

Privacy Policy

Surmount Companies LLC, a Delaware corporation (“Surmount” or the “Company”) values our customers and is committed to privacy and transparency on information we collect. Therefore, we want to inform you of our privacy policy setting forth how we handle the information you share with us and/or provide us online and/or through any written documentation submitted as part of a real estate transaction (or potential real estate transaction) and related transactions. The surmount.com website and any associated mobile applications (collectively, the “Site”) is a service of Surmount Companies LLC (“Surmount”), a Delaware corporation. This privacy policy describes how we collect, use, protect, disclose and/or otherwise process the information, including personal information, that you provide. This policy also describes the rights our customers have with regard to any personal information provided, and the choices our customers have with respect to managing such information, including opting out. Please read this Privacy Policy carefully. By accessing or using the Site and/or registering with the Site, you agree to this Privacy Policy.

You must be at least 18 years of age to use this Site. By continuing to use this Site, you represent and warrant that you meet the age eligibility requirement.

This policy is intended to provide our general practices and procedures, and in some cases, different or additional policies and notices about Surmount’s data collection and processing may be provided and apply to your personal information. Therefore, please review any applicable privacy policy when provided.

This Privacy Policy does not apply to employees or certain non-employees, including job candidates who apply for employment with Surmount.

California Residents should be sure to review Section 11, “California Privacy Rights,” for relevant information about the various categories of personal information Surmount collects and discloses, as well as your rights under California privacy laws.

1. Collection of Personal Information

We collect information that you share with us through the use of our Site (including when you create an account with us), via communications with real estate brokers, and/or when you purchase, invest or sell real estate or related investment offerings with Surmount (or inquire about a purchase, invest or sell real estate or related investment offerings). We may also collect information about you through third-party sources, such as social media platforms, brokers, affiliated agents, and any other real estate professionals, brokers and agents, public databases, marketing databases, and other third parties.

Personally Identifiable Information collected may include, but is not limited to, customer’s name, email addresses, telephone and mobile numbers, and, real estate-related information, including any real estate, insurance, lending and title interests and needs.

We collect Personally Identifiable Information when you provide contact information or send other personal information to us. In addition, we collect such information when you submit information to us through any inquiry about our real estate and related investment opportunities or otherwise contact us. Furthermore, we may collect such information when you submit information to us in connection with a real estate search or during the purchase or sale of real estate and related investment opportunities. Finally, we may collect or receive Personally Identifiable Information from third parties such as brokers, affiliated agents, and any other real estate professionals, brokers and agents, public databases, social media platforms, and other third parties.

We may also collect **Non-Personally Identifiable Information**, which is information that does not personally identify you. Non-Personally Identifiable Information can include IP addresses, the type of browser and operating system being used, search terms used on our Site (or through any mobile application), domain name of your internet service provider, specific web pages you visit on our Site, the duration and frequency of your visits to our Site, location information and third-party websites from which your visit originated.

Such information may be collected through the use of our Site and related services, and in certain instances from third parties (payment processors, data providers, etc.). We will seek your consent or give you certain choices prior to collecting or using such personal information where required by law.

Please note, this Privacy Policy does not cover the collection of Personally Identifiable Information and/or Non-Personally Identifiable Information by other companies and other applications, and we are not responsible for their activities and how they handle the collection of such information.

2. Purposes of Processing Personal Information

Surmount collects, uses, discloses and otherwise processes personal information for various purposes depending on the circumstances. Pursuant to certain laws, Surmount is required to inform you of the legal basis for processing personal information. Accordingly, we process personal information for the purposes set forth below:

- Personalizing customer experiences and content, including personalizing your experience on the Site and tailoring content on the Site. (Legal basis: in furtherance of our legitimate business interests)
- Providing our services to our customers and potential customers, including facilitating communications with brokers, affiliated agents, and any other real estate professionals, brokers and agents; communicating with customers and potential customers about accessing and using our Site and related services we offer; performing contracts; responding to customer or potential customer inquiries and requests for information (including regarding types of investment opportunities); notifying customers and potential customers of new services and product offerings of Surmount; and other customer (or technical) support. (Legal basis: in furtherance of our legitimate business interests and performing pursuant to a contract)

