

**Circuit City**

**Offering Materials Request Sheet**

Return to: Rick Searles (315) 422-7533 Fax or [rick.searles@cbre.com](mailto:rick.searles@cbre.com) e-mail address

**CONFIDENTIALITY AGREEMENT**

CB Richard Ellis/Syracuse, N.Y., LLC (Agent) has been exclusively retained by the Seller to represent its interest in offering the following property: Circuit City, 3124 Vestal Pkwy. East, Vestal, NY 13850. Recipient hereby acknowledges and agrees that certain confidential information which has been or may be disclosed in the future is intended solely for your own limited use in considering whether to pursue negotiations to acquire the Property listed above.

Seller or Agent, nor any of their officers, employees or agents make any representation or warranty, expressed or implied, as to the accuracy or completeness of this confidential information and no legal liability is assumed or shall be implied with respect thereto. Information provided has been or will be gathered from sources that are deemed to be reliable but Seller or Agent does not warrant or represent that the information is true or correct. Recipient is advised to verify information independently. Seller or Agent reserves the right to change the price, or any information provided or to withdraw the Property from the market at any time without notice.

Recipient agrees that the information provided is confidential, that you will hold and treat it in the strictest of confidence, that you will not directly or indirectly disclose or permit anyone else to disclose this information to any other firm or entity without prior written authorization of Seller or Agent, and that you will not use or permit to be used this information, in any fashion or manner detrimental to the interest of Seller or Agent. Photocopying or other duplication is strictly prohibited.

While Seller and/or Agent may discuss the purchase and sale of the Property with Recipient, either Seller or Agent in our sole and absolute discretion, may terminate discussions at any time and for any reason. Recipient acknowledges Seller has no obligation to discuss or agree to the sale of the Property. The discussions may be lengthy and complex, notwithstanding that we may reach one or more oral understandings or agreements on one or more issues we are discussing, neither of us shall be bound by any oral agreement of any kind and no rights, claims, obligations or liabilities of any kind, either express or implied, shall arise or exist in favor of or be binding upon either Seller or Agent, except to the extent expressly set in a written agreement signed by Seller.

Principal is advised that CB Richard Ellis is acting on behalf of Seller as Exclusive Agent in connection with the investment in this Property. Recipient warrants and represents that no broker or agent represents it or will represent it in any transaction involving this Property.

If you do not wish to pursue negotiations leading to this acquisition or lease, or if in the future you discontinue such negotiations, you agree to return all confidential information to Seller or Agent. Otherwise, **please execute below and return to Rick Searles, via e-mail at [rick.searles@cbre.com](mailto:rick.searles@cbre.com) or facsimile at (315) 422-7533 at your earliest convenience.**

THIS CONFIDENTIAL INFORMATION SHALL NOT BE DEEMED AS REPRESENTATION OF THE STATE OF AFFAIRS OF THE PROPERTY OR CONSTITUTE AN INDICATION THAT THERE HAS BEEN NO CHANGE IN THE BUSINESS OR AFFAIRS OF THE PROPERTY SINCE THE DATE OF THE PREPARATION OF THIS MEMORANDUM.

Please send me the Offering Memorandum.

I am a (please check one):

- Principal       Broker (Brokers will be required to obtain principal's signature and submit prior to presentation.)

AGREED AND ACCEPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2011

Company Name: \_\_\_\_\_ (Print Clearly)      Address: \_\_\_\_\_

Signature: \_\_\_\_\_      City/ST/Zip: \_\_\_\_\_

Name: \_\_\_\_\_ (Print Clearly)      Phone: \_\_\_\_\_

Email: \_\_\_\_\_