

Pima County Clerk of the Board

Robin Brigode

Mary Jo Furphy
Deputy Clerk

Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701
Phone: (520)724-8449 • Fax: (520)222-0448

Document and Micrographics Mgt. Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 791-6666

March 3, 2015

Christopher James Kearns
USA Raceway
P.O. Box 99
Litchfield Park, AZ 85340

RE: Arizona Liquor License No.: 07100168
d.b.a. USA Raceway

Dear Mr. Kearns:

Enclosed is a copy of the Affidavit of Posting relative to your Liquor License Application for a Series 7, Beer and Wine Bar, which was received in our office on February 4, 2015. The Hearing before the Pima County Board of Supervisors has been scheduled for Tuesday, March 17, 2015, at 9:00 a.m. or thereafter, at the following location:

Pima County Administration Building
Board of Supervisors Hearing Room
130 W. Congress, 1st Floor
Tucson, AZ 85701

For your information, enclosed is a copy of the Sheriff's Report. Any questions pertaining to the enclosed report should be directed to the Pima County Sheriff's Department at (520) 351-6999. If you have any questions pertaining to the above referenced hearing, please contact this office at (520) 724-8449.

Sincerely,

A handwritten signature in cursive script that reads "Robin Brigode".

Robin Brigode
Clerk of the Board

Enclosure

c: Pima County Sheriff Investigative Support Unit

ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

AFFIDAVIT OF POSTING

Date of Posting: 2/9/15 Date of Posting Removal: 3/2/15

Applicant Name: **USA Raceway**
Kearns **Christopher** **James**
Last First Middle

Business Address: **4300 E. Los Reales Road** **Tucson, AZ** **85706**
Street City Zip

License #: 07100168

I hereby certify that pursuant to A.R.S. § 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

FRANK R. HECHT PIMA CO. SHERIFF 520 340 4034
Print Name of City/County Official Title Telephone #

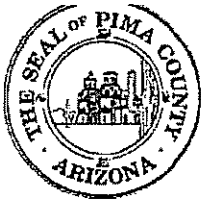
[Signature]
Signature

3/2/15
Date Signed

Return this affidavit with your recommendation (i.e., Minutes of Meeting, Verbatim, etc.) or any other related documents.

If you have any questions please call (602) 542-5141 and ask for the Licensing Division.

Individuals requiring special accommodations please call (602) 542-9027




Pima County Clerk of the Board

Robin Brigode

Mary Jo Furphy
Deputy Clerk

Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701
Phone: (520) 724-8449 • Fax: (520) 222-0448

Document and Micrographics Mgt. Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 791-6666

TO: Development Services, Zoning Division
FROM: Bernadette Russell 
Administrative Support Specialist
DATE: February 6, 2015
RE: Zoning Report - Application for Liquor License

Attached is the application of:

Christopher James Kearns
d.b.a. USA Raceway
4300 E. Los Reales Road
Tucson, AZ 85706

Arizona Liquor License No. 07100168
Series 7, Beer and Wine Bar
New License
Person Transfer X
Location Transfer

ZONING REPORT

DATE: 2/6/15

Will current zoning regulations permit the issuance of the license at this location?

Yes ☒ No ☐

If No, please explain:


Pima County Zoning Inspector

When complete, please return to cob_mail@pima.gov

FFR06-15N0110 POC KCF RD

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- ☐ MORE THAN ONE LICENSE
☒ INTERIM PERMIT *Complete Section 5*
☐ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
☒ PERSON TRANSFER (Bars & Liquor Stores ONLY)
Complete Sections 2, 3, 4, 11, 13, 15, 16
☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY)
Complete Sections 2, 3, 4, 12, 13, 15, 16
☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
☐ INDIVIDUAL *Complete Section 6*
☐ PARTNERSHIP *Complete Section 6*
☐ CORPORATION *Complete Section 7*
☒ LIMITED LIABILITY CO. *Complete Section 7*
☐ CLUB *Complete Section 8*
☐ GOVERNMENT *Complete Section 10*
☐ TRUST *Complete Section 6*
☐ OTHER (Explain) _____

