

OHIO

OHIO RIVER

NORTH

QUINCY  
EXIT

KY 8

QUINCY

Briery Creek Rd.

"AA" HWY

Approximate  
Boundaries of the  
Subject  
Property

APPROXIMATE  
BOUNDARIES  
160 ACRES (+/-)  
BRIERY CREEK ROAD  
QUINCY, LEWIS CO., KY.  
OWNER: NICOLE M. STEPHENSON

Boundaries shown are based on comparison  
to plat of deed calls and on the subtle shadows  
and shadows observable in aerial photograph that  
delineate areas of ridges and indications of timber cuttings.  
Boundaries are approximate, not guaranteed.



## **LEGAL DESCRIPTION**

A certain tract or parcel of land lying and being in Lewis County, Kentucky, on the waters of Briery Creek, and described as follows:

Beginning at the mouth of Rocky Branch; thence up the branch to the old county road; thence with the old county road N. 18 W. 97 ft.; N. 47 W. 180 ft.; N. 58 W. 92 ft.; N. 53 W. 93 ft.; N. 59 W. to a stake; thence leaving the road and up the hill with an old fence N. 24 E. 152 ft.; N. 39 E. 129 ft.; N. 52 N. 124 ft.; N. 66 E. 40 ft.; N. 53 E. 97 ft.; N. 48 E. 137 ft.; N. 67 E. 164 ft.; N. 59 E. 99 ft.; N. 75 E. 55 ft.; N. 69 E. 142 ft. to a hickory; N. 23 E. 219 ft. to a hickory on top of the ridge; thence with the ridge S. 70 E. 700 ft.; N. 70 E. 1375 ft.; S. 2 E. 850 ft.; S. 80 E. 500 ft.; S. 6 W. 550 ft.; S. 71 E. 600 ft.; S. 28 W. 550 ft.; S. 58 W. 500 ft.; S. 24 W. 300 ft.; N. 70 W. 675 ft. to a chestnut oak on top of the ridge, a corner to Tim Vanbibber; thence down the hill with his line S. 45 W. 1000 ft. to the mouth of a drain; thence down and with Briery Creek N. 38 W. 450 ft. to a stake, a corner to William Ruggles; thence up the hill with the line of Ruggles N 33 E. 1200 ft. to a stone; N. 70 W. 330 ft.; N. 60 W. 660 ft.; N. 80 W. 1056 ft. to the place of beginning, containing 160 acres, more or less, as surveyed by W. John Everman, Registered Land Surveyor, on July 16, 1980.

Grantors further assign and transfer unto Grantees all of their right, title and interest in and to that certain Right of Way Agreement by and between William H. Ruggles, et ux., with Keith P. Chapman, et. ux. and James Carter Chapman, et ux., dated April 2, 1998, and recorded in Deed Book 179, page 633, Lewis County Clerk's Records.

Being the same property conveyed to Ralph H. Brown and Delores J. Brown, his wife, by deed from Keith P. Chapman, et al., dated the 9<sup>th</sup> day of April, 1998, and recorded at Deed Book 179, page 636, Lewis County Clerk's Records.

## **RIGHT OF WAY AND AGREEMENT**

This **Right of Way and Agreement**, made and entered into this 2<sup>nd</sup> day of April, 1998, by and between WILLIAM E. RUGGLES and DELLA RUGGLES, his wife of Quincy, Kentucky (hereinafter referred to -as Ruggles), KEITH P. CHAPMAN and DEBORAH CHAPMAN, his wife and JAMES. CARTER CHAPMAN and KAREN CHAPMAN, his wife, (hereinafter collectively referred to as Chapmans).

