

# SHERIFF'S SALE

WEDNESDAY MARCH 23, 2005 AT 9:00 AM

BY VIRTUE OF A WRIT OF EXECUTION NO. 2 OF 2005 ED AND CIVIL WRIT NO. 429 OF 2004 JD ISSUED OUT OF THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY, CIVIL DIVISION, TO ME DIRECTED, THERE WILL BE EXPOSED TO PUBLIC SALE, BY VENUE OR OUTCRY TO THE HIGHEST BIDDER, FOR CASH, IN A COURTROOM OR SHERIFF'S OFFICE, TO BE ANNOUNCED, AT THE COLUMBIA COUNTY COURTHOUSE, BLOOMSBURG, PENNA., 17815, ALL THE RIGHT AND TITLE AND INTEREST TO THE DEFENDANTS IN AND TO:

ALL THAT CERTAIN lot, piece or parcel of ground, with the buildings and improvements thereon erected, in the Township of Hemlock, County of Columbia and State of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a rebar on the easterly right-of-way line of Pennsylvania State Route 0042, leading from Pennsylvania State Route No. 0080 (interstate Route 80) to Millville, said rebar being 5.56 feet distant on a course running South 26 degrees 38 minutes 37 seconds West from a rebar set at the southwesterly corner of lands of Bloomsburg Properties, said rebar also being at a corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "B"), said rebar also being 10 feet north of the northerly curb of the northwesterly entrance to the Columbia Mall; THENCE along line of said Out Parcel "B" and being 10 feet north of and parallel to said northerly curb South 63 degrees 24 minutes 12 seconds East 126.66 feet to a rebar, said point also being a Point of Curve; THENCE along the same on a curve to the left in a southeasterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 126.70 feet and a Tangent of 60.00 feet for an Arc Length of 113.08 feet and a Chord bearing and distance of South 39 degrees 42 minutes 19 seconds East 109.88 feet to a rebar, said point also being a Point of Tangent; THENCE continuing along the same South 16 degrees 00 minutes 26 seconds East 78.04 feet to a rebar; THENCE along line of said Out Parcel "B" South 60 degrees 55 minutes 30 seconds East 84.03 feet to a rebar on the southerly line of said Out Parcel "B", being the northerly edge of the macadam of Ring Road; THENCE along the southerly line of said Out Parcel "B" and being the northerly edge of the macadam of Ring Road North 73 degrees 53 minutes 23 seconds East 372.12 feet to a rebar, said point also being a Point of Curve; THENCE along the same on a curve to the right in an easterly direction having a Delta Angle of 22 degrees 04 minutes 17 seconds, a Radius of 250.00 feet and a Tangent of 48.76 feet for an Arc Length of 96.31 feet and a Chord bearing and distance of North 84 degrees 55 minutes 31 seconds East 95.71 feet to a rebar, said point also being a Point of Tangent; THENCE along the same South 84 degrees 02 minutes 20 seconds East 221.28 feet to a P.K. Nail at the southeasterly corner of said Out Parcel "B"; THENCE along the easterly line of said Out Parcel "B" North 13 degrees 43 minutes 35 seconds West 39.25 feet to a rebar at a corner of lands of Richard E. Fruit, Jr., said rebar being at the southerly terminus of Township Route No. 362; THENCE along the southerly terminus of said Township Route No. 362 and line of lands of Richard E. Fruit, Jr. North 86 degrees 01 minute 25 seconds East 740.00 feet to a point; THENCE along the westerly line of lands of said Fruit South 13 degrees 25 minutes 23 seconds East 1,107.95 feet to a point on the northerly right-of-way line of Pennsylvania State Route No. 0080 (Interstate Route 80); THENCE along the northerly right-of-way line of said Pennsylvania State Route No. 0080 South 65 degrees 45 minutes 23 seconds West 276.56 feet to a point; THENCE along the same North 25 degrees 22 minutes 00 seconds West 49.55 feet to a point; THENCE along the same South 65 degrees 49 minutes 51 seconds West 166.83 feet to a rebar at the southeasterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "C"); THENCE along the easterly line of said Out Parcel "C" North 24 degrees 29 minutes 24 seconds West 218.71 feet to a rebar on a curve on the southerly edge of the macadam of Ring Road; THENCE along the northerly line of said Out Parcel "C" and along the southerly edge of the macadam of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 41 degrees 56 minutes 12 seconds, a Radius of 187.33 feet and a Tangent of 71.79 feet for an Arc Length of 137.11 feet and a Chord bearing and distance of South 52 degrees 47 minutes 11 seconds West 134.07 feet to a rebar, said point also being a Point of Tangent; THENCE continuing along the northerly line of said Out Parcel "C" South 77 degrees 10 minutes 45 seconds West 113.67 feet to a rebar at the north-easterly corner of lands of the Ellis Development Corporation; THENCE along the northerly line of lands of said Ellis Development Corporation and also along lands of S-K Associates, Inc. South 77 degrees 27 minutes 34 seconds West 438.36 feet to a point; THENCE along the northerly line of lands of said S-K Associates, Inc. North 56 degrees 53 minutes 14 seconds West 99.09 feet to a point on a curve on the southerly line of Ring Road; THENCE along the same, lands of B D K, Inc., and lands of the Ellis Development Corporation, being the southerly line of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 78 degrees 19 minutes 15

entrance to the Columbia Mall, on curve to the left in a northwesterly direction having a Delta Angle of 55 degrees 00 minutes 00 seconds, a Radius of 155.00 feet and a Tangent of 80.69 feet for an Arc Length of 148.79 feet and a Chord bearing and distance of North 46 degrees 03 minutes 59 seconds West 143.14 feet to a Point of Tangent; THENCE along the same, being the southerly line of said Mall entrance North 73 degrees 33 minutes 59 seconds West 100.58 feet to a point on a curve on the easterly right-of-way line of Pennsylvania State Route No.0042; THENCE along said right-of-way line on a curve to the right in a northerly direction having a Delta Angle of 01 degrees 33 minutes 56 seconds, a Radius of 1,830.08 feet and a Tangent of 25.00 feet for an Arc Length of 50.01 feet and a Chord bearing and distance of North 17 degrees 12 minutes 59 seconds East 50.00 feet to a point; THENCE along the same on another curve to the right in a northeasterly direction having a Delta Angle of 01 degree 19 minutes 59 seconds, a Radius of 1,832.06 feet and a Tangent of 21.31 feet for an Arc Length of 42.63 feet and a Chord bearing and distance of North 18 degrees 40 minutes 06 seconds East 42.62 feet to a rebar at the southwesterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustee for CM Group Trust (Out Parcel "A"), said rebar being 10 feet north of the northerly curb of the southwesterly entrance to the Columbia Mall; THENCE along the southerly line of said Out Parcel "A", running 10 feet north of and parallel to the northerly curb of the southwesterly entrance to the Columbia Mall on a curve to the left in a southeasterly direction having a Delta Angle of 30 degrees 21 minutes 07 seconds, a Radius of 64.33 feet and a Tangent of 17.46 feet for an Arc Length of 34.09 feet and a Chord bearing and distance of South 57 degrees 15 minutes 59 seconds East 33.70 feet to a rebar, said point also being a Point of Tangent; THENCE along the southerly line of said Out Parcel "A" and being 10 feet north of and parallel to said northerly curb South 73 degrees 26 minutes 57 seconds East 112.25 feet to a rebar; THENCE continuing along the southerly line of said Out Parcel "A" North 61 degrees 53 minutes 12 seconds East 85.83 feet to a P.K. Nail on the westerly edge of the macadam of Ring Road; THENCE along the easterly line of said Out Parcel "A", being the westerly edge of the macadam of said Ring Road North 17 degrees 32 minutes 50 seconds East 245.47 feet to a rebar, said point also being a Point of Curve; THENCE along the same being the edge of said macadam of Ring Road on a curve to the right in a northeasterly direction having a Delta Angle of 47 degrees 09 minutes 53 seconds, a Radius of 300.00 feet and a Tangent of 130.96 feet for an Arc Length of 246.95 feet and a Chord bearing and distance of North 41 degrees 07 minutes 47 seconds East 240.04 feet to a P.K. Nail; THENCE along line of Out Parcel "A" North 24 degrees 55 minutes 12 seconds East 79.51 feet to a rebar 10 feet South of the southerly curb of the northwesterly entrance to the Columbia Mall; THENCE along the same and being 10 feet South of and parallel to said southerly curb North 16 degrees 00 minutes 26 West 81.83 feet to a rebar, said point also being a Point of Curve; THENCE along the same and being 10 feet South of said southerly curb on a curve to the left in a northwesterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 61.70 feet and a Tangent of 27.08 feet for an Arc Length of 51.04 feet and a Chord Bearing and distance of North 39 degrees 42 minutes 19 seconds West 49.60 feet to a rebar, said point also being a Point of Tangent; THENCE along the northerly line of said Out Parcel "A" and being 10 feet south of and parallel to said southerly curb the following courses and distances:

North 63 degrees 24 minutes 12 seconds West 48.28 feet to a rebar; North 72 degrees 47 minutes 12 seconds West 44.03 feet to a rebar; South 87 degrees 56 minutes 47 seconds West 39.91 feet to a rebar set on the easterly right-of-way line of the aforementioned Pennsylvania State Route No.0042; THENCE along said right-of-way line North 26 degrees 38 minutes 37 seconds East 101.32 feet to the place of BEGINNING.

TOGETHER with one large commercial structure consisting of multiple retail stores with an approximate gross building area of 408,000 square feet, more or less, and being commonly known as "Columbia Mall".

TOGETHER with the rights in favor of Columbia Mall Associates, L.P., its successors and assigns in that certain Declaration of Easements between Columbia Mall Associates, L.P. and CM GROUP Trust, an Illinois Common Law Group Trust, dated July 19, 1995 and recorded in the County of Columbia in Record Book 601, page 566 et seq.

AND BEING THE SAME PREMISES which Stephen Perlmutter and Roger E. Smith, Trustees for CM Group Trust, an Illinois Common Law Group Trust, by Deed dated July 13, 1995 and recorded July 24, 1995 in the County of Columbia in Record Book 601, page 538 et seq., conveyed unto Columbia Mall Associates, L.P., a New Jersey limited partnership, in fee.

#### **TERMS OF SALE**

**MINIMUM PAYMENT AT TIME OF SALE:** The greater of ten (10%) percent of the bid price or costs (opening bid at sale). Minimum payment is to be paid in cash, certified check or cashier's check at time of sale.

**REMAINING BALANCE OF BID PRICE:** Any remaining amount of the bid price is to be paid within (8) days after the sale is cash, certified check or cashier's check.

**IMPORTANT NOTICE FOR FAILURE TO PAY BID PRICE: FAILURE TO PAY THE BID PRICE IN ACCORDANCE WITH THESE TERMS MAY RESULT IN SERIOUS FINANCIAL CONSEQUENCES TO THE BIDDER. DO NOT BID UNLESS FUNDS ARE AVAILABLE FOR PAYMENT WITHIN THE PRESCRIBED TIME PERIOD.**

If the successful bidder fails to pay the bid price as per the above terms, the Sheriff may elect either to go to the

MORGAN, LEWIS & BOCKIUS LLP  
Richard J. Sabat (Pa. Atty. No. 17799)  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
(215) 963-5000

Attorneys for Plaintiff Bayview Columbia Mall, LLC

DLJMAC 1995-CF2 Hemlock Limited  
Partnership to the use of BAYVIEW  
COLUMBIA MALL, LLC  
4425 Ponce de Leon Boulevard, Fifth Floor,  
Coral Gables, Florida 33146,

Plaintiff,

v.

