

21 Fitzsimmons

FILE #18000331015

CITY: Aurora

COUNTY: Adams

STATE: CO



Stewart Title Guaranty Company Commercial Services
(Denver)
55 Madison Street, Suite 400
Denver, CO 80206

Date: May 23, 2018
File Number: 18000331015
Property: vacant land, Aurora, CO 80045

Please direct all Title inquiries to:

Brenda Kidd
Phone: (303) 780-4054
Email Address: bkidd@stewart.com

DISTRIBUTION LIST:

| | |
|--|--|
| Stewart Title - Commercial Services PH: 713-625-8148 Attn: Paula Wills pwills@stewart.com PH: 713-625-4187 Attn: Channa Fontenot channa.fontenot@stewart.com | |
|--|--|

ATTACHED PLEASE FIND THE FOLLOWING:

Title Commitment
Documents

stewart title®

ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY COMPANY

STEWART TITLE GUARANTY COMPANY, a Texas Corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Countersigned by:


Authorized Countersignature




Matt Morris
President and CEO

Stewart Title Guaranty Company
Commercial Services (Denver)
55 Madison Street, Suite 400
Denver, CO 80206
(303) 331-0333
Agent ID: 06J050


Denise Carraux
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company.

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at < <http://www.alta.org/>>.*

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

File No.: 18000331015

1. Effective Date: May 22, 2018, at 5:30 P.M.

2. Policy or Policies to be issued:

Amount of Insurance

(a) ALTA Owner's Policy 2006 (Standard)

T.B.D.

Proposed Insured:

Fitzsimons Apartments, LLC,
a Delaware limited liability company

(b) ALTA Loan Policy 2006 (Standard)

T.B.D.

Proposed Insured:

To be determined

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

Fee Simple

4. Title to the referenced estate or interest in said land is at the effective date hereof vested in:

Fitzsimons Redevelopment Authority,
a governmental entity created pursuant to
the laws of the State of Colorado

5. The land referred to in this Commitment is described as follows:

Lots 1 and 2, Block 2,
Lot 1, Block 3, and
Tract A,

[COLORADO SCIENCE AND TECHNOLOGY PARK AT FITZSIMONS SUBDIVISION FILING NO. 2,](#)

County of Adams,
State of Colorado.

Purported Address:
vacant land
Aurora, CO 80045

STATEMENT OF CHARGES

These charges are due and payable
before a policy can be issued

| | |
|--|--------|
| Commercial Rate | |
| 2006 Owner's Policy: | \$TBD |
| Owner's Extended Coverage: | 65.00 |
| ALTA 39: | N/C |
| 2006 Loan Policy: | TBD |
| Lender's Extended Coverage: | N/C |
| ALTA 39: | TBD |
| Tax Certificates: | 120.00 |
| <u>(Sch. # R0178263)</u> | |
| <u>(Sch. # R0178264)</u> | |
| <u>(Sch. # R0176285)</u> | |
| <u>(Sch. # R0176286)</u> | |





COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART I

File No.: 18000331015

The following are the requirements to be complied with:

1. Payment to or for the account of the grantor(s) or mortgagor(s) of the full consideration for the estate or interest to be insured.
2. Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record:
 - a. Warranty Deed from Fitzsimons Redevelopment Authority, a governmental entity created pursuant to the laws of the State of Colorado, vesting fee simple title in Fitzsimons Apartments, LLC, a Delaware limited liability company.
NOTE: A Real Property Transfer Declaration is required with each transfer in the State of Colorado.
NOTE: Deed must include a notation as to the legal address of the grantee.
 - b. Deed of Trust from Fitzsimons Apartments, LLC, a Delaware limited liability company, a Delaware limited liability company, to the Public Trustee, for the benefit of the lender.
3. Receipt by the Company of Commercial Lien Affidavit, executed by Fitzsimons Redevelopment Authority.
NOTE: If the property is currently under construction or new improvements have been made, this commitment is subject to additional requirements.
NOTE: Seller must affirm that no lease contains any option to purchase, right of first offer, or right of first refusal.
4. Receipt by the Company of Commercial Lien Affidavit, executed by Fitzsimons Apartments, LLC.
NOTE: If the property is currently under construction or new improvements have been made, this commitment is subject to additional requirements.
5. Receipt by the Company of a satisfactory survey.
NOTE: Policy will contain an exception to any adverse matters disclosed.
6. Payment of all taxes and assessments now due and payable.
7. Recordation of Partial Release by the Public Trustee of the Deed of Trust from Fitzsimons Redevelopment Authority, for the benefit of Land Holdings Venture, LLC, to secure \$15,613,097.54, recorded September 30, 2015, at [Reception Number 2015000081277](#), and Amended and Restated Deed of Trust recorded November 13, 2015, at [Reception Number 2015000095533](#), releasing the subject property.
NOTE: Option Assignment recorded July 5, 2016, at [Reception Number 2016000053277](#).
8. Receipt by the Company of a copy of the fully executed Operating Agreement for Fitzsimons Apartments, LLC, and any and all amendments thereto.
NOTE: The Company reserves the right to make additional requirements upon its review of this document.

