

COOPERATIVE SALES OF TOMAHAWK DEVELOPMENT COMPANY LISTINGS WITH OUTSIDE BROKERS

All Tomahawk Development Company listings are made available to area brokers and we invite your participation on the following basis:

A. COMMISSIONS:

Subject to Subparagraph C below, commissions will be paid to procuring brokers as follows:

1. Sale of land – for sales of outlots at the Suffolk Square Retail Center, Maumee, Ohio, 5% to the procuring outside broker and 5% to Tomahawk Development as the listing broker, payable at closing. For all other sales of land, 10% to the procuring outside broker, payable at closing.
2. Sale of improved property - 6% on the first \$500,000 of sale price, 5% on the next \$500,000 of sale price, 4% on the next \$1,000,000 of sale price, 3% on the next \$2,000,000 of sale price, and 2% on any amount in excess of \$4,000,000, payable upon closing.
3. Finalized and executed leases - 5% of the aggregate base rent for the original term (excluding tenant finish outs and build outs, common area charges and other building operating costs and pass throughs), payable upon occupancy by tenant and receipt of the first month's rent by landlord. In addition, the maximum number of lease years upon which a commission will be paid is ten (10) years, and in no event will commissions be paid on any lease renewals or renewal options.
4. Since plat restrictions, governmental agencies, etc. require third party approvals for many transactions, cooperating brokers are urged to clear these conditions and other contingencies at the earliest possible time to avoid disappointment and loss of valuable time. No commissions will be earned unless the transaction actually closes.

B. REGISTRATION OF CLIENTS:

1. To secure protection, outside brokers must both register the prospect and show the property. In the event that more than one outside broker seeks registration of a particular prospect, the first registration received will be honored; however, in the event that there is more than one registration for a particular prospect and the prospect expresses a written preference to have a particular broker represent such prospect, Tomahawk Development will honor the preference of the prospect and Tomahawk Development shall have no obligation, liability or duty to the other broker.

2. To avoid misunderstandings, it is recommended that brokers be specific in registering the complete legal name and address of the prospect, as well as a specific description of the property to be shown.
3. Registrations can be accomplished by telephoning, telecopying, writing or visiting the Tomahawk Development offices.
4. Tomahawk Development will endeavor to provide all brokers with written verification of each registration.
5. Unless otherwise approved in writing by Tomahawk Development, the property is to be shown to the prospect within ten (10) business days after the registration. If the property is not shown within such period of time, the registration shall be deemed to have lapsed and expired. Immediately after any showing of the property, the broker shall provide Tomahawk Development with written verification of the time and date of such showing.
6. Each registration will remain in effect for ninety (90) days after the date that the property has been shown to the prospect. Extensions may be granted by Tomahawk Development, in writing, upon request of the cooperating broker when negotiation conditions require additional time to finalize contractual arrangements.
7. By submitting a registration to Tomahawk Development, the outside broker agrees to and accepts all of the terms and conditions set forth herein.

C. **PROPERTIES NOT OWNED BY TOMAHAWK DEVELOPMENT AFFILIATES:**

Most Tomahawk Development Company listings are for properties owned by Tomahawk Development or its affiliates or related parties. However, Tomahawk Development periodically secures listings on properties not owned by Tomahawk Development or one of its affiliates or related parties. In the case of such non-owned properties, the commissions set forth in Subparagraph A above shall be paid and allocated one-half to the procuring broker and one-half to Tomahawk Development.