

Tharaldson Development Co.

P. O. BOX 10519
FARGO, ND 58106-0519

PHONE: (701) 235 1167
FAX: (701) 235-4225

Materials and Maintenance Agreement for Shared Pylon/Cluster Sign

RESIDENCE INN AND OTHERS MILLER LANE – DAYTON, OH

Revised: November 19, 2009

- 1) Singer Properties will provide primary electrical power to the proposed pylon/cluster sign from independent pedestal/meter (along the Lot #38 property line adjacent to the Ryan's Steakhouse lot directly south of Lot #38 in the attached site plan) to within 5 feet of the proposed shared pylon/cluster sign.
- 2) Tharaldson Development will be responsible for the all construction and installation costs of the proposed shared pylon/cluster sign structure along with any landscaping requirements.
- 3) Tharaldson Development will be responsible for the maintenance costs associated with the common areas of the structure and the pylon panels, cabinets, lamps, etc., associated with their properties that include: Residence Inn and the developments on Lot #38 and #39 as shown on the attached site plan.
- 4) Singer Properties will be responsible for the maintenance costs associated with the pylon panels, cabinets, lamps, etc., associated with their properties that include any developments on Lot #42 and #43 as shown on the attached site plan.
- 5) Electrical service to the structure will be pro-rated amongst all parties with filled panels on the shared pylon/cluster sign. Prior to Singer Properties filling their share of the pylon panels, electrical costs will be the responsibility of Tharaldson Development.

Name: 1 *Warren Hudec*
 Title: *Land Acquisition*
 Company: *Tharaldson*
 Date: *11/20/09*

Digitally signed by
 akolodesh
 Name: *Alexander M. Kolodesh* Date: 2009.11.23
 13:00:38 -05'00'
 Title: *Vice President*
 Company: *Harson Investments dba,
Singer Properties*
 Date: *11-23-09*

Tharaldson Development Co.

P. O. BOX 10519
FARGO, ND 58106-0519

PHONE: (701) 235 1167
FAX: (701) 235-4225

November 20, 2009

Dear To Whom It May Concern:

RE: Off-premise pylon/cluster sign for Residence Inn and others on Miller Lane – Butler Township

The proposed pylon structure at the southwest corner of Miller Lane and York Plaza Lane (Lot #38) will represent signage for the Residence Inn hotel (7227 York Center Drive – consisting of 2.679 acres), Tharaldson Development parcels yet to be developed (Lots #38 - consisting of 1.081 acres and #39 - consisting of 0.924 acres) and Harson Investments parcels yet to be developed (Lots #42 – consisting of 5.153 acres and #43 – consisting of 5.795 acres). The affected parcels are shown in the blue color on the attached site plan.

The Residence Inn copy will be displayed in the top 9' x 16' double faced cabinet on the proposed pylon structure. The future businesses developed on the Harson Investments parcels (Lots #42 and #43) will be represented on the top two tenant panels in the 8' x 16' double face cabinet below the Residence Inn portion of the pylon structure. Future developments on the Tharaldson Development parcels (Lots #38 and #39) will be represented on the lower two tenant panels in the 5' -6" x 16' cabinet.

Until parcel tenants are identified, the cabinet panels will be filled with grey blank material. The third cabinet, representing tenants on Tharaldson Developments parcels (Lots #38 and #39), may not be installed until those tenants are secured. Maintenance responsibilities for this structure will be divided as noted on the attached agreement.

All owners of properties enumerated in paragraph one above, and represented by the authorized signatories below, agree to forego any claim to additional high-rise signage upon approval of their joint application for a cluster sign.