- Evaluating and improving the usability and accessibility of our Site and any related services and business of Surmount as well as maintaining and designing the Site. This includes understanding how our users access and use our Site, whether and how to develop and improve our Site and related services and business offerings, other research and analytical purposes (such as reviewing traffic patterns and learning about the usage of the Site), and any other related legitimate business purposes. (Legal basis: in furtherance of our legitimate business interests)
- Providing marketing, advertising and other promotional information and materials (including but not limited to through emails, newsletters, and ad campaigns) that is relevant for our customers and potential customers, including evaluating and improving the effectiveness of such endeavors. (Legal basis: in furtherance of our legitimate business interests)
- Planning and addressing any actual or contemplated merger, acquisition, asset sale or transfer, reorganization, or other business transaction. (Legal basis: in furtherance of our legitimate business interests and/or compliance of law)
- Addressing internal operations, audits, and corporate governance matters. (Legal basis: in furtherance of our legitimate business interests and/or compliance of law)
- Responding to actual or potential legal matters and claims, including anticipated litigation, and/or defending or protecting Surmount's rights or interests. (Legal basis: in furtherance of our legitimate business interests and/or compliance of law)
- Complying with legal process and obligations, including but not limited to court orders, subpoenas, warrants, and any regulatory or law enforcement demands and requests. (Legal basis: in furtherance of our legitimate business interests and/or compliance of law)

3. Sharing and Disclosure of Information Collected

Surmount may have business purposes for disclosing your personal information to third-party service providers ("Service Providers"), but only as reasonably necessary for the above-mentioned purposes and to the extent directed or otherwise authorized by you. Disclosures of your voluntarily shared Personally Identifiable Information to our Service Providers will be primarily to connect you with brokers, affiliated agents, and any other investment and/or real estate professionals, brokers and agents; to inform you about Surmount's products, services and other real estate offerings; to conduct and coordinate marketing and promotions; to maintain updated customer information; to analyze and store data; or to otherwise provide services in the sale or purchase of real estate and related investment opportunities. In addition, Surmount may disclose Non-Personally Identifiable Information to assist in analyzing traffic and trends in usage, implementing targeted promotional activities, and improving Surmount offerings and services. The Service Providers are provided with only the information necessary to perform the requested services, and Surmount only authorizes such providers to use this information to carry out Surmount's requests. In addition, please note that Surmount reserves the right to disclose

your personal information under limited circumstances as required by law or legal process, including to cooperate with law enforcement or judicial authorities, to protect Surmount's legal rights, or protect the public. Please see Section 7, Rights and Choices including "Opt-Out," for opt-out options.

Surmount will not sell your personal information or otherwise use such information in any manner outside of the scope of this Privacy Policy without your prior approval.

Surmount utilizes commercially reasonable security procedures and practices to safeguard your privacy. However, we cannot guarantee the security of any information you provide, and Surmount accepts no responsibility or liability for the activities of third parties. Please see our Terms of Use for further information.

4. Cookies, Tracking Technologies, and Analytics

As is common practice, when you visit our Site (or any mobile application), Surmount may collect information through the use of cookies (first and third parties), plug-ins, web beacons, and other tracking technologies (e.g., small files placed on your computer by consumer applications). Such cookies collect information on usage of websites, time on the Site, pages visited on the Site, any language preferences, and other anonymous traffic data. We utilize this technology to customize our customers' online experience, track our customers' use of our system to improve experiences on our Site, facilitate navigation on our Site, and assess our advertising campaigns. By continuing to use and/or browse our Site, you are agreeing to our use of cookies.

Customers may refuse to accept cookies and manage their preferences regarding cookies (other than those that are necessary to the functionality of the Site) by clicking the "Cookie Preferences" hypertext link located at the bottom of this Site. Please note that if you select the option refusing to accept cookies, this may affect the functioning of our Site and any related services.

To the extent it applies, you may also obtain more information about targeted or "interest-based advertising" and opt out of many ad networks at the industry websites below:

US: <https://youradchoices.com>

Canada: <https://youradchoices.ca>

EU: <https://youonlinechoices.eu>

5. Processing Location

Surmount processes personal information in the United States.

6. Data Retention

Surmount will retain personal information for the period necessary to fulfill the purposes outlined in its Privacy Policy unless a longer retention time period is required or permitted by law. For instance, when required by our legal and regulatory obligations, professional

indemnity obligations, or when Surmount believes it is necessary to establish, defend, or protect its legal rights and interests (or those of others), Surmount may retain personal information for longer. With regard to data and files we handle as a processor, Surmount retains this personal information in accordance with customers' instructions.

