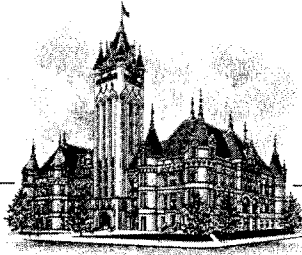


S P O K A N E



C O U N T Y

STEVEN J. TUCKER
PROSECUTING ATTORNEY

OFFICE OF PROSECUTING ATTORNEY

MAIL TO:
Civil Division
1115 W. Broadway Avenue
Spokane, WA 99260-0270
(509) 477-5764 FAX: 477-3672

September 2, 2009

Austin Motorsports Management, LLC
4711 Pacific Highway East
Fife, Washington 98424

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND
PERSONAL SERVICE

Attention: Dennis "Bucky" Austin

Re: **DEFAULT NOTICE**

Dear Mr. Austin:

Spokane County and Austin Motorsports Management, LLC executed a document entitled "OPERATOR'S AGREEMENT BETWEEN SPOKANE COUNTY AND AUSTIN MOTORSPORTS MANAGEMENT LLC" (the "Operator's Agreement"). The Operator's Agreement has been amended in a document entitled "FIRST AMENDMENT TO OPERATOR'S AGREEMENT BETWEEN SPOKANE COUNTY AND AUSTIN MOTORSPORTS MANAGEMENT LLC."

The Operator's Agreement provides in pertinent part as follows:

Page 31 of 36:

ATTACHMENT "B"-SCOPE OF WORK

(4) CONTRACTORS BOND:

Prior to commencement of any construction of any capital improvements authorized by this Agreement, Operator will provide, or cause to be provided, payment and performance bond(s) satisfactory to County as to form and surety, payable to County in the full and just value of such improvements, conditioned that all provisions of this Agreement relative to improvements shall be faithfully performed by Operator or the surety, if required, and further conditioned on the payment of laborers, mechanics, subcontractors, materialmen, and persons who shall supply such person or persons or subcontractors with provisions or supplies for such performance. If at any time during the term of this Agreement the surety, in the opinion of the County reasonably exercised, becomes irresponsible or inadequate, County shall have the right to require additional or substitute sureties which Operator shall furnish within thirty (30) days after written notice by County. In the event Operator fails to comply with such written notice, County shall have the election to declare a default herein and to terminate this Agreement.

□
Criminal Department
1100 W. Mallon Avenue
Spokane, WA 99260-0270
(509) 477-3662 FAX: 477-3409

□
Civil Department
1115 W. Broadway
Spokane, WA 99260-0270
(509)477-5764 FAX:477-3672

□
Domestic Violence Unit
901 N Monroe, Suite 200
Spokane, WA 99201
(509) 835-4500 FAX:835-4552

□
Drug/Property Department
721 N. Jefferson
Spokane, WA 99260-0270
(509) 477-6416 FAX: 477-6450

□
Juvenile Department
1208 W. Mallon Avenue
Spokane, WA 99260-0270
(509) 477-6046 FAX: 477-6444

Page 8 of 36:

SECTION 12. CONSTRUCTION OF REQUIRED OPERATOR IMPROVEMENTS APPROVED OPERATOR IMPROVEMENTS, AND COUNTY REVIEW AND APPROVAL

F. Mechanic's Liens: Operator agrees to pay, when due, all sums that may become due for any labor, services, materials, supplies and equipment furnished at the instance of the Operator, in, upon or about the Premises and which may be secured by any mechanic's, materialman's or other lien against the Premises, and will cause each such lien to be fully discharged and released at the time of any obligation secured by any such lien matures and/or becomes due; provided that if the Operator in good faith disputes the claim of lien the Operator may pursue such dispute in any lawful manner provided that it bonds against such lien to the County's reasonable satisfaction.

Page 18 of 36:

SECTION 28: MAINTENANCE OF RECORDS

The Operator shall make available to the County or the Washington State Auditor or their duly authorized representatives, upon advance written request at any time during their normal operation hours, all records, books or pertinent information which the Operator shall have kept in conjunction with this Agreement and which the County may be required by law to include or make part of its auditing procedures, for a period not less than three (3) years.

Page 9 of 36:

SECTION 12. CONSTRUCTION OF REQUIRED OPERATION IMPROVEMENTS APPROVED OPERATOR IMPROVEMENTS, AND COUNTY REVIEW AND APPROVAL

E. County Review and Approval: The Operator shall be permitted to make such additions, alterations, and replacement to the Premises, and to construct said Required Improvements, Approved Improvement and Permitted Improvement as defined above. All improvements must comply with applicable laws, codes and ordinances and will be subject to the following review and approval process:

The plans and specifications for all construction as defined in paragraphs B, C and D above, shall be subject to the County's review and approval. Such approval shall not be unreasonably withheld, conditioned or delayed. Within fifteen (15) business days after the Operator provides to County plans and & specifications for improvements, the County will: (1) provide its approval; or (2) request additional time for review; or (3) provide reasonable detailed reason for the County's Disapproval. The County's failure to respond within such period as defined above shall be deemed an approval of the plans and specifications. Once approved, the Operator shall construct such improvements in substantial conformance with the plans and specifications approved by the County.

Page 17 of 36:

SECTION 26: TERMINATION WITH CAUSE

...
B. Operator's Default: The occurrence of any one or more of the following events constitutes a default under the Agreement by the Operator: (1) the Operator shall be in default of the performance of any covenants, conditions, or provisions of the Agreement, other than the covenants for payment of consideration required by the Agreement, where such failure continues for a period of sixth (60) days after notice by the County, which notice must specify the alleged breach....


This correspondence should act as a NOTICE OF DEFAULT of the following covenants, conditions, or provisions of the Operator's Agreement:

COVENANT, CONDITION OR PROVISION BREACHED	ALLEGED BREACH
(1) ATTACHMENT "B" –SCOPE OF WORK CONTRACTORS BOND as set forth above.	Operator did not provide payment and performance bond(s) for various improvements on the Premises to include among others those completed by: <ul style="list-style-type: none"> (1) T. W. Clark Construction, LLC (2) WM Winkler Company (3) Canter Electric, Inc. (4) MJM Grand (5) Canteck Inc. (6) Petersen Brothers, Inc.
(2) SECTION 12. CONSTRUCTION OF REQUIRED OPERATOR IMPROVEMENTS, APPROVED OPERATOR IMPROVEMENTS, AND COUNTY REVIEW AND APPROVAL (F. Mechanic's Liens) as set forth above.	Operator has not caused various liens placed against the Premises to be released to include: <ul style="list-style-type: none"> (1) T. W. Clark Construction, LLC, date received July 24, 2009, Amount \$239,559.47 (2) WM Winkler Company, date received July 24, 2009, Amount \$701,156.10 (3) Canter Electric, Inc, Date received July 24, 2009, Amount \$87,500.15 (4) MJM Grand, date received-July 23, 2009, Amount \$40,645.31 Copies of Liens are attached as Exhibit "A".