SECTION 3 Type of license and fees LICENSE #(s): 07100168

1. Type of License(s): *Beer & Wine*

N/A

2. Total fees attached:

Department Use Only
\$ *222.00*

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. *James Christopher* *James* *Christopher* *James*
(Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: *USA RACEWAY, LLC* *61053914*
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: *USA RACEWAY* *61028519*
(Exactly as it appears on the exterior of premises)
4. Principal Street Location: *4300 E. LOS REALES RD. Tucson Pima 85706*
(Do not use PO Box Number) City County Zip
5. Business Phone: *(520) 664-2044* Daytime Phone: *(602) 714-8538* Email: *CHRIS.USA@GMAIL.COM*
6. Is the business located within the incorporated limits of the above city or town? ☐ YES ☒ NO
7. Mailing Address: *PO Box 99 LITCHFIELD PARK, AZ 85340*
City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type *Beer & Wine* \$ *12,250.00* Type *N/A* \$ *N/A*

DEPARTMENT USE ONLY

Fees: *100.00* *100.00* *22.00* *222.00*
Application Interim Permit Site Inspection Finger Prints \$ *222.00*
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☒ YES ☐ NO

Accepted by: *SG* Date: *1/30/15* Lic. # *07100168*

SECTION 5 Interim Permit:

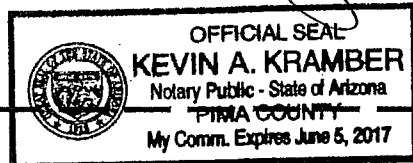
1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 07100168
4. Is the license currently in use? ☐ YES ☒ NO If no, how long has it been out of use? N/A

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, CHRISTOPHER JAMES, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

X [Signature]
(Signature)

My commission expires on JUNE 5, 2017



State of ARIZONA County of Pima
The foregoing instrument was acknowledged before me this 29TH day of January, 2015
Day Month Year
[Signature]
(Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

2. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

BWBAR

License 07100168

Issue Date: 5/10/2012

Expiration Date: 9/30/2015

Issued To:

ROBERT PATRICK ROBLEY, Agent
TUCSON INTERNATIONAL RACEWAY LLC, Owner

Beer & Wine Bar

Mailing Address:

ROBERT PATRICK ROBLEY
TUCSON INTERNATIONAL RACEWAY LLC
USA RACEWAY
4300 E LOS REALES RD
TUCSON, AZ 85756

Location:

USA RACEWAY
4300 E LOS REALES RD
TUCSON, AZ 85706

EXP 9/30/2015

15 MAY 30 14:14 PM 13

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

☒ CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.

☐ L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: USA RACEWAY, LLC
(Exactly as it appears on Articles of Incorporation or Articles of Organization)

2. Date Incorporated/Organized: 01/06/2015 State where Incorporated/Organized: Arizona

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____

4. AZ L.L.C. File No: L-1975218-0 Date authorized to do business in AZ: Permit

5. Is Corp./L.L.C. Non-profit? ☐ YES ☒ NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City	State	Zip
Hernandez	Christopher	James	mem.	P.O. Box 99 Littlefield Park	AZ	85340	
Montgomery	Kevin		mem.	3911 W. EVERGREEN ST.	BULLHEAD	AZ	85396

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City	State	Zip
Hernandez	Christopher	James	99%	P.O. Box 99 Littlefield Park	AZ	85340	
Montgomery	Kevin		1%	3911 W. EVERGREEN ST.	BULLHEAD	AZ	85396

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit? ☐ YES ☐ NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: _____
Last First Middle
3. License Type: _____ License Number: _____ Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____
2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

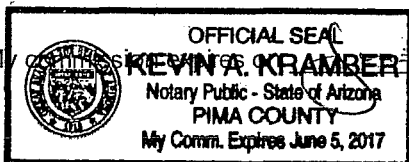
1. Current Licensee's Name: ROBLEY ROBERT PATRICK Entity: AGENT
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: TULSON INTERNATIONAL RACEWAY, LLC
(Exactly as it appears on license)
3. Current Business Name: TULSON INTERNATIONAL RACEWAY
(Exactly as it appears on license)
4. Physical Street Location of Business: Street 4300 E. LOS REALES RD.
City, State, Zip TULSON, AZ 85706
5. License Type: WINE License Number: 0100108
6. If more than one license to be transferred: License Type: N/A License Number: N/A
7. Current Mailing Address: Street 530 E. WAGON BLUFF DR.
(Other than business) City, State, Zip TULSON, AZ 85704
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☒ YES ☐ NO
9. Does the applicant intend to operate the business while this application is pending? ☒ YES ☐ NO If yes, complete Section 5 of this application, attach fee, and current license to this application.
10. I, CRAIG STOFFER JAMES DEARNS, hereby authorize the department to process this application to transfer the
(print full name)
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.
I, CRAIG STOFFER JAMES DEARNS, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

(Signature of CURRENT LICENSEE)

State of ARIZONA County of PIMA
The foregoing instrument was acknowledged before me this