Whereas, the parties own real estate located near Briery Road in Lewis County, Kentucky, and they by this Right of Way and Agreement, intend to settle any misunderstanding and prevent any future disagreement as to the ownership and use of a section of property and an access road which is usable as access to owners of both properties;

NOW, THEREFORE THE PARTIES GRANT AND AGREE AS FOLLOWS:

**That the parties acknowledge that Chapmans' property line does not begin at Rocky Creek but in an old white oak stump located approximately 250 feet from Briery Road.**

**That Ruggles hereby grant unto Chapmans, their successors, transferees, heirs and assigns, the right and privilege to utilize for ingress and egress, without obstruction, a 25 foot right of way running approximately 250 feet from Briery Road to the Chapman property line, which begins at the aforementioned white oak stump.**

**Chapman, or his successors, transferees, heirs and assigns, are further granted the privilege to construct, maintain and utilize a bridge across Briery Creek for purposes of ingress and egress, to the Chapman property.**

**Ruggles, their successors, transferees, heirs and assigns retain and are granted the perpetual right to utilize the above-mentioned right of way and bridge to as a means of ingress and egress to the Ruggles property.**

**The parties hereto can freely assign and transfer their rights pursuant to this Right of Way and Agreement to subsequent owners of the real property affected hereby.**

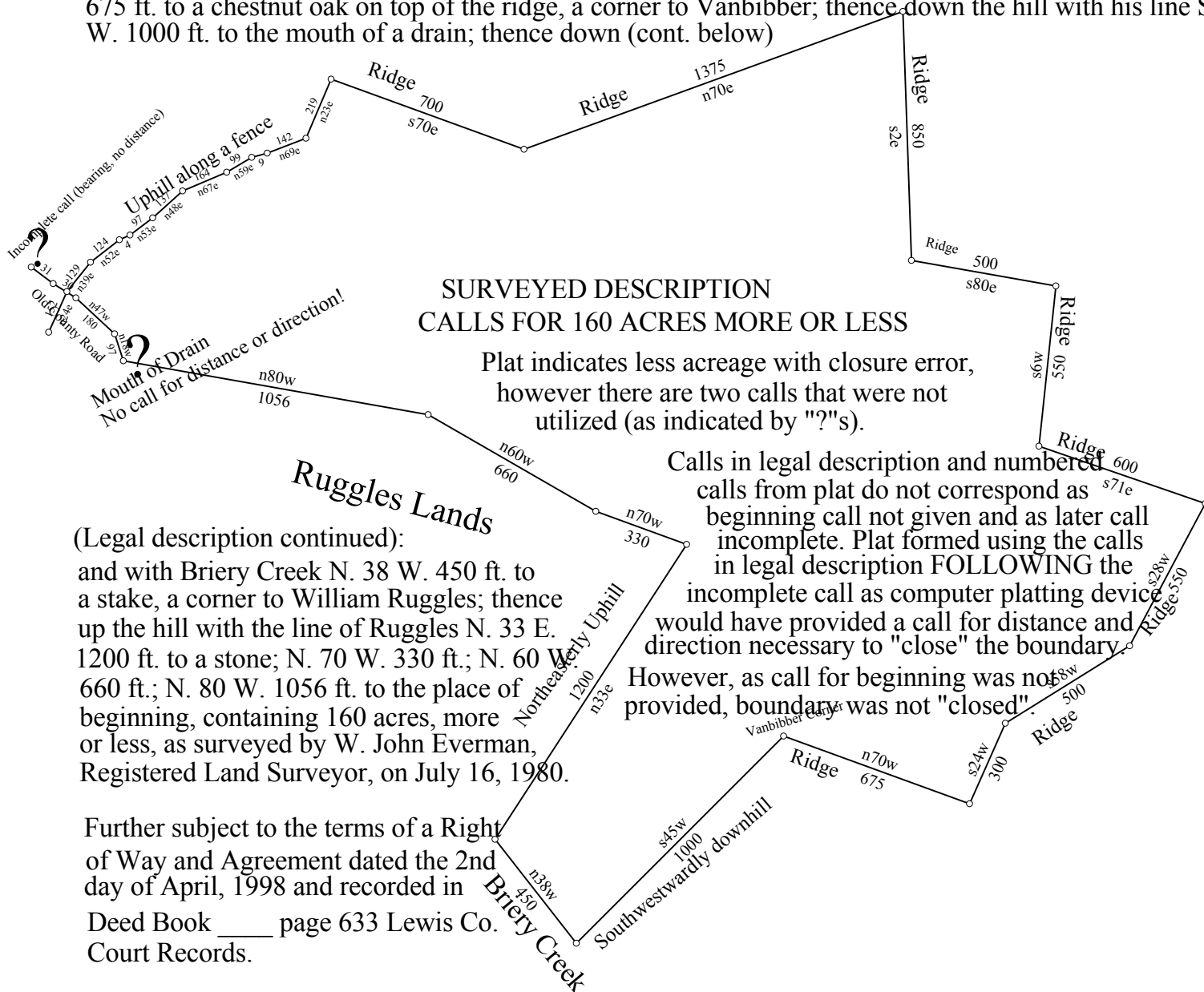
This Right of Way and Agreement relates to Tract No. 2 of the real estate described in that certain deed from Donald Kamer, et. ux. to William E. Ruggles, et. ux., dated December 2, 1972 and recorded at Deed Book 119, page 289, Lewis County Clerk's Records, and the deed from Fred Jordan, Jr., et. ux. to Keith P. Chapman and James Carter Chapman, dated March 11, 1995, and recorded at Deed Book 170, page 357 Lewis County Court Records.

