

**STEWART TITLE INSURANCE COMPANY
COMMITMENT NO. ST-1030 - SCHEDULE A:**

All that tract or parcel of land situated in the Town of Penfield, Monroe County, New York, being part of Town Lots 62 and 67 and bounded and described as follows: Beginning at a point on the south side of Atlantic Avenue where a State-Taking across the corner of the property from Blossom Road to Atlantic Avenue intersects Atlantic Avenue; thence (1) easterly on the Atlantic Avenue property right of way line a distance of 180 feet to a point; thence (2) southerly at an interior angle of 88° 43' 25", 172 feet to a point; thence (3) westerly at an interior angle of 90° 14' 50", 325 feet to a point in the easterly right of way line of Blossom Road; thence (4) northeasterly along the easterly right of way line of Blossom Road 140 feet to a point; thence (5) northeasterly along a line known as a State-Taking across the intersection of Blossom Road and Atlantic Avenue, a distance of 90 feet more or less, to the point and place of beginning.

Excepting from the above described property, premises appropriated by The People of the State of New York for the Dugway (Rochester-County Line, Part II) SH 169 Project Map No. 11 Parcel No. 11. Map filed in Monroe County Clerk's Office in Liber 1095 of Maps, page 52. Notice of said Appropriation recorded July 15, 1964 in Liber 3570 of Deeds, page 557.

**STEWART TITLE INSURANCE COMPANY
COMMITMENT NO. ST-1030 - SCHEDULE B, SECTION II:**

Numbers correspond with Schedule B exception items contained in the above referenced Title Commitment.

3. Easement granted by Emma B. Rissinger, Clarence Rissinger, John Rissinger to Rochester Gas & Electric Corporation under agreement recorded in Liber 1311 of Deeds, page 485 on March 6, 1925. AFFECTS THE SUBJECT PROPERTY - CONTAINS NO PLOTTABLE SURVEY ITEMS

MISCELLANEOUS NOTES:

- There is direct access to the subject property via Browncroft Boulevard and Blossom Road, both being public right-of-ways.
- The current zoning classification allows for the subject property to be used as a gas station.
- The locations of utilities shown on the survey are from visible evidence.
- The posted address on site is 2499 Browncroft Boulevard.
- At the time of this survey there was no observable surface evidence of earth moving work, building construction or building additions within recent months.
- At the time of this survey, there was no observable evidence of the subject property being used as a solid waste dump, sump or sanitary landfill.
- At the time of this survey, there was no observable evidence of any recent changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction.
- At the time of this survey, there was no observable evidence of any recent street or sidewalk construction or repairs.
- The Property surveyed and shown hereon is the same property described in Schedule A of Stewart Title Insurance Company Title Commitment No. ST-1030 with an effective date of August 25, 2006.

BASIS OF BEARING:

The meridian for all bearings shown hereon is the Northerly property line of subject property known as being North 74°27'58" East, and is used to denote angles only.

ENCROACHMENTS:

At the time of survey there were no visible encroachments onto the subject property.

FLOOD ZONE:

By scaled map location and graphic plotting only, the subject property appears to lie entirely in Zone C (Areas of Minimal Flooding) according to the Flood Insurance Rate Map for the County of Monroe, Community Panel No. 360426 0015B, Effective Date February 18, 1991.

ZONING:

Zoning Classification: LB (Limited Business)
Maximum Building Height: 40'
Building Setbacks: Front=80', Side=20', Street Side=None, Rear=30'
Parking Setbacks: None.
Parking Ratio: 5.4 spaces per each 1,000 square feet of gross floor area excluding covered walkways.