<i>SECTION 28: MAINTENANCE OF RECORDS</i> as set forth above.	Operator has not provided financial documentation supporting first quarter gate admissions as requested on August 18, 2009. Copy of August 18, 2009 request is attached as Exhibit "B"
<i>SECTION 12. CONSTRUCTION OF REQUIRED OPERATION IMPROVEMENTS APPROVED OPERATOR IMPROVEMENTS, AND COUNTY REVIEW AND APPROVAL</i> , as set forth above.	Operator has not provided plans and specifications for all construction as defined in paragraphs B, C and D within Section 12 to the County for its review and approval. Copy of Operator's list of improvements is attached as Exhibit "C".

FAILURE TO CURE THE ABOVE DEFAULT(S) WITHIN 60 DAYS SHALL CONSTITUTE TERMINATION OF THE OPERATOR'S AGREEMENT. THE SIXTY DAY TIME FRAME SHALL BE COMPUTED AS PROVIDED FOR IN SECTION 34 OF THE OPERATORS AGREEMENT.

Very truly yours,



JAMES P. EMACIO
Chief Civil Deputy Prosecuting Attorney

Enclosure(s)

cc: James J. Ragen, Esq.

EXHIBIT

“A-1”

RETURN ADDRESS

Dunn & Black, P.S,

111 North Post, Suite 300

Spokane, WA 99201

Please Type or Print Neatly & Clearly All Information

Document Title(s)

Claim of Lien

Reference Number(s) of Related Documents:

Grantor(s) (Last Name, First & Middle Initial)

Austin Motorsports Management, LLC; Spokane County

Grantee(s) (Last Name, First & Middle Initial)

T.W. Clark Construction, LLC

Legal Description (Abbreviated form is acceptable) i.e. Section/Township/Range/1/4 Section

Portion of Section 13, Township 25 North, Range 41 East

Assessor's Tax Parcel ID Number: 15135.0012, 15131.0016, 15131.0021, 15132.0022

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party

EXHIBIT A-1

When Recorded Return to:
DUNN & BLACK, P.S.
Banner Bank Building
111 North Post, Suite 300
Spokane, Washington 99201
Telephone: (509) 455-8711
Attorneys for T.W. Clark Construction, LLC

CLAIM OF LIEN

T.W. Clark Construction, LLC, Claimant, vs. Austin Motorsports Management, LLC,
name of person indebted to claimant.

NOTICE IS HEREBY GIVEN that the person named below claims a lien pursuant
to Chapter 60.04 RCW. In support of this lien the following information is submitted:

1. NAME OF LIEN CLAIMANT: **T.W. Clark Construction, LLC**
TELEPHONE NUMBER: **509-927-0800**
ADDRESS: **1117 North Evergreen Road #1**
Spokane, WA 99216

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE
PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE
ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:

January 30, 2009

3. NAME OF PERSON(S) INDEBTED TO THE CLAIMANT:

Austin Motorsports Management, LLC; Spokane County

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (street
address, legal description or other information that will reasonably describe the
property):

The improvements located on and at the following real property:

See attached Exhibit A

and the rights and obligations arising and relating to the Operating Agreement between Austin Motorsports Management, LLC and Spokane County.

5. NAME OF THE OWNER OR REPUTED OWNER (If not known state "unknown")

Spokane County

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED, CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED:

June 12, 2009

7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:

\$239,559.47, plus attorney fees, costs, interest and other expenses

8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:

Not Applicable

T.W. CLARK CONSTRUCTION, LLC
CLAIMANT

By 

its Attorney John C. Black

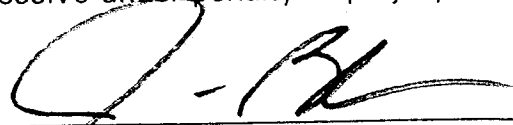
509-455-8711

111 N. Post, Suite 300

Spokane, WA 99201

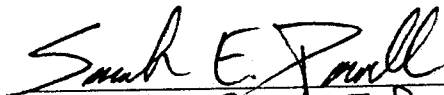
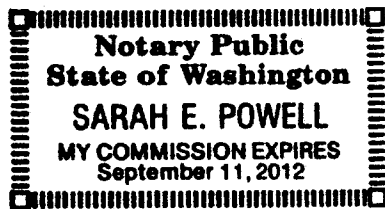
STATE OF WASHINGTON)
)
:ss
County of Spokane)

John C. Black, being sworn, says: I am the attorney for the claimant and a representative of the claimant T.W. Clark Construction, LLC above named; I have read the foregoing claim, know the contents thereof, and believe the same to be true and correct, and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.



Claimant

SUBSCRIBED AND SWORN to before me this 23rd day of July 2009.


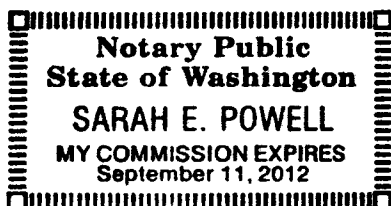


Print Name: Sarah E. Powell
NOTARY PUBLIC in and for the State
of Washington, residing in Nine Mile Falls
My Commission expires: 9/11/2012

STATE OF WASHINGTON)
)
:ss
County of Spokane)

I certify that I know or have satisfactory evidence that John C. Black is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the attorney for T.W. Clark Construction, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 7/23/09



Print Name: Sarah E. Powell
NOTARY PUBLIC in and for the State
of Washington, residing at Nine Mile Falls
My Appointment Expires: 9/11/2012

STATE OF WASHINGTON)
)
) :SS
)
County of Spokane)

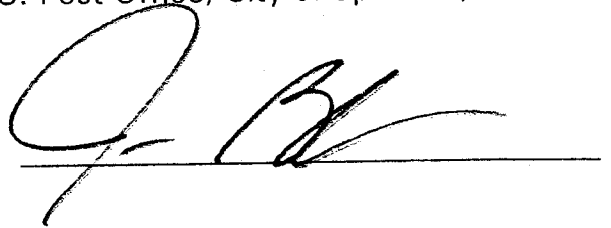
John C. Black, being first duly sworn on oath, deposes and says:

1. On the 23 day of July, 2009, I enclosed in an envelope the attached Claim of Lien in the above-entitled matter; via certified mail, sealed the same, addressed the same as follows:

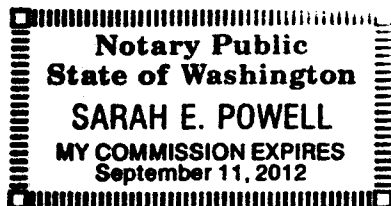
Austin Motorsports Management, LLC
c/o Leif M. Ormseth
Fikso Kretschmer Smith Dixon PS
2025 First Avenue, Suite 1130
Seattle, Washington 98121-2100

Spokane County
c/o James P. Emacio
County Prosecutors Office Civil Division
1115 W Broadway Ave.
Spokane, WA 99260

which is the last known address of said person(s) and on said date deposited the same so addressed with postage prepaid in the U.S. Post Office, City of Spokane, State of Washington.



SUBSCRIBED AND SWORN to before me this 23rd day of July, 2009.