# PLAT OF DEED CALLS (SEE NOTES RELATED TO DISCREPANCIES BELOW)

NICOLE STEVENSON PROPERTY, 160 ACRES BY DEED, NEAR BRIERY/QUINCY, LEWIS CO., KY

LEGAL DESCRIPTION: A certain tract or parcel of land lying and being in Lewis County, Kentucky, on the waters of Briery Creek, and described as follows:

Beginning at the mouth of Rocky Branch; thence up the branch to the old county road; thence with the old county road N. 18 W. 97 ft.; N. 47 W. 180 ft.; N. 58 W. 92 ft.; N. 53 W. 93 ft.; N. 59 W. to a stake; thence leaving the road and up the hill with an old fence N. 24 E. 152 ft.; N. 39 E. 129 ft.; N. 52 E. 124 ft.; N. 66 E. 40 ft.; N. 53 E. 97 ft.; N. 48 E. 137 ft.; N. 67 E. 164 ft.; N. 59 E. 99 ft.; N. 75 E. 55 ft.; N. 69 E. 142 ft.; N. 23 E. 219 ft. to a hickory on top of the ridge; thence with the ridge S. 70 E. 700 ft.; N. 70 E. 1375 ft.; S. 2 E. 850 ft.; S. 80 E. 500 ft.; S. 6 W. 550 ft.; S. 71 E. 600 ft.; S. 28 W. 500 ft.; S. 24 W. 300 ft.; N. 70 W. 675 ft. to a chestnut oak on top of the ridge, a corner to Vanbibber; thence down the hill with his line S. 45 W. 1000 ft. to the mouth of a drain; thence down (cont. below)



## SURVEYED DESCRIPTION CALLS FOR 160 ACRES MORE OR LESS

Plat indicates less acreage with closure error, however there are two calls that were not utilized (as indicated by "?"s).

Calls in legal description and numbered calls from plat do not correspond as beginning call not given and as later call in legal description FOLLOWING the incomplete call as computer platting device would have provided a call for distance and direction necessary to "close" the boundary. However, as call for beginning was not provided, boundary was not "closed".

(Legal description continued):

and with Briery Creek N. 38 W. 450 ft. to a stake, a corner to William Ruggles; thence up the hill with the line of Ruggles N. 33 E. 1200 ft. to a stone; N. 70 W. 330 ft.; N. 60 W. 660 ft.; N. 80 W. 1056 ft. to the place of beginning, containing 160 acres, more or less, as surveyed by W. John Everman, Registered Land Surveyor, on July 16, 1980.

Further subject to the terms of a Right of Way and Agreement dated the 2nd day of April, 1998 and recorded in Deed Book \_\_\_\_ page 633 Lewis Co. Court Records.