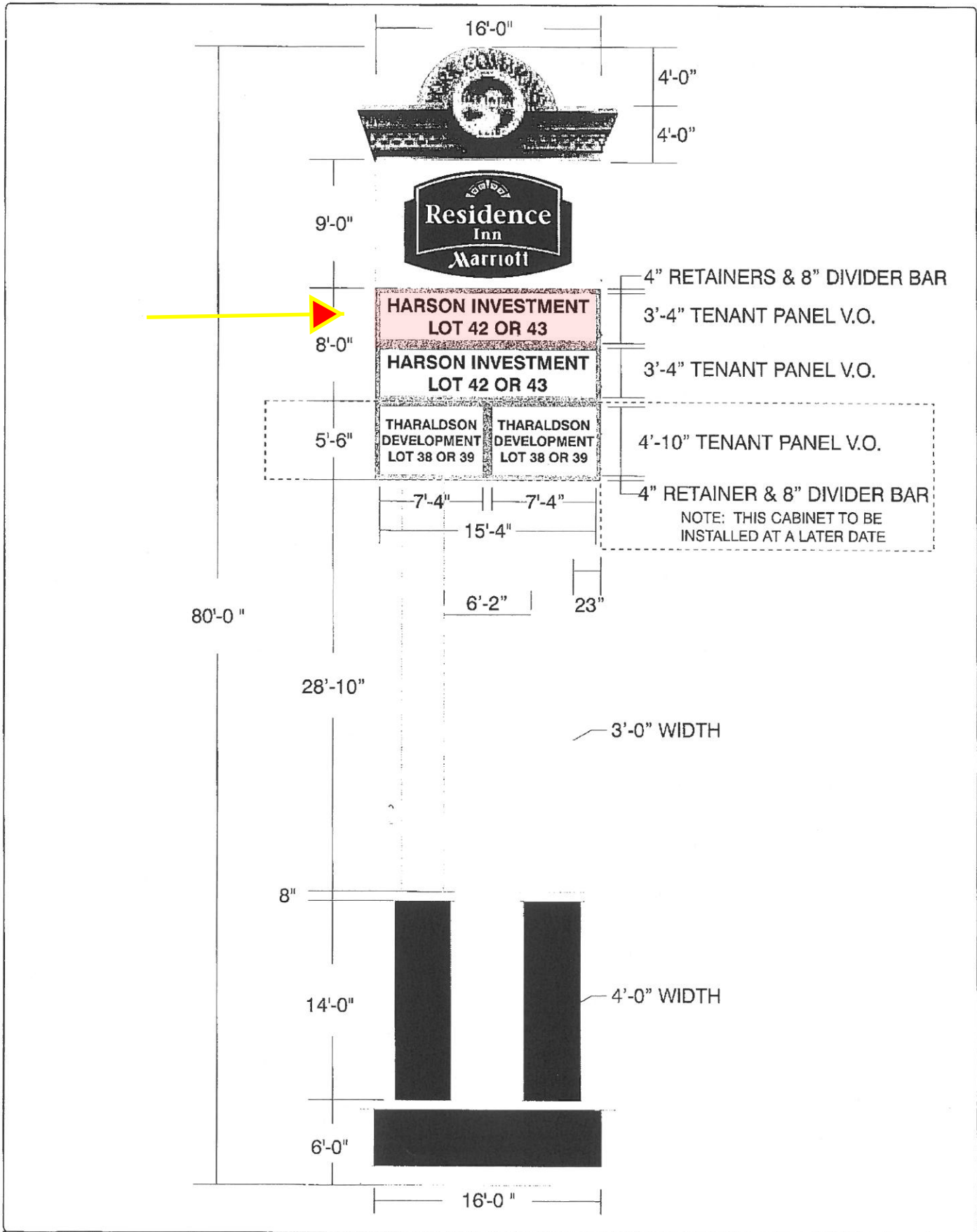
Furthermore, all parcel owners/developers will continue to maintain rights to all other permissible on-premise signage for the properties and these signage rights shall not be affected by the waiver attached to the Miller Lane-York Plaza Lane proposed pylon/cluster sign on Lot #38.