COLUMBIA MALL ASSOCIATES, L.P.  
c/o Mountain Development Corp., 3 Garret  
Mountain Plaza, Suite 402  
West Paterson, New Jersey 07424,

Defendant.

:  
: County of Columbia  
: Court of Common Pleas  
:  
: Civil Action  
:  
: April Term, 2004  
:  
: No. 2004CV-429

*Writ*  
*2005 ED 2*

## WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF COLUMBIA

TO THE SHERIFF OF COLUMBIA COUNTY:

To satisfy the judgment, interest and costs against Columbia Mall Associates, L.P.:

(1) You are directed to levy upon the property of the defendant and sell the defendant's interest therein:

All that certain real property with improvements thereon located situate in the Township of Hemlock, County of Columbia, Commonwealth of Pennsylvania, as more particularly described on Exhibit "A" attached hereto.

(2) You are also directed to attach the property of the defendant not levied upon in the possession of

as garnishee(s)

and to notify the garnishee(s) that

(a) an attachment has been issued:

(b) the garnishee(s) is (are) enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.

(3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee(s), you are directed to notify him (them) that he (they) has (have) been added as a garnishee(s) and is (are) enjoined as above stated.

Amount due	\$ 25,301,966.45
Interest from April 1, 2004	\$ 8,466.53 per diem
Attorneys' fees	\$ to be added
[Cost to be added]	\$

SEAL OF THE COURT

Date: 01-06-05

Tamara B. Kline  
By the Prothonotary

By: Barbara A. Schell  
Clerk

Complaint \$90.50 paid  
Judgment \$14.00 paid  
Writ \$23.00 paid  
Satisfy \$ 7.00

Exhibit "A"

**LEGAL DESCRIPTION**

ALL THAT CERTAIN lot, piece or parcel of ground, with the buildings and improvements thereon erected, in the Township of Hemlock, County of Columbia and State of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a rebar on the easterly right-of-way line of Pennsylvania State Route 0042, leading from Pennsylvania State Route No. 0080 (interstate Route 80) to Millville, said rebar being 5.56 feet distant on a course running South 26 degrees 38 minutes 37 seconds West from a rebar set at the southwesterly corner of lands of Bloomsburg Properties, said rebar also being at a corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "B"), said rebar also being 10 feet north of the northerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along line of said Out Parcel "B" and being 10 feet north of and parallel to said northerly curb South 63 degrees 24 minutes 12 seconds East 126.66 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the left in a southeasterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 126.70 feet and a Tangent of 60.00 feet for an Arc Length of 113.08 feet and a Chord bearing and distance of South 39 degrees 42 minutes 19 seconds East 109.88 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the same South 16 degrees 00 minutes 26 seconds East 78.04 feet to a rebar;

THENCE along line of said Out Parcel "B" South 60 degrees 55 minutes 30 seconds East 84.03 feet to a rebar on the southerly line of said Out Parcel "B", being the northerly edge of the macadam of Ring Road;

THENCE along the southerly line of said Out Parcel "B" and being the northerly edge of the macadam of Ring Road North 73 degrees 53 minutes 23 seconds East 372.12 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the right in an easterly direction having a Delta Angle of 22 degrees 04 minutes 17 seconds, a Radius of 250.00 feet and a Tangent of 48.76 feet for an Arc Length of 96.31 feet and a Chord bearing and distance of North 84 degrees 55 minutes 31 seconds East 95.71 feet to a rebar, said point also being a Point of Tangent;

THENCE along the same South 84 degrees 02 minutes 20 seconds East 221.28 feet to a P.K. Nail at the southeasterly corner of said Out Parcel "B";

THENCE along the easterly line of said Out Parcel "B" North 13 degrees 43 minutes 35 seconds West 39.25 feet to a rebar at a corner of lands of Richard E. Fruit, Jr., said rebar being at the southerly terminus of Township Route No. 362;

THENCE along the southerly terminus of said Township Route No. 362 and line of lands of Richard E. Fruit, Jr. North 86 degrees 01 minute 25 seconds East 740.00 feet to a point;

THENCE along the westerly line of lands of said Fruit South 13 degrees 25 minutes 23 seconds East 1,107.95 feet to a point on the northerly right-of-way line of Pennsylvania State Route No. 0080 (Interstate Route 80);

THENCE along the northerly right-of-way line of said Pennsylvania State Route No. 0080 South 65 degrees 45 minutes 23 seconds West 276.56 feet to a point;

THENCE along the same North 25 degrees 22 minutes 00 seconds West 49.55 feet to a point;

THENCE along the same South 65 degrees 49 minutes 51 seconds West 166.83 feet to a rebar at the southeasterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "C");

THENCE along the easterly line of said Out Parcel "C" North 24 degrees 29 minutes 24 seconds West 218.71 feet to a rebar on a curve on the southerly edge of the macadam of Ring Road;

THENCE along the northerly line of said Out Parcel "C" and along the southerly edge of the macadam of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 41 degrees 56 minutes 12 seconds, a Radius of 187.33 feet and a Tangent of 71.79 feet for an Arc Length of 137.11 feet and a Chord bearing and distance of South 52 degrees 47 minutes 11 seconds West 134.07 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the northerly line of said Out Parcel "C" South 77 degrees 10 minutes 45 seconds West 113.67 feet to a rebar at the northeasterly corner of lands of the Ellis Development Corporation;

THENCE along the northerly line of lands of said Ellis Development Corporation and also along lands of S-K Associates, Inc. South 77 degrees 27 minutes 34 seconds West 438.36 feet to a point;

THENCE along the northerly line of lands of said S-K Associates, Inc. North 56 degrees 53 minutes 14 seconds West 99.09 feet to a point on a curve on the southerly line of Ring Road;

THENCE along the same, lands of B D K, Inc., and lands of the Ellis Development Corporation, being the southerly line of Ring Road on a curve to the right in a

southwesterly direction having a Delta Angle of 78 degrees 19 minutes 15 seconds, a Radius of 258.42 feet and a Tangent of 210.47 feet for an Arc Length of 353.25 feet and a Chord bearing and distance of South 72 degrees 16 minutes 24 seconds West 326.38 feet to a Point of Tangent;

THENCE along the northerly line of lands of the Ellis Development Corporation and lands of Louis Hirsh and lands of Management Specialist, Inc., being the southerly line of Ring Road North 68 degrees 33 minutes 59 seconds West 400.00 feet to a Point of Curve;

THENCE along the northerly line of lands of said Management Specialist, Inc., lands of Lekas & Evangelon Ventures and lands of Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road on a curve to the right in a northwesterly direction having a Delta Angle of 50 degrees 00 minutes 00 seconds, a Radius of 245.00 feet and a Tangent of 114.25 feet for an Arc Length of 213.80 feet and a Chord bearing and distance of North 43 degrees 33 minutes 59 seconds West 207.08 feet to a Point of Tangent;

THENCE along the northerly line of lands of said Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road North 18 degrees 33 minutes 59 seconds West 119.50 feet to a Point of Curve;

THENCE along the same, being the southerly line of said Ring Road and the southerly line of the southwesterly entrance to the Columbia Mall, on curve to the left in a northwesterly direction having a Delta Angle of 55 degrees 00 minutes 00 seconds, a Radius of 155.00 feet and a Tangent of 80.69 feet for an Arc Length of 148.79 feet and a Chord bearing and distance of North 46 degrees 03 minutes 59 seconds West 143.14 feet to a Point of Tangent;

THENCE along the same, being the southerly line of said Mall entrance North 73 degrees 33 minutes 59 seconds West 100.58 feet to a point on a curve on the easterly right-of-way line of Pennsylvania State Route No. 0042;

THENCE along said right-of-way line on a curve to the right in a northerly direction having a Delta Angle of 01 degrees 33 minutes 56 seconds, a Radius of 1,830.08 feet and a Tangent of 25.00 feet for an Arc Length of 50.01 feet and a Chord bearing and distance of North 17 degrees 12 minutes 59 seconds East 50.00 feet to a point;

THENCE along the same on another curve to the right in a northeasterly direction having a Delta Angle of 01 degree 19 minutes 59 seconds, a Radius of 1,832.06 feet and a Tangent of 21.31 feet for an Arc Length of 42.63 feet and a Chord bearing and distance of North 18 degrees 40 minutes 06 seconds East 42.62 feet to a rebar at the southwesterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "A"), said rebar being 10 feet north of the northerly curb of the southwesterly entrance to the Columbia Mall;

THENCE along the southerly line of said Out Parcel "A", running 10 feet north of and parallel to the northerly curb of the southwesterly entrance to the Columbia Mall on a

curve to the left in a southeasterly direction having a Delta Angle of 30 degrees 21 minutes 57 seconds, a Radius of 64.33 feet and a Tangent of 17.46 feet for an Arc Length of 34.09 feet and a Chord bearing and distance of South 57 degrees 15 minutes 59 seconds East 33.70 feet to a rebar, said point also being a Point of Tangent;

THENCE along the southerly line of said Out Parcel "A" and being 10 feet north of and parallel to said northerly curb South 72 degrees 26 minutes 57 seconds East 112.25 feet to a rebar;

THENCE continuing along the southerly line of said Out Parcel "A" North 61 degrees 53 minutes 12 seconds East 85.83 feet to a P.K. Nail on the westerly edge of the macadam of Ring Road;

THENCE along the easterly line of said Out Parcel "A", being the westerly edge of the macadam of said Ring Road North 17 degrees 32 minutes 50 seconds East 245.47 feet to a rebar, said point also being a Point of Curve;

THENCE along the same being the edge of said macadam of Ring Road on a curve to the right in a northeasterly direction having a Delta Angle of 47 degrees 09 minutes 53 seconds, a Radius of 300.00 feet and a Tangent of 130.96 feet for an Arc Length of 246.95 feet and a Chord bearing and distance of North 41 degrees 07 minutes 47 seconds East 240.04 feet to a P.K. Nail;

THENCE along line of Out Parcel "A" North 24 degrees 55 minutes 12 seconds East 79.51 feet to a rebar 10 feet South of the southerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along the same and being 10 feet South of and parallel to said southerly curb North 16 degrees 00 minutes 26 West 81.83 feet to a rebar, said point also being a Point of Curve;

THENCE along the same and being 10 feet South of said southerly curb on a curve to the left in a northwesterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 61.70 feet and a Tangent of 27.08 feet for an Arc Length of 51.04 feet and a Chord Bearing and distance of North 39 degrees 42 minutes 19 seconds West 49.60 feet to a rebar, said point also being a Point of Tangent;

THENCE along the northerly line of said Out Parcel "A" and being 10 feet south of and parallel to said southerly curb the following courses and distances:  
North 63 degrees 24 minutes 12 seconds West 48.28 feet to a rebar; North 72 degrees 47 minutes 12 seconds West 44.03 feet to a rebar; South 87 degrees 56 minutes 47 seconds West 39.91 feet to a rebar set on the easterly right-of-way line of the aforementioned Pennsylvania State Route No. 0042;

THENCE along said right-of-way line North 26 degrees 38 minutes 37 seconds East 101.32 feet to the place of BEGINNING.