## NOTED DISCREPANCIES IN LEGAL DESCRIPTION:

- 1). Actual survey began "at the mouth of Rocky Branch; thence up the branch to the old county road". No bearing for distance or direction was provided.
- 2). An additional bearing (N. 59 W.) along the old county road is not provided with a distance.
- 3). Compare description to Right of Way and Agreement dated April 9, 1998 and recorded in Deed Book \_\_\_\_, Page 633 Lewis County Court Records. Questions regarding whether property fronts on Old County Road and Briery Creek (legal description indicates frontage on both, as well as Rocky Branch --- it appears that there was a disagreement that was settled by the parties whereas claims to portions of the property as surveyed were given up by a former owner, namely relative to the point of beginning.

## Data and Deed Call Listing of File: 160AC.DES

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Tract 1: 132.306 Acres: 535424.4 Sq Meters: Closure = s14.5749e 229.66 feet: Precision =1/57: Perimeter = 13116 feet

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001=n24e 152  
002=n39e 129  
003=n52e 124  
004=n66e 40  
005=n53e 97  
006=n48e 137  
007=n67e 164  
008=n59e 99  
009=n75e 55  
010=n69e 142  
011=n23e 219  
012=s70e 700  
013=n70e 1375  
014=s2e 850  
015=s80e 500  
016=s6w 550  
017=s71e 600  
018=s28w 550  
019=s58w 500  
020=s24w 300  
021=n70w 675  
022=s45w 1000  
023=n38w 450  
024=n33e 1200  
025=n70w 330  
026=n60w 660  
027=n80w 1056  
028=n18w 97  
029=n47w 180  
030=n58w 92  
031=n53w 93

**SELLER DISCLOSURE OF PROPERTY CONDITION**

The information in this form is based upon the undersigned's observation and knowledge about the property during the period beginning on the date of his or her purchase of it on:

October 29, 2006  
(date of purchase)

and ending on January 14, 2007  
(date of this form)

PROPERTY ADDRESS: Brienz Creek Road, Quincy Ky

This form applies to sales and purchases of residential real estate. This form is not required for:

1. Residential purchases of new homes if a warranty is offered;
2. Sales of real estate at auction; or
3. A court supervised foreclosure.

**PURPOSE OF STATEMENT:** Completion of this form shall satisfy the requirements of KRS 324.360 which mandates the seller's disclosure of information about the property he is about to sell. This disclosure is based solely on the seller's observation and knowledge of the property's condition and the improvements thereon. This statement shall not be a warranty by the seller or seller's agent and shall not be intended as a substitute for an inspection or warranty the purchaser may wish to obtain. This is a statement of the conditions and information concerning the property known by the seller. Unless otherwise advised, the seller does not possess any expertise in construction, architectural, engineering, or any other specific areas related to the construction or condition of the improvements on the property. Other than having lived at or owning the property, the seller possesses no greater knowledge than that which could be obtained upon a careful inspection of the property by the potential buyer. Unless otherwise advised, the seller has not conducted any inspection of generally-inaccessible areas such as the foundation or roof. It is not a warranty of any kind by the seller or by any agent representing any seller in this transaction. It is not a substitute for any inspections. Purchaser is encouraged to obtain his or her own professional inspections.

**INSTRUCTIONS TO THE SELLER:** (1) Complete all numbered items. (2) Report all known conditions affecting the property. (3) Attach additional pages, if necessary, with your signature and the date and time of signing. (4) Complete this form yourself or sign the authorization at the end of this form to authorize the licensee to complete this form on your behalf in accordance with KRS 324.360(9).

(5) If some items do not apply to your property, write "not applicable." (6) If you do not know the answer to a question, write "unknown."

**SELLER'S DISCLOSURE:** As seller, I/we disclose the following information regarding the property. This information is true and accurate to the best of my/our knowledge as of the date signed. Seller authorizes the agent to provide a copy of this statement to a person or entity in connection with actual or anticipated sale of the property or as otherwise provided by law. The following are not the representations of the agent.

