

CERTIFICATE OF ARCHITECT



Re: [Redacted]
[Redacted] **New York**

Gentlemen:

The undersigned hereby certifies as follows with respect to the property legally described in Exhibit "A" attached hereto ("Premises") on which a 28-unit senior housing project is intended to be constructed (the "Project"):

1. The Premises is governed by the zoning ordinance of the [Redacted] this municipality does not designate zoning districts, each development is scrutinized on an individual basis for compatibility with adjacent property uses and overall community objectives.

The Premises and its proposed use as multi-family housing is a permitted use and complies with the applicable zoning codes, city ordinances and building, environmental and energy codes, ordinances and regulations.

2. There are no variances, conditional use permits or special use permits required for the intended use of the Project.

3. The Premises comply with the subdivision ordinances affecting it and can be conveyed without the filing of a plat or re-plat of the Premises.

4. The Premises and Project comply with all current setback, building height, density and parking laws and regulations.

5. All appropriate and required city permits, licenses and approvals have been provided for the use of the Premises as senior housing.

6. Upon completion of the construction of the Project substantially in accordance with the approved Plans and Specifications, all of the preconditions will have been met justifying the issuance of permanent certificates of occupancy for the Project.

7. Upon completion of the construction of the Project substantially in accordance with the approved Plans and Specifications, each dwelling unit and all common areas will, at a minimum, meet the following standards:

(a) The Section 8 Housing Quality Standards for Existing Housing contained in 24 CFR 982.401

(b) The Lead-Based Paint Regulations issued by the U.S. Department of Housing and Urban Development pursuant to the Lead-Based Paint Poisoning Act.

(c) The Americans with Disabilities Act (42 U.S.C. § 12101), Fair Housing Amendments Act of 1988 (42 U.S.C. 3604 (f)(3)(C)(iii)), and Section 504 of the 1973 Rehabilitation Act and all regulations and promulgations thereunder.

8. To the best of the undersigned's knowledge, the Plans were approved by all applicable local and state governmental bodies including the following departments within [REDACTED] Building Inspections and Code Enforcement, Planning and Zoning, Department of Transportation, Traffic Engineering Division, Health Department and Fire Department.

9. Site Plans. To the best of the undersigned's knowledge, the Site Plan for the Premises was approved by all of the appropriate governmental authorities of the [REDACTED] New York and all applicable site plan approvals have been issued by Village of Interlaken, Seneca County, New York.

10. To the best of the undersigned's knowledge, the Plans comply with all applicable federal, state and municipal laws, rules and regulations and ordinances of every nature and description, and the Project, if constructed in accordance with the Plans, will likewise comply with all applicable federal, state and municipal laws, rules and regulations and ordinances of every nature and description relating to the construction and the intended use thereof.

11. Access. The Project adjoins a public right-of-way or rights-of-way, and has adequate ingress and egress from Cayuga Street (C.R. 141), a publicly-dedicated right-of-way. To the best of the undersigned's knowledge, necessary permits for driveways and curb cuts into such right(s)-of-way from appropriate governmental authorities have been secured by the Borrower.

12. Utilities. Storm sewer and sanitary sewer facilities and, to the best of the undersigned knowledge, other required utilities, including propane, electricity, telephone, water, and cable, are available to the Project, sufficient to meet the reasonable needs of the Project and all applicable requirements of public authorities, at or within the lot lines of the Premises. To the best of the undersigned's knowledge, no additional easements over land of others are required for any such utilities.

13. Storm Water Drainage. Design conditions of the Project are such that drainage of surface or other water across land of others is not called for unless depicted on approved site plans. A site detention facility, if necessary, has been designed to meet all applicable requirements for storm water detention.

14. Easements, Rights-of-Way, Subsurface Rights. We have reviewed and are familiar with the locations of all easements, rights-of-way, subsurface rights and the like, of which we have been made aware or furnished, in force relating to the Premises, and the Plans have been so prepared that the Project will not encroach over, across or upon any such easements, rights-of-way or substance rights and the like, except as indicated on the Site Plan and as permitted under the terms of such easements, rights-of-way and other applicable documents. Furthermore, the building on the Premises is above the one hundred (100)-year flood zone as is determined by the Federal Emergency Management Agency. The Premises has no areas designated as wetlands by the U.S. Army Corps of Engineers.

15. Permits, Licenses and Approvals. To the best of the undersigned's knowledge, all permits, licenses, certificates and approvals necessary for the development, construction and use of the Project have been validly issued by the appropriate authorities to the Borrower and are now in full force and effect, including all necessary building permits, all permits related to the use of utilities and permits necessary under applicable environmental laws

16. The soil conditions of the Premises will support the foundation and are suitable for the construction and the use of the Project as designed.

17. Based upon our review of the Plans and Specifications and construction documents the Project should be constructed without:

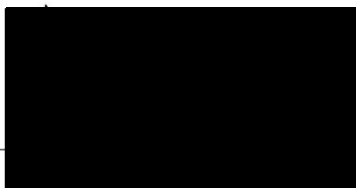
- a) Any asbestos-containing materials, whether in the nature of thermal insulation products such as pipe, boiler or breech coverings, wraps or blankets or sprayed-on or trowelled-on products;
- b) Any Urea Formaldehyde Form Insulation;
- c) Any lead pipes and/or lead based paints;
- d) Any violation of applicable pollution control laws.

18. Responsibility and Limitations. This certificate is given by the undersigned based on the undersigned's actual knowledge and professional expertise and experience concerning the matters discussed in the certificate. The undersigned has had sufficient involvement in the Project to make the statements in this certificate and has no knowledge of any inaccuracy herein.

The undersigned hereby agrees that the Addressees and their respective members, managers, successors and assigns may rely on this letter to the same extent as if it had been addressed to them.

Signature of Authorized Person:





Typed or Printed Name of Signatory:

Title of Signatory: Owner/Principal

Date: 