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AND BEING THE SAME PREMISES which Stephen Perlmutter and Roger E. Smith, Trustees for CM Group Trust, an Illinois Common Law Group Trust, by Deed dated July 13, 1995 and recorded July 24, 1995 in the County of Columbia in Record Book 601, page 538 et seq., conveyed unto Columbia Mall Associates, L.P., a New Jersey limited partnership, in fee.

## **LEGAL DESCRIPTION FOR COLUMBIA MALL PROPERTY**

ALL THAT CERTAIN lot, piece or parcel of ground, with the buildings and improvements thereon erected, in the Township of Hemlock, County of Columbia and State of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a rebar on the easterly right-of-way line of Pennsylvania State Route 0042, leading from Pennsylvania State Route No. 0080 (interstate Route 80) to Millville, said rebar being 5.56 feet distant on a course running South 26 degrees 38 minutes 37 seconds West from a rebar set at the southwesterly corner of lands of Bloomsburg Properties, said rebar also being at a corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "B"), said rebar also being 10 feet north of the northerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along line of said Out Parcel "B" and being 10 feet north of and parallel to said northerly curb South 63 degrees 24 minutes 12 seconds East 126.66 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the left in a southeasterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 126.70 feet and a Tangent of 60.00 feet for an Arc Length of 113.08 feet and a Chord bearing and distance of South 39 degrees 42 minutes 19 seconds East 109.88 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the same South 16 degrees 00 minutes 26 seconds East 78.04 feet to a rebar;

THENCE along line of said Out Parcel "B" South 60 degrees 55 minutes 30 seconds East 84.03 feet to a rebar on the southerly line of said Out Parcel "B", being the northerly edge of the macadam of Ring Road;

THENCE along the southerly line of said Out Parcel "B" and being the northerly edge of the macadam of Ring Road North 73 degrees 53 minutes 23 seconds East 372.12 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the right in an easterly direction having a Delta Angle of 22 degrees 04 minutes 17 seconds, a Radius of 250.00 feet and a Tangent of 48.76 feet for an Arc Length of 96.31 feet and a Chord bearing and distance of North 84 degrees 55 minutes 31 seconds East 95.71 feet to a rebar, said point also being a Point of Tangent;

THENCE along the same South 84 degrees 02 minutes 20 seconds East 221.28 feet to a P.K. Nail at the southeasterly corner of said Out Parcel "B";

THENCE along the easterly line of said Out Parcel "B" North 13 degrees 43 minutes 35 seconds West 39.25 feet to a rebar at a corner of lands of Richard E. Fruit, Jr., said rebar being at the southerly terminus of Township Route No. 362;

THENCE along the southerly terminus of said Township Route No. 362 and line of lands of Richard E. Fruit, Jr. North 86 degrees 01 minute 25 seconds East 740.00 feet to a point;

THENCE along the westerly line of lands of said Fruit South 13 degrees 25 minutes 23 seconds East 1,107.95 feet to a point on the northerly right-of-way line of Pennsylvania State Route No. 0080 (Interstate Route 80);

THENCE along the northerly right-of-way line of said Pennsylvania State Route No. 0080 South 65 degrees 45 minutes 23 seconds West 276.56 feet to a point;

THENCE along the same North 25 degrees 22 minutes 00 seconds West 49.55 feet to a point;

THENCE along the same South 65 degrees 49 minutes 51 seconds West 166.83 feet to a rebar at the southeasterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "C");

THENCE along the easterly line of said Out Parcel "C" North 24 degrees 29 minutes 24 seconds West 218.71 feet to a rebar on a curve on the southerly edge of the macadam of Ring Road;

THENCE along the northerly line of said Out Parcel "C" and along the southerly edge of the macadam of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 41 degrees 56 minutes 12 seconds, a Radius of 187.33 feet and a Tangent of 71.79 feet for an Arc Length of 137.11 feet and a Chord bearing and distance of South 52 degrees 47 minutes 11 seconds West 134.07 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the northerly line of said Out Parcel "C" South 77 degrees 10 minutes 45 seconds West 113.67 feet to a rebar at the northeasterly corner of lands of the Ellis Development Corporation;

THENCE along the northerly line of lands of said Ellis Development Corporation and also along lands of S-K Associates, Inc. South 77 degrees 27 minutes 34 seconds West 438.36 feet to a point;

THENCE along the northerly line of lands of said S-K Associates, Inc. North 56 degrees 53 minutes 14 seconds West 99.09 feet to a point on a curve on the southerly line of Ring Road;

THENCE along the same, lands of B D K, Inc., and lands of the Ellis Development Corporation, being the southerly line of Ring Road on a curve to the right in a

southwesterly direction having a Delta Angle of 78 degrees 19 minutes 15 seconds, a Radius of 258.42 feet and a Tangent of 210.47 feet for an Arc Length of 353.25 feet and a Chord bearing and distance of South 72 degrees 16 minutes 24 seconds West 326.38 feet to a Point of Tangent;

THENCE along the northerly line of lands of the Ellis Development Corporation and lands of Louis Hirsh and lands of Management Specialist, Inc., being the southerly line of Ring Road North 68 degrees 33 minutes 59 seconds West 400.00 feet to a Point of Curve;

THENCE along the northerly line of lands of said Management Specialist, Inc., lands of Lekas & Evangelon Ventures and lands of Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road on a curve to the right in a northwesterly direction having a Delta Angle of 50 degrees 00 minutes 00 seconds, a Radius of 245.00 feet and a Tangent of 114.25 feet for an Arc Length of 213.80 feet and a Chord bearing and distance of North 43 degrees 33 minutes 59 seconds West 207.08 feet to a Point of Tangent;

THENCE along the northerly line of lands of said Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road North 18 degrees 33 minutes 59 seconds West 119.50 feet to a Point of Curve;

THENCE along the same, being the southerly line of said Ring Road and the southerly line of the southwesterly entrance to the Columbia Mall, on curve to the left in a northwesterly direction having a Delta Angle of 55 degrees 00 minutes 00 seconds, a Radius of 155.00 feet and a Tangent of 80.69 feet for an Arc Length of 148.79 feet and a Chord bearing and distance of North 46 degrees 03 minutes 59 seconds West 143.14 feet to a Point of Tangent;

THENCE along the same, being the southerly line of said Mall entrance North 73 degrees 33 minutes 59 seconds West 100.58 feet to a point on a curve on the easterly right-of-way line of Pennsylvania State Route No. 0042;

THENCE along said right-of-way line on a curve to the right in a northerly direction having a Delta Angle of 01 degrees 33 minutes 56 seconds, a Radius of 1,830.08 feet and a Tangent of 25.00 feet for an Arc Length of 50.01 feet and a Chord bearing and distance of North 17 degrees 12 minutes 59 seconds East 50.00 feet to a point;

THENCE along the same on another curve to the right in a northeasterly direction having a Delta Angle of 01 degree 19 minutes 59 seconds, a Radius of 1,832.06 feet and a Tangent of 21.31 feet for an Arc Length of 42.63 feet and a Chord bearing and distance of North 18 degrees 40 minutes 06 seconds East 42.62 feet to a rebar at the southwesterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "A"), said rebar being 10 feet north of the northerly curb of the southwesterly entrance to the Columbia Mall;

THENCE along the southerly line of said Out Parcel "A", running 10 feet north of and parallel to the northerly curb of the southwesterly entrance to the Columbia Mall on a

curve to the left in a southeasterly direction having a Delta Angle of 30 degrees 21 minutes 57 seconds, a Radius of 64.33 feet and a Tangent of 17.46 feet for an Arc Length of 34.09 feet and a Chord bearing and distance of South 57 degrees 15 minutes 59 seconds East 33.70 feet to a rebar, said point also being a Point of Tangent;

THENCE along the southerly line of said Out Parcel "A" and being 10 feet north of and parallel to said northerly curb South 72 degrees 26 minutes 57 seconds East 112.25 feet to a rebar;

THENCE continuing along the southerly line of said Out Parcel "A" North 61 degrees 53 minutes 12 seconds East 85.83 feet to a P.K. Nail on the westerly edge of the macadam of Ring Road;

THENCE along the easterly line of said Out Parcel "A", being the westerly edge of the macadam of said Ring Road North 17 degrees 32 minutes 50 seconds East 245.47 feet to a rebar, said point also being a Point of Curve;

THENCE along the same being the edge of said macadam of Ring Road on a curve to the right in a northeasterly direction having a Delta Angle of 47 degrees 09 minutes 53 seconds, a Radius of 300.00 feet and a Tangent of 130.96 feet for an Arc Length of 246.95 feet and a Chord bearing and distance of North 41 degrees 07 minutes 47 seconds East 240.04 feet to a P.K. Nail;

THENCE along line of Out Parcel "A" North 24 degrees 55 minutes 12 seconds East 79.51 feet to a rebar 10 feet South of the southerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along the same and being 10 feet South of and parallel to said southerly curb North 16 degrees 00 minutes 26 West 81.83 feet to a rebar, said point also being a Point of Curve;

THENCE along the same and being 10 feet South of said southerly curb on a curve to the left in a northwesterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 61.70 feet and a Tangent of 27.08 feet for an Arc Length of 51.04 feet and a Chord Bearing and distance of North 39 degrees 42 minutes 19 seconds West 49.60 feet to a rebar, said point also being a Point of Tangent;

THENCE along the northerly line of said Out Parcel "A" and being 10 feet south of and parallel to said southerly curb the following courses and distances:

North 63 degrees 24 minutes 12 seconds West 48.28 feet to a rebar; North 72 degrees 47 minutes 12 seconds West 44.03 feet to a rebar; South 87 degrees 56 minutes 47 seconds West 39.91 feet to a rebar set on the easterly right-of-way line of the aforementioned Pennsylvania State Route No. 0042;

THENCE along said right-of-way line North 26 degrees 38 minutes 37 seconds East 101.32 feet to the place of BEGINNING.

TOGETHER with one large commercial structure consisting of multiple retail stores with an approximate gross building area of 408,000 square feet, more or less, and being commonly known as "Columbia Mall".

TOGETHER with the rights in favor of Columbia Mall Associates, L.P., its successors and assigns in that certain Declaration of Easements between Columbia Mall Associates, L.P. and CM GROUP Trust, an Illinois Common Law Group Trust, dated July 19, 1995 and recorded in the County of Columbia in Record Book 601, page 566 et seq.

AND BEING THE SAME PREMISES which Stephen Perlmutter and Roger E. Smith, Trustees for CM Group Trust, an Illinois Common Law Group Trust, by Deed dated July 13, 1995 and recorded July 24, 1995 in the County of Columbia in Record Book 601, page 538 et seq., conveyed unto Columbia Mall Associates, L.P., a New Jersey limited partnership, in fee.

Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Tel: 215.963.5000  
Fax: 215.963.5001  
www.morganlewis.com

**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

**Jeffrey D. Kaiser**  
215-963-5013  
jkaiser@morganlewis.com

January 12, 2005

**VIA FEDERAL EXPRESS**

Sheriff Timothy T. Chamberlain  
Columbia County Sheriff's Office  
Columbia County Courthouse  
35 West Main Street  
Bloomsburg, Pennsylvania 17815

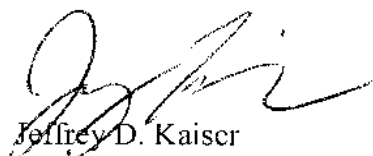
Re: *DLJMAC 1995-CF2 Hemlock Limited Partnership, to the use of Bayview  
Columbia Mall, LLC v. Columbia Mall Associates, L.P.; Case No. 2004-CV-429*

Dear Sheriff Chamberlin:

I have enclosed a check payable to the Columbia County Sheriff's Office in the amount of \$1,350 for your costs in connection with the sale of the Columbia Mall property pursuant to the above-referenced case.