Please answer all questions. If the answer is yes, please explain. If additional space is needed, use the reverse side or make attachments.

|  |  | YES                                 | NO                                  | UNKNOWN                  |
|--|--|-------------------------------------|-------------------------------------|--------------------------|
| <b>1. HOUSE SYSTEMS</b>  |  |                                     |                                     |                          |
| Any past or current problems affecting:  |  |                                     |                                     |                          |
| (a) Plumbing   | <u>Water pipes froze, then we replaced</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (b) Electrical system  |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Appliances   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Floors and walls   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) Doors and windows  |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (f) Ceiling and attic fans   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) Security system  |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (h) Sump pump  |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (i) Chimneys, fireplaces, inserts  |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (j) Pool, hot tubs, sauna  |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (k) Sprinkler system   |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (l) Heating  | age _____                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (m) Cooling/air conditioning   | age _____                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Explain: _____   |  |                                     |                                     |                          |
| <b>2. FOUNDATION/STRUCTURE/BASEMENT</b>  |  |                                     |                                     |                          |
| (a) Any defects or problems, current or past, to the foundation or slab?   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Any defects or problems, current or past, to the structure or exterior veneer?   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Explain: _____   |  |                                     |                                     |                          |
| (c) Has the basement leaked at anytime since you have owned or lived in the property?  |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (d) When was the last time the basement leaked?  |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (e) Have you ever had any repairs done to the basement?  |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| (f) If you have had repairs done to the basement relative to leaking, when was the repair performed?                               |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Explain: _____   |  |                                     |                                     |                          |
| (g) If the basement presently leaks, how often does it leak? (e.g., every time it rains, only after an extremely heavy rain, etc.) | <u>N/A</u>                                 | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

Initials (Buyer) \_\_\_\_\_ Date/Time \_\_\_\_\_

Initials (Seller) NS Date/Time 1/14/07

10:20am



Buang Creek, Dumplings

YES NO UNKNOWN

(h) Have you experienced, or are you aware of, any water or drainage problems with  
Regard to the crawl space? Built3. **ROOF**(a) Age of the roof? Approximately 2000 - approx 7 years

(b) 1. Has the roof leaked at any time since you have owned or lived in the property?

2. When was the last time the roof leaked? Never

(c) 1. Have you ever had any repairs done to the roof?

2. If you have ever had the roof repaired, when was the repair performed? N/A

(d) 1. Have you ever had the roof replaced?

2. If you have had the roof replaced, when was the replacement performed? N/A(e) If the roof presently leaks, how often does it leak? (e.g., every time it rains, only after an extremely heavy rain, etc.) N/A

(f) 1. Have you ever had roof repairs that involved placing shingles on the roof instead of replacing the entire roof?

2. If you have ever had roof repairs that involved placing shingles on the roof instead of replacing the entire roof, when was the repair performed? N/A4. **LAND/DRAINAGE**

(a) Any soil stability problems?

(b) Has the property ever had a drainage, flooding, or grading problem?

(c) Is the property in a flood plain zone?

(d) Is there a retention/detention basin, pond, lake, creek, spring, or water shed on or adjoining this property?

Explain: \_\_\_\_\_

5. **BOUNDARIES**

(a) Have you ever had a staked or pinned survey of the property?

(b) Do you know the boundaries?

(c) Are the boundaries marked in any way?

(d) Are there any encroachments or unrecorded easements relating to the property of which you are aware?

Explain: \_\_\_\_\_

6. **WATER**(a) 1. Source of water supply Gravity fed - (2) 55 gallon drums

2. Are you aware of below normal water supply or water pressure?

(b) Is there a water purification system or softener remaining with the house?

(c) Has your water ever been tested? If yes, give results

Explain: \_\_\_\_\_

7. **SEWER SYSTEM**

(a) Property is serviced by:

1. Category I. Public Municipal Treatment Facility;

2. Category II. Private Treatment Facility;

3. Category III. Subdivision Package Plant;

4. Category IV. Single Home Aerobic Treatment System (AKA: "Home Package Plant")

5. Category V. Septic Tank with drain field, lagoon, wetland, or other onsite dispersal;

6. Category VI. Septic Tank with dispersal to an offsite, multi-property cluster treatment system;

7. Category VII. No Treatment/Unknown

(b) For properties with Category IV, V, or VI systems:

Date of last inspection (sewer): N/ADate of last inspection (septic): N/A

Date last cleaned (septic): \_\_\_\_\_

(c) Are you aware of any problems with the sewer system? complaintExplain: toilet system8. **CONSTRUCTION/REMODELING**

(a) Have there been any additions, structural modifications, or other alterations made?