Sincerely,

Name: Jarren Trudeau
Title: Land Acquisition
Company: Tharaldson
Date: 11/20/09

Digitally signed by
akolodesh
Date: 2009.11.23
13:01:01 -05'00'

Name: Alexandra M. Kolodesh
Title: Vice President
Company: Harson Investments dba
Singer Properties
Date: 11-23-09

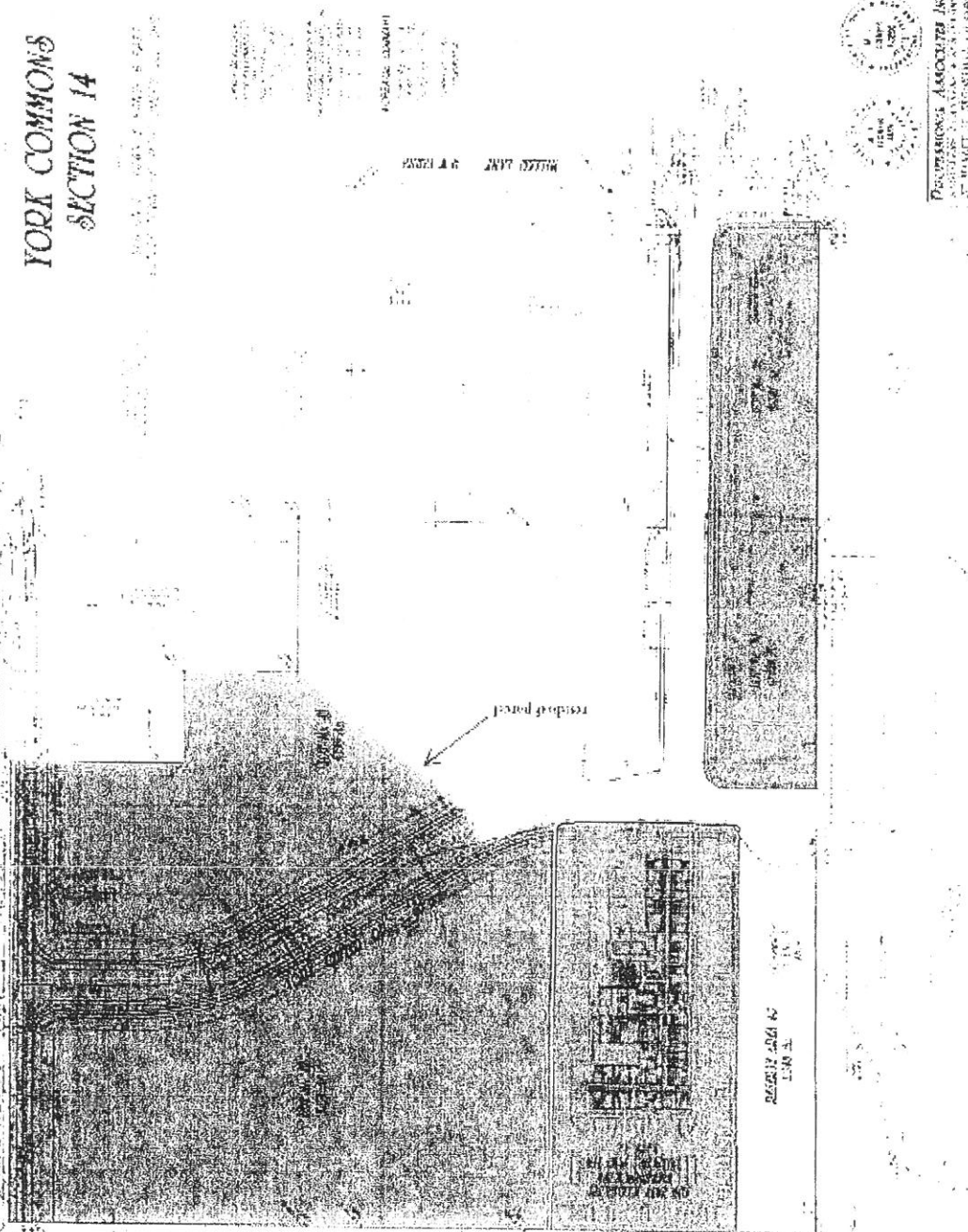


Customer: RESIDENCE INN	Date: 11/19/09	Prepared By: MWR/JA/T/TCM	Notes: Color output may vary to exact when viewing or printing this drawing. All notes must use P&H's or the closest CMX equivalent. If you require any changes, please provide the correct P&H match and a revision to this drawing will be made.	 <p>PERSONA Sign Makers / Image Builders PHJ 1-800-843-8888</p>	DISTRIBUTED BY SIGN UP COMPANY 700 21st STREET SOUTHWEST PO BOX 210 WATERTOWN, SD 57201-0210
Location: DAYTON, OH	File Name: 62739 - R6 - 9X16 DF - SITE PLAN	ENG: X			

