

**AFFIDAVIT REGARDING TIMBER CREEK ESTATES  
PHASE I, TOWN OF BLUE RIVER, COLORADO,  
LOTS 1-8, 10-24, 28-34, AND 36 AND TRACT X**

STATE OF COLORADO     )  
  )ss  
COUNTY OF SUMMIT     )

I, LARRY NELSON, Mayor of the Town of Blue River, Colorado, being first duly sworn, state and aliege follows:

1. On or about March 21, 1995, the Town of Blue River and Brown & Brown Developers, Inc. entered into a Fourth Amended Subdivision Agreement for Timber Creek Estates as recorded with the Summit County Clerk and Recorder's office on January 24, 1997, as Reception No. 532324.

2. On or about March 21, 1995, the Town of Blue River and Brown & Brown Developers, Inc. entered into the Subdivision Improvements Agreement for Timber Creek Estates Phase I as with the Summit County Clerk and Recorder's office on January 24, 1997, as Reception No. 532325.

3. On or about August 15, 1995, the Town of Blue River and Brown & Brown Developers, Inc. entered into the Supplement to the Fourth Amended Subdivision Agreement for Timber Creek Estates as recorded with the Summit County Clerk and Recorder's office on January 24, 1997, as Reception No. 532324. The Fourth Amended Subdivision Agreement, the Subdivision Improvements Agreement, and the Supplement to the Fourth Amended Subdivision Improvements Agreement shall be collectively referred to as the SIAs.

4. On or about April 10, 1996, the final plat of Timber Creek Estates Phase I, a replat of a portion of the DOT Subdivision, Town of Blue River, Summit County, Colorado, was recorded with the Summit County Clerk and Recorder's office as Reception No. 512866 (hereinafter "property").

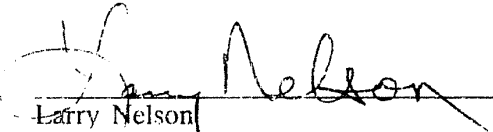
5. Pursuant to the SIAs for Timber Creek Estates, Brown & Brown Developers, Inc. (hereinafter referred to as "Subdivider") was obligated to install and construct certain public improvements on and within the property. Such public improvements include but are not limited to road grading, road base and miscellaneous road work, the installation and construction of sanitary sewer lines, sewer manholes, and other miscellaneous sanitary sewer service line improvements, the construction and installation of water service lines and related improvements, fire hydrants, street name signs, electric, cable, and telephone service to the property, and the construction of a Town meeting building.

6. The Subdivider has defaulted under the terms and conditions of the SIAs by failing to install and construct the public improvements referenced in Paragraph 5, above.

7. The Subdivider still owns Parcels 1-8, 10-24, 28-34, and 36 and Tract X. The

Town desires to provide notice to any potential purchasers of said lots or Tract X that at this time there are no guarantees that the public improvements referenced in Paragraph 5, above, will be installed or completed to serve said parcels.

AND FURTHER AFFIANT SAYETH NOT.

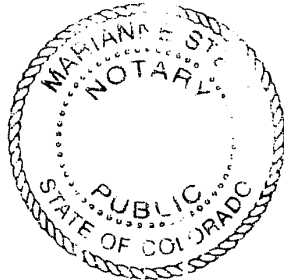
  
Larry Nelson  
Mayor, Town of Blue River

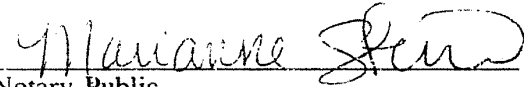
STATE OF COLORADO )  
  ) ss.  
COUNTY OF SUMMIT )

Acknowledged, subscribed, and sworn to before me this 12 day of April, 1997, by Larry Nelson.

WITNESS my hand and official seal.

My Commission expires: 2/14/2001



  
Marianne Stern  
Notary Public

My Commission Expires 02/14/2001