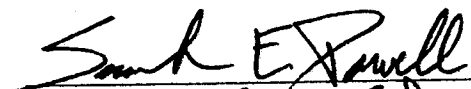

Print Name: Sarah E. Powell
Notary Public in and for the State
of Washington, residing at Nine Mile Falls
My Appointment Expires: 9/11/2012

EXHIBIT "A"**PARCEL 1:**

ALL THAT PART OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M., FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 13; THENCE N00°35'01"W, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, FOR A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST SPRAGUE AVENUE AND THE TRUE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID RIGHT OF WAY LINE, N89°31'25"E, FOR A DISTANCE OF 733.70 FEET, MORE OR LESS, TO A POINT THAT BEARS S14°09'47"E FROM THE SOUTHWEST CORNER OF PARCEL "A", PER RECORD OF SURVEY, AS RECORDED IN BOOK 42, PAGE 12; THENCE LEAVING SAID RIGHT OF WAY LINE, N14°09'47"W, FOR A DISTANCE OF 69.61 FEET, MORE OR LESS, TO SAID SOUTHWEST CORNER, A FOUND REBAR, WITH NO CAP, THENCE N22°51'20"E, ALONG THE WESTERLY BOUNDARY LINE OF PARCELS "A-1" AND "A-2" PER STATUTORY WARRANTY DEED AS RECORDED UNDER A.F.N. 9410040189, FOR A DISTANCE OF 1196.92 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL "A-2"; THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL "A-2", N89°10'45"E, FOR A DISTANCE OF 140.03 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, N00°49'15"W, FOR A DISTANCE OF 821.29 FEET; THENCE N89°26'31"E, FOR A DISTANCE OF 1205.01 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HAYFORD ROAD; THENCE N00°49'15"W, ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, S89°26'31"W, FOR A DISTANCE OF 1205.01 FEET; THENCE N00°49'15"W, FOR A DISTANCE OF 490.01 FEET; THENCE S89°26'31"W, FOR A DISTANCE OF 289.99 FEET; THENCE N11°07'19"W, FOR A DISTANCE OF 406.90 FEET; THENCE N24°53'48"E, FOR A DISTANCE OF 1182.58 FEET; THENCE N36°12'09"E, FOR A DISTANCE OF 653.47 FEET; THENCE N00°51'10"W, FOR A DISTANCE OF 618.87 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF DENO ROAD; THENCE S88°15'28"W, ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 552.84 FEET, TO A POINT ON THE EASTERLY BOUNDARY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW 1/4-NE 1/4); THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG SAID EASTERLY BOUNDARY LINE, S00°43'11"E, FOR A DISTANCE OF 190.00 FEET; THENCE LEAVING SAID EASTERLY BOUNDARY LINE, S46°13'58"W, FOR A DISTANCE OF 684.94 FEET; THENCE S35°23'12"W, FOR A DISTANCE OF 784.79 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID NW 1/4-NE 1/4; THENCE ALONG SAID BOUNDARY LINE, S88°51'04"W, FOR A DISTANCE OF 347.73 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE S00°35'01"E, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 13, FOR A DISTANCE OF 1300.86 FEET TO THE CENTER QUARTER OF SAID SECTION; THENCE S89°26'31"W, ALONG THE NORTHERLY BOUNDARY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, FOR A DISTANCE OF 1048.68 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, S00°23'12"E, FOR A DISTANCE OF 1070.00 FEET; THENCE S23°03'19"W, FOR A DISTANCE OF 730.46 FEET; THENCE S15°29'12"W, FOR A DISTANCE OF 289.79 FEET; S00°04'07"W, FOR A DISTANCE OF 126.28 FEET; THENCE S40°40'37"E, FOR A DISTANCE OF 131.32 FEET; THENCE S71°04'16"E, FOR A DISTANCE OF 190.07 FEET; THENCE S40°02'47"E, FOR A DISTANCE OF 166.97 FEET; THENCE S00°23'12"E, FOR A DISTANCE OF 140.00 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST SPRAGUE AVENUE, SAID POINT BEING 70.00 FEET NORTHERLY OF THE SOUTHERLY BOUNDARY LINE OF THE WEST HALF OF SAID SECTION 13; THENCE N89°27'00"E, ALONG SAID RIGHT OF WAY LINE, PARALLEL TO SAID SECTION LINE, FOR A DISTANCE OF 1057.54 FEET TO THE POINT OF BEGINNING; SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15135.0012

EXHIBIT "A" - Continued

PARCEL 5:

ALL THAT PART OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M., FURTHER DESCRIBED AS FOLLOWS:
THE SOUTH 400 FEET OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 13, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:
COMMENCING AT THE SOUTHEAST CORNER OF SAID NE-1/4; THENCE S89°26'31"W, ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 13 FOR A DISTANCE OF 1,590.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID LINE, N11°07'19"W, FOR A DISTANCE OF 406.90 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID SOUTH 400 FEET OF THE NORTHEAST QUARTER, AND THE TERMINUS POINT OF SAID LINE.

EXCEPTING THEREFROM:

THE EAST 95 FEET OF SAID NE-1/4 FOR RIGHT OF WAY OF N. HAYFORD ROAD.
SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15131.0016

PARCEL 10:

ALL THAT PART OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M., FURTHER DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°35'01"E, FOR A DISTANCE OF 30 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DENO ROAD, AND THE TRUE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID RIGHT OF WAY LINE, N88°15'28"E, FOR A DISTANCE OF 1307.93 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG THE EASTERLY BOUNDARY LINE OF THE NORTHWEST 1/4 - NORTHEAST 1/4, S00°43'11"E, FOR A DISTANCE OF 190.00 FEET; THENCE S46°13'58"W, FOR A DISTANCE OF 684.94 FEET; THENCE S35°23'12"W, FOR A DISTANCE OF 784.79 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID NW 1/4-NE 1/4; THENCE S88°51'04"W, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID SUBDIVISION FOR A DISTANCE OF 347.73 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N00°35'01"W, ALONG THE WESTERLY BOUNDARY LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 1270.85 FEET TO THE POINT OF BEGINNING;
SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15131.0021

LEGAL CONT.

EXHIBIT "A" - Continued

LEGAL CONT.

PARCEL 11:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M.;

EXCEPTING A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SAID SECTION 13, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 88°40'41" WEST, ALONG THE NORTH LINE OF SAID SECTION, 220.00 FEET; THENCE SOUTH 01°19'19" WEST, 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DENO ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°19'19" WEST, 300.00 FEET; THENCE NORTH 88°40'41" WEST, 300.00 FEET; THENCE NORTH 01°19'19" EAST, 300.00 FEET TO SAID RIGHT OF WAY LINE; THENCE SOUTH 88°40'41" EAST, ALONG SAID RIGHT OF WAY LINE, 300.00 FEET TO THE POINT OF BEGINNING;

EXCEPT DENO ROAD RETRACEMENT 100'0" - 60 FEET, A COUNTY ROAD; SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15132.0022

**THE FOLLOWING INFORMATION IS PROVIDED FOR CONVENIENCE ONLY:
(Parcel No(s): 15135.0012, 15131.0016, 15131.0021, 15132.0022)
(Abbreviated Legal Desc.: Ptn. 13-25-41)**

EXHIBIT

“A-2”

RETURN ADDRESS

Dunn & Black, P.S,
111 North Post, Suite 300
Spokane, WA 99201

Please Type or Print Neatly & Clearly All Information

Document Title(s)
Claim of Lien

Reference Number(s) of Related Documents:

Grantor(s) (Last Name, First & Middle Initial)
Austin Motorsports Management, LLC; Spokane County

Grantee(s) (Last Name, First & Middle Initial)
WM Winkler Company

Legal Description (Abbreviated form is acceptable) i.e. Section/Township/Range/1/4 Section
Portion of Section 13, Township 25 North, Range 41 East

Assessor's Tax Parcel ID Number: 15135.0012, 15131.0016, 15131.0021, 15132.0022

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party

EXHIBIT A-2

When Recorded Return to:
DUNN & BLACK, P.S.
Banner Bank Building
111 North Post, Suite 300
Spokane, Washington 99201
Telephone: (509) 455-8711
Attorneys for WM Winkler Company

CLAIM OF LIEN

WM Winkler Company, Claimant, vs. Austin Motorsports Management, LLC, name of person indebted to claimant.