SITE PLAN



**19.21 AC.
PRELIMINARY PLAN
YORK COMMONS
SECTION 14**



DEVELOPMENTS ASSOCIATES, INC.
SURVEYORS & ENGINEERS
1100 MARKET STREET, SUITE 100
DAYTON, OH 45402

Customer: RESIDENCE INN
Location: DAYTON, OH

Date: 11/5/09
Prepared By: TTT

File Name: 62739 - R3 - 9X16 DF - SITE PLAN
ENG: X



DISTRIBUTED BY SIGN UP COMPANY
700 21st STREET SOUTHWEST
PO BOX 210
WATERTOWN, SD 57201-0210

VC - Residence Inn

October 23, 2009

Dear To Whom It May Concern:

RE: Off-premise pylon/cluster sign for Residence Inn and others on Miller Lane – Butler Township

The proposed pylon structure at the southwest corner of Miller Lane and York Plaza Lane will represent signage for the Residence Inn hotel (7227 York Center Drive) and Harson Investments parcels yet to be developed (Lots #42 and #43 shown in the blue color on the attached site plan – also along York Center Drive). The Residence Inn copy will be displayed in the top 9' x 16' double faced cabinet on the proposed pylon structure. The future businesses developed on the Harson Investments parcels will be represented on the lower 9' x 16' double face cabinet below the Residence Inn panels on the pylon structure. Until parcel tenants are identified, the cabinet panels will be filled white blank material.

In addition, Tharaldson Development plans to retain an option to add a 3rd double-faced cabinet to the pylon structure to represent any/all future businesses developed on Lots #38 and #39 as shown on the attached site plan

All present/future properties represented on the sign faces of the pylon at the intersection of Miller Lane and York Plaza Lane understand that as part of the agreement to move forward with the proposed pylon/cluster sign any future rights to free-way-oriented signage – defined as cabinet of up to 250 square feet at 80 feet overall height typically permitted thru Butler Township zoning ordinances for restaurants and motels within 400 feet of an interstate highway. See copy of code reference attached.

Furthermore, all parcel owners/developers will continue to maintain rights to all other permissible on-premise signage for the properties and these signage rights shall not be affected by the waiver attached to the Miller Lane-York Plaza Lane proposed pylon/cluster sign.

