

**ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY
RESOLUTION 2009-07**

A RESOLUTION OF THE ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND SIGN ALL DOCUMENTS NECESSARY FOR A SETTLEMENT WITH JAGUAR DEVELOPMENT RESULTING IN THE DISMISSAL OF THE THIRD PARTY LAWSUIT AGAINST ACDA, THE CANCELLATION OF THE PERSONAL GUARANTEES ON THE JAGUAR NOTE TO ACDA, AND FORECLOSURE GOING FORWARD, ENABLING ACDA TO BID AT THE SALE AND ACQUIRE THE LOTS OF THE SUBDIVISION AND AUTHORIZATION TO PAY JAGUAR DEVELOPMENT UP TO \$300,000 TO SATISFY ITS CREDITORS TO ACCOMPLISH THIS SETTLEMENT

WHEREAS, Jaguar Development Group currently has a suit against ACDA for third party claims and damages;

WHEREAS, Jaguar Development Group is in default on a loan to Northrim Bank in the approximate amount of \$3.9M and a foreclosure sale date of March 12, 2009 was scheduled;

WHEREAS, Jaguar Development Group has notified Northrim Bank that it will declare bankruptcy to avoid foreclosure;

WHEREAS, Jaguar has indicated that it might negotiate a settlement, and ACDA is interested in a settlement;

WHEREAS, Northrim Bank has postponed foreclosure for one week to enable negotiations to proceed;

WHEREAS, The elements of a settlement are as follows:

- ACDA will pay an amount not to exceed \$400,000 to Jaguar to be paid to AIC in partial settlement of its claim;
- ACDA will cancel its note from Jaguar Development;
- Jaguar Development will dismiss all third party claims against ACDA with prejudice and release ACDA from all claims related to the property
- Jaguar Development will not file bankruptcy and the foreclosure will proceed;

ACDA will complete the subdivision and market lots;

Proceeds from lot sales will go

1. To ACDA for all monies owing on the property surviving foreclosure and all costs to complete
2. To Northrim Bank in payment of all monies owed
3. Proportionately to ACDA and subcontractors owed monies by Jaguar
4. To ACDA

NOW THEREFORE, the ACDA Board of Directors resolves to approve:

1. A RESOLUTION OF THE ANCHORAGE COMMUNITY DEVELOPMENT AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND SIGN ALL DOCUMENTS NECESSARY FOR A SETTLEMENT WITH JAGUAR DEVELOPMENT RESULTING IN THE DISMISSAL OF THE THIRD PARTY LAWSUIT AGAINST ACDA, THE CANCELLATION OF THE PERSONAL GUARANTEES ON THE JAGUAR NOTE TO ACDA, AND FORECLOSURE GOING FORWARD, ENABLING ACDA TO BID AT THE SALE AND ACQUIRE THE LOTS OF THE SUBDIVISION

2. AUTHORIZATION TO PAY JAGUAR DEVELOPMENT UP TO \$400,000 TO SATISFY ITS CREDITORS TO ACCOMPLISH THIS SETTLEMENT

PASSED AND CERTIFIED THIS 17TH DAY OF MARCH, 2009

APPROVED: _____

Louise Lazur
Louise Lazur, Acting Chair

ATTEST: _____

Ronald T. Pollock
Ronald T. Pollock, Secretary