NOTICE IS HEREBY GIVEN that the person named below claims a lien pursuant to Chapter 60.04 RCW. In support of this lien the following information is submitted:

1. NAME OF LIEN CLAIMANT: **WM Winkler Company**
TELEPHONE NUMBER: **509-489-6100**
ADDRESS: **1822 E. Fairview Ave.**
Spokane, WA 99207

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:

March 31, 2009

3. NAME OF PERSON(S) INDEBTED TO THE CLAIMANT:

Austin Motorsports Management, LLC; Spokane County

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (street address, legal description or other information that will reasonably describe the property):

The improvements located on and at the following real property:

See attached Exhibit A

and the rights and obligations arising and relating to the Operating Agreement between Austin Motorsports Management, LLC and Spokane County.

5. NAME OF THE OWNER OR REPUTED OWNER (If not known state "unknown")

Spokane County

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED, CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED:

May 1, 2009

7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:

\$ 701,156.10, plus attorney fees, costs, interest and other expenses.

8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:

Not Applicable

WIM WINKLER COMPANY
CLAIMANT

By 

its Attorney Jason T. Piskel

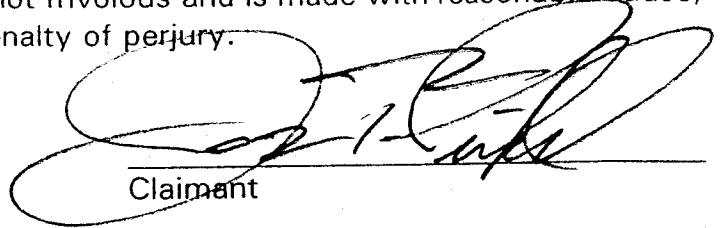
509-455-8711

111 N. Post, Suite 300

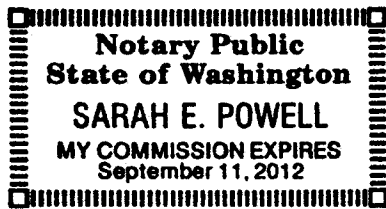
Spokane, WA 99201


STATE OF WASHINGTON)
 :SS
County of Spokane)

Jason T. Piskel, being sworn, says: I am the attorney for the claimant and a representative of the claimant WM Winkler Company above named; I have read the foregoing claim, know the contents thereof, and believe the same to be true and correct, and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.


Claimant

SUBSCRIBED AND SWORN to before me this 23rd day of July 2009.

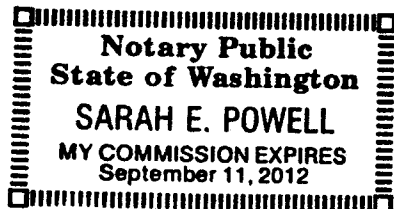




Print Name: Sarah E. Powell
NOTARY PUBLIC in and for the State
of Washington, residing in Nine Mile Falls
My Commission expires: 9/11/2012

STATE OF WASHINGTON)
 :SS
County of Spokane)

I certify that I know or have satisfactory evidence that Jason T. Piskel is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the attorney for WM Winkler Company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 7/23/09




Print Name: Sarah E. Powell
NOTARY PUBLIC in and for the State
of Washington, residing at Nine Mile Falls
My Appointment Expires: 9/11/2012

STATE OF WASHINGTON)
)
) :ss
County of Spokane)

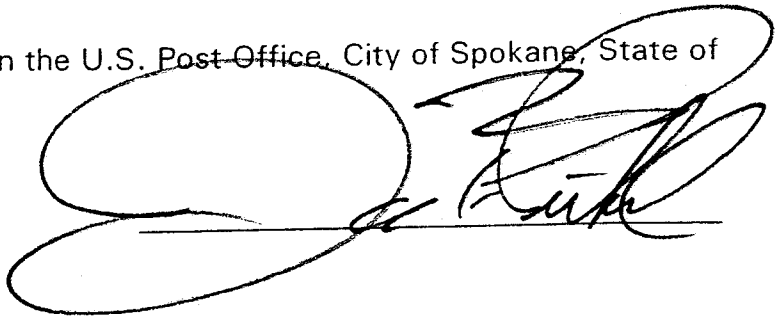
Jason T. Piskel, being first duly sworn on oath, deposes and says:

1. On the 23 day of July, 2009, I enclosed in an envelope the attached Claim of Lien in the above-entitled matter; via certified mail, sealed the same, addressed the same as follows:

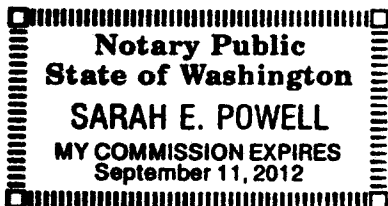
Austin Motorsports Management, LLC
c/o Leif M. Ormseth
Fikso Kretschmer Smith Dixon PS
2025 First Avenue, Suite 1130
Seattle, Washington 98121-2100

Spokane County
c/o James P. Emacio
County Prosecutors Office Civil Division
1115 W Broadway Ave.
Spokane, WA 99260

which is the last known address of said person(s) and on said date deposited the same so addressed with postage prepaid in the U.S. Post Office, City of Spokane, State of Washington.



SUBSCRIBED AND SWORN to before me this 23rd day of July, 2009.





Print Name: Sarah E Powell
Notary Public in and for the State
of Washington, residing at Nine Mile Falls
My Appointment Expires: 9/11/2012

