a commission to Broker upon the sale of the real property.

REALTOR®/BROKER PARTICIPATION INVITED: A referral fee of one percent (1%) of the High Bid Price will be paid by Seller at closing to the licensed real estate broker that complies with the Terms of Sale and whose prospect closes on the property. To qualify for the referral fee, the real estate broker must:

- a) Be a Colorado licensed real estate broker who will abide by the National Association of Realtors Code of Ethics.
- b) Register their prospect before **February 4, 2009** by mail, email or facsimile to Accelerated Marketing Group, 5000 Birch Street, Suite 205, Newport Beach, CA 92660 Attention: Todd Good. tgood@amgre.com; fax 949-250-4440.
- c) Ensure that the registration is received before any inspection of the property by the prospect.
- d) Be noted in client's bid cover letter as representing client.

All referral registrations accepted by the Auctioneer on behalf of the Seller will be acknowledged in writing. A complete file on all such prospects will be maintained. No REALTOR®/Broker will be recognized on a prospect that has previously contacted or been contacted by the Seller or the Seller's representatives. Referral fees will be paid by Seller and receipt of commissions by the Accelerated Marketing Group. No referral fees will be paid by the Seller if the REALTOR®/Broker or a member of his immediate family is participating in the purchase of the property or has an equity interest in the entity purchasing the Property. An affidavit will be required certifying that the REALTOR®/Broker is serving only as a broker and not as a principal. There can be NO EXCEPTIONS to this procedure and no oral registrations will be accepted.

The information contained in this brochure is subject to inspection and verification by all parties relying on it. No liability for its inaccuracy, errors or omissions is assumed by the sellers or their agents. ALL ACREAGE, DIMENSIONS, STATISTICS AND TAXES IN THIS OFFERING ARE APPROXIMATE. This listing may be withdrawn or modified without notice at any time.

This is not a solicitation or offering to residents of any state where this offering is prohibited by law.

In Cooperation with Staubach Retail Group, a Colorado licensed real estate broker.

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