7. Rights and Choices Including "Opt-Out"

We are committed to respecting the privacy rights of our Site users under all privacy laws applicable to Surmount. As such, you have several ways to exercise certain privacy choices regarding any personal information processed by Surmount.

Cookies. Please see Section 4, "Cookies, Tracking Technologies, and Analytics," above to update your choices.

Marketing. To opt out of marketing-related communications on a forward basis, you have several options. You can either utilize the unsubscribe function on any email communication received from Surmount or you can contact Surmount. We will respond to your request as soon as reasonably practicable, and Surmount may still send limited messages for administrative purposes only.

Amendments, Deletions and Access. If you would like to make amendments, request deletions, or in any other way exercise your rights under applicable privacy laws regarding your personal information, you can submit a verifiable request via:

- Email to: dataprivacy@surmount.com
- Mail to: Surmount, 275 Madison Avenue, 13th Floor, ATTN: DATA PRIVACY, New York, NY 10016

The request will be processed in accordance with any applicable law. Surmount will need to verify your identity before implementing and processing such request, which can include linking any personally identifiable information with the linked email address. The request will be processed based on the personal information in our records that is linked or reasonably linkable to the information provided in your request. In certain circumstances, we may request additional information to verify and/or process your request. In certain circumstances, we may not be able to process your request, and you will be notified. We can process authorized agent requests upon proper authorization of the agent and possibly the underlying requestor. In addition, certain information may need to be maintained for recordkeeping purposes, to complete a transaction, to be maintained as non-removeable residual information in our records, or for any other lawful purposes. This request may take some time, but Surmount will endeavor to process such as soon as reasonably practicable.

Please note, if you activated an account with Surmount, you can deactivate it at any time by utilizing the deactivation feature in the account services or by contacting us as indicated above. This request may take some time, but Surmount will endeavor to process such as soon as reasonably practicable.

8. Children

Our Site (and any mobile applications) and our other services, products and technology solutions (collectively, the “Services”) are not intended for or directed to children under the age of 18, and Surmount does not knowingly collect any personal information or knowingly track the use of our Services by children. If Surmount has actual knowledge that personal information regarding any child under the age of 18 has been collected, then Surmount will take appropriate steps to try to delete such personal information.

9. Third-Party Websites

Surmount’s Services may contain links to third-party services. Surmount does not own, operate or control the websites of third parties. Accordingly, this Privacy Policy does not apply to any services maintained or operated by third parties. Should you click on third-party links and go to a third-party website, you will be subject to that service’s Privacy Policy and any terms of use, and you are encouraged to read those policy statements. We are not responsible for the privacy practices of other services, and we expressly disclaim any liability for their actions, including related to the use and disclosure of personal information by such third parties.

10. Changes to Privacy Policy

Surmount may revise this Privacy Policy at any time without notice. You are responsible for regularly reviewing the current Privacy Policy. The most current version of the Privacy Policy can be reviewed by clicking on the “Privacy Policy” hypertext link located at the bottom of this Site. Your continued access and/or use of the Site after Surmount posts any revised Privacy Policy constitutes your agreement to any such revised terms of use.

11. California Privacy Rights

As required under California privacy laws, including the California Privacy Act (“CCPA”), California residents receive certain information about how Surmount handles their personal information, whether collected online or offline. Accordingly, please find below the categories of personal information that we collect, use and disclose about California residents, which will vary depending on the circumstances and relationship with each resident. However, please note that personal information does not include publicly available information made lawfully available by local, state and federal governments, or any other information that is exempt under the CCPA.

The table provides general categories of personal information, as defined by the CCPA, that Surmount collects, sells, and discloses for business purposes. We also set forth below the sources and purposes.