PARKING:

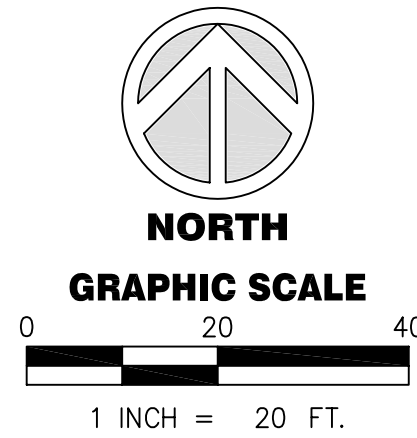
No Stripped Parking

SYMBOL LEGEND

- R/W - Right-of-Way
- P/L - Adjoiner Property Line
- C - Centerline
- P.O.B. - Place/Point of Beginning
- No. - Number
- Dd. - Deed
- (Record) Actual
- - Monumentation Found as Noted
- - 5/8" Rebar w/Cap Set or to be Set
- ▲ - Iron Nail or Drill Hole Found
- △ - Iron Nail or Drill Hole Set
- ⊖ - Manhole
- ⊞ - Square Catch Basin
- ⊞ - Cleanout
- ⊞ - Sanitary Manhole
- ⊞ - Utility Vault
- ⊞ - Water Valve
- ⊞ - Gas Valve
- ⊞ - Monitoring Well
- ⊞ - Phone Booth
- ⊞ - Sign
- ⊞ - Utility Pole
- ⊞ - Traffic Pole
- ⊞ - Light Pole
- ⊞ - Guy Wire
- ⊞ - Overhead Utilities
- ⊞ - Concrete Area
- ⊞ - No Parking Area
- ⊞ - Building Area