Thank you for your cooperation in connection with this matter and if you have any questions, please feel free to call me at the number listed above.

Sincerely yours,



Jeffrey D. Kaiser

Enclosures

cc: Peter LaPointe, First Vice President (w/o Enclosures)

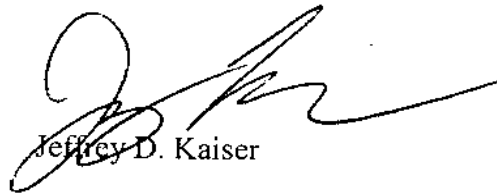
Columbia County Prothonotary's Office  
January 5, 2005  
Page 2

Please file item #1 in this case in order to transfer the judgment to Bayview Columbia Mall, LLC. Following that, please file item #2, issue the Writ of Execution in this case and deliver Items #4 through #13 to the Columbia County Sheriff at your earliest opportunity. Please note that our client will be delivering directly to the Sheriff a check in the amount of \$1,350 for the Sheriff's Sale deposit.

Please date-stamp and return to me in one of the return envelopes a copy of items #1, #2 and #4 and ask the Sheriff to date-stamp and return to me in the other envelope a copy of items #4 through #11.

Thank you for your attention to this matter and if you have any questions, please feel free to call me at the number listed above.

Sincerely yours,



Jeffrey D. Kaiser

Enclosures

cc: Peter LaPointe, First Vice President (w/o Enclosures)



Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Tel: 215.963.5000  
Fax: 215.963.5001  
www.morganlewis.com

**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

**Jeffrey D. Kaiser**  
215-963-5013  
jkaiser@morganlewis.com

January 5, 2005

2005 JAN -6 A 11:22  
RECEIVED  
COLUMBIA MALL, LLC

**VIA FEDERAL EXPRESS**

Columbia County Prothonotary's Office  
Columbia County Courthouse  
35 West Main Street  
Bloomsburg, Pennsylvania 17815

Re: *DLJMAC 1995-CF2 Hemlock Limited Partnership, to the use of Bayview  
Columbia Mall, LLC v. Columbia Mall Associates, L.P.*; Case No. 2004-CV-429

Dear Sir or Madam:

I have enclosed the following items in connection with the above-referenced case:

1. Praecipe to Mark Judgment to the Use of Bayview Columbia Mall, LLC (one original and one duplicate copy);
2. Praecipe for Writ of Execution (one original and one duplicate copy);
3. Check payable to the Prothonotary for \$23;
4. Writ of Execution (one original and three duplicate copies);
5. Waiver of Watchman (one original and one duplicate copy);
6. Rule 3129 Affidavit (two originals and two duplicate copies);
7. Proposed legal description for the property to be foreclosed (one original and six duplicate copies);
8. Affidavit of Non-Military Service (one original and one duplicate copy);
9. Affidavit of Whereabouts of the defendant and tenants (one original and one duplicate copy);
10. Act 91 Certification (one original and one duplicate copy);
11. Writ of Execution Notice (one original and one duplicate copy);
12. One notice packet addressed to each of the parties listed on the Rule 3129 Affidavit (one original and two duplicate copies for each party); and
13. Two self-addressed stamped return envelopes.

MORGAN, LEWIS & BOCKIUS LLP  
Richard J. Sabat (Pa. Atty. No. 17799)  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
(215) 963-5000

*Item #5*  
*1- original*  
*1- copy*

Attorneys for Plaintiff Bayview Columbia Mall, LLC

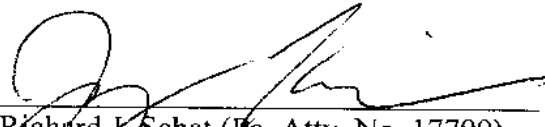
DLJMAC 1995-CF2 Hemlock Limited	:	
Partnership to the use of BAYVIEW	:	County of Columbia
COLUMBIA MALL, LLC	:	Court of Common Pleas
4425 Ponce de Leon Boulevard, Fifth Floor,	:	
Coral Gables, Florida 33146,	:	
	:	Civil Action
Plaintiff,	:	
	:	April Term, 2004
v.	:	
	:	No. 2004CV-429
COLUMBIA MALL ASSOCIATES, L.P.	:	
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

**WAIVER OF WATCHMAN**

TO THE SHERIFF OF COLUMBIA COUNTY:

On behalf of the plaintiff in the above action, please take notice that upon levying or attaching any property pursuant to the writ of execution issued in this action, you may leave the same without a watchman or insurance in the custody of whoever is in possession, after notifying such person(s) of such levy or attachment, without liability on the part of the Sheriff or any Deputy of the Sheriff to the plaintiff for any loss, damage, destruction or removal of such property prior to the sale thereof by the Sheriff.

Respectfully submitted,



Dated: December 27, 2004

Richard J. Sabat (Pa. Atty. No. 17799)  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103  
(215) 963-5000

Attorneys for the Plaintiff  
Bayview Columbia Mall, LLC

MORGAN, LEWIS & BOCKIUS LLP  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
(215) 963-5000

Attorneys for Plaintiff Bayview Columbia Mall, LLC

DLJMAC 1995-CF2 Hemlock Limited	:	
Partnership to the use of BAYVIEW	:	County of Columbia
COLUMBIA MALL, LLC	:	Court of Common Pleas
4425 Ponce de Leon Boulevard, Fifth Floor,	:	
Coral Gables, Florida 33146,	:	
	:	Civil Action
Plaintiff,	:	
	:	April Term, 2004
v.	:	
	:	No. 2004CV-429
COLUMBIA MALL ASSOCIATES, L.P.	:	
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF PHILADELPHIA :

Jeffrey D. Kaiser, being duly sworn according to law, deposes and says that:

1. I am attorney of record for the above-named Plaintiff.

2. I am an individual knowledgeable about the facts set forth herein.

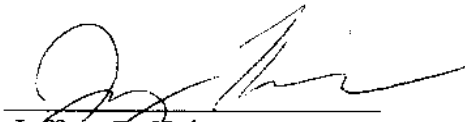
3. Plaintiff is a limited liability company and maintains a business address at  
4425 Ponce de Leon Boulevard, Fifth Floor, Coral Gables, Florida 33146.

4. Defendant is, upon information and belief, a New Jersey limited  
partnership and is a business entity that is not in the Military Service of the United States nor any

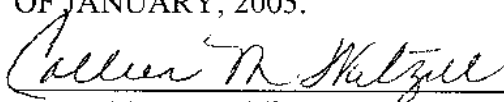
State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act 50

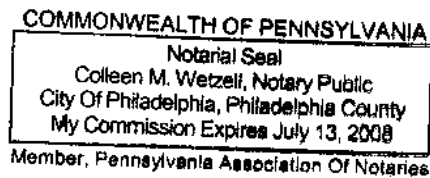
U.S.C.A. Appendix § 520, as amended.

Date: January 3, 2005

  
Jeffrey D. Kaiser

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 3RD DAY  
OF JANUARY, 2005.

  
Notary Public



MORGAN, LEWIS & BOCKIUS LLP  
Richard J. Sabat (Pa. Atty. No. 17799)  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
(215) 963-5000

Attorneys for Plaintiff Bayview Columbia Mall, LLC

DLJMAC 1995-CF2 Hemlock Limited	:	
Partnership to the use of BAYVIEW	:	County of Columbia
COLUMBIA MALL, LLC	:	Court of Common Pleas
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Coral Gables, Florida 33146,	:	
	:	Civil Action
Plaintiff,	:	
	:	April Term, 2004
v.	:	
	:	No. 2004CV-429
COLUMBIA MALL ASSOCIATES, L.P.	:	
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

---

**AFFIDAVIT OF WHEREABOUTS**

---

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF PHILADELPHIA :

Jeffrey D. Kaiser, being first duly sworn, deposes and says as follows:

1. I am employed by Morgan, Lewis & Bockius LLP, counsel of record for the plaintiff in the above-referenced action and I am an attorney licensed to practice law in the Commonwealth of Pennsylvania.

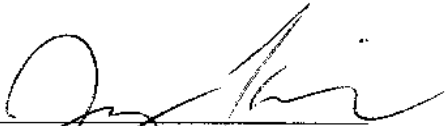
2. The last known addresses for the defendant are as follows:

Columbia Mall Associates, L.P.  
c/o Mountain Development Corp.  
3 Garret Mountain Plaza, Suite 402  
West Paterson, New Jersey 07424

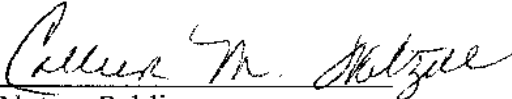
Columbia Mall Associates, L.P.  
c/o Mountain Development Corp.  
100 Delawanna Avenue  
Clifton, New Jersey 07014-1069

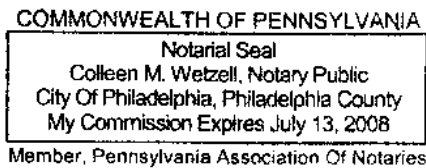
3. The last known addresses for the tenants of the property are attached hereto as Exhibit "A".

Date: January 3, 2005

  
Jeffrey D. Kaiser

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 3RD DAY  
OF JANUARY, 2005.

  
Notary Public



**EXHIBIT "A"**

Gingerbear Square  
255 Columbia Mall Drive, Suite 100 and 410  
Bloomsburg, PA 17815

Famous Footwear  
(Brown Group Retail)  
255 Columbia Mall Drive, Suite 120  
Bloomsburg, PA 17815

Sorce's Auto Sales  
255 Columbia Mall Drive, Suite 125  
Bloomsburg, PA 17815

The Discount Island  
255 Columbia Mall Drive, Suite 135  
Bloomsburg, PA 17815

Auntie Annes  
255 Columbia Mall Drive, Suite 140  
Bloomsburg, PA 17815

Nail Glamour  
255 Columbia Mall Drive, Suite 145  
Bloomsburg, PA 17815

Arby's Roast Beef  
(Dijan Inc.)  
255 Columbia Mall Drive, Suite 200  
Bloomsburg, PA 17815

Gordon Jewelers  
(Fannin & Walker)  
255 Columbia Mall Drive, Suite 210  
Bloomsburg, PA 17815

Maurice's  
255 Columbia Mall Drive, Suite 215  
Bloomsburg, PA 17815

Bath & Body Works, Inc.  
255 Columbia Mall Drive, Suite 220  
Bloomsburg, PA 17815

Silver Creek Home Improvements  
255 Columbia Mall Drive, Suite 225  
Bloomsburg, PA 17815

Sojourner  
255 Columbia Mall Drive, Suite 230  
Bloomsburg, PA 17815

Country Accents  
(Pk Dk, Inc.)  
255 Columbia Mall Drive, Suite 235  
Bloomsburg, PA 17815

Gertrude Hawk Candy  
255 Columbia Mall Drive, Suite 245  
Bloomsburg, PA 17815

Provost Shoes  
(Naturalizer)  
255 Columbia Mall Drive, Suite 250  
Bloomsburg, PA 17815

