THIS INSTRUMENT PREPARED BY:

Brownstein, Hyatt, Farber
410 Seventeenth Street
Twenty-Second Floor
Denver, Colorado 80202-4437

STATEMENT OF TENANCY-IN-COMMON

THIS STATEMENT OF TENANCY-IN-COMMON, is made effective as of the 25 day of October, 2002.

1. STEPHEN I. WEINER AND KATHRYN D. WEINER, AS TRUSTEES OF THE STEPHEN I. WEINER AND KATHRYN D. WEINER REVOCABLE 1991 TRUST DATED OCTOBER 28, 1991, WILLIAM J. WEINER, A MARRIED INDIVIDUAL, AND ROBERT O. WEINER, AN UNMARRIED INDIVIDUAL, BY HIS ATTORNEY IN FACT, WILLIAM J. WEINER, have entered into a Tenancy-In-Common Agreement regarding the property legally described in Exhibit A attached hereto and incorporated herein by this reference, and commonly known as 2819 Nolensville Pike, Nashville, Tennessee ("Property").

2. All correspondence concerning the Property should be sent to 55 Fairview Plaza, Los Gatos, California 95030.

The undersigned have executed this statement on the date set forth above.

STEPHEN I. WEINER, as trustee of the
Stephen I. Weiner and Kathryn D. Weiner
Revocable 1991 Trust dated October 28, 1991

KATHRYN D. WEINER, as trustee of the
Stephen I. Weiner and Kathryn D. Weiner
Revocable 1991 Trust dated October 28, 1991

WILLIAM J. WEINER,
a married individual

ROBERT O. WEINER,
an unmarried individual

Davidson County AGRMTWARR
Recvd: 11/01/02 10:23 6pgs
Fees:32.00 Taxes:0.00
20021101-0134016

STATEMENT OF TENANCY-IN-COMMON

THIS STATEMENT OF TENANCY-IN-COMMON, is made effective as of the 23rd day of October, 2002.

1. STEPHEN I. WEINER AND KATHRYN D. WEINER, AS TRUSTEES OF THE STEPHEN I. WEINER AND KATHRYN D. WEINER REVOCABLE 1991 TRUST DATED OCTOBER 28, 1991, WILLIAM J. WEINER, A MARRIED INDIVIDUAL, AND ROBERT O. WEINER, AN UNMARRIED INDIVIDUAL, BY HIS ATTORNEY IN FACT, WILLIAM J. WEINER, have entered into a Tenancy-In-Common Agreement regarding the property legally described in Exhibit A attached hereto and incorporated herein by this reference, and commonly known as 2819 Nolensville Pike, Nashville, Tennessee ("Property").

2. All correspondence concerning the Property should be sent to 55 Fairview Plaza, Los Gatos, California 95030.

The undersigned have executed this statement on the date set forth above.

_____
STEPHEN I. WEINER, as trustee of the
Stephen I. Weiner and Kathryn D. Weiner
Revocable 1991 Trust dated October 28, 1991

_____
KATHRYN D. WEINER, as trustee of the
Stephen I. Weiner and Kathryn D. Weiner
Revocable 1991 Trust dated October 28, 1991

_____
WILLIAM J. WEINER,
a married individual

_____
ROBERT O. WEINER,
an unmarried individual

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

Before me, LETICIA LOPEZ, a Notary Public in and for the county and state aforesaid, and duly commissioned, personally appeared Stephen I. Weiner, as trustee of the Stephen I Weiner with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he is the trustee of the Stephen I. Weiner and Kathryn D. Weiner Revocable 1991 Trust, the within named bargainor, and that on behalf of and in the name of said Trust, and being duly authorized thereby, he signed, sealed and delivered the foregoing instrument for the uses and purposes therein set forth, as his free and voluntary act and as the free and voluntary act of said Trust.

WITNESS, my hand and official seal at LOS ANGELES, CALIFORNIA, this 25 day of OCTOBER, 2002.

LETICIA LOPEZ
Comm. # 1318633
NOTARY PUBLIC-CALIFORNIA
Los Angeles County
My Comm. Expires Sept. 21, 2005

Leticia Lopez
Notary Public
Name: LETICIA LOPEZ
(Type or Print)

(NOTARIAL SEAL)

My Commission Expires: 9.21.2005

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

Before me, LETICIA LOPEZ, a Notary Public in and for the county and state aforesaid, and duly commissioned, personally appeared Kathryn D. Weiner, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that she is the trustee of the Stephen J. Weiner and Kathryn D. Weiner Revocable 1991 Trust, the within named bargainor, and that on behalf of and in the name of said Trust, and being duly authorized thereby, he signed, sealed and delivered the foregoing instrument for the uses and purposes therein set forth, as his free and voluntary act and as the free and voluntary act of said Trust.

WITNESS, my hand and official seal at LOS ANGELES, CALIFORNIA, this 25 day of OCTOBER, 2002.

