

PREVIEW RELEASE OF LIABILITY

“Public Auction” – Saturday, October 10, 2009 @ 11:00 A.M. E.D.T.

By Order of Receiver, Scott Brenner

Case No.: 05-2008-CA-25137

Ocean Dunes Condominium, 110 - 140 Warsteiner Way, Melbourne Beach, Florida 32951

* **Subject Property:** Ocean Dunes Condominium, 110 - 140 Warsteiner Way, Melbourne Beach, Florida 32951

* **ALL** persons entering on the subject property for previewing purposes **MUST** sign this form or they are **NOT** permitted to enter the property.

(Preview Attendee) Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone (evening): _____ (day): _____

Cellular: _____ Fax: _____

Email: _____

Injury & Damage: Preview Attendee acknowledges responsibility for any personal injury or property damage caused by Preview Attendee or his/her employees or agents, and further agrees to release, waive, discharge, indemnify and hold harmless the Receiver, Fifth Third Bank, Mercantile Bank, a division of Carolina First Bank, P.A.V.C.O. Construction, Inc., Brenner Real Estate Group, Prudential Sterling Properties, Fisher Auction Co., Inc., Alliance Title Insurance Agency, Inc. and their officers, employees and agents, and successors and assigns, from any and all damages, claims and liabilities from injuries to persons or property of any type whatsoever resulting from the preview of this property. Preview Attendee agrees to repair any damage to the property resulting from the preview, and to pay all expenses incurred by the Receiver, Fifth Third Bank, Mercantile Bank, a division of Carolina First Bank, P.A.V.C.O. Construction, Inc., Brenner Real Estate Group, Prudential Sterling Properties, Fisher Auction Co., Inc., Alliance Title Insurance Agency, Inc. and their officers, employees and agents in the enforcement of this Preview Release of Liability and in the defense of any claim.

The Receiver, Fifth Third Bank, Mercantile Bank, a division of Carolina First Bank, P.A.V.C.O. Construction, Inc., Brenner Real Estate Group, Prudential Sterling Properties, Fisher Auction Co., Inc., Alliance Title Insurance Agency, Inc. and their officers, agents, employees, have not consented to, approved, participated in, or ratified the preview of the property by the undersigned. Attendance at the preview by the Receiver, Fifth Third Bank, Mercantile Bank, a division of Carolina First Bank, P.A.V.C.O. Construction, Inc., Brenner Real Estate Group, Prudential Sterling Properties, Fisher Auction Co., Inc., Alliance Title Insurance Agency, Inc. or by any of their officers, agents, or employees does not constitute a waiver of any right that the Receiver, Fifth Third Bank, Mercantile Bank, a division of Carolina First Bank, P.A.V.C.O. Construction, Inc., Brenner Real Estate Group, Prudential Sterling Properties, or Fisher Auction Co., Inc., Alliance Title Insurance Agency, Inc. may have against the Preview Attendee.

The undersigned has read this form, fully understands its terms, and signs this document freely, without any inducement or assurance of any nature and the undersigned intends it to be a complete and unconditional release of any and all liability to the greatest extent allowed by law and agree that if any portion of this Preview Release of Liability is held to be invalid the balance, shall continue in full legal force and effect.

This Release shall be construed and interpreted, and the rights of the parties hereto determined, in accordance with Florida law.

Date _____

Signature _____

Print Name _____

(Please Print Clearly)