Sincerely,

Name: Jarrod Tudek

Name: _____

Title: Land

Title: _____

Company: Tharaldson Dev

Company: _____

Date: 10/22/09

Date: _____

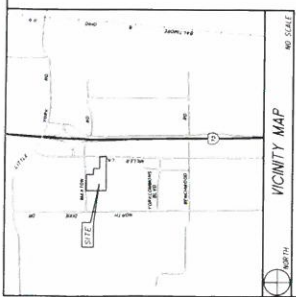
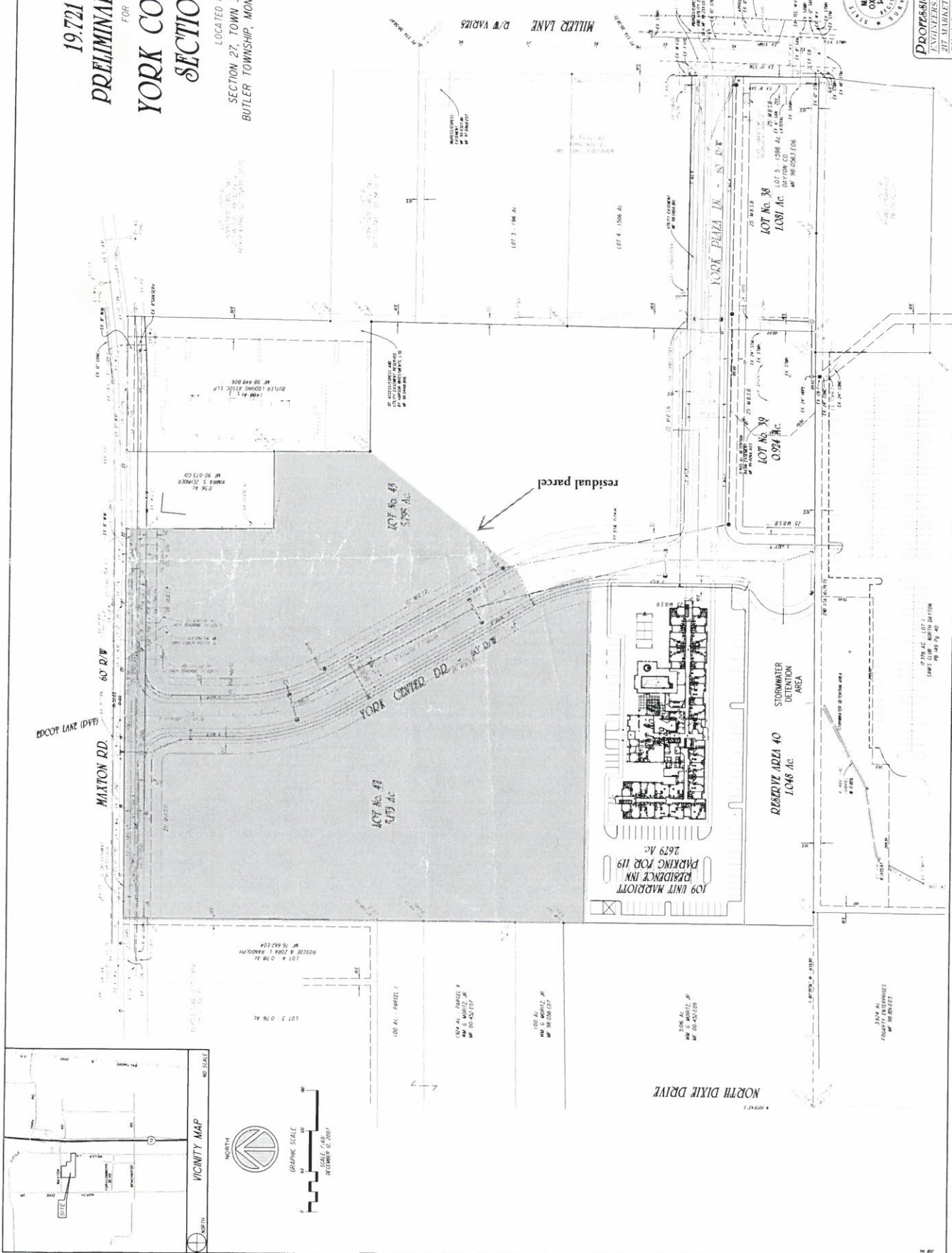
19.721 Ac. PRELIMINARY PLAN FOR YORK COMMONS SECTION 14

LOCATED IN
SECTION 27, TOWN 3, RANGE 6 EAST
BUTLER TOWNSHIP, MONTGOMERY CO., OHIO

OWNER/DEVELOPER
HARSON INVESTMENTS, LTD
2500 KETTERING TOWER
DAYTON, OHIO 45423
TEL: (937) 244-8791
FAX: (937) 244-8791

ENGINEER/SURVEYOR
PROFESSIONAL ENGINEER, INC.
27 MARKET STREET
BROOKVILLE, OHIO 45309
TEL: (937) 851-5828

ACREAGE SUMMARY
2.861 Ac. IN PAV
6.886 Ac. IN LOTS
19.721 Ac. TOTAL
CURRENT ZONING
COMMERCIAL



PROFESSIONAL ASSOCIATES, INC.
ENGINEERS, PLANNERS & SURVEYORS
217 MARKET ST. BROOKVILLE, OH 45309
PH: 937-851-2669 FAX: 937-851-2626

M.L. OMER ENGINEER
STATE OF OHIO LICENSE NO. 10517

M.L. OMER SURVEYOR
STATE OF OHIO LICENSE NO. 10517