EXHIBIT "A"**PARCEL 1:**

ALL THAT PART OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M., FURTHER DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 13; THENCE N00°35'01"W, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, FOR A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST SPRAGUE AVENUE AND THE TRUE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID RIGHT OF WAY LINE, N89°31'25"E, FOR A DISTANCE OF 733.70 FEET, MORE OR LESS, TO A POINT THAT BEARS S14°09'47"E FROM THE SOUTHWEST CORNER OF PARCEL "A", PER RECORD OF SURVEY, AS RECORDED IN BOOK 42, PAGE 12; THENCE LEAVING SAID RIGHT OF WAY LINE, N14°09'47"W, FOR A DISTANCE OF 69.61 FEET, MORE OR LESS, TO SAID SOUTHWEST CORNER, A FOUND REBAR WITH NO CAP, THENCE N22°51'20"E, ALONG THE WESTERLY BOUNDARY LINE OF PARCELS "A-1" AND "A-2" PER STATUTORY WARRANTY DEED AS RECORDED UNDER A.F.N. 9410040189, FOR A DISTANCE OF 1196.92 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL "A-2"; THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL "A-2", N89°10'45"E, FOR A DISTANCE OF 140.03 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, N00°49'15"W, FOR A DISTANCE OF 821.29 FEET; THENCE N89°26'31"E, FOR A DISTANCE OF 1205.01 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HAYFORD ROAD; THENCE N00°49'15"W, ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, S89°26'31"W, FOR A DISTANCE OF 1205.01 FEET; THENCE N00°49'15"W, FOR A DISTANCE OF 490.01 FEET; THENCE S89°26'31"W, FOR A DISTANCE OF 289.99 FEET; THENCE N11°07'19"W, FOR A DISTANCE OF 406.90 FEET; THENCE N24°53'48"E, FOR A DISTANCE OF 1182.58 FEET; THENCE N35°12'09"E, FOR A DISTANCE OF 653.47 FEET; THENCE N00°51'10"W, FOR A DISTANCE OF 618.87 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF DENO ROAD; THENCE S88°15'28"W, ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 552.84 FEET, TO A POINT ON THE EASTERLY BOUNDARY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW 1/4-NE 1/4); THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG SAID EASTERLY BOUNDARY LINE, S00°43'11"E, FOR A DISTANCE OF 190.00 FEET; THENCE LEAVING SAID EASTERLY BOUNDARY LINE, S46°13'58"W, FOR A DISTANCE OF 684.94 FEET; THENCE S35°23'12"W, FOR A DISTANCE OF 784.79 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID NW 1/4-NE 1/4; THENCE ALONG SAID BOUNDARY LINE, S88°51'04"W, FOR A DISTANCE OF 347.73 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE S00°35'01"E, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 13, FOR A DISTANCE OF 1300.86 FEET TO THE CENTER QUARTER OF SAID SECTION; THENCE S89°26'31"W, ALONG THE NORTHERLY BOUNDARY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, FOR A DISTANCE OF 1048.68 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, S00°23'12"E, FOR A DISTANCE OF 1070.00 FEET; THENCE S23°03'19"W, FOR A DISTANCE OF 730.46 FEET; THENCE S15°29'12"W, FOR A DISTANCE OF 289.79 FEET; THENCE S00°04'07"W, FOR A DISTANCE OF 126.28 FEET; THENCE S40°40'37"E, FOR A DISTANCE OF 131.32 FEET; THENCE S71°04'16"E, FOR A DISTANCE OF 190.07 FEET; THENCE S40°02'47"E, FOR A DISTANCE OF 166.97 FEET; THENCE S00°23'12"E, FOR A DISTANCE OF 140.00 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST SPRAGUE AVENUE, SAID POINT BEING 70.00 FEET NORTHERLY OF THE SOUTHERLY BOUNDARY LINE OF THE WEST HALF OF SAID SECTION 13; THENCE N89°27'00"E, ALONG SAID RIGHT OF WAY LINE, PARALLEL TO SAID SECTION LINE, FOR A DISTANCE OF 1057.54 FEET TO THE POINT OF BEGINNING;
 SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.
PARCEL NO. 15135.0012

EXHIBIT "A" - Continued

PARCEL 5:

ALL THAT PART OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M., FURTHER DESCRIBED AS FOLLOWS:
THE SOUTH 400 FEET OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 13, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:
COMMENCING AT THE SOUTHEAST CORNER OF SAID NE-1/4; THENCE S89°26'31"W, ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 13 FOR A DISTANCE OF 1,590.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID LINE, N11°07'19"W, FOR A DISTANCE OF 406.90 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID SOUTH 400 FEET OF THE NORTHEAST QUARTER, AND THE TERMINUS POINT OF SAID LINE.

EXCEPTING THEREFROM:

THE EAST 95 FEET OF SAID NE-1/4 FOR RIGHT OF WAY OF N. HAYFORD ROAD.
SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15131.0016

PARCEL 10:

ALL THAT PART OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M., FURTHER DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°35'01"E, FOR A DISTANCE OF 30 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DENO ROAD, AND THE TRUE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID RIGHT OF WAY LINE, N88°15'28"E, FOR A DISTANCE OF 1307.93 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG THE EASTERLY BOUNDARY LINE OF THE NORTHWEST 1/4 - NORTHEAST 1/4, S00°43'11"E, FOR A DISTANCE OF 190.00 FEET; THENCE S46°13'58"W, FOR A DISTANCE OF 684.94 FEET; THENCE S35°23'12"W, FOR A DISTANCE OF 784.79 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID NW 1/4-NE 1/4; THENCE S88°51'04"W, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID SUBDIVISION FOR A DISTANCE OF 347.73 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N00°35'01"W, ALONG THE WESTERLY BOUNDARY LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 1270.85 FEET TO THE POINT OF BEGINNING;
SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15131.0021

LEGAL CONT.

EXHIBIT "A" - Continued

LEGAL CONT.

PARCEL 11:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M.;

EXCEPTING A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SAID SECTION 13, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; THENCE NORTH $88^{\circ}40'41''$ WEST, ALONG THE NORTH LINE OF SAID SECTION, 220.00 FEET; THENCE SOUTH $01^{\circ}19'19''$ WEST, 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DENO ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH $01^{\circ}19'19''$ WEST, 300.00 FEET; THENCE NORTH $88^{\circ}40'41''$ WEST, 300.00 FEET; THENCE NORTH $01^{\circ}19'19''$ EAST, 300.00 FEET TO SAID RIGHT OF WAY LINE; THENCE SOUTH $88^{\circ}40'41''$ EAST, ALONG SAID RIGHT OF WAY LINE, 300.00 FEET TO THE POINT OF BEGINNING;

EXCEPT DENO ROAD RETRACEMENT $100^{\circ}0'$ - 60 FEET, A COUNTY ROAD;
SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.
PARCEL NO. 15132.0022

**THE FOLLOWING INFORMATION IS PROVIDED FOR CONVENIENCE ONLY:
(Parcel No(s): 15135.0012, 15131.0016, 15131.0021, 15132.0022)
(Abbreviated Legal Desc.: Ptn. 13-25-41)**

EXHIBIT

“A-3”

RETURN ADDRESS

Dunn & Black, P.S,
111 North Post, Suite 300
Spokane, WA 99201

Please Type or Print Neatly & Clearly All Information

Document Title(s)

Claim of Lien

Reference Number(s) of Related Documents:

Grantor(s) (Last Name, First & Middle Initial)

Austin Motorsports Management, LLC; Spokane County

Grantee(s) (Last Name, First & Middle Initial)

Canter Electric, Inc.

Legal Description (Abbreviated form is acceptable) i.e. Section/Township/Range/1/4 Section

Portion of Section 13, Township 25 North, Range 41 East

Assessor's Tax Parcel ID Number: 15135.0012, 15131.0016, 15131.0021, 15132.0022

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party

EXHIBIT A-3

When Recorded Return to:
DUNN & BLACK, P.S.
Banner Bank Building
111 North Post, Suite 300
Spokane, Washington 99201
Telephone: (509) 455-8711
Attorneys for Canter Electric, Inc.

CLAIM OF LIEN

Canter Electric, Inc., Claimant, vs. Austin Motorsports Management, LLC, name of person indebted to claimant.