NOTE: If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).

COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

File No.: 18000331015

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records or listed in Schedule B.
7. Water rights, claims or title to water.
8. Taxes for the year 2018, a lien, but not yet due or payable.
9. Ordinance No. 662, regarding annexation, recorded September 19, 1955, in [Book 570, at Page 29](#).
NOTE: Annexation Map recorded September 19, 1955, in [Book 570, at Page 31](#).
10. Ordinance No. 98-78, regarding zoning, recorded December 31, 1998, in [Book 5597, at Page 384](#).
11. General Development Plan for Fitzsimons Army Medical Center recorded February 17, 1999, at [Reception Number 504796](#).
NOTE: Ordinance 2004-46, amending General Development Plan for Fitzsimons recorded September 7, 2004, at [Reception Number 20040907000872170](#).
12. Reserved rights, third party interests, CERCLA notice and covenant, access for remediation, environmental protection provisions, notice of the presence of lead-based paint and covenant, contained in Quit Claim Deeds recorded August 17, 1999, in [Book 5859, at Page 514](#); recorded March 28, 2001, at [Reception Number C0778556](#); October 8, 2002, at [Reception Number C1035078](#); October 8, 2002, at [Reception Number C1035079](#); recorded April 29, 2003, at [Reception Number C1134431](#); and recorded September 14, 2003, at [Reception Number C1209005](#).
NOTE: Deed Amendment No. 1 recorded July 22, 2011, at [Reception Number 2011000046487](#).
13. Easements for Portions of Gas and Electric Distribution Systems recorded July 1, 1999, in [Book 5809, at Page 120](#).
NOTE: Assignment of Utility Easements recorded July 1, 1999, in [Book 5809, at Page 166](#).
NOTE: Assumption of Utility Easements recorded July 1, 1999, in [Book 5809, at Page 168](#).
NOTE: Consent to Assignment and Assumption recorded July 1, 1999, in [Book 5809, at Page 169](#).
NOTE: Quit Claim Deed recorded June 24, 2005, at [Reception Number 20050624000669790](#).

COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

14. Easement for Portions of Steam Distribution System recorded August 9, 1999, in [Book 5851, at Page 242](#).
NOTE: Conveyance, Temporary Access License and Operating Agreement for Steam Generation and Distribution System recorded August 9, 1999, in [Book 5851, at Page 281](#).
15. Easements for Water Distribution, Storm and Sanitary Sewer Utility Systems recorded August 17, 1999, in [Book 5859, at Page 563](#).
NOTE: Assignment, Assumption, Consent and Release recorded August 17, 1999, in [Book 5859, at Page 625](#).
NOTE: Assumption of Utility Easements and Facilities recorded August 17, 1999, in [Book 5859, at Page 626](#).
NOTE: Quit Claim Deed recorded November 18, 2005, at Reception Number [20051118001276630](#).
NOTE: Quit Claim Deed recorded March 5, 2009, at [Reception Number 2009000015629](#).
NOTE: Quit Claim Deed recorded April 15, 2009, at [Reception Number 2009000026328](#).
NOTE: Quit Claim Deed recorded February 16, 2010, at [Reception Number 20100000009797](#).
NOTE: Quit Claim Deed recorded March 6, 2012, at [Reception Number 2012000016777](#).
NOTE: Quit Claim Deed recorded March 6, 2012, at [Reception Number 2012000016779](#).
16. Easements for Telephone, Fire Alarm and Cable Television Systems recorded August 17, 1999, in [Book 5859, at Page 605](#).
17. Fire Lane, Utility and Public Access Easement recorded July 16, 2001, at [Reception Number C0828520](#).
18. Ordinance No. 2007-91, regarding zoning, recorded February 26, 2008, at [Reception Number 2008000015123](#).
19. Fitzsimons Army Medical Center - General Development Plan Amendment # 5, recorded August 21, 2008, at [Reception Number 2008000067616](#).
20. Easements, notes, restrictions and rights-of-way, as set forth on the plat of Colorado Science and Technology Park at Fitzsimons Subdivision Filing No. 2, recorded September 5, 2008, at [Reception Number 2008000071413](#).
21. Colorado Science and Technology Park at Fitzsimons Site Plan No. R.O.W. recorded October 14, 2008, at [Reception Number 2008000081791](#).
22. Public Improvement Phasing Agreement recorded December 8, 2008, at [Reception Number 2008000095170](#).
23. Vesting Development Agreement recorded March 9, 2009, at [Reception Number 2009000016230](#).
NOTE: Ordinance No. 2009-03, approving Development Agreement recorded March 6, 2009, at [Reception Number 2009000016222](#).
24. Order for Inclusion, regarding Colorado Science and Technology Park Metropolitan District No. 2, recorded April 1, 2009, at [Reception Number 2009000022579](#).
NOTE: Special District Public Disclosure Document recorded December 24, 2014, at [Reception Number 2014000090291](#).
NOTE: Order for Inclusion recorded September 21, 2015, at [Reception Number 2015000078445](#).
NOTE: Order Granting Order for Inclusion recorded April 23, 2018, at [Reception Number 2018000032109](#).
25. Utility Easement recorded April 24, 2009, at [Reception Number 2009000029116](#).
26. Fire Lane Easement recorded April 24, 2009, at [Reception Number 2009000029117](#).
27. Utility and Fire Lane Easement recorded April 24, 2009, at [Reception Number 2009000029118](#).
28. Access and Utility Easement recorded April 28, 2009, at [Reception Number 2009000029728](#).



COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

29. Access and Utility Easement recorded April 28, 2009, at [Reception Number 2009000029729](#).
30. Access Easement recorded April 28, 2009, at Reception [Number 2009000029730](#).
31. Access Easement recorded April 28, 2009, at Reception [Number 2009000029731](#).
32. No-Build Easement Agreement recorded April 28, 2009, at [Reception Number 2009000029733](#).
33. Public Service Company of Colorado Easement recorded July 13, 2009, at [Reception Number 2009000050994](#).
34. Master Covenants of Colorado Science and Technology Park at Fitzsimons recorded February 3, 2014, at [Reception Number 2014000006757](#).
35. Fitzsimons Innovation Campus - General Development Plan Amendment #6, recorded January 10, 2017, at [Reception Number 2017000002421](#).
36. Existing leases and tenancies.
NOTE: Upon receipt by the Company of the Commercial Lien Affidavit, this exception may be modified or deleted.

Exceptions 1 and 4 may be deleted from the policies, provided the seller and buyer execute the Company's affidavits, as required herein, and the Company approves such deletions. Exceptions 2 and 3 may be deleted from the policies, provided the Company receives and approves the survey or survey affidavit required herein. Exception 5 will not appear on the policies, provided the Company, or its authorized agent, conducts the closing of the proposed transaction and is responsible for the recordation of the documents.



Paula Wills
Commercial Closing
Specialist

Stewart Title Guaranty Company -
Commercial Services
1980 Post Oak Blvd, 6th Floor
Houston, TX 77056
(800) 729-1906 Phone
(713) 552-1703 Fax
pwills@stewart.com

MINERAL DISCLOSURE

To comply with the provisions of C.R.S. 10-11-123, the Company makes the following disclosure:

- a. That there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- b. That such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: THIS DISCLOSURE APPLIED ONLY IF SCHEDULE B, SECTION 2 OF THE TITLE COMMITMENT HEREIN INCLUDES AN EXCEPTION FOR SEVERED MINERALS.