Do we collect?	Categories of Personal Information	Purposes for Collection
Yes	Identifiers. For example: real name, address, email address, unique personal/online identifier, IP address, cookie session identifier, or other similar identifiers	<ul style="list-style-type: none"> • To fulfill or meet the reason for which the information is provided • Servicing transactions and accounts • To share the personal information with Service Providers to carry out other business purposes
Yes	Commercial Information. For example: records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies	<ul style="list-style-type: none"> • To fulfill or meet the reason for which the information is provided • Servicing transactions and accounts • Undertaking internal research for technological development and demonstration • To share the personal information with Service Providers to carry out other business purposes
Yes	Personal Information. For example: name, address, telephone number, education, employment history, signature (Categories from Cal. Civ. Code § 1798.80(e))	<ul style="list-style-type: none"> • To fulfill or meet the reason for which the information is provided • Servicing transactions and accounts • To share the personal information with Service Providers to carry out other business purposes

Do we collect?	Categories of Personal Information	Purposes for Collection
Yes	Internet or Other Similar Network Activity. For example: browsing history, search history, and information regarding a consumer's interaction with an Internet Web site, application, or advertisement	<ul style="list-style-type: none"> • To fulfill or meet the reason for which the information is provided • Servicing transactions and accounts and providing services on behalf of business or service Providers • Short-term data used for current interaction that is not used to build a profile • Undertaking internal research for operational purposes, technological development and demonstration • Undertaking activities to improve, verify or maintain the quality or safety of a service or device that is owned, manufactured by, manufactured for, or controlled by Surmount • To share the personal information with Service Providers to carry out other business purposes
Yes	Professional or Employment-Related Information. For example: title, position, compensation, and current and past job history	<ul style="list-style-type: none"> • To fulfill or meet the reason for which the information is provided • Short-term data use for the current interaction that is not used to build a profile • To share the personal information with Service Providers to carry out other business purposes
Yes	Geolocation Data. For example: information that can be used to determine a device's physical location	<ul style="list-style-type: none"> • For our internal operation purposes • Fraud and security detection • Debugging to identify and repair errors • Undertaking activities to improve, verify or maintain the quality or safety of a service or device that is owned, manufactured by,

Do we collect?	Categories of Personal Information	Purposes for Collection
		<p>manufactured for, or controlled by NNN.</p> <ul style="list-style-type: none"> To share the personal information with Service Providers to carry out other business purposes
No	Characteristics. For example: national origin, age (40 and over), gender, or familial status (CA or Federal Protected Classifications)	
No	Biometric Information. For example: photos indicating a physical likeness and keystroke patterns	
No	Sensory or Surveillance Data. For example: audio, electronic, visual, thermal, olfactory, or similar information that can be linked or associated with a particular consumer or household	

Sensitive Personal Information (CA CCPA)

Do we collect?	Categories of Sensitive Personal Information	Purposes for Collection
No	Social security number, driver's license, state identification card, or passport number	

Yes	Account log-in, password, or credentials allowing access to an account	<ul style="list-style-type: none"> • To fulfill or meet the reason for which the information is provided • Servicing transactions and accounts and providing services on behalf of business or service providers, such as maintaining accounts, providing customer service, providing financing, verifying customer information, processing payments, providing analytics services, storage, and fulfilling orders
Yes	Geolocation	<ul style="list-style-type: none"> • To detect, prevent, and investigate security incidents involving your information • To investigate or curtail malicious, fraudulent, or illegal actions directed at us and to prosecute those responsible • To enhance your experience on our website in real time, so long as we do not disclose your information to a third party • To perform services or provide goods you request and reasonably expect from us
Yes	Contents of a consumer's mail, email, and text messages, unless we are the intended recipient of the communication (for example, if an email intended for another recipient was forwarded to you)	<ul style="list-style-type: none"> • Servicing transactions and accounts and providing services on behalf of business or service providers, such as maintaining accounts, providing customer service, providing financing, verifying customer information, processing payments, providing analytics services, storage, and fulfilling orders
No	Biometric information for the purpose of unique identification	

No	Health information	
No	Racial or ethnic origin	

Surmount may disclose any of the above categories of personal information collected from you to other third parties as consented and/or directed by you, or where necessary to complete any of your specific requests to Surmount.

Sale and Sharing.

The CCPA defines a “sale” as making or disclosing personal information to a third party in exchange for monetary or other valuable consideration, and “sharing” broadly includes disclosing or making available personal information to a third party for purposes of cross-context behavioral advertising. While we do not disclose personal information to third parties in exchange for monetary compensation, Surmount may “sell” or “share,” as defined by the CCPA: (i) identifiers, usage data, customer records, commercial information and profiles with Surmount’s affiliates, for purposes including, but not limited to, improving their records, and (ii) identifiers, usage data and commercial information to social media platforms, data analytics providers and ad networks, for purposes including, but not limited to, improving our marketing and ad campaigns.