NOTICE IS HEREBY GIVEN that the person named below claims a lien pursuant to Chapter 60.04 RCW. In support of this lien the following information is submitted:

1. NAME OF LIEN CLAIMANT: **Canter Electric, Inc.**
TELEPHONE NUMBER: **509-467-6612**
ADDRESS: **7220 N. Market**
Spokane, WA 99207

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:

February 23, 2009

3. NAME OF PERSON(S) INDEBTED TO THE CLAIMANT:

Austin Motorsports Management, LLC; Spokane County

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (street address, legal description or other information that will reasonably describe the property):

The improvements located on and at the following real property:

See attached Exhibit A

and the right and obligation arising and relating to the Operating Agreement for Austin Motorsports Management, LLC with Spokane County.

5. NAME OF THE OWNER OR REPUTED OWNER (If not known state "unknown")

Spokane County

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED, CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED:

June 17, 2009

7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:

\$87,500.15, plus attorney fees, costs, interest and other expenses.

8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:

Not Applicable

CANTER ELECTRIC, INC.
CLAIMANT

By 

its Attorney Jason T. Piskel

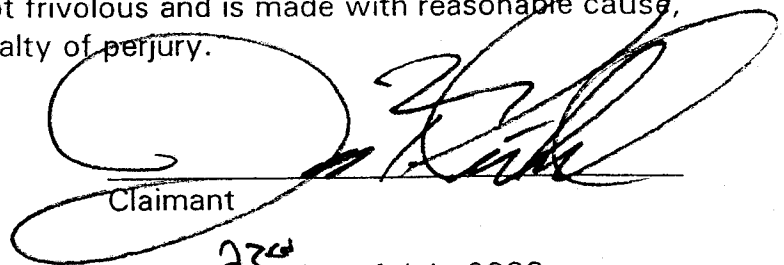
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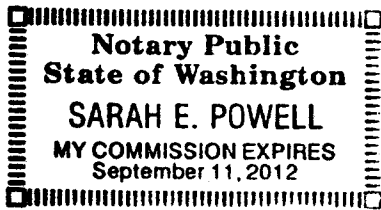
Spokane, WA 99201


STATE OF WASHINGTON)
) :ss
County of Spokane)

Jason T. Piskel, being sworn, says: I am the attorney for the claimant and a representative of the claimant Canter Electric, Inc. above named; I have read the foregoing claim, know the contents thereof, and believe the same to be true and correct, and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.


Claimant

SUBSCRIBED AND SWORN to before me this 23rd day of July 2009.

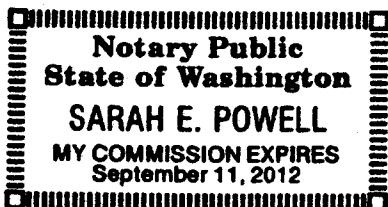




Print Name: Sarah E. Powell
NOTARY PUBLIC in and for the State
of Washington, residing in Nine Mile Falls
My Commission expires: 9/11/2012

STATE OF WASHINGTON)
) :ss
County of Spokane)

I certify that I know or have satisfactory evidence that Jason T. Piskel is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the attorney for Canter Electric, Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 7/23/09




Print Name: Sarah E. Powell
NOTARY PUBLIC in and for the State
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My Appointment Expires: 9/11/2012

STATE OF WASHINGTON)
)
) :ss
County of Spokane)

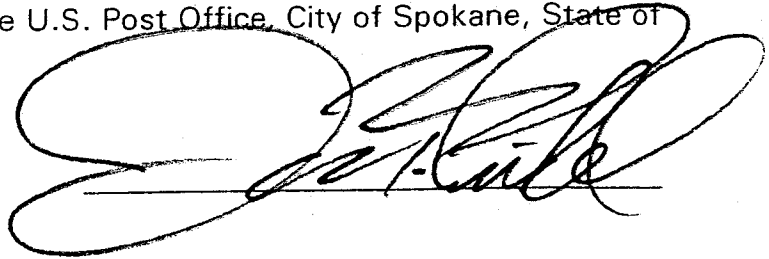
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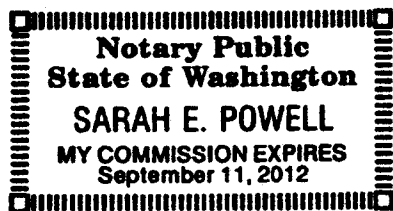
Austin Motorsports Management, LLC
c/o Leif M. Ormseth
Fikso Kretschmer Smith Dixon PS
2025 First Avenue, Suite 1130
Seattle, Washington 98121-2100

Spokane County
c/o James P. Emacio
County Prosecutors Office Civil Division
1115 W Broadway Ave.
Spokane, WA 99260

which is the last known address of said person(s) and on said date deposited the same so addressed with postage prepaid in the U.S. Post Office, City of Spokane, State of Washington.



SUBSCRIBED AND SWORN to before me this 23rd day of July, 2009.



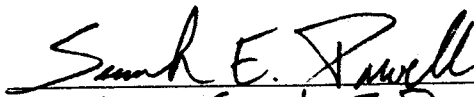

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PARCEL NO. 15135.0012

EXHIBIT "A" - Continued

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THE SOUTH 400 FEET OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 13, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE-1/4; THENCE S89°26'31"W, ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 13 FOR A DISTANCE OF 1,590.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID LINE, N11°07'19"W, FOR A DISTANCE OF 406.90 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID SOUTH 400 FEET OF THE NORTHEAST QUARTER, AND THE TERMINUS POINT OF SAID LINE.

EXCEPTING THEREFROM:

THE EAST 95 FEET OF SAID NE-1/4 FOR RIGHT OF WAY OF N. HAYFORD ROAD.

SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15131.0016

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PARCEL NO. 15131.0021

LEGAL CONT.

EXHIBIT "A" - Continued

LEGAL CONT.

PARCEL 11:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M.;

EXCEPTING A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SAID SECTION 13, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 88°40'41" WEST, ALONG THE NORTH LINE OF SAID SECTION, 220.00 FEET; THENCE SOUTH 01°19'19" WEST, 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DENO ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°19'19" WEST, 300.00 FEET; THENCE NORTH 88°40'41" WEST, 300.00 FEET; THENCE NORTH 01°19'19" EAST, 300.00 FEET TO SAID RIGHT OF WAY LINE; THENCE SOUTH 88°40'41" EAST, ALONG SAID RIGHT OF WAY LINE, 300.00 FEET TO THE POINT OF BEGINNING;

EXCEPT DENO ROAD RETRACEMENT 100'0" - 60 FEET, A COUNTY ROAD;

SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL NO. 15132.0022

THE FOLLOWING INFORMATION IS PROVIDED FOR CONVENIENCE ONLY:

(Parcel No(s): 15135.0012, 15131.0016, 15131.0021, 15132.0022)

(Abbreviated Legal Desc.: Ptn. 13-25-41)

EXHIBIT

“A-4”

H. E. Stiles, II
509-623-2022 (direct dial)
509-363-2472 (direct fax)
tstiles@lukins.com

August 11, 2009

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Austin Motorsports Management LLC
c/o Leif M. Ormseth
Fikso Kretschmer Smith Dixon PS
2025 First Avenue, Ste. 1130
Seattle, WA 98121-2100

Re: Claim of Lien by MJM Grand, Inc. Against Interest of Austin Motorsports Management LLC in Spokane County Raceway Property Located in the City of Airway Heights, County of Spokane, State of Washington, Parcel No. 15135.0012

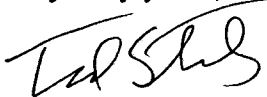
Dear Mr. Ormseth:

Enclosed for your information is a true and correct copy of the Claim of Lien that MJM Grand, Inc. is filing on August 11, 2009, with the Spokane County Auditor against the interests of Austin Motorsports Management LLC in the Spokane County Raceway property pursuant to RCW 60.04.091.