29th JANUARY 2015
Day Month Year

(Signature of NOTARY PUBLIC)



ATTACHED BILL

*** Twelve Thousand Two Hundred Fifty Dollars And No Cents ***lawful currency of the United States of America, and other valuable consideration, receipt of which is hereby acknowledged, the SELLER:

Tucson International Raceway, LLC, an Arizona Limited Liability Company

hereby grants, bargains, sells and transfers unto the BUYER:

USAC Promotions, Inc., an Indiana Corporation

and his, her or their heirs, personal representatives, or assigns, to have and to hold forever, the following described personal property, goods or chattels:

That certain State of Arizona Liquor License #07100168

FURTHERMORE, Seller warrants that he, she or they are the lawful owner of said goods and hereby certifies, under oath, that he, she or they have good right to sell the same as aforesaid, and that the above described property is free and clear of all claims, liens and other encumbrances whatsoever, EXCEPT, as specified herein. Seller further agrees to warrant and defend same against the lawful claims and demands of all persons whomsoever.

DATED: December 23, 2014

Tucson International Raceway, LLC, an
Arizona Limited Liability Company

Robert P. Robley, Member
Robert P. Robley, Member

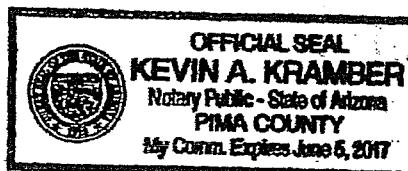
15 JAN 7 199. Lic. RM1058

State of ARIZONA } ss:
County of Pima

On December 23, 2014, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert P. Robley, Member, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Notary Public



Escrow No.: 00143932

15 JAN 30 11:41 AM '15

BILL OF SALE

IN CONSIDERATION OF THE SUM OF:

TEN AND 00/100 *** DOLLARS

lawful currency of the United States of America, and other valuable consideration, receipt of which is hereby acknowledged, the SELLER:

USAC Promotions, Inc.

hereby grants, bargains, sells and transfer unto the BUYER:

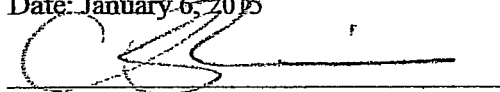
Chris Kearns, LLC

as his, her or their heirs, personal representatives, or assigns, to have and to hold forever, the following described personal property, goods or chattels:

State of Arizona Series #07 Liquor License #07100168

FURTHERMORE, Seller warrants that he, she or they are the lawful owner of said goods and hereby certifies, under oath that he, she, or they have the right to sell the same as aforesaid and that the above described property is free and clear of all claims, liens and other encumbrances whatsoever, EXCEPT, as specified herein. Seller further agrees to warrant and defend same against the lawful claims and demands of all persons whomsoever.

Date: January 6, 2015



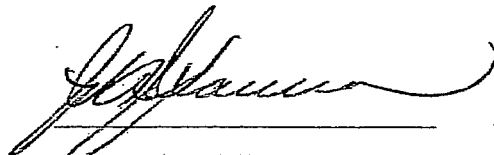
Christopher Kearns

USAC Promotions, Inc.

Its: President

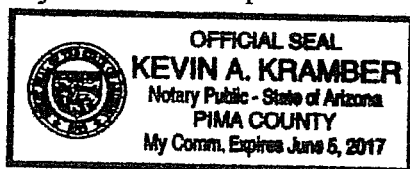
State of Arizona _____)
County of Pima _____)

Acknowledged, under oath, before me this 6th day of January 2015.



NOTARY PUBLIC

My Commission Expires on:



15 JAN 7 11:41 AM '15

15 JAN 30 14: 14: 11 13

BILL OF SALE

IN CONSIDERATION OF THE SUM OF:

TEN AND 00/100 *** DOLLARS

lawful currency of the United States of America, and other valuable consideration, receipt of which is hereby acknowledged, the SELLER:

Chris Kearns, LLC

hereby grants, bargains, sells and transfer unto the BUYER:

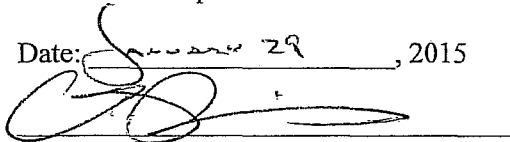
USA Raceway, LLC

as his, her or their heirs, personal representatives, or assigns, to have and to hold forever, the following described personal property, goods or chattels:

State of Arizona Series #07 Liquor License #07100168

FURTHERMORE, Seller warrants that he, she or they are the lawful owner of said goods and hereby certifies, under oath that he, she, or they have the right to sell the same as aforesaid and that the above described property is free and clear of all claims, liens and other encumbrances whatsoever, EXCEPT, as specified herein. Seller further agrees to warrant and defend same against the lawful claims and demands of all persons whomsoever.