Retention.

Surmount will retain your personal information for the period of time necessary to fulfill the purposes addressed in this Privacy Policy or as otherwise disclosed to you at the time of the collection, unless a longer period of time for retention is necessary, including as permitted and/or required by law.

Rights of California Residents.

California residents, in general, have the following rights under the CCPA:

With respect to any personal information collected and maintained by NNN:

- **Non-Discrimination.** No discriminatory treatment for exercising any rights under the CCPA.
- **Correction.** Ability to request correction of inaccurate personal information.
- **Deletion.** Ability to request the deletion of personal information, subject to certain exceptions.
- **Opt-out -Sales and sharing.** Ability to opt out of Surmount’s sale and sharing of personal information.
- **To Know and Access.** Ability to know what personal information is collected by Surmount – categories of personal information, sources from which such information is collected, business and commercial purpose for the collection, sale, and/or sharing of such information, third parties to whom personal information is disclosed, and specific personal information collected.

- **Limits on Use and Disclosure -Sensitive Personal Information.** Ability to limit Surmount's use or disclosure of sensitive personal information to only those authorized users under the CCPA.

CCPA Requests.

California residents can exercise their CCPA privacy rights as set forth above by sending a verifiable request to Surmount via:

- Email to dataprivacy@surmount.com
- Mail to Surmount, 275 Madison Avenue, 13th Floor, ATTN: DATA PRIVACY, New York, NY 10016

The request will be processed in accordance with any applicable law. Surmount will need to verify your identity before implementing and processing such request, which can include linking any Personally Identifiable Information with the linked email address and/or matching the information you provide with the information we have in Surmount's records. The request will be processed based on the personal information in our records that is linked or reasonably linkable to the information provided in your request. In certain circumstances, we may request additional information to verify and/or process your request. In certain circumstances, we may not be able to process your request, and you will be notified. We can process authorized agent requests upon proper authorization by the agent and possibly the underlying requestor. In addition, certain information may need to be maintained for recordkeeping purposes, to complete a transaction, or be maintained as residual information in our records, which is non-removeable, or for any other lawful purposes. We will respond to all CCPA requests within 90 days of receipt. We endeavor to respond to all CCPA requests within 45 days of receipt and will notify you if we are unable to do so.

Rights under California Shine the Light Law.

California residents may also request from businesses with whom they have an established business relationship the following information:

- A list of categories of personal information – name, address, email address, and types of services provided to the customer – that a business has disclosed to third parties during the immediately preceding calendar year for the third parties' direct marketing purposes, and
- Names and addresses of all such third parties.

Any requests for such information should be directed to the contact information above. Such requests will be responded to within thirty (30) days.

Right to Change Our Privacy Policy.

Surmount reserves the right to amend its Privacy Policy at its discretion at any time. We will post an updated policy on this Site. Any continued use of our Site or Services following the posting of the updated policy constitutes your acceptance of such changes.

12. Privacy Rights of Other US States

Residents of certain US states, including Virginia, Connecticut, Colorado, and Utah, may have additional rights under applicable privacy laws, subject to certain limitations. Such rights may include:

- **Deletion.** The option to delete personal information provided to or obtained by Surmount.
- **Opt-Out.** The ability to opt out of certain types of processing, such as (a) “sale” of personal information, (b) targeted advertising, and (c) processing of personal information for purposes of making decisions that produce legal or similarly significant effects (if applicable).
- **Correction.** The ability to correct any inaccuracies in a customer’s personal information.
- **Access.** The ability to confirm whether Surmount is processing personal information and obtain a copy of such personal information (which will be portable and in a readily usable format, to the extent technically feasible).

Any request to exercise your privacy rights under these privacy laws, may be submitted to the following:

- Email to: dataprivacy@surmount.com
- Mail to: Surmount, 275 Madison Avenue, 13th Floor, ATTN: DATA PRIVACY, New York, NY 10016

Please see Section 4, “Cookies, Tracking Technologies, and Analytics,” for further information on opting out of targeted advertising through the use of Cookie opt-out options. Surmount will respond to such above requests as required under applicable law(s) and as soon as reasonably practicable. Any denial may be appealed by submitting a verifiable request via the above email and mail options.

Dated: February 2024