(b) Were all necessary permits and government approvals obtained?

Explain: \_\_\_\_\_

9. **HOMEOWNER'S ASSOCIATION**

(a) 1. Is the property subject to rules or regulations of a homeowner's association?

2. If yes, what is the yearly assessment? \$ N/A

Initials (Buyer) \_\_\_\_\_ Date/Time \_\_\_\_\_

Initials (Seller) NS Date/Time 1/14/0710:30am



(b) Are you aware of any condition which may result in an increase in taxes or assessments? .....

(c) Are any features of the property shared in common with adjoining landowners, such as walls, fences, driveways, etc.? .....

Explain: Recorded Easement (conveyance)

|           |           |           |
|-----------|-----------|-----------|
| <u>✓</u>  | <u>✓</u>  | <u>  </u> |
| <u>  </u> | <u>  </u> | <u>  </u> |

(a) Was this house built before 1978?.....

(b) Are you aware of any use of ureaformaldehyde, asbestos materials, or lead based paint in or on this home?.....

(c) 1. Are you aware of any testing for radon gas?.....  
2. Results, if tested NA

(d) Are you aware of any underground storage tanks, old septic tanks, field lines, cisterns or abandoned wells on the property?.....

(e) Are you aware of any present or past wood infestation (i.e. termites, bores, carpenter ants, fungi, etc.)?.....

(f) Are you aware of any damage due to wood infestation?.....

(g) 1. Have the house or other improvements ever been treated for wood infestation?.....  
2. If yes, when, by whom, and any warranties? NA

(h) Are you aware of any existing or threatened legal action affecting this property?.....

(i) Are there any assessments other than property assessments that apply to this property (i.e. sewer assessments)?.....

(j) Are you aware of any violations of local, state, or federal laws, codes, or ordinances relating to this property?.....

(k) Are you aware of any other conditions which are defective with regard to this property?.....

(l) Are there any environmental hazards known to seller?.....

(m) Are there any warranties to be passed on?.....

(n) Has this house ever been damaged by fire or other disaster (i.e., tornado, hail, etc.)?.....  
If yes, please explain: .....

(o) Are you aware of the existence of mold or other fungi in the property?.....

(p) Has this house ever had pets living in it?.....  
If yes, Explain .....

(q) Is the property in a historic district?.....

Handwritten practice lines showing various strokes and symbols, including checkmarks and arrows.

The seller has owned this property since October 29, 2011 (date) and makes these representations only since that date. Seller agrees to immediately notify Buyer of any changes which may become known to seller prior to closing.

THE LICENSEE NAMED HERE ( ) HAS BEEN REQUESTED BY THE OWNER TO COMPLETE THIS FORM AND HAS DONE SO. I HEREBY AGREE TO HOLD HARMLESS THE NAMED LICENSEE FOR ANY REPRESENTATION THAT APPEAR ON THIS FORM IN ACCORDANCE WITH KRS 324.360(9).

Seller: \_\_\_\_\_ Date \_\_\_\_\_

THE SELLER REFUSES TO COMPLETE THIS FORM AND ACKNOWLEDGES THAT THE AGENT SHALL SO INFORM THE BUYER.

Seller: \_\_\_\_\_ Date: \_\_\_\_\_

THE SELLER HAS REFUSED TO COMPLETE THIS FORM AND HAS REFUSED TO ACKNOWLEDGE HIS FAILURE TO COMPLETE THE FORM

Broker/Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**THE BUYER ACKNOWLEDGES RECEIPT OF THIS FORM**

| Buyer | Date | Buyer | Date |
|-------|------|-------|------|
|-------|------|-------|------|

THE SELLER MAY DISCLOSE ADDITIONAL INFORMATION NOT REQUESTED OF THIS FORM AND MAY RESPOND TO ADDITIONAL INQUIRIES OF THE BUYER.

Initials (Buyer) \_\_\_\_\_ Date/Time \_\_\_\_\_

Initials (Seller) NS Date/Time 11/10/17

10:30  
am