LETICIA LOPEZ
Comm. # 1318633
NOTARY PUBLIC-CALIFORNIA
Los Angeles County
My Comm. Expires Sept. 21, 2005

Leticia Lopez
Notary Public
Name: LETICIA LOPEZ
(Type or Print)

(NOTARIAL SEAL)

My Commission Expires: 9.21.2005

STATE OF CALIFORNIA)
) SS.
COUNTY OF Santa Clara)

Before me, Michael Jay Jones, a Notary Public in and for the county and state aforesaid, and duly commissioned, personally appeared William J. Weiner, a married individual, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who signed, sealed and delivered the foregoing instrument for the uses and purposes therein set forth, as his free and voluntary act.

WITNESS, my hand and official seal at San Jose, California, this 23 day of October, 2002.

Michael Jay Jones
Notary Public
Name: Michael Jay Jones
(Type or Print)

MICHAEL JAY JONES
Commission # 1362276
Notary Public - California
Santa Clara County
My Comm. Expires Jun 25, 2006

(NOTARIAL SEAL)

My Commission Expires: June 25, 2006

STATE OF MASSACHUSETTS)
) SS.
COUNTY OF _____)

Before me, _____, a Notary Public in and for the county and state aforesaid, and duly commissioned, personally appeared Robert O. Weiner, an unmarried individual, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who signed, sealed and delivered the foregoing instrument for the uses and purposes therein set forth, as his free and voluntary act.

WITNESS, my hand and official seal at _____, Massachusetts, this ____ day of October, 2002.

_____
Notary Public
Name: _____
(Type or Print)

(NOTARIAL SEAL)

My Commission Expires:

STATE OF CALIFORNIA)
) SS.
COUNTY OF _____)

Before me, _____, a Notary Public in and for the county and state aforesaid, and duly commissioned, personally appeared William J. Weiner, a married individual, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who signed, sealed and delivered the foregoing instrument for the uses and purposes therein set forth, as his free and voluntary act.

WITNESS, my hand and official seal at _____, _____, this ____ day of _____, 2002.

_____
Notary Public
Name: _____
(Type or Print)

(NOTARIAL SEAL)

My Commission Expires:

STATE OF MASSACHUSETTS)
) SS.
COUNTY OF Dukes)

Before me, Janine Goode, a Notary Public in and for the county and state aforesaid, and duly commissioned, personally appeared Robert O. Weiner, an unmarried individual, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who signed, sealed and delivered the foregoing instrument for the uses and purposes therein set forth, as his free and voluntary act.

WITNESS, my hand and official seal at Vineyard Haven, Massachusetts, this 13 day of October, 2002.

Janine Goode
Notary Public
Name: Janine GOODE
(Type or Print)

(NOTARIAL SEAL)

My Commission Expires: 2.23.07

EXHIBIT "A"

Land in Davidson County, Tennessee, being Lots 1 - 8 of the McLean Subdivision as recorded in Plat Book 421, Page 130, Register's Office for Davidson County, Tennessee, also being a tract of land in the central portion of Davidson County, lying in the 16th Councilmanic District of Nashville, Tennessee. Bounded on the north by Mike Sokolic as recorded in Book 10020, Page 496, said Register's Office, on the east by Right-of-Way of Nolensville Pike (ROW varies), on the south by Thompson Lane (ROW varies), on the west by Right-of-Way of a 15 foot alley. Tract being described as follows:

POINT OF COMMENCEMENT being the centerline intersection of Nolensville Pike and Thompson Lane; thence leaving said centerline North 39 degrees 21 minutes 36 seconds West 172.23 feet to the TRUE POINT OF BEGINNING being a set point on the westerly ROW margin of Nolensville Pike; thence with said ROW and curve to the right having a radius of 118.00 feet, an arc length of 34.51 feet, a central angle of 16 degrees 45 minutes 29 seconds, a chord bearing and distance of South 12 degrees 04 minutes 08 seconds East 34.39 feet to a set point; thence continuing and merging into the ROW of Thompson Lane and with a curve to the right having a radius of 43.00 feet, an arc length of 52.99 feet, a central angle of 70 degrees 36 minutes 25 seconds, a chord bearing and distance of South 36 degrees 20 minutes 24 seconds West 49.70 feet to a set pint; thence continuing with said ROW of Thompson Lane and with a curve tot he right having a radius of 118.00 feet, an arc length of 45.00 feet, a central angle of 21 degrees 51 minutes 04 seconds, a chord bearing and distance of South 82 degrees 34 minutes 30 seconds West 44.73 feet to a found iron rod; thence continuing with said ROW North 86 degrees 30 minutes 00 seconds West 77.60 feet to a set point in the easterly ROW of a 15 foot alley; thence leaving said ROW of Thompson Lane and running with the ROW of said 15 foot alley North 25 degrees 26 minutes 38 seconds West 10.12 feet to a set point; thence continuing with said alley North 24 degrees 28 minutes 46 seconds 148.68 feet to a set point; thence continuing North 24 degrees 00 minutes 20 seconds West 150.00 feet to a set point, being the northwest corner of the tract being described; thence leaving said ROW North 65 degrees 59 minutes 38 seocnds East 163.88 feet to a set point on the westerly ROW margin of Nolensville Pike; thence with said ROW South 23 degrees 55 minutes 46 seconds East 299.16 feet to the true point of beginning and containing 55,460 square feet or 1.27 acres, according to a survey captioned "Echerd's" dated October 17, 2002 and performed by Robert M. Searson, Tennessee Registered Surveyor, No. 1666.