

United States District Court, District of Oregon

<p>SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. SUNWEST MANAGEMENT, INC., CANYON CREEK DEVELOPMENT, INC., CANYON CREEK FINANCIAL, LLC. and JOHN M. HARDER, Defendants</p> <p>DARRYL E. FISHER, J. WALLACE GUTZLER, KRISTIN HARDER, ENCORE INDEMNITY MANAGEMENT, LLC, SENENET LEASING COMPANY, FUSE ADVERTISING, INC. KDA CONSTRUCTION, INC., CLYDE HAMSTREET, and CLYDE A. HAMSTREET & ASSOCIATES, LLC, Relief Defendants.</p>	<p>Case No. 09-cv-6056-HO</p> <p>NOTICE OF TIC ELECTION CANCELLATION FORM</p>
<p>In re: STAYTON SW ASSISTED LIVING, L.L.C., (Constituting the Sunwest Unitary Enterprise as determined by the Order Entered on October 2, 2009 in U.S. District Court Case No. 09-cv-6056-HO), Debtor.</p>	<p>USDC Case No. 09-cv-6082-HO</p> <p>Bankruptcy Court Case No. 08- 36637-tmb11 (Reference Withdrawn)</p>

INSTRUCTIONS

This Notice of TIC Election Cancellation Form should be submitted ***only*** in the event that (i) you have previously submitted a Notice of TIC Election Form pursuant to the approved Distribution Plan filed by Michael A. Grassmueck, Receiver, and Clyde Hamstreet, the Chief Restructuring Officer for the Sunwest Enterprise ***and*** (ii) you now wish to cancel your TIC Election and receive the treatment otherwise provided for Investors under the Distribution Plan.

Your completed Notice of TIC Election Cancellation Form may be submitted to BMC Group, Inc. by completing the form online at <http://www.bmcgroup.com/sunwest>, or by mailing paper copies to BMC Group at:

By regular US mail:
Sunwest Management, Inc.
c/o BMC Group Inc.
PO Box 3020
Chanhassen, MN 55317-3020

By messenger or overnight courier:
Sunwest Management, Inc.
c/o BMC Group Inc.
18750 Lake Drive East
Chanhassen, MN 55317

Your completed Notice of TIC Election Cancellation Form must be received **no later than November 30, 2010, in order to be considered timely**. If the Receiver has questions, you will be contacted by the Receiver.

Investor name: _____

Address: _____

Email: _____

Telephone number: _____

Contact name (including counsel): _____

Address: _____

Email: _____

Telephone number: _____

[] *Check this box if you agree that communications may be transmitted by the Receiver to you via email at the Contact name above.*

The undersigned hereby cancels the TIC Election previously made and now elects to receive the treatment otherwise provided for Investors under the Distribution Plan.

DATE:

Name (print)

Signature

Name (print)

Signature