Electronics Boutique  
255 Columbia Mall Drive, Suite 255  
Bloomsburg, PA 17815

Mastercuts  
(Regis Corp.)  
255 Columbia Mall Drive, Suite 260  
Bloomsburg, PA 17815

Liberty Travel  
255 Columbia Mall Drive, Suite 300  
Bloomsburg, PA 17815

Merle Norman Cosmetics  
255 Columbia Mall Drive, Suite 305  
Bloomsburg, PA 17815

Fair Traders  
255 Columbia Mall Drive, Suite 310  
Bloomsburg, PA 17815

Keyboard World  
255 Columbia Mall Drive, Suite 315  
Bloomsburg, PA 17815

The Wall  
255 Columbia Mall Drive, Suite 325  
Bloomsburg, PA 17815

Boardwalk Boulevard  
(Roles Amusement Co. Inc.)  
255 Columbia Mall Drive, Suite 335  
Bloomsburg, PA 17815



Bon Ton  
255 Columbia Mall Drive, Suite 002 and 410  
Bloomsburg, PA 17815

Deb Shops  
255 Columbia Mall Drive, Suite 420  
Bloomsburg, PA 17815

General Nutrition Center  
255 Columbia Mall Drive, Suite 425  
Bloomsburg, PA 17815

Pub 80  
255 Columbia Mall Drive, Suite 435  
Bloomsburg, PA 17815

Luca Pizza  
(Mirella PEGA)  
255 Columbia Mall Drive, Suite 500  
Bloomsburg, PA 17815

Claire's Accessories  
255 Columbia Mall Drive, Suite 502  
Bloomsburg, PA 17815

Fred Meyer Jewelers  
(Littman)  
255 Columbia Mall Drive, Suite 515  
Bloomsburg, PA 17815

Radio Shack  
255 Columbia Mall Drive, Suite 520  
Bloomsburg, PA 17815

Fun Shop Hallmark  
255 Columbia Mall Drive, Suite 530  
Bloomsburg, PA 17815

Victoria's Secret  
255 Columbia Mall Drive, Suite 535  
Bloomsburg, PA 17815

Footlocker  
(Kinney Shoe Corp.)  
255 Columbia Mall Drive, Suite 540  
Bloomsburg, PA 17815

GAP  
255 Columbia Mall Drive, Suite 550  
Bloomsburg, PA 17815

Pro Med Supply  
255 Columbia Mall Drive, Suite 600  
Bloomsburg, PA 17815

Hide-Away Leather  
255 Columbia Mall Drive, Suite 605  
Bloomsburg, PA 17815

Christopher & Banks  
255 Columbia Mall Drive, Suite 610  
Bloomsburg, PA 17815

Payless Shoes  
255 Columbia Mall Drive, Suite 625  
Bloomsburg, PA 17815

Pearle Vision  
255 Columbia Mall Drive, Suite 630  
Bloomsburg, PA 17815

Kay-Bee Toys  
255 Columbia Mall Drive, Suite 635  
Bloomsburg, PA 17815

Friar Tuck, Ltd  
255 Columbia Mall Drive, Suite 645  
Bloomsburg, PA 17815

Schuylkill Valley Sports  
255 Columbia Mall Drive, Suite 650  
Bloomsburg, PA 17815

Sylvan Learning  
255 Columbia Mall Drive, Suite 655  
Bloomsburg, PA 17815

Sears  
255 Columbia Mall Drive, Suite 001  
Bloomsburg, PA 17815

J.C Penny  
255 Columbia Mall Drive, Suite 004  
Bloomsburg, PA 17815

Hans Cedardale Satellite Co.  
255 Columbia Mall Drive  
Bloomsburg, PA 17815

Black Cat  
255 Columbia Mall Drive, Suite K-1  
Bloomsburg, PA 17815

M & T Bank  
255 Columbia Mall Drive, Suite K-2  
Bloomsburg, PA 17815

Freedom Wireless  
255 Columbia Mall Drive, Suite K-4  
Bloomsburg, PA 17815

Wireless World  
255 Columbia Mall Drive, Suite K-7  
Bloomsburg, PA 17815

Piercing Pagoda  
255 Columbia Mall Drive, Suite K-8  
Bloomsburg, PA 17815

Hickory Farms  
255 Columbia Mall Drive, Suite K-9  
Bloomsburg, PA 17815

Bloom Floral & Gift  
(Harry Strausser)  
255 Columbia Mall Drive, Suite 430  
Bloomsburg, PA 17815

The 1st National Bank of Berwick  
255 Columbia Mall Drive, Suite T-1  
Bloomsburg, PA 17815

SRV LLC  
255 Columbia Mall Drive, Suite T-14  
Bloomsburg, PA 17815

Walkabout  
255 Columbia Mall Drive, Suite T-4  
Bloomsburg, PA 17815

Crafts by Pam  
255 Columbia Mall Drive, Suite T-7  
Bloomsburg, PA 17815

Beef Jerky  
255 Columbia Mall Drive, Suite T-17  
Bloomsburg, PA 17815

Marshall Arts  
255 Columbia Mall Drive, Suite T-12  
Bloomsburg, PA 17815

Chao Hua Reese  
255 Columbia Mall Drive, Suite T-19  
Bloomsburg, PA 17815

Foto Fantasy  
255 Columbia Mall Drive, Suite #1  
Bloomsburg, PA 17815

Publicom, Inc.  
255 Columbia Mall Drive, Suite #3  
Bloomsburg, PA 17815

David Ashby  
Photography  
255 Columbia Mall Drive, Suite #12B  
Bloomsburg, PA 17815

Mountain Kiddie Rides  
255 Columbia Mall Drive, Suite #15  
Bloomsburg, PA 17815

Down to Earth Minerals  
255 Columbia Mall Drive  
Bloomsburg, PA 17815

Parkway Vending Corp.  
255 Columbia Mall Drive  
Bloomsburg, PA 17815

Pepsi-Cola Bottling Group  
255 Columbia Mall Drive  
Bloomsburg, PA 17815

Mark Piper Phone Cards  
255 Columbia Mall Drive  
Bloomsburg, PA 17815

S & A Sports  
255 Columbia Mall Drive  
Bloomsburg, PA 17815

MORGAN, LEWIS & BOCKIUS LLP  
Richard J. Sabat (Pa. Atty. No. 17799)  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
(215) 963-5000

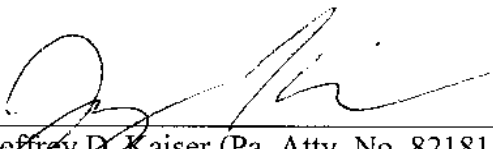
Attorneys for Plaintiff Bayview Columbia Mall, LLC

DLJMAC 1995-CF2 Hemlock Limited	:	
Partnership to the use of BAYVIEW	:	County of Columbia
COLUMBIA MALL, LLC	:	Court of Common Pleas
4425 Ponce de Leon Boulevard, Fifth Floor,	:	
Coral Gables, Florida 33146,	:	
	:	Civil Action
Plaintiff,	:	
	:	April Term, 2004
v.	:	
	:	No. 2004CV-429
COLUMBIA MALL ASSOCIATES, L.P.	:	
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

### **ACT 91 CERTIFICATION**

Jeffrey D. Kaiser hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91. This certification is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Dated: December 27, 2004

  
\_\_\_\_\_  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103  
(215) 963-5013

Attorney for the Plaintiff  
Bayview Columbia Mall, LLC

DLJMAC 1995-CF2 Hemlock Limited Partnership	:	
to the use of BAYVIEW COLUMBIA MALL, LLC	:	County of Columbia
4425 Ponce de Leon Boulevard, Fifth Floor, Coral	:	Court of Common Pleas
Gables, Florida 33146,	:	
	:	
Plaintiff,	:	Civil Action
	:	
v.	:	April Term, 2004
	:	
COLUMBIA MALL ASSOCIATES, L.P.	:	No. 2004CV-429
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

**WRIT OF EXECUTION**  
**NOTICE**

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300.00. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing, (2) deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**SUSQUEHANNA VALLEY LEGAL SERVICES**  
**168 EAST FIFTH STREET**  
**BLOOMSBURG, PA 17815**  
**(717) 784-8760**

**PENNSYLVANIA LAWYER REFERRAL SERVICE**  
**PENNSYLVANIA BAR ASSOCIATION**  
**P.O. BOX 186**  
**HARRISBURG, PA 17108**  
**(717) 692-7375**

**WRIT OF EXECUTION NOTICE CONTINUED**

**MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW**

1. \$30000 statutory exemption.
2. Bibles, school books, sewing machines, uniforms and equipment..
3. Most wages and unemployment compensation.
4. Social Security benefits.
5. Certain retirement funds and accounts.
6. Certain veteran and armed forces benefits.
7. Certain insurance proceeds.
8. Such other exemptions as may be provided by law.

DLJMAC 1995-CF2 Hemlock Limited Partnership	:	
to the use of BAYVIEW COLUMBIA MALL, LLC	:	County of Columbia
4425 Ponce de Leon Boulevard, Fifth Floor, Coral	:	Court of Common Pleas
Gables, Florida 33146,	:	
	:	
Plaintiff,	:	Civil Action
	:	
v.	:	April Term, 2004
	:	
COLUMBIA MALL ASSOCIATES, L.P.	:	No. 2004CV-429
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

**CLAIM FOR EXEMPTION**

TO THE SHERIFF:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300.00 statutory exemption be

\_\_\_\_\_ (i) set aside in kind (specify property to be set aside in kind):

\_\_\_\_\_ (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis for exemption):

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$300.00 statutory exemption: \_\_\_\_\_ in cash; \_\_\_\_\_ in kind (specify property): \_\_\_\_\_

(b) Social Security benefits on deposits in the amount of \$ \_\_\_\_\_;

(c) other (specify amount and basis of exemption):



\_\_\_\_\_

I request a prompt court hearing to determine the exemption.

Notice of the hearing should be given to me at \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_

I verify that the statements made in this Claim for Exemption are true and correct.  
I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904  
relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(DEFENDANT)

**THIS CLAIM TO BE FILED WITH THE OFFICE  
OF THE SHERIFF OF COLUMBIA COUNTY AT:**

**35 WEST MAIN STREET  
BLOOMSBURG, PENNSYLVANIA 17815**

MORGAN, LEWIS & BOCKIUS LLP  
Richard J. Sabat (Pa. Atty. No. 17799)  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
(215) 963-5000

Attorneys for Plaintiff Bayview Columbia Mall, LLC

DLJMAC 1995-CF2 Hemlock Limited	:	
Partnership to the use of BAYVIEW	:	County of Columbia
COLUMBIA MALL, LLC.	:	Court of Common Pleas
4425 Ponce de Leon Boulevard, Fifth Floor,	:	
Coral Gables, Florida 33146,	:	
	:	Civil Action
Plaintiff,	:	
	:	April Term, 2004
v.	:	
	:	No. 2004CV-429
COLUMBIA MALL ASSOCIATES, L.P.	:	
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

**AFFIDAVIT PURSUANT TO RULE 3129.1**

I, Jeffrey D. Kaiser, attorney for the plaintiff in the above action, sets forth as of the date the praecipe for writ of execution was filed the following information concerning the property located in the Township of Hemlock, County of Columbia, Commonwealth of Pennsylvania, more particularly described in Exhibit "A" hereto.

