

ATTACHMENT

In order for any party to participate in an overbid procedure regarding the acquisition of the Subject Property, the Trustee requests that the parties comply with the following provisions:

a. Each party (including Donald Beverly and/or his nominee (collectively, "Buyer")) must be present either physically or telephonically at the hearing on the Motion or represented by an individual or individuals with the authority to participate in the overbid process;

b. Each party seeking to participate in the overbid process (except for the Buyer) must have at the hearing on the Motion a deposit in the form of a cashier's check made payable to Jason M. Rund, Chapter 7 Trustee ("Trustee") in the amount of sixty thousand dollars (\$60,000.00). The \$60,000.00 deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the Subject Property;

c. The bidding for the Subject Property shall begin at \$2,145,000.00 (the gross purchase price without subtracting the 2% credit) with overbids being made in minimal increments of \$1,000.00;

d. Any party participating in the overbid process shall not be precluded from continuing to make bids after initially passing his/her/its turn or turns to overbid;

e. Real estate brokers may participate in the overbid process as potential buyers of the Subject Property. Moreover, in the event that the successful bidder is a real estate broker, he/she/it shall not be precluded from sharing in the brokers' commissions for the Subject Property;

f. The successful bidder shall receive a credit in the amount of 2% of the Gross Sale Price to be applied toward the purchase price for non-recurring closing costs at the close of escrow; and

g. Each party (including the Buyer) must pay the full amount of the successful bid to the Trustee within the time period set forth in the escrow documents attached to the Motion or otherwise within eleven (11) days from the date of entry of an order granting the Motion, whichever is earlier. In the event that the Buyer is not the successful bidder of the Subject

Property, the successful bidder shall then become the Buyer under the same terms and conditions as set forth in the Documents and shall waive all contingencies regarding the purchase of the Subject Property. Furthermore, if the successful bidder cannot deliver the balance of the sale price within the above-referenced period, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.