

**CLARK & WARNECKE LAW LLC**  
**214 West 2<sup>nd</sup> Street**  
**Delphos, Ohio 45833**

**PRELIMINARY CERTIFICATE OF TITLE OPINION**

Prepared for: Dye Real Estate & Land Company

This certifies that the undersigned, Clark & Warnecke Law LLC, attorneys-at-law, have performed an examination and search of all the public records and public indexes of Shelby County, Ohio, relative to the real estate described in Schedule A hereof, said examination and search extending back over a period of not less than Forty (40) years. After performance of such examination, it is the opinion of the undersigned that, subject to the mortgage(s), lien(s), and other matters disclosed and shown under Schedule B hereof, that the fee simple marketable title to the real property described in Schedule A hereof was, as of the date of this certificate, indefeasible vested in:

**Bruce W. Smith and Connie Sue Smith**, husband and wife, who claim title by warranty deed with rights of survivorship, dated September 23, 2014, and recorded September 24, 2014, at 12:13 PM in OR 1966, Page 306, **Gary L. Durst and Mary Jane Durst**, husband and wife, who claim title by warranty deed with rights of survivorship, dated September 23, 2014, and recorded September 24, 2014, at 12:11 PM in OR 1966, Page 304, and **Sharon Ann Lucas and Dennis C. Lucas**, husband and wife, who claim title by warranty deed with rights of survivorship, dated August 29, 2011, and recorded August 30, 2011, at 3:50 PM in OR 1828, Page 479, in the records of the Shelby County, Ohio Recording Office.

This certificate does not purport to cover the following: (a) Matters not of record, (b) Rights of persons in possession, (c) Rights to file mechanic's liens, (d) Special taxes and assessments not shown by the County Treasurer's Records, (e) Zoning and other governmental regulations, (f) Liens asserted by the United States and the State of Ohio, their agencies and Officers under the Ohio Solid and Hazardous Waste and Disposal Act and Federal Super Fund Amendments and under Racketeering Influence and Corrupt Organization acts and receivership liens, unless the lien is filed in the public records of the County in which the property is located, (g) Matters which might be disclosed by a search of Federal Court Records, (h) Future special assessments on the tax duplicate occasioned by past due water bills, sewer bills, weed cutting charges, property clean-up and building maintenance charges assessed by any governmental entities located in Shelby County.

## **SCHEDULE A**

### **ACCURATE DESCRIPTION OF PROPERTY**

Situated in the Township of Orange in the County of Shelby and the State of Ohio:

Being seventy (70) acres off the north side of the northwest quarter of Section 1, Town 1, Range 13, MRS, in the Township, County and State aforesaid.

SUBJECT TO LEGAL HIGHWAYS AND EASEMENTS, CONDITIONS, AND RESTRICTIONS OF RECORD.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Being located in the Northwest Quarter of Section 1, Town 1, Range 13, B.M.R.S., Orange Township, Shelby County, Ohio, and being more fully described as follows:

Beginning at an iron pin found in the northeast corner of the northwest quarter of Section 1 and being also the intersection of Deam Road (Co. Rd. 38) and Children's Home Road (Co. Rd. 41);

thence, South  $01^{\circ} 06' 11''$  west, 412.00 feet along the east line of the quarter and centerline of Children's Home Road (Co. Rd. 41) to a PK nail, set;

thence, north  $89^{\circ} 24' 33''$  west, 317.25 feet parallel with the north line of the quarter, to an iron pin set, passing for reference an iron pin set at 30.00 feet;

thence, north  $01^{\circ} 06' 11''$  east 412.00 feet parallel with the east line of the quarter to an iron pin set in the north line of the quarter and being also the grantor's north property line;

thence, south  $89^{\circ} 24' 33''$  east, 317.25 feet along the north line of the quarter to the principal place of beginning, passing for reference an iron pin set at 287.25 feet.

Containing 3.001 acres more or less and being subject to all legal highways and easements of record.

The above description was prepared by Steven E. Bowersox, Ohio Professional Surveyor Number 7059, January 10, 1992 based on a survey performed by same on January 9, 1992. The bearings used above were based on an assumed meridian to denote angles only.

SUBJECT TO LEGAL HIGHWAYS AND EASEMENTS, CONDITIONS, AND RESTRICTIONS OF RECORD.

Containing after said exception, 66.999 acres of land, more or less.

Auditor's Parcel Number: 36-2201100.001

## **SCHEDULE B**

1. **RECORDED MORTGAGES OR DEEDS OF TRUST:**

None.

2. **MECHANICS OR MATERIALMEN'S LIENS:**

None.

3. **JUDGMENTS, FOREIGN EXECUTIONS OR CERTIFICATES OF JUDGMENT:**

None.

4. **LAND CONTRACTS OR RECORDED LEASES:**

None.

5. **SUITS PENDING OR LIS PENDENS AFFECTING TITLE:**

None.

6. **PARTY WALL AGREEMENTS AND EASEMENTS:**

The right of way easement from Robert V. Stockstill and Goldie E. Stockstill, husband and wife, to Mary E. Tompkins, dated December 15, 1941, and recorded January 11, 1943, at 1:05 PM in Misc. Volume 3, Page 604 in the records of the Shelby County, Ohio Recording Office. This right of way was assigned to Pioneer Rural Electric Cooperative, Inc., dated January 12, 1942, and recorded January 11, 1943, at 1:05 PM in Misc. Volume 3, Page 604 in the records of the Shelby County, Ohio Recording Office.

The right of way easement from Robert V. Stockstill and Goldie E. Stockstill, husband and wife, to the Dayton Power and Light Company, dated July 28, 1958, and recorded September 9, 1958, at 11:44 PM in Misc. Volume 7, Page 116 in the records of the Shelby County, Ohio Recording Office.

7. **ENFORCEABLE RESTRICTIONS:**

None.

8. **OTHER CONDITIONS AFFECTING TITLE:**

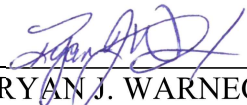
None.

9. TAXES:

Real estate taxes in the amount of \$1,418.99 for the first half of tax year 2024 are paid. A special assessment in the amount of \$17.71 for Elsinore Brush Creek Ditch for the first half of tax year 2024 is paid. A special assessment in the amount of \$.50 for Main District Conservancy for the first half of tax year 2024 is paid. Real estate taxes in the amount of \$1,418.99 for the second half of tax year 2024 are now due and payable and are a lien on the property. A special assessment in the amount of \$17.71 for Elsinore Brush Creek Ditch for the second half of tax year 2024 is now due and payable and is a lien on the property. A special assessment in the amount of \$.50 for Main District Conservancy for the second half of tax year 2024 is now due and payable and is a lien on the property. Real estate taxes and assessments for the tax year 2025 are not yet due and payable but are a lien on the property.

NOTE: The above-described real estate is presently under CAUV. Attention is called to the fact that there could be a possible recoupment of taxes if this property no longer is eligible for said benefit. The real estate described herein appears on the Agricultural Land Tax List. No liability is assumed herein for any lien which may arise by reason of the real estate being included on said list.

**TITLE EXAMINED TO, AND THIS CERTIFICATE DATED THIS 3<sup>rd</sup> DAY OF JULY 2025, AT 8:00 A.M.**

  
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RYAN J. WARNECKE  
Attorney at Law