1. Name and address of owner(s) or reputed owner(s):

/ Columbia Mall Associates, L.P.  
c/o Mountain Development Corp.  
100 Delawanna Avenue  
Clifton, New Jersey 07014-1069

2. Name and address of defendant(s) in the judgment:

Columbia Mall Associates, L.P.  
c/o Mountain Development Corp.  
100 Delawanna Avenue  
Clifton, New Jersey 07014-1069

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:

2 Bayview Columbia Mall, LLC, as successor  
in interest to  
Bayview Financial, L.P. , as successor in  
interest to DLJMAC 1995-CF2 Hemlock  
Limited Partnership  
c/o Bayview Financial, L.P.  
4425 Ponce de Leon Boulevard, Fifth Floor,  
Coral Gables, Florida 33146

4. Name and address of the last recorded holder of every mortgage of record:

Bayview Columbia Mall, LLC, as successor  
in interest to  
Bayview Financial, L.P. , as successor in  
interest to DLJMAC 1995-CF2 Hemlock  
Limited Partnership  
c/o Bayview Financial, L.P.  
4425 Ponce de Leon Boulevard, Fifth Floor,  
Coral Gables, Florida 33146

5. Name and address of every other person who has or may have any record lien on the property:

3 Department of Revenue  
Bureau of Compliance  
Lien Control Section  
Department 280946  
Harrisburg, Pennsylvania 17128-0946

23 Denise Ottaviani  
Hemlock Township Tax Collector  
116 Frosty Valley Road  
Bloomsburg, Pennsylvania 17815

4 Pennsylvania Department of Revenue  
Bureau of Corporation Taxes  
Department 280705  
Harrisburg, Pennsylvania 1712

25 Columbia County Tax Claim Bureau  
Columbia County Courthouse  
35 West Main Street  
Bloomsburg, PA 17815

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:

5 Buckhorn Enterprises, Inc.  
1560 Lititz Pike  
Lancaster, PA17601

6 S-K Associates, Inc.  
Box 114-A, R D #5  
Bloomsburg, PA 17815

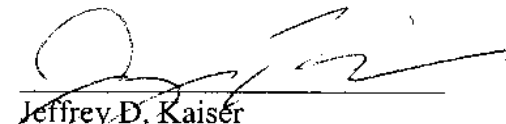
- |    |  |    |   |
|----|--|----|---|
| 7  | Buckhorn Enterprises, Inc.<br>Penn Central Drive<br>Bloomsburg, PA 17815                                     | 24 | Hemlock Township<br>Hemlock Township Municipal Building<br>26 Firehall Road<br>Bloomsburg, Pennsylvania 17815 |
| 8  | Bloomsburg Steak Associates, Inc.<br>181 Columbia Mall Drive<br>Bloomsburg, Pennsylvania 17815               | 18 | S. Grumbacher & Son<br>c/o The Bon-Ton<br>York Mall<br>2801 East Market Street<br>York, PA 17402              |
| 9  | Bloomsburg Steak Associates, Inc.<br>181 Central Penn Drive<br>Bloomsburg, PA 17815                          | 19 | CM Trust Group<br>c/o Heitman/JMB Advisory Corporation<br>180 North LaSalle Street<br>Chicago, IL 60601       |
| 10 | Pennsylvania Power & Light Company<br>2 North 9th Street<br>Allentown, PA 18101 - 1179                       | 20 | Leakas and Evangelou Ventures<br>629 North Derr Drive<br>Lewisburg, PA 17837                                  |
| 11 | Hills Stores Company<br>15 Dan Road<br>Canton, MA 02021  | 21 | Interstate Leasing Corporation<br>15 Dan Road<br>Canton, MA 02021   |
| 12 | Sears, Roebuck and Co.<br>Sears Tower<br>Chicago, IL 60684   | 22 | Mall Partners, Inc.<br>RD 5 Box 290<br>Bloomsburg, PA 17815   |
| 13 | Sears, Roebuck and Co.<br>3333 Beverly Road<br>Hoffman Estates, IL 60601<br>Attn: Legal Department           |    |   |
| 14 | J.C. Penney Company, Inc.<br>2000 Oxford Drive<br>Bethel Park, PA 15102                                      |    |   |
| 15 | PG Energy, Inc.<br>f/k/a Pennsylvania Gas and Water Company<br>One PEI Center<br>Wilkes-Barre, PA 18711-0601 |    |   |
| 16 | McDonald's Corporation<br>One McDonald's Plaza<br>Oak Brook, IL 60521  |    |   |
| 17 | McDonald's Corporation<br>One Kroc Drive<br>Oak Brook, IL 60523<br>Attn: Legal Department                    |    |   |

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

N/A

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: January 4, 2004

  
\_\_\_\_\_  
Jeffrey D. Kaiser  
Attorney for the Plaintiff

## Exhibit "A"

### LEGAL DESCRIPTION

ALL THAT CERTAIN lot, piece or parcel of ground, with the buildings and improvements thereon erected, in the Township of Hemlock, County of Columbia and State of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a rebar on the easterly right-of-way line of Pennsylvania State Route 0042, leading from Pennsylvania State Route No. 0080 (interstate Route 80) to Millville, said rebar being 5.56 feet distant on a course running South 26 degrees 38 minutes 37 seconds West from a rebar set at the southwesterly corner of lands of Bloomsburg Properties, said rebar also being at a corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "B"), said rebar also being 10 feet north of the northerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along line of said Out Parcel "B" and being 10 feet north of and parallel to said northerly curb South 63 degrees 24 minutes 12 seconds East 126.66 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the left in a southeasterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 126.70 feet and a Tangent of 60.00 feet for an Arc Length of 113.08 feet and a Chord bearing and distance of South 39 degrees 42 minutes 19 seconds East 109.88 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the same South 16 degrees 00 minutes 26 seconds East 78.04 feet to a rebar;

THENCE along line of said Out Parcel "B" South 60 degrees 55 minutes 30 seconds East 84.03 feet to a rebar on the southerly line of said Out Parcel "B", being the northerly edge of the macadam of Ring Road;

THENCE along the southerly line of said Out Parcel "B" and being the northerly edge of the macadam of Ring Road North 73 degrees 53 minutes 23 seconds East 372.12 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the right in an easterly direction having a Delta Angle of 22 degrees 04 minutes 17 seconds, a Radius of 250.00 feet and a Tangent of 48.76 feet for an Arc Length of 96.31 feet and a Chord bearing and distance of North 84 degrees 55 minutes 31 seconds East 95.71 feet to a rebar, said point also being a Point of Tangent;

THENCE along the same South 84 degrees 02 minutes 20 seconds East 221.28 feet to a P.K. Nail at the southeasterly corner of said Out Parcel "B";

THENCE along the easterly line of said Out Parcel "B" North 13 degrees 43 minutes 35 seconds West 39.25 feet to a rebar at a corner of lands of Richard E. Fruit, Jr., said rebar being at the southerly terminus of Township Route No. 362;

THENCE along the southerly terminus of said Township Route No. 362 and line of lands of Richard E. Fruit, Jr. North 86 degrees 01 minute 25 seconds East 740.00 feet to a point;

THENCE along the westerly line of lands of said Fruit South 13 degrees 25 minutes 23 seconds East 1,107.95 feet to a point on the northerly right-of-way line of Pennsylvania State Route No. 0080 (Interstate Route 80);

THENCE along the northerly right-of-way line of said Pennsylvania State Route No. 0080 South 65 degrees 45 minutes 23 seconds West 276.56 feet to a point;

THENCE along the same North 25 degrees 22 minutes 00 seconds West 49.55 feet to a point;

THENCE along the same South 65 degrees 49 minutes 51 seconds West 166.83 feet to a rebar at the southeasterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "C");

THENCE along the easterly line of said Out Parcel "C" North 24 degrees 29 minutes 24 seconds West 218.71 feet to a rebar on a curve on the southerly edge of the macadam of Ring Road;

THENCE along the northerly line of said Out Parcel "C" and along the southerly edge of the macadam of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 41 degrees 56 minutes 12 seconds, a Radius of 187.33 feet and a Tangent of 71.79 feet for an Arc Length of 137.11 feet and a Chord bearing and distance of South 52 degrees 47 minutes 11 seconds West 134.07 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the northerly line of said Out Parcel "C" South 77 degrees 10 minutes 45 seconds West 113.67 feet to a rebar at the northeasterly corner of lands of the Ellis Development Corporation;

THENCE along the northerly line of lands of said Ellis Development Corporation and also along lands of S-K Associates, Inc. South 77 degrees 27 minutes 34 seconds West 438.36 feet to a point;

THENCE along the northerly line of lands of said S-K Associates, Inc. North 56 degrees 53 minutes 14 seconds West 99.09 feet to a point on a curve on the southerly line of Ring Road;

THENCE along the same, lands of B D K, Inc., and lands of the Ellis Development Corporation, being the southerly line of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 78 degrees 19 minutes 15 seconds, a Radius of 258.42 feet and a Tangent of 210.47 feet for an Arc Length of 353.25 feet and a Chord bearing and distance of South 72 degrees 16 minutes 24 seconds West 326.38 feet to a Point of Tangent;

THENCE along the northerly line of lands of the Ellis Development Corporation and lands of Louis Hirsh and lands of Management Specialist, Inc., being the southerly line of Ring Road North 68 degrees 33 minutes 59 seconds West 400.00 feet to a Point of Curve;

THENCE along the northerly line of lands of said Management Specialist, Inc., lands of Lekas & Evangelon Ventures and lands of Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road on a curve to the right in a northwesterly direction having a Delta Angle of 50 degrees 00 minutes 00 seconds, a Radius of 245.00 feet and a Tangent of 114.25 feet for an Arc Length of 213.80 feet and a Chord bearing and distance of North 43 degrees 33 minutes 59 seconds West 207.08 feet to a Point of Tangent;

THENCE along the northerly line of lands of said Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road North 18 degrees 33 minutes 59 seconds West 119.50 feet to a Point of Curve;

THENCE along the same, being the southerly line of said Ring Road and the southerly line of the southwesterly entrance to the Columbia Mall, on curve to the left in a northwesterly direction having a Delta Angle of 55 degrees 00 minutes 00 seconds, a Radius of 155.00 feet and a Tangent of 80.69 feet for an Arc Length of 148.79 feet and a Chord bearing and distance of North 46 degrees 03 minutes 59 seconds West 143.14 feet to a Point of Tangent;

THENCE along the same, being the southerly line of said Mall entrance North 73 degrees 33 minutes 59 seconds West 100.58 feet to a point on a curve on the easterly right-of-way line of Pennsylvania State Route No. 0042;

THENCE along said right-of-way line on a curve to the right in a northerly direction having a Delta Angle of 01 degrees 33 minutes 56 seconds, a Radius of 1,830.08 feet and a Tangent of 25.00 feet for an Arc Length of 50.01 feet and a Chord bearing and distance of North 17 degrees 12 minutes 59 seconds East 50.00 feet to a point;

THENCE along the same on another curve to the right in a northeasterly direction having a Delta Angle of 01 degree 19 minutes 59 seconds, a Radius of 1,832.06 feet and a Tangent of 21.31 feet for an Arc Length of 42.63 feet and a Chord bearing and distance of North 18 degrees 40 minutes 06 seconds East 42.62 feet to a rebar at the southwesterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "A"), said rebar being 10 feet north of the northerly curb of the southwesterly entrance to the Columbia Mall;