Date: January 29, 2015



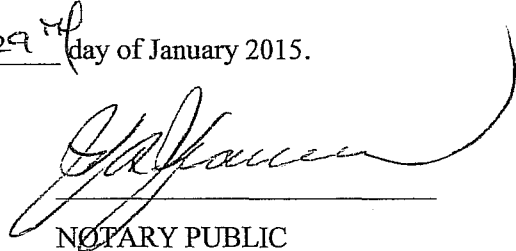
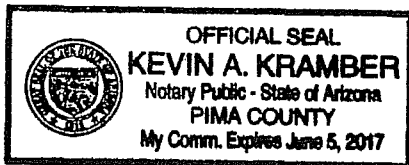
Christopher Kearns

Chris Kearns, LLC

Its: Member

State of Arizona _____)
County of _____)

Acknowledged, under oath, before me this 29th day of January 2015.


NOTARY PUBLIC

My Commission Expires on:

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

*15 JAN 30 10:41 AM 1993

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02) c) Government license (§ 4-205.03)
b) Hotel/motel license (§ 4-205.01) d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2.5 mi. Name of school BILLY LAKE LAUFFER MIDDLE SCHOOL
Address 5385 E. LITTLETON RD. TULSA, AZ 85706
City, State, Zip
2. Distance to nearest church: 2.1 mi. Name of church JEHOVAH'S WITNESSES
Address 4616 E. 12th ST. TULSA, AZ 85706
City, State, Zip
3. I am the: ☒ Lessee ☒ Sublessee ☐ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name USAC Promotions, Inc.
Address P.O. Box 99 Litchfield Park, AZ 85340
City, State, Zip
- 4a. Monthly rental/lease rate \$ 3500.00 What is the remaining length of the lease 3 yrs. 0 mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ 500.00 or other SEE ATTACHED LEASE AGREEMENT
(SEE 52nd)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 0 CAPITAL CONTRIBUTION
- Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip
N/A			N/A	N/A		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? RAKETRAK CONCESSION STAND

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ☒ NO
9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:
License # 04100168 (exactly as it appears on license) Name ROBERT PATRICK ROBERT

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ☐ YES ☐ NO
If yes, give the name of licensee, Agent or a company name:

Last First Middle and license #: _____
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☐ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicant's initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:
☒ Entrances/Exits ☒ Liquor storage areas Patio: ☐ Contiguous
☐ Service windows ☐ Drive-in windows ☐ Non Contiguous
2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ☒ NO
If yes, what is your estimated opening date? N/A
month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.


applicant's initials

12. **EXISTING EMPLOYEES.** Lessor shall be responsible for the payment of all sums due to employees, contractors, or any other parties providing material or labor for the racetrack operation up to the commencement date of the initial term of this Lease. Lessor shall terminate all employees as of the commencement date of the initial term of this Lease.

13. **WEBSITE.** The Tucson International Raceway website shall be continued and maintained by Lessee.

14. **ASSIGNMENT AND SUBLETTING.**

14.1 **LESSOR'S CONSENT REQUIRED.** Lessee shall not voluntarily or by operation of law, assign, transfer, mortgage, sublet, or otherwise transfer or encumber all or any part of Lessee's interest in this Lease or in the Premises, without Lessor's prior written consent, which consent shall not unreasonably be withheld, except for short term race events one week or less for which no consent is required. Any attempted assignment, transfer, mortgage, encumbrance, or subletting without such consent shall be void, and shall constitute a breach of Lease. Lessor shall have the right to consider the financial status as well as prior business experience of any potential assignee before consenting to such assignment.

14.2 **NO RELEASE OF LESSEE.** Regardless of Lessor's consent, no subletting or assignment shall release Lessee of its obligations or alter the primary liability of Lessee to pay the rent and to perform all other obligations to be performed by Lessee hereunder. The acceptance of rent by Lessor from any other person shall not be deemed to be a waiver by Lessor of any provision hereof. Consent to one assignment or subletting shall not be deemed consent to any subsequent assignment or subletting.

15. **DEFAULTS.**

15.1 **DEFAULTS.** The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Lessee:

a) The vacating or abandonment of the Premises by Lessee (b) The failure by Lessee to make any payment of rent or any other payment required to be made by Lessee hereunder, as and when due, where such failure shall continue for a period of ten (10) days after written notice hereof from Lessor to Lessee.