VICINITY MAP
NOT TO SCALE

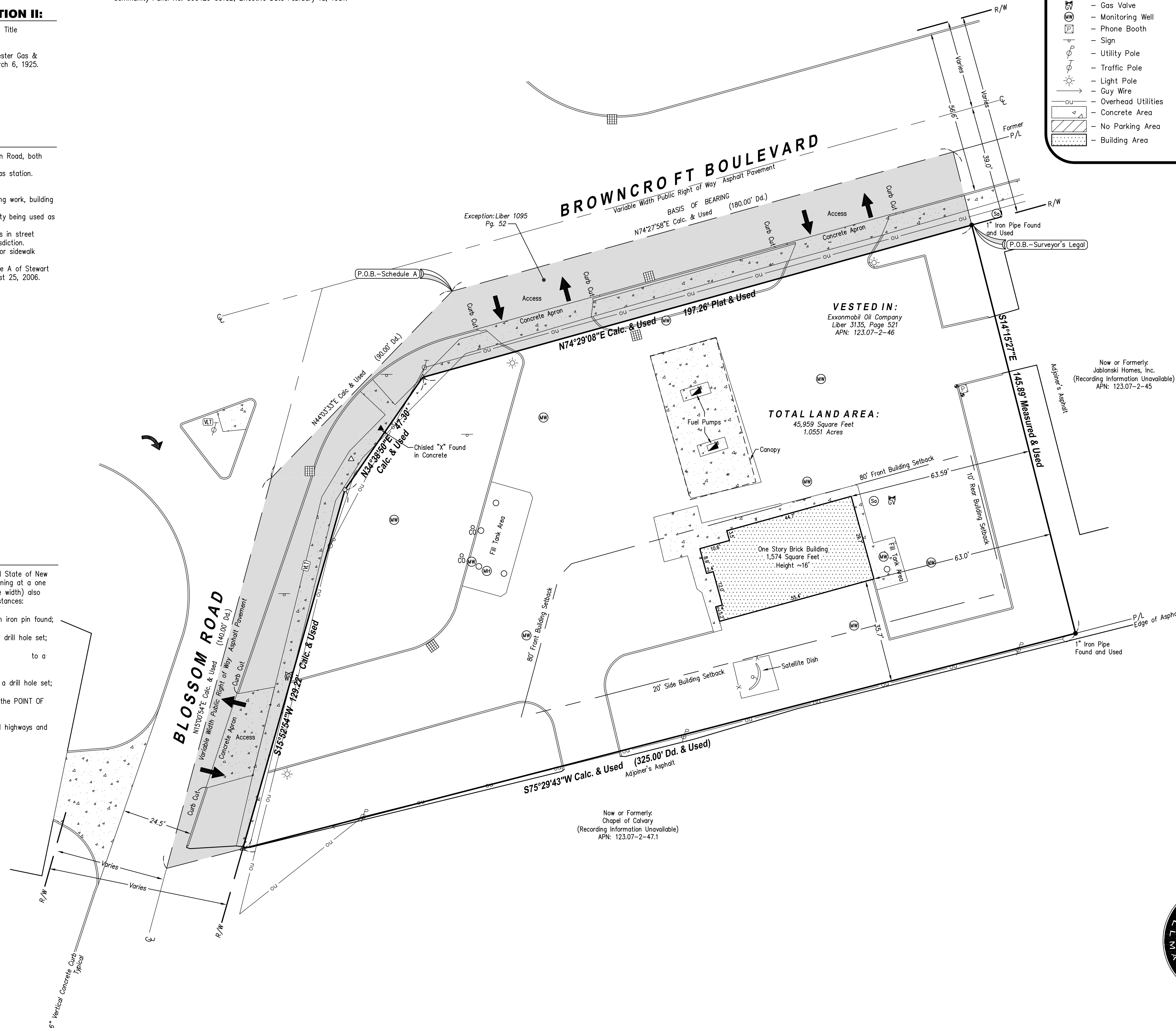


SURVEYOR'S LEGAL

All that tract or parcel of land situated in the Town of Penfield, County of Monroe and State of New York, being part of Town Lots 62 and 67 and bounded and described as follows: Beginning at a one inch iron pin found on the southerly Right of Way line of Browncroft Boulevard (variable width) also being the Northeast corner of subject property. Thence the following 5 courses and distances:

- South 14 degrees 15 minutes 27 seconds East a distance of 172 feet to a one inch iron pin found;
- Thence South 75 degrees 29 minutes 43 seconds West a distance of 325 feet to a drill hole set;
- Thence North 15 degrees 52 minutes 54 seconds West a distance of 129.22 feet to a capped pin set;
- Thence North 34 degrees 38 minutes 50 seconds West a distance of 47.30 feet to a drill hole set;
- Thence North 74 degrees 29 minutes 8 seconds East a distance of 197.26 feet to the POINT OF BEGINNING;

Containing 45,959 square feet or 1.0551 acres, more or less and is subject to all legal highways and easements of record.



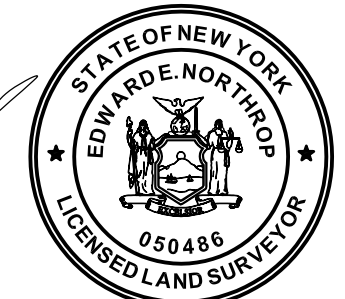
CERTIFICATION:

To: Blount Energy, Inc. ExxonMobil Oil Corporation. Stewart Title Guaranty Company, Silver Point Finance, LLC, a Delaware limited liability company, as agent for each of the lenders from time to time party to that certain Financing agreement, originally dated as of December 21st, 2004 (as amended, supplemented or otherwise modified from time to time), in such capacity, together with its successors and assigns in such capacity, 2499 Browncroft Blvd. Penfield, LLC, and Lehigh Gas Company.

This is to certify that 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 ALTA and NSPS in 2005, and includes Items 1-4, 6, 7(a)-(c), 8-10, 11(g), 13 and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of New York, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

This map or plat of survey of the premises shown hereon is the same as that described in Stewart Title Insurance Company title commitment number ST-1030 dated August 25, 2006.

By: *Edward E. Northrop*
Edward E. Northrop, LS
New York Registered Land Surveyor
L.S. License No. 36267
For and on behalf of Millman Surveying, Inc.
Date of Survey: 9/29/06
Date of Last Revision:



Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Department.

"ALTA/ACSM LAND TITLE SURVEY"

PREPARED FOR:

THE MATTHEWS COMPANY Inc.
National ALTA Survey Management

17220 Newhope Street, Suites 108-110, Fountain Valley, CA 92708
Tel: (714) 979-7181 Fax: (714) 441-2840
www.themathewscompany.com

| MARK | DATE | REVISION | BY | APVD |
|------|----------|-------------------------------|----|------|
| | 10/16/06 | Revisions per Client/Attorney | | |

LEHIGH GAS

2499 Browncroft Boulevard
Rochester, New York

| | |
|------------------|-----------------|
| SCALE: 1"=20.00' | CHKD./APVD: |
| DATE: 9/29/06 | APPROVED: |
| DWN. BY: RMK | SITE NO.: 11275 |
| CHKD. BY: DJM | |



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