



TERMS OF SALE
ABSOLUTE AUCTION OF CAPTAIN D'S RESTAURANT
2710 FM 407, HIGHLAND VILLAGE, TX 75077
SALE: 11AM JUNE 25, 2009
AUCTION AT HYATT PLACE DALLAS/GRAPEVINE

Accelerated Marketing Group
Auctioneers - Real Estate Brokers
5000 Birch Street, Suite 205, Newport Beach, CA
92660

AUCTION INFORMATION CENTER
Ken Goessling, CCIM
(949) 313-1150, Fax (815) 301-9711
ken@amgre.com

AUCTION FORMAT: The auction shall be held on **June 25, 2009 at 11AM at the Hyatt Place Dallas/Grapevine, 2220 Grapevine Mills Circle West, Grapevine, TX 76051, 972-691-1199; registration begins one hour before the sale.** This real estate offering is being conducted by Accelerated Marketing Group. All bidding is open and public. Bidders for the Property must **present a cashier's check for \$50,000.00 payable to Lawyers Title Insurance Corporation, proof of financial ability to close at bidders purchase price and sign a Bidders Statement** (Sample available in the Property Information Package) in order to receive a bidder's card. To bid during the auction, you need only raise your hand with your bidder's card.

DOCUMENTS AVAILABLE: Bidders should obtain a Property Information Package available at a cost of \$20 plus mailing cost (if applicable). The package contains preliminary title report, plat map, appraisal, Environmental transaction screens and radius map, financials, building plans, tax status and other pertinent information. Contact the coordinator, Ken Goessling, CCIM to request a Property Information Package, which will also be available for review and purchase during on-site inspections and at the auction.

OPEN HOUSES: On-site inspections will be held, on June 2, 9, 17, and 24th 9:30 AM to 11 AM CST. Property Information Packages will be available at inspection for purchase. Call or email the coordinator, Ken Goessling, CCIM for additional information (be sure to include all of your contact information in the email).

FINANCING: None. This is an all cash sale.

WINNING BID: The auction is being conducted as an Absolute sale. The Auctioneer will start the bidding at the suggested opening bid of \$300,000.

REALTOR®/BROKER PARTICIPATION INVITED: A one and one-half percent (1.5%) of the High Bid Price referral fee will be paid by the Seller from the Auctioneer's fee to the licensed real estate broker, whose prospect pays and closes on the property. To qualify for a referral fee, the real estate broker must:

- (a) Be a Texas licensed real estate broker who will abide by the National Association of Realtors Code of Ethics;
- (b) Register the prospect before **June 18, 2009** (the registration deadline) by fax to (815) 301-9711 or certified mail return receipt requested, on your company stationery to Accelerated Marketing Group, 107 S. Meramec Ave., St. Louis, MO 63105: Attn: Ken Goessling, CCIM Have your client sign the letter of registration;
- (c) Ensure that the registration letter is received before any inspection of the property by the prospect;
- (d) Attend the auction with the prospect and bid with or for the prospect.

All registrations accepted by the Seller will be acknowledged; each acknowledged REALTOR® / Broker must bring their registration acknowledgment to an Inspection session and to the auction for registration verification purposes. A complete registration file on all 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 upon closing and receipt of commissions by 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 is an equity partner in the purchasing entity. 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.

BUYER'S PREMIUM: An EIGHT percent (8%) Buyer's Premium will be added to the High Bid Price to determine the Total Purchase Price in the Purchase and Sales Contract.

THE SUCCESSFUL HIGH BIDDER will be required to surrender their initial deposit at the time of Sale in

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acceptable tender. Cashier's Check, Certified Check or Money Order is acceptable made payable to: Lawyers Title Insurance Corporation, 701 "B" Street, Ste. 1700, San Diego, CA, 92101, Phone: Linda McClain (619) 230-6356 lmclain@ltic.com. If the Initial Deposit Payment is less than 10% of the Total Purchase Price, then it MUST be increased to 10% of the Total Purchase Price by cashier's check, or wired funds, by 12:00 noon PST June 30, 2009 Note: additional earnest money due under the terms of the Real Estate Sales Contract will be accepted via personal check ONLY at the auction.

BACK-UP BIDDER: The next highest bid below the Successful High Bidder is considered a Back-Up Bidder and *may* be invited to sign the approved Real Estate Sales Contract in the amount of their Total Purchase Price immediately upon conclusion of the bidding and deposit their cashier's check made payable to: Lawyers Title Insurance Corporation, 701 "B" Street, Ste. 1700, San Diego, CA, 92101, Phone: Linda McClain (619) 230-6356 lmclain@ltic.com. The Back-Up Bidder's Initial Down Payment will be held until 5:00 pm PST, June 30, 2009, 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

CLOSING DATE: The sale shall close on or before **August 6, 2009**

CONDUCT OF THE AUCTION: **Announcements made at the podium at the time of the sale take precedence over all printed materials.** Conduct of the auction and increments of bidding are at the direction and discretion of the auctioneer.

The property is being sold on an "AS-IS, WHERE-IS" basis. A complete inspection of the property by you and your experts, prior to the auction, is invited.

Buyer and/or any person receiving information regarding the property to be sold acknowledges and agrees the property is being sold in an "AS IS" condition and neither Seller nor Broker makes any warranty or representation regarding the property, including any structure thereon or any matter relating to such property or any such structure and further acknowledges that no agent acting on behalf of Seller has been authorized to make any such warranty or representation.

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

AGENCY DISCLOSURE: It is understood that Accelerated Marketing Group in cooperation with Gordon Greene, TX R.E. Broker & TXAL 7720 ("Broker") is marketing and promoting this offering and 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.

ENTIRE DOCUMENT: The information contained herein is subject to inspection and verification by all parties relying on it. The Seller or its agent assumes no liability for the information accuracy, errors or omissions. ALL SQUARE FOOTAGE, DIMENSIONS, AND TAXES IN THIS BROCHURE ARE APPROXIMATE. This listing may be withdrawn or modified without notice at any time.

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