(b) The failure by Lessee to observe or perform any of the covenants, conditions, or provisions of this Lease to be observed or performed by Lessee, other than described in paragraph (b) above, where such failure shall continue for a period of thirty (30) days after written notice hereof from Lessor to Lessee; provided, however, that if the nature, of Lessee's default is such that more than thirty (30) days are reasonably required for their cure, then Lessee shall not be deemed to be in default if Lessee commenced such cure within said 30-day period and thereafter diligently prosecutes such cure to completion.

15 JAN 7 11:44 PM 1983

(c) (1) The making by Lessee of any general assignment, or general arrangement for the benefit of creditors; (2) the filing by or against Lessee of a petition to have Lessee adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Lessee, the same is dismissed within sixty (60) days); (3) the appointment of a trustee or receiver to take possession of substantially all of Lessee's assets located at the Premises or of Lessee's interest in this Lease, where possession is not restored to Lessee within thirty (30) days; or (4) the attachment, execution, or other judicial seizure of substantially all of Lessee's assets at the Premises or of Lessee's interest in this Lease, which such seizure is not discharged within thirty (30) days.

15.2 REMEDIES. In the event of any such material default or breach of Lessee, Lessor may at any time thereafter, with or without notice or demand and without limiting Lessor in the exercise of any right or remedy which Lessor may have by reason of such default or breach:

(a) Terminate Lessee's right to possession of the Premises by any lawful means in which case this Lease shall terminate and Lessee shall immediately surrender possession of the Premises to Lessor. In such event Lessor shall be entitled to recover from Lessee all damages incurred by Lessor by reason of Lessee's default including but not limited to, the cost of recovering possession of the Premises; expenses of reletting, including reasonable attorney's fees, and any real estate commission actually paid; the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of such rental loss for the same period that Lessee proves could be reasonably avoided; that portion of any leasing commission paid by Lessor applicable to the unexpired term of this Lease. Unpaid installments of rent or other sums shall bear interest from the date due at the rate of six (6%) percent per annum;

(b) Maintain Lessee's right to possession in which case the Lease shall continue in effect whether or not Lessee shall have abandoned the Premises. In such event lessor shall be entitled to enforce all of Lessor's rights and remedies under this Lease, including the right to recover the rent as it becomes due; or

(c) Pursue any other remedy now or hereafter available to Lessor under the laws or judicial decisions of the State of Arizona, and where Lessee has violated Paragraph 17.1 (b), declare a Landlord's lien on Lessee's personal property located on the Premises. Where a Landlord's lien is declared by Lessor, Lessor may, without notice or demand to Lessee, terminate Lessee's rights to possession of the premises until Lessor has secured sufficient personal property or full payment of rent to satisfy the amount of rent owed. Should Lessor declare a Landlord's lien on the Leased Premises pursuant to this provision, this Lease shall not be considered terminated, and Lessor shall have a right to recover rent as it becomes due.

15.3 DEFAULT BY LESSOR. Lessor shall not be in default unless Lessor fails to perform obligations required of Lessor within a reasonable time, but in no event later than thirty (30) days after

15 JAN 7 1974 L.C. PM 10 59

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

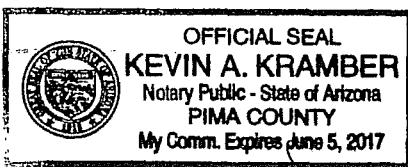
SEE
Attached
Diagram

SECTION 16 Signature Block

I, Christopher James Harris, hereby declare that I am the OWNER/AGENT filing this
(print full name of applicant)

application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X [Signature]
(signature of applicant listed in Section 4, Question 1)



My commission expires on June 5, 2017
Day Month Year

State of Arizona County of Pima

The foregoing instrument was acknowledged before me this

29th of January, 2015
Day Month Year

[Signature]
signature of NOTARY PUBLIC

15 JAN 30 11:00 PM

AGRAM :

07100206

50 Acres

20 NOV 20 4 10 22

8' High SHEET METAL FENCING

PARKING

RACE
TRACK
(no Alcohol)
sold
in this area

GRANDSTAND

LIQUOR
STORAGE

GRANDSTAND

GRANDSTAND

GRANDSTAND

LIQUOR
STORAGE

CONCESSION STANDS

PARKING

TICKET
ENTRANCE & BOOTH

EXIT

8' High SHEET
METAL FENCING
(surrounding property)

15 JAN 7 11:00 PM

8' High SHEET METAL FENCING