The Court, if this lien ultimately is foreclosed, may allow as part of the recovery pursuant to RCW 60.04.181 costs incurred for recording the Claim of Lien, title report, attorney fees and other necessary expenses as the Court deems reasonable.

Please contact me at your early convenience to discuss your client's plans to satisfy this obligation. Thank you.

Very truly yours,



H. E. Stiles, II

HES:cap

Enclosure

cc: Spokane County c/o James P. Emacio, County Prosecutor
Jason T. Piskel, Dunn & Black - via e-mail
Mark Schuetzle – via e-mail

Filed for Record at Request of and
copy returned to:
H. E. Stiles, II
LUKINS & ANNIS, P.S.
1600 Washington Trust Financial Center
717 W Sprague Ave
Spokane, WA 99201-0466

CLAIM OF LIEN

Reference numbers of related documents: N/A.

Additional reference numbers on Volume: N/A , Page: N/A .

GRANTOR(S):

1. AUSTIN MOTORSPORTS MANAGEMENT LLC

Additional names on page N/A of Document.

GRANTEE:

1. MJM GRAND, INC.

Additional names on page N/A of Document.

LEGAL DESCRIPTION:

1. Abbreviated form: Portion of Section 13, Township 25 North,
Range 41 East, as described in more detail in Attachment A.

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER: 15135.0012.

Additional parcel numbers located on page N/A .

Filed for Record at Request of and
copy returned to:
H. E. Stiles, II
LUKINS & ANNIS, P.S.
1600 Washington Trust Financial Center
717 W Sprague Ave
Spokane, WA 99201-0466

CLAIM OF LIEN

NOTICE IS HEREBY GIVEN that the person named below claims a lien pursuant to Chapter 60.04 RCW. In support of this lien, the following information is submitted:

1. NAME OF LIEN CLAIMANT : **MJM GRAND, INC.**
TELEPHONE NUMBER : **(509) 244-4733**
ADDRESS : **P.O. Box 9277**
Spokane, WA 99209

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:

April 20, 2009.

3. NAME OF PERSON INDEBTED TO THE CLAIMANT:

Austin Motorsports Management LLC.

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (Street address, legal description or other information that will reasonably describe the property):

The property interests that Austin Motorsports Management LLC has in the improvements constructed and located on the Spokane County Raceway real property described below pursuant to the terms of the Operator's Agreement between Spokane County and Austin Motorsports Management LLC, including the First Amendment thereto ("Operator's Agreement"):

Portion of Section 13, Township 25 North, Range 41 East, as described in more detail in attached Attachment A. Tax Parcel No. 15135.0012.

And also any other property rights and interests of Austin Motorsports Management LLC arising out of the Operator's Agreement.

5. NAME OF THE OWNER OR REPUTED OWNER (If not known, state "unknown"):

Spokane County, a Washington municipal corporation, is the owner of the real property described in Attachment A. Claimant makes no claim against the interests of Spokane County; Claimant's Claim of Lien is limited to the property rights of Austin Motorsports Management LLC described above.

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED; CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL OR EQUIPMENT WAS FURNISHED:

May 29, 2009

7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:

Forty thousand, six hundred forty-five dollars and thirty-one cents (\$40,645.31) plus additional sums for interest, legal fees, and costs.

8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:

Not applicable.

MJM GRAND, INC., CLAIMANT

By 

H. E. STILES, II, its attorney and agent
509-623-2022
717 W. Sprague Avenue
Spokane, WA 99201

STATE OF WASHINGTON)
: ss.
County of Spokane)

H. E. STILES, II, being sworn, says: I am the attorney and agent of the Claimant MJM Grand, Inc; have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct, and that the Claim of Lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

H. E. STILES, II
H. E. STILES, II

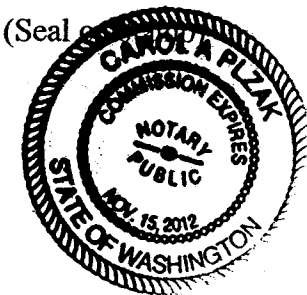
STATE OF WASHINGTON)
:ss
County of Spokane)

I certify that I know or have satisfactory evidence that H. E. STILES, II is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the attorney and agent of Claimant MGM Grand, Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 11th day of August, 2009.

Carol Plzak
Notary Public (Signature)
CAROL PLZAK
(Print Name)

My appointment expires: 11/15/2012



Attachment "A"

PARCEL 1:

ALL THAT PART OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 41 EAST, W.M., FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 13; THENCE N00°35'01" W, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, FOR A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST SPRAGUE AVENUE AND THE TRUE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID RIGHT OF WAY LINE, N89°31'25" E, FOR A DISTANCE OF 733.70 FEET, MORE OR LESS, TO A POINT THAT BEARS S14°09'47" E FROM THE SOUTHWEST CORNER OF PARCEL A, PER RECORD OF SURVEY, AS RECORDED IN BOOK 42, PAGE 12; THENCE LEAVING SAID RIGHT OF WAY LINE, N14°09'47" W, FOR A DISTANCE OF 69.61 FEET, MORE OR LESS, TO SAID SOUTHWEST CORNER, A FOUND REBAR WITH NO CAP, THENCE N22°51'20" E, ALONG THE WESTERLY BOUNDARY LINE OF PARCELS "A-1" AND "A-2" PER STATUTORY WARRANTY DEED AS RECORDED UNDER A.F.N. 9410040189, FOR A DISTANCE OF 1196.92 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL "A-2"; THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL "A-2", N89°10'45" E, FOR A DISTANCE OF 140.03 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, N00°49'15" W, FOR A DISTANCE OF 821.29 FEET; THENCE N89°26'31" E, FOR A DISTANCE OF 1205.01 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HAYFORD ROAD; THENCE N00°49'15" W, ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 100.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, S89°26'31" W, FOR A DISTANCE OF 1205.01 FEET; THENCE N00°49'15" W, FOR A DISTANCE OF 490.01 FEET; THENCE S89°26'31" W, FOR A DISTANCE OF 289.99 FEET; THENCE N11°07'19" W, FOR A DISTANCE OF 406.90 FEET; THENCE N24°53'48" E, FOR A DISTANCE OF 1182.58 FEET; THENCE N36°12'09" E, FOR A DISTANCE OF 653.47 FEET; THENCE N00°51'10" W, FOR A DISTANCE OF 618.87 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF DENO ROAD; THENCE S88°15'28" W, ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 552.84 FEET, TO A POINT ON THE EASTERLY BOUNDARY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW 1/4-NE 1/4); THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG SAID EASTERLY BOUNDARY LINE, S00°43'11" E, FOR A DISTANCE OF 190.00 FEET; THENCE LEAVING SAID EASTERLY BOUNDARY LINE, S46°13'58" W, FOR A DISTANCE OF 684.94 FEET; THENCE S35°23'12" W, FOR A DISTANCE OF 784.79 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID NW 1/4-NE 1/4; THENCE ALONG SAID BOUNDARY LINE, S88°51'04" W, FOR A DISTANCE OF 347.73 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE S00°35'01" E, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 13, FOR A DISTANCE OF 1300.86 FEET TO THE CENTER QUARTER OF SAID SECTION; THENCE S89°26'31" W, ALONG THE NORTHERLY BOUNDARY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, FOR A DISTANCE OF 1048.68 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, S00°23'12" E, FOR A DISTANCE OF 1070.00 FEET; THENCE S23°03'19" W, FOR A DISTANCE OF 730.46 FEET; THENCE S15°29'12" W, FOR A DISTANCE OF 289.79 FEET; S00°04'07" W, FOR A DISTANCE OF 126.28 FEET; THENCE S40°40'37" E, FOR A DISTANCE OF 131.32 FEET; THENCE S71°04'16" E, FOR A DISTANCE OF 190.07 FEET; THENCE S40°02'47" E, FOR A DISTANCE OF 166.97 FEET;

LEGAL CONT.