THENCE along the southerly line of said Out Parcel "A", running 10 feet north of and parallel to the northerly curb of the southwesterly entrance to the Columbia Mall on a curve to the left in a southeasterly direction having a Delta Angle of 30 degrees 21 minutes 57 seconds, a Radius of 64.33 feet and a Tangent of 17.46 feet for an Arc Length of 34.09 feet and a Chord bearing and distance of South 57 degrees 15 minutes 59 seconds East 33.70 feet to a rebar, said point also being a Point of Tangent;

THENCE along the southerly line of said Out Parcel "A" and being 10 feet north of and parallel to said northerly curb South 72 degrees 26 minutes 57 seconds East 112.25 feet to a rebar;

THENCE continuing along the southerly line of said Out Parcel "A" North 61 degrees 53 minutes 12 seconds East 85.83 feet to a P.K. Nail on the westerly edge of the macadam of Ring Road;



THENCE along the easterly line of said Out Parcel "A", being the westerly edge of the macadam of said Ring Road North 17 degrees 32 minutes 50 seconds East 245.47 feet to a rebar, said point also being a Point of Curve;

THENCE along the same being the edge of said macadam of Ring Road on a curve to the right in a northeasterly direction having a Delta Angle of 47 degrees 09 minutes 53 seconds, a Radius of 300.00 feet and a Tangent of 130.96 feet for an Arc Length of 246.95 feet and a Chord bearing and distance of North 41 degrees 07 minutes 47 seconds East 240.04 feet to a P.K. Nail;

THENCE along line of Out Parcel "A" North 24 degrees 55 minutes 12 seconds East 79.51 feet to a rebar 10 feet South of the southerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along the same and being 10 feet South of and parallel to said southerly curb North 16 degrees 00 minutes 26 West 81.83 feet to a rebar, said point also being a Point of Curve;

THENCE along the same and being 10 feet South of said southerly curb on a curve to the left in a northwesterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 61.70 feet and a Tangent of 27.08 feet for an Arc Length of 51.04 feet and a Chord Bearing and distance of North 39 degrees 42 minutes 19 seconds West 49.60 feet to a rebar, said point also being a Point of Tangent;

THENCE along the northerly line of said Out Parcel "A" and being 10 feet south of and parallel to said southerly curb the following courses and distances:

North 63 degrees 24 minutes 12 seconds West 48.28 feet to a rebar; North 72 degrees 47 minutes 12 seconds West 44.03 feet to a rebar; South 87 degrees 56 minutes 47 seconds West 39.91 feet to a rebar set on the easterly right-of-way line of the aforementioned Pennsylvania State Route No. 0042;

THENCE along said right-of-way line North 26 degrees 38 minutes 37 seconds East 101.32 feet to the place of BEGINNING.

TOGETHER with one large commercial structure consisting of multiple retail stores with an approximate gross building area of 408,000 square feet, more or less, and being commonly known as "Columbia Mall".

TOGETHER with the rights in favor of Columbia Mall Associates, L.P., its successors and assigns in that certain Declaration of Easements between Columbia Mall Associates, L.P. and CM GROUP Trust, an Illinois Common Law Group Trust, dated July 19, 1995 and recorded in the County of Columbia in Record Book 601, page 566 et seq.

AND BEING THE SAME PREMISES which Stephen Perlmutter and Roger E. Smith, Trustees for CM Group Trust, an Illinois Common Law Group Trust, by Deed dated July 13, 1995 and recorded July 24, 1995 in the County of Columbia in Record Book 601, page 538 et seq., conveyed unto Columbia Mall Associates, L.P., a New Jersey limited partnership, in fee.

**CERTIFICATE OF SERVICE**

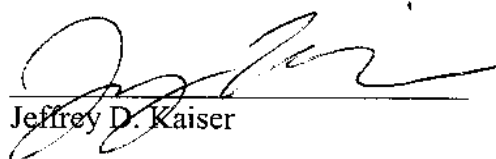
I certify that I have caused a true and complete copy of the foregoing affidavit to be served upon the defendant via first-class United States mail, postage prepaid, addressed as follows:

COLUMBIA MALL ASSOCIATES, L.P.  
c/o Mountain Development Corp.  
3 Garret Mountain Plaza, Suite 402  
West Paterson, New Jersey 07424

COLUMBIA MALL ASSOCIATES, L.P.  
c/o Mountain Development Corp.  
100 Delawanna Avenue  
Clifton, New Jersey 07014-1069

COLUMBIA MALL ASSOCIATES, L.P.  
c/o Bruce Lubitz, Esquire  
731 Alexander Road  
Princeton, New Jersey 08540

Dated: January 5, 2005

  
Jeffrey D. Kaiser

MORGAN, LEWIS & BOCKIUS LLP  
Richard J. Sabat (Pa. Atty. No. 17799)  
Jeffrey D. Kaiser (Pa. Atty. No. 82181)  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
(215) 963-5000

Attorneys for Plaintiff Bayview Columbia Mall, LLC

DLJMAC 1995-CF2 Hemlock Limited	:	
Partnership to the use of BAYVIEW	:	County of Columbia
COLUMBIA MALL, LLC.	:	Court of Common Pleas
4425 Ponce de Leon Boulevard, Fifth Floor,	:	
Coral Gables, Florida 33146,	:	
	:	Civil Action
Plaintiff,	:	
	:	April Term, 2004
v.	:	
	:	No. 2004CV-429
COLUMBIA MALL ASSOCIATES, L.P.	:	
c/o Mountain Development Corp.	:	
100 Delawanna Avenue	:	
Clifton, New Jersey 07014-1069,	:	
	:	
Defendant.	:	

**AFFIDAVIT PURSUANT TO RULE 3129.1**

I, Jeffrey D. Kaiser, attorney for the plaintiff in the above action, sets forth as of the date the praecipe for writ of execution was filed the following information concerning the property located in the Township of Hemlock, County of Columbia, Commonwealth of Pennsylvania, more particularly described in Exhibit "A" hereto.

1. Name and address of owner(s) or reputed owner(s):

Columbia Mall Associates, L.P.  
c/o Mountain Development Corp.  
100 Delawanna Avenue  
Clifton, New Jersey 07014-1069

2. Name and address of defendant(s) in the judgment:

Columbia Mall Associates, L.P.  
c/o Mountain Development Corp.  
100 Delawanna Avenue  
Clifton, New Jersey 07014-1069

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:

Bayview Columbia Mall, LLC, as successor  
in interest to  
Bayview Financial, L.P. , as successor in  
interest to DLJMAC 1995-CF2 Hemlock  
Limited Partnership  
c/o Bayview Financial, L.P.  
4425 Ponce de Leon Boulevard, Fifth Floor,  
Coral Gables, Florida 33146

4. Name and address of the last recorded holder of every mortgage of record:

Bayview Columbia Mall, LLC, as successor  
in interest to  
Bayview Financial, L.P. , as successor in  
interest to DLJMAC 1995-CF2 Hemlock  
Limited Partnership  
c/o Bayview Financial, L.P.  
4425 Ponce de Leon Boulevard, Fifth Floor,  
Coral Gables, Florida 33146

5. Name and address of every other person who has or may have any record lien on the property:

Department of Revenue  
Bureau of Compliance  
Lien Control Section  
Department 280946  
Harrisburg, Pennsylvania 17128-0946

Denise Ottaviani  
Hemlock Township Tax Collector  
116 Frosty Valley Road  
Bloomsburg, Pennsylvania 17815

Pennsylvania Department of Revenue  
Bureau of Corporation Taxes  
Department 280705  
Harrisburg, Pennsylvania 1712

Columbia County Tax Claim Bureau  
Columbia County Courthouse  
35 West Main Street  
Bloomsburg, PA 17815

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:

Buckhorn Enterprises, Inc.  
1560 Lititz Pike  
Lancaster, PA17601

S-K Associates, Inc.  
Box 114-A, R D #5  
Bloomsburg, PA 17815

Buckhorn Enterprises, Inc.  
Penn Central Drive  
Bloomsburg, PA 17815

Bloomsburg Steak Associates, Inc.  
181 Columbia Mall Drive  
Bloomsburg, Pennsylvania 17815

Bloomsburg Steak Associates, Inc.  
181 Central Penn Drive  
Bloomsburg, PA 17815

Pennsylvania Power & Light Company  
2 North 9th Street  
Allentown, PA 18101 - 1179

Hills Stores Company  
15 Dan Road  
Canton, MA 02021

Sears, Roebuck and Co.  
Sears Tower  
Chicago, IL 60684

Sears, Roebuck and Co.  
3333 Beverly Road  
Hoffman Estates, IL 60601  
Attn: Legal Department

J.C. Penney Company, Inc.  
2000 Oxford Drive  
Bethel Park, PA 15102

PG Energy, Inc.  
f/k/a Pennsylvania Gas and Water Company  
One PEI Center  
Wilkes-Barre, PA 18711-0601

McDonald's Corporation  
One McDonald's Plaza  
Oak Brook, IL 60521

McDonald's Corporation  
One Kroc Drive  
Oak Brook, IL 60523  
Attn: Legal Department

Hemlock Township  
Hemlock Township Municipal Building  
26 Firehall Road  
Bloomsburg, Pennsylvania 17815

S. Grumbacher & Son  
c/o The Bon-Ton  
York Mall  
2801 East Market Street  
York, PA 17402

CM Trust Group  
c/o Heitman/JMB Advisory Corporation  
180 North LaSalle Street  
Chicago, IL 60601

Leakas and Evangelou Ventures  
629 North Derr Drive  
Lewisburg, PA 17837

Interstate Leasing Corporation  
15 Dan Road  
Canton, MA 02021

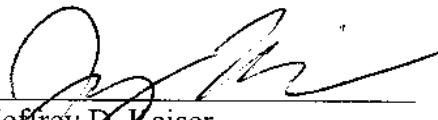
Mall Partners, Inc.  
RD 5 Box 290  
Bloomsburg, PA 17815

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

N/A

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: January 4, 2004

  
\_\_\_\_\_  
Jeffrey D. Kaiser  
Attorney for the Plaintiff

## Exhibit "A"

### LEGAL DESCRIPTION

ALL THAT CERTAIN lot, piece or parcel of ground, with the buildings and improvements thereon erected, in the Township of Hemlock, County of Columbia and State of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a rebar on the easterly right-of-way line of Pennsylvania State Route 0042, leading from Pennsylvania State Route No. 0080 (interstate Route 80) to Millville, said rebar being 5.56 feet distant on a course running South 26 degrees 38 minutes 37 seconds West from a rebar set at the southwesterly corner of lands of Bloomsburg Properties, said rebar also being at a corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "B"), said rebar also being 10 feet north of the northerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along line of said Out Parcel "B" and being 10 feet north of and parallel to said northerly curb South 63 degrees 24 minutes 12 seconds East 126.66 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the left in a southeasterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 126.70 feet and a Tangent of 60.00 feet for an Arc Length of 113.08 feet and a Chord bearing and distance of South 39 degrees 42 minutes 19 seconds East 109.88 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the same South 16 degrees 00 minutes 26 seconds East 78.04 feet to a rebar;

THENCE along line of said Out Parcel "B" South 60 degrees 55 minutes 30 seconds East 84.03 feet to a rebar on the southerly line of said Out Parcel "B", being the northerly edge of the macadam of Ring Road;

THENCE along the southerly line of said Out Parcel "B" and being the northerly edge of the macadam of Ring Road North 73 degrees 53 minutes 23 seconds East 372.12 feet to a rebar, said point also being a Point of Curve;

