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July 27, 2016

Vicky
Beckort Auctions LLC

Re: Thomas Fanning and Cynthia Fanning

You inquired about who would have access to the 5.5 acre "right of way". I believe the question of ownership of this right of way could be in dispute. It is my opinion that the Courts could reasonably go either way when determining ownership of this piece of real estate. The surveyor included it in the Fannings taxes because a long narrow strip is sometimes called a right of way and the end of the legal description purports to transfer 55.5 acres. His position is that "right of way" describes the shape of the parcel rather than describing the ownership interest in the parcel. This makes sense but I cannot guarantee how a judge would decide. Also, the deed to the Fannings purports to give a "right of way" "ACROSS" the real estate which seems to be limiting the ownership interest.

Based on the question of ownership and the existence of the neighbor's driveway on the 5.5 acre tract, I do not believe that the Fannings could restrict the neighbors access to the "right of way" without the possibility of incurring significant legal fees.

Thank you,

A handwritten signature in blue ink that reads "Lewis Maudlin".

Lewis Maudlin