Attachment "A"

LEGAL CONT.

THENCE S00°23'12"E, FOR A DISTANCE OF 140.00 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST SPRAGUE AVENUE, SAID POINT BEING 70.00 FEET NORTHERLY OF THE SOUTHERLY BOUNDARY LINE OF THE WEST HALF OF SAID SECTION 13; THENCE N89°27'00"E, ALONG SAID RIGHT OF WAY LINE, PARALLEL TO SAID SECTION LINE, FOR A DISTANCE OF 1057.54 FEET TO THE POINT OF BEGINNING; SITUATE IN THE CITY OF AIRWAY HEIGHTS, COUNTY OF SPOKANE, STATE OF WASHINGTON.

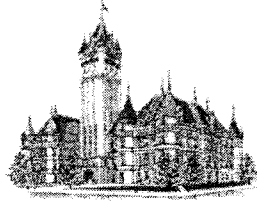
PARCEL NO. 15135.0012

TOGETHER WITH SUCH ADDITIONAL LANDS AS MAY BE ADDED TO PARCEL 1 VIA BOUNDARY LINE ADJUSTMENT FOLLOWING AND RESULTING FROM COMPLETION OF THE MASTER DEVELOPMENT PLAN FOR THE SPOKANE COUNTY MOTORSPORTS PARK FACILITY.

EXHIBIT

“B”


SPOKANE



COUNTY

DOUG CHASE
PARKS, RECREATION AND GOLF
DIRECTOR

MEMORANDUM

TO: Bucky Austin, Austin Motorsports Management LLC
FROM:  Doug Chase, Director Spokane County Parks, Recreation and Golf
DATE: August 18, 2009
SUBJECT: Written Request for Records

Hi Bucky,

I am writing to formalize my August 7, 2009 email request to you for financial records.

Previously, I unsuccessfully attempted to contact your accountant Janine by phone on Thursday, August 6, 2009. After receiving no response from you or Janine on Friday, August 14, 2009, I called your offices in Fife, in hopes of receiving a status report from either Janine or yourself. I was informed that you were out of the office; and that Janine was at lunch, and would return my call. Again, she did not call.

Section 28 of the Operator's Agreement provides as follows:

SECTION 28. MAINTENANCE OF RECORDS;

The Operator shall make available to the County or the Washington State Auditor or their duly authorized representatives, upon advance written request at any time during their normal operating hours, all records, books or pertinent information which the Operator shall have kept in conjunction with this Agreement and which the County may be required by law to include or make part of its auditing procedures, for a period not less than three (3) years.

In accordance with this provision, I am requesting financial documentation supporting the first quarter gate admissions payment.

Specifically, I hereby request any and all documentation, including electronic records, of front gate ticket sales which support Austin Motorsports Management's first quarterly payment to Spokane County. Such documentation should be presented in a format that

404 NORTH HAVANA, SPOKANE, WA 99202-4690
(509) 477-4730 / FAX (509) 477-2454

EXHIBIT B

details front gate admission sales/revenues/attendance, per individual event and in total, occurring during the first quarter 2009. Care should be taken to identify type(s) and date(s) of event(s).

As mentioned in my August 7, 2009 e-mail to you, the Washington State Auditor's Office has begun a review of the Operator's Agreement; and has specifically asked to examine the documentation associated with said first quarterly payment.

Additionally, I am hereby requesting a computation of front gate admission sales/revenues/attendance of the recent Nitro Racing event, held during the first weekend of August, 2009.

Point of Contact: On a different, but related note, I have been informed that Jay Livingston, General Manager Spokane Raceway, may no longer be working for you. Please specify another contact person in the event that Mr. Livingston is no longer with your organization.

Thank you again for your assistance with this matter.

Sincerely,



Doug Chase, Director
Spokane County Parks, Recreation & Golf
Direct line: (509) 477-2720
Fax: (509) 477-2454

Cc: Copy of E-mail correspondence sent to Bucky Austin and J. Cassino Friday, August 07, 2009 10:52 AM.

From: Chase, Doug
Sent: Friday, August 07, 2009 10:52 AM
To: Bucky Austin; J CASSINO
Cc: Emacio, James
Subject: RE: SRP

Hi Bucky and Janine,

The State Auditors are reviewing the Operations Agreement and in doing so have requested to review supporting documentation for the first quarterly payment, based on front gate ticket sales. Bucky was very timely with his quarterly payment on July 9, 2009 of \$26,750.00 (attached). At the time, this detail was being worked on and payment was made with the intent that once the detailed information was available, additional payment could be made or a credit could be applied towards the next quarterly payment (settle-up / adjust).

Also, I have been asked for a computation of front gate admission sales/revenues/attendance of this last weekends Nitro racing event.

All of this information will be very helpful and greatly appreciated.

I left a phone message for Janine yesterday so she can disregard or feel free to call me back with any questions.

Thanks again.

Doug Chase, MPA

Director, Spokane County Parks, Recreation & Golf
Phone (509) 477-2720; Mobile (509) 953-9060; Fax (509) 477-2454
Web: <http://www.spokanecounty.org/parks>

404 NORTH HAVANA, SPOKANE, WA 99202-4690
(509) 477-4730 / FAX (509) 477-2454

DENNIS & JULIE AUSTIN
 REAL ESTATE ACCOUNT
 1111 W. 1st Ave. Spokane, WA 99201
 (509) 477-4730 / FAX (509) 477-2454

Columbia State Bank
 7679
 7/9/2009

Spokane County
 26,750.00

Twenty Six Thousand Seven Hundred Fifty and 00/100

Spokane County
 DENNIS & JULIE AUSTIN

Quarterly Ticket Sales Spokane Co. Raceway
 ⑆007679⑆ ⑆125428⑆ ⑆00004199⑆

DENNIS & JULIE AUSTIN Real Estate Account 1111 W. 1st Ave

7679

Spokane County			7/9/2009		
Date	Type	Reference	Original Amt	Balance Due	Discount
7/9/2009	Bill	07092009	26,750.00	26,750.00	
					Check Amount
					26,750.00

Columbia Bank - 4199 Quarterly Ticket Sales Spokane Co Raceway

26,750.00

404 NORTH HAVANA, SPOKANE, WA 99202-4690
 (509) 477-4730 / FAX (509) 477-2454