THENCE along the same on a curve to the right in an easterly direction having a Delta Angle of 22 degrees 04 minutes 17 seconds, a Radius of 250.00 feet and a Tangent of 48.76 feet for an Arc Length of 96.31 feet and a Chord bearing and distance of North 84 degrees 55 minutes 31 seconds East 95.71 feet to a rebar, said point also being a Point of Tangent;

THENCE along the same South 84 degrees 02 minutes 20 seconds East 221.28 feet to a P.K. Nail at the southeasterly corner of said Out Parcel "B";

THENCE along the easterly line of said Out Parcel "B" North 13 degrees 43 minutes 35 seconds West 39.25 feet to a rebar at a corner of lands of Richard E. Fruit, Jr., said rebar being at the southerly terminus of Township Route No. 362;

THENCE along the southerly terminus of said Township Route No. 362 and line of lands of Richard E. Fruit, Jr. North 86 degrees 01 minute 25 seconds East 740.00 feet to a point;

THENCE along the westerly line of lands of said Fruit South 13 degrees 25 minutes 23 seconds East 1,107.95 feet to a point on the northerly right-of-way line of Pennsylvania State Route No. 0080 (Interstate Route 80);

THENCE along the northerly right-of-way line of said Pennsylvania State Route No. 0080 South 65 degrees 45 minutes 23 seconds West 276.56 feet to a point;

THENCE along the same North 25 degrees 22 minutes 00 seconds West 49.55 feet to a point;

THENCE along the same South 65 degrees 49 minutes 51 seconds West 166.83 feet to a rebar at the southeasterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "C");

THENCE along the easterly line of said Out Parcel "C" North 24 degrees 29 minutes 24 seconds West 218.71 feet to a rebar on a curve on the southerly edge of the macadam of Ring Road;

THENCE along the northerly line of said Out Parcel "C" and along the southerly edge of the macadam of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 41 degrees 56 minutes 12 seconds, a Radius of 187.33 feet and a Tangent of 71.79 feet for an Arc Length of 137.11 feet and a Chord bearing and distance of South 52 degrees 47 minutes 11 seconds West 134.07 feet to a rebar, said point also being a Point of Tangent;

THENCE continuing along the northerly line of said Out Parcel "C" South 77 degrees 10 minutes 45 seconds West 113.67 feet to a rebar at the northeasterly corner of lands of the Ellis Development Corporation;

THENCE along the northerly line of lands of said Ellis Development Corporation and also along lands of S-K Associates, Inc. South 77 degrees 27 minutes 34 seconds West 438.36 feet to a point;

THENCE along the northerly line of lands of said S-K Associates, Inc. North 56 degrees 53 minutes 14 seconds West 99.09 feet to a point on a curve on the southerly line of Ring Road;

THENCE along the same, lands of B D K, Inc., and lands of the Ellis Development Corporation, being the southerly line of Ring Road on a curve to the right in a southwesterly direction having a Delta Angle of 78 degrees 19 minutes 15 seconds, a Radius of 258.42 feet and a Tangent of 210.47 feet for an Arc Length of 353.25 feet and a Chord bearing and distance of South 72 degrees 16 minutes 24 seconds West 326.38 feet to a Point of Tangent;

THENCE along the northerly line of lands of the Ellis Development Corporation and lands of Louis Hirsh and lands of Management Specialist, Inc., being the southerly line of Ring Road North 68 degrees 33 minutes 59 seconds West 400.00 feet to a Point of Curve;



THENCE along the northerly line of lands of said Management Specialist, Inc., lands of Lekas & Evangelon Ventures and lands of Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road on a curve to the right in a northwesterly direction having a Delta Angle of 50 degrees 00 minutes 00 seconds, a Radius of 245.00 feet and a Tangent of 114.25 feet for an Arc Length of 213.80 feet and a Chord bearing and distance of North 43 degrees 33 minutes 59 seconds West 207.08 feet to a Point of Tangent;

THENCE along the northerly line of lands of said Bloomsburg Steak Associates, Inc., being the southerly line of Ring Road North 18 degrees 33 minutes 59 seconds West 119.50 feet to a Point of Curve;

THENCE along the same, being the southerly line of said Ring Road and the southerly line of the southwesterly entrance to the Columbia Mall, on curve to the left in a northwesterly direction having a Delta Angle of 55 degrees 00 minutes 00 seconds, a Radius of 155.00 feet and a Tangent of 80.69 feet for an Arc Length of 148.79 feet and a Chord bearing and distance of North 46 degrees 03 minutes 59 seconds West 143.14 feet to a Point of Tangent;

THENCE along the same, being the southerly line of said Mall entrance North 73 degrees 33 minutes 59 seconds West 100.58 feet to a point on a curve on the easterly right-of-way line of Pennsylvania State Route No. 0042;

THENCE along said right-of-way line on a curve to the right in a northerly direction having a Delta Angle of 01 degrees 33 minutes 56 seconds, a Radius of 1,830.08 feet and a Tangent of 25.00 feet for an Arc Length of 50.01 feet and a Chord bearing and distance of North 17 degrees 12 minutes 59 seconds East 50.00 feet to a point;

THENCE along the same on another curve to the right in a northeasterly direction having a Delta Angle of 01 degree 19 minutes 59 seconds, a Radius of 1,832.06 feet and a Tangent of 21.31 feet for an Arc Length of 42.63 feet and a Chord bearing and distance of North 18 degrees 40 minutes 06 seconds East 42.62 feet to a rebar at the southwesterly corner of other lands of Stephen Perlmutter and Roger E. Smith Trustees for CM Group Trust (Out Parcel "A"), said rebar being 10 feet north of the northerly curb of the southwesterly entrance to the Columbia Mall;

THENCE along the southerly line of said Out Parcel "A", running 10 feet north of and parallel to the northerly curb of the southwesterly entrance to the Columbia Mall on a curve to the left in a southeasterly direction having a Delta Angle of 30 degrees 21 minutes 57 seconds, a Radius of 64.33 feet and a Tangent of 17.46 feet for an Arc Length of 34.09 feet and a Chord bearing and distance of South 57 degrees 15 minutes 59 seconds East 33.70 feet to a rebar, said point also being a Point of Tangent;

THENCE along the southerly line of said Out Parcel "A" and being 10 feet north of and parallel to said northerly curb South 72 degrees 26 minutes 57 seconds East 112.25 feet to a rebar;

THENCE continuing along the southerly line of said Out Parcel "A" North 61 degrees 53 minutes 12 seconds East 85.83 feet to a P.K. Nail on the westerly edge of the macadam of Ring Road;

THENCE along the easterly line of said Out Parcel "A", being the westerly edge of the macadam of said Ring Road North 17 degrees 32 minutes 50 seconds East 245.47 feet to a rebar, said point also being a Point of Curve;

THENCE along the same being the edge of said macadam of Ring Road on a curve to the right in a northeasterly direction having a Delta Angle of 47 degrees 09 minutes 53 seconds, a Radius of 300.00 feet and a Tangent of 130.96 feet for an Arc Length of 246.95 feet and a Chord bearing and distance of North 41 degrees 07 minutes 47 seconds East 240.04 feet to a P.K. Nail;

THENCE along line of Out Parcel "A" North 24 degrees 55 minutes 12 seconds East 79.51 feet to a rebar 10 feet South of the southerly curb of the northwesterly entrance to the Columbia Mall;

THENCE along the same and being 10 feet South of and parallel to said southerly curb North 16 degrees 00 minutes 26 West 81.83 feet to a rebar, said point also being a Point of Curve;

THENCE along the same and being 10 feet South of said southerly curb on a curve to the left in a northwesterly direction having a Delta Angle of 47 degrees 23 minutes 46 seconds, a Radius of 61.70 feet and a Tangent of 27.08 feet for an Arc Length of 51.04 feet and a Chord Bearing and distance of North 39 degrees 42 minutes 19 seconds West 49.60 feet to a rebar, said point also being a Point of Tangent;

THENCE along the northerly line of said Out Parcel "A" and being 10 feet south of and parallel to said southerly curb the following courses and distances:

North 63 degrees 24 minutes 12 seconds West 48.28 feet to a rebar; North 72 degrees 47 minutes 12 seconds West 44.03 feet to a rebar; South 87 degrees 56 minutes 47 seconds West 39.91 feet to a rebar set on the easterly right-of-way line of the aforementioned Pennsylvania State Route No. 0042;

THENCE along said right-of-way line North 26 degrees 38 minutes 37 seconds East 101.32 feet to the place of BEGINNING.

TOGETHER with one large commercial structure consisting of multiple retail stores with an approximate gross building area of 408,000 square feet, more or less, and being commonly known as "Columbia Mall".

TOGETHER with the rights in favor of Columbia Mall Associates, L.P., its successors and assigns in that certain Declaration of Easements between Columbia Mall Associates, L.P. and CM GROUP Trust, an Illinois Common Law Group Trust, dated July 19, 1995 and recorded in the County of Columbia in Record Book 601, page 566 et seq.

AND BEING THE SAME PREMISES which Stephen Perlmutter and Roger E. Smith, Trustees for CM Group Trust, an Illinois Common Law Group Trust, by Deed dated July 13, 1995 and recorded July 24, 1995 in the County of Columbia in Record Book 601, page 538 et seq., conveyed unto Columbia Mall Associates, L.P., a New Jersey limited partnership, in fee.

**CERTIFICATE OF SERVICE**

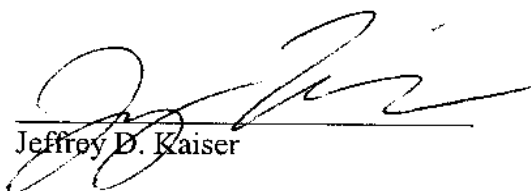
I certify that I have caused a true and complete copy of the foregoing affidavit to be served upon the defendant via first-class United States mail, postage prepaid, addressed as follows:

COLUMBIA MALL ASSOCIATES, L.P.  
c/o Mountain Development Corp.  
3 Garret Mountain Plaza, Suite 402  
West Paterson, New Jersey 07424

COLUMBIA MALL ASSOCIATES, L.P.  
c/o Mountain Development Corp.  
100 Delawanna Avenue  
Clifton, New Jersey 07014-1069

COLUMBIA MALL ASSOCIATES, L.P.  
c/o Bruce Lubitz, Esquire  
731 Alexander Road  
Princeton, New Jersey 08540

Dated: January 5, 2005

  
Jeffrey D. Kaiser



**BAYVIEW**  
LOAN SERVICING, LLC

BAYVIEW LOAN SERVICING, LLC.  
4425 PONCE DE LEON BLVD.  
CORAL GABLES, FL 33146

Wachovia Bank N.A.  
Miami, FL 63-643/670

CHECK NO. 240703

One Thousand Three Hundred Fifty Dollars And 00 Cents\*\*\*\*\*

PAY TO THE ORDER OF  
SHERIFF OF COLUMBIA COUNTY  
COURT HOUSE  
PO BOX 380  
BLOOMSBURG, PA 17815  
United States

DATE	CHECK NO.	NET AMOUNT
10-JAN-05	240703	*****1,350.00

CHECK VOID AFTER 90 DAYS

BY  AUTHORIZED SIGNATURE

⑈ 240703 ⑆ 067006432⑈ 2000021342651⑈

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW