

Tract 11

TO: DON CAIN ESTATE

Parcel Number: 28-3100-03-001.000
38.015 acres, more or less, Allen County

PRELIMINARY OWNER'S TITLE CERTIFICATE

The undersigned hereby certifies that he has made a thorough examination of the records of Allen County, Ohio, as disclosed by the public indexes in accordance with the Ohio Marketable Title Act, relating to the premises hereinafter described in Item I. This examination commenced with a Warranty Deed from D. Wayne Myers and Catherine A. Myers, husband and wife, to First National Bank and Trust Company of Lima, Trustee, filed for record November 28, 1966, at Volume 461, Page 511, of the Allen County Deed Records; and continued to the date hereof.

This certificate does not purport to cover matters not of record in the County, including rights of persons in possession, questions which a correct survey or inspection would disclose, rights to file mechanics' liens, special taxes and assessments not shown by the County Treasurer's records, zoning and other governmental regulations, or liens asserted by the United States or State of Ohio, their agencies and officers under the Ohio Solid Hazardous Waste Disposal Act, Federal Superfund 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 premises is located.

The undersigned hereby certifies that, in his opinion based upon the records, the fee simple title to the premises is vested in Don E. Cain by virtue of a Warranty Deed from Joyce B. Nelson, Trustee of the Joyce B. Nelson Declaration of Trust, dated June 30, 2000, filed for record February 27, 2013, at Book 2013, Page 02694, of the Official Records of Allen County, Ohio; and that as appears from the records, the title is marketable and free from encumbrances except and subject to the matters set forth below.

ITEM I SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION OF REAL ESTATE.

ITEM II

Real Estate Taxes:

Parcel Number: 28-3100-03-001.000

Tax Valuation: \$ 191,800

Taxes per Half: \$ 553.48 – 1st half

\$ 543.47 – 2nd half

Assessments: Larue \$ 10.00 – 1st half

Warrington Ditch Maintenance \$ 33.16 – 1st half

Warrington Ditch Maintenance \$ 33.15 – 2nd half

TAXES AND ASSESSMENTS ARE PAID THROUGH THE JULY, 2021, INSTALLMENT

SPECIAL NOTE: THE REAL PROPERTY IS CURRENTLY TAXED BASED UPON ITS CURRENT AGRICULTURAL USE VALUATION (CAUV), WHICH RESULTS IN A LOWER TAX THAN IF THE REAL ESTATE WERE VALUED AT ITS FAIR MARKET VALUE. THE REMOVAL OF ANY PART OF THE PROPERTY FROM AGRICULTURAL USE, OR THE FAILURE TO TIMELY FILE APPLICATIONS WITH THE COUNTY AUDITOR TO MAINTAIN THE TAXATION OF THE REAL ESTATE BASED UPON CAUV WILL RESULT IN A RECAPTURE OF THE REAL ESTATE TAXES SAVED BY REASON OF THE CAUV FOR A THREE-YEAR PERIOD.

ITEM III

Any matters disclosed on the survey of 38.015 acres dated August 19, 1995 and filed as Survey Record 00-2939 with the Allen County Engineer's Office, a copy of which is attached hereto.

ITEM IV

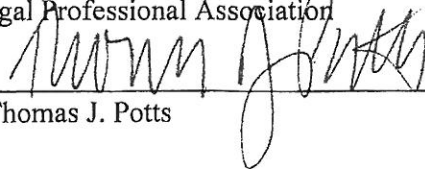
Any matters disclosed on the survey of .376 acres dated May 31, 1994 and filed as Survey Record 00-2940 with the Allen County Engineer's Office, a copy of which is attached hereto.

ITEM V

Easement for Highway Purposes from Doris H. Coon, Aileen Mitchel, and Berneta Winn, to the State of Ohio, filed for record July 22, 1952, at Volume 319, Page 270, of the Deed Records of Allen County, Ohio, a copy of which is attached hereto.

Dated at Sidney, Ohio, this 7th day of April, 2021, at 8:30 a.m.

FAULKNER, GARMHAUSEN, KEISTER & SHENK
A Legal Professional Association

By: 

Thomas J. Potts

EXHIBIT "A"

Situated in the Township of Richland, County of Allen and State of Ohio:

Being a parcel of land situate in the east half of the southwest quarter of Section 31, T-2-S, R-8-E, Richland Township, Allen County, Ohio and more particularly described as follows:

Beginning at a one inch square iron pin found at the intersection of the west line of said east half of said southwest quarter of said Section 31; thence N 00 degrees 00' 59" E with the said west line of said east half of said southwest quarter, 1,371.33 feet to a capped 5/8 inch rebar found at the intersection of said west line with the south limited access right-of-way line of Interstate 75; thence N 49 degrees 28' 44" E with said south limited access right-of-way line, 497.63 feet to a capped 5/8 inch rebar set at the intersection of said south limited access right-of-way of said Interstate 75 with the south limited access right-of-way line of U.S.R. 30-N; thence N 89 degrees 48' 12" E with said south limited access right-of-way line of said U.S.R. 30-N; 901.56 feet to the intersection of said south limited access right-of-way line with the north-south half section line of said Section 31; thence S 00 degrees 22' 25" E with said north-south half section line, 754.69 feet to a PK nail found at the intersection of said north-south half section line with the centerline of North Dixie Highway; thence S 45 degrees 23' 27" W with said centerline of said North Dixie Highway, 285.04 feet to a PK nail and shinner set; thence S 44 degrees 12' 00" W continuing with said centerline of said North Dixie Highway, 780.00 feet to a PK nail and shinner found; thence N 45 degrees 48' 00" W, 245.00 feet to a capped 5/8 inch rebar found; thence S 44 degrees 12' 00" W, 325.85 feet to a capped 5/8 inch rebar found; thence S 00 degrees 00' 00" W, 126.70 feet to a PK nail and shinner found on the centerline of State Road; thence S 87 degrees 33' 00" E with said centerline of said State Road, 200.00 feet to a PK nail and shinner found at the intersection of said centerline with the centerline of North Dixie Highway; thence S 44 degrees 12' 00" W with said centerline of said North Dixie Highway, 495.61 feet to a PK nail and shinner set at the intersection of said centerline with the west line of the east half of said southwest quarter of said Section 31; thence N 00 degrees 00' 59" E with said west line, 370.09 feet to the place of beginning containing 38.015 acres more or less and subject to all highways and other legal easements of record.

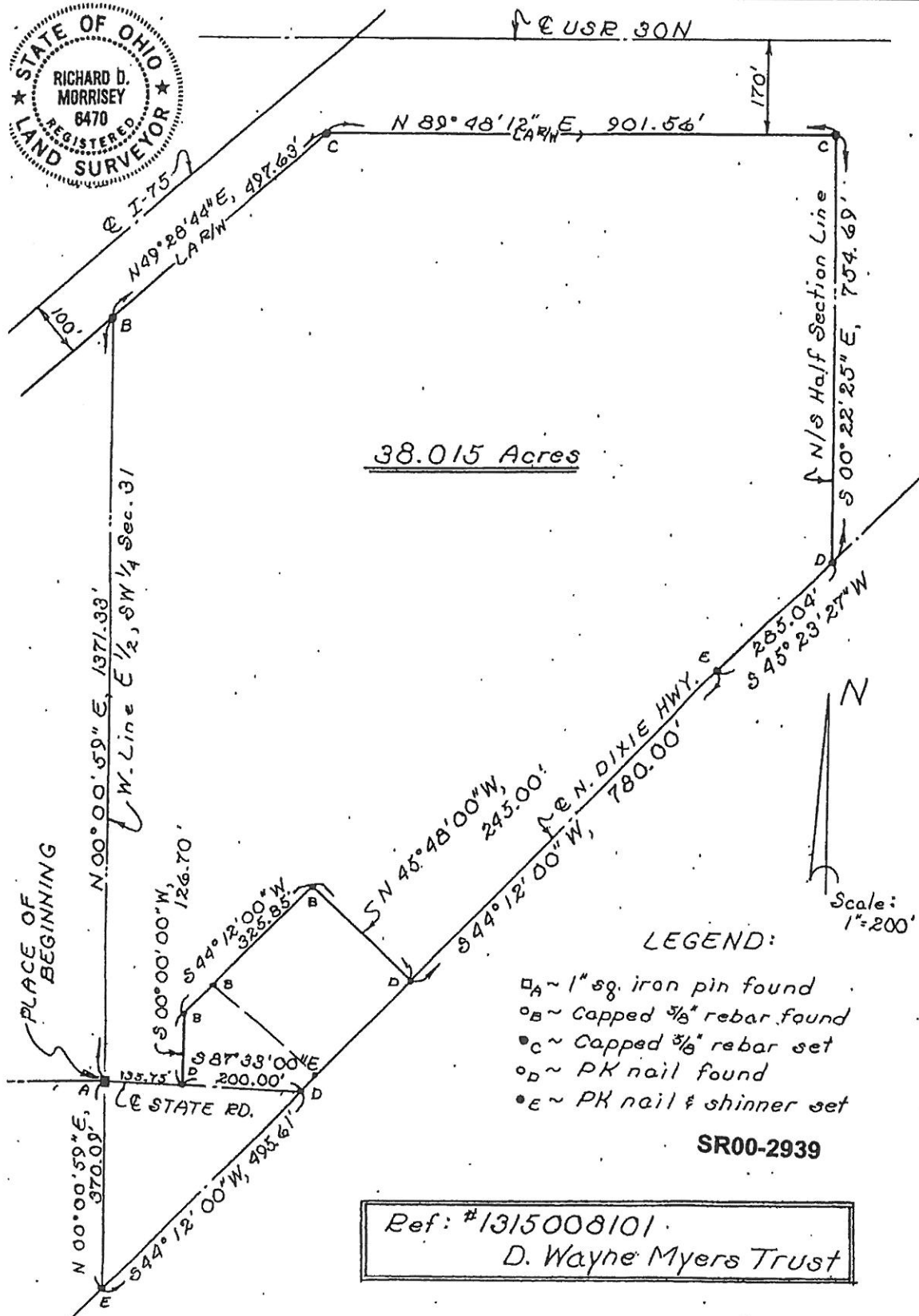
Parcel No. 28-3100-03-001.000

Prior Instrument Reference: Volume 2013, Page 02694 of the Deed Records of Allen County, Ohio.

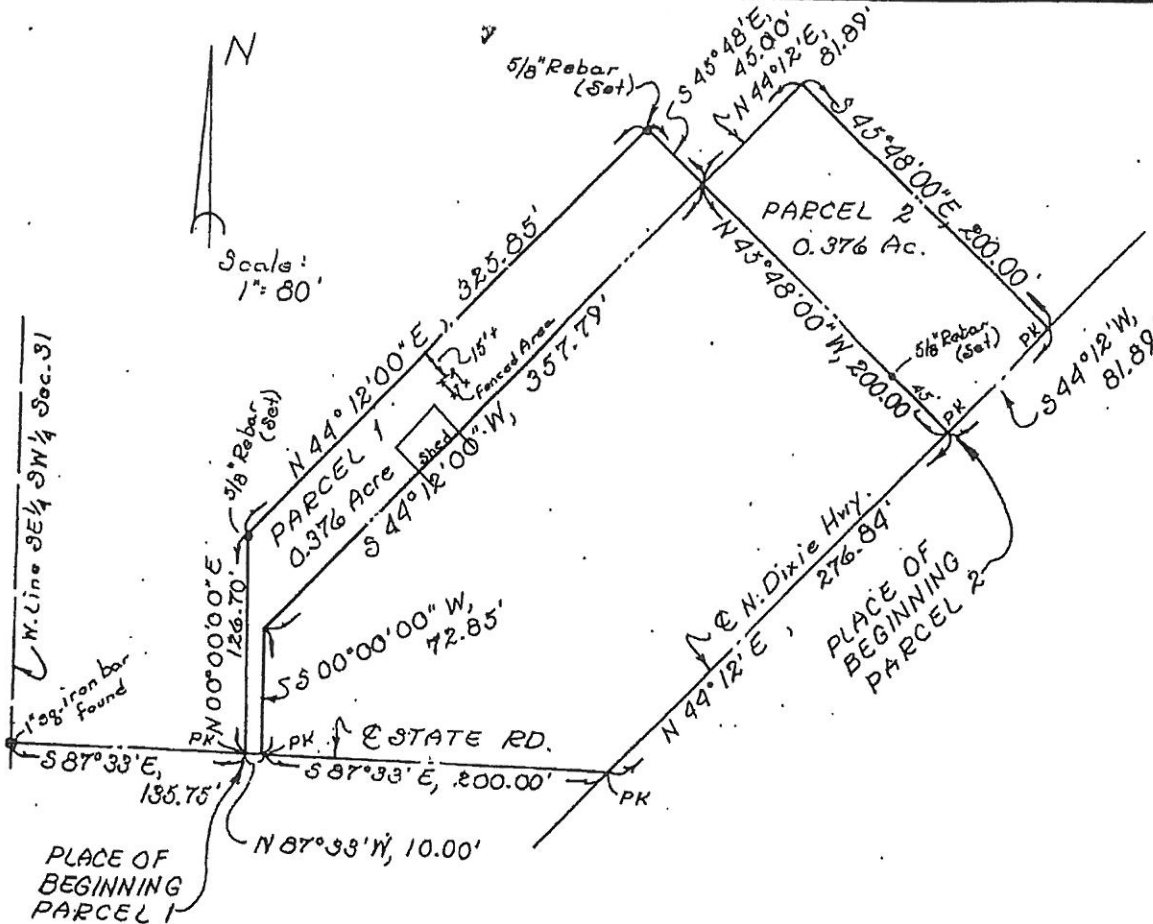
KUCK and MORRISEY, INC.
 CONSULTING ENGINEERS & SURVEYORS
 LIMA, OHIO 45805
 TELEPHONE 228-1735 - AREA CODE 419
 2807 CHAPEL HILL DRIVE

28-3100-03-001

CLIENT <u>HUNTINGTON BANK TRUST DEPT.</u>	
COUNTY <u>Allen</u>	TOWNSHIP <u>Richland</u>
SECTION <u>Pt SW 1/4 Sec. 31</u>	LOT NO.
SUBDIVISION <u>T-2-S, R-8-E</u>	
DATE <u>8/19/95</u>	COMPUTED BY <u>RDM</u> SURVEYED BY <u>rdm</u>
SHEET NO. <u>1</u>	OF <u>2</u>



KUCK and MORRISEY, INC. CONSULTING ENGINEERS & SURVEYORS LIMA, OHIO 45805 TELEPHONE 228-1735 - AREA CODE 419 2807 CHAPEL HILL DRIVE 28-3100-03-001 & 010	CLIENT <u>Mr. Adam Bayl & Huntington Bank Trust Dept.</u>	
	COUNTY <u>Allen</u>	TOWNSHIP <u>Richland</u>
	SECTION <u>PT SW 1/4 Sec. 31</u>	LOT <u>NO</u>
	SUBDIVISION <u>T-2-S R-8-E</u>	
	DATE <u>5/31/94</u>	COMPUTED BY <u>RDM</u> SURVEYED BY <u>rdm</u>
SHEET NO. <u>1</u> OF <u>2</u>		



I hereby certify the accompanying map and survey which it represents to be correct to the best of my knowledge and belief. All rebar set and called for are topped with a plastic Peramark cap stamped: KUCK & MORRISEY L.S. 6470.

Date: 5/31/94

Richard D. Morrissey, L.S. 6470
Kuck and Morrissey, Inc.



SR00-2940

Doris H. Coon et al¹ R/W Form 1
to *Title
The State of Ohio Revised 9-7-50

R/W Form 5-L.A.
Metes and Bounds
1-6-47

EASEMENT FOR HIGHWAY PURPOSES

Sheet 1 of 3 Sheets
Checked ☒
Approved ☒
To be corrected ☒
Sheet 2 of 3 Sheets

KNOW ALL MEN BY THESE PRESENTS:

That Doris H. Coon, Aileen Mitchel, Berneta Winn the grantors for and in consideration of the sum of Seventy-Eight Hundred-Sixty Four and no/100 Dollars (\$7864.00) and for other good and valuable considerations to they paid by the State of Ohio, the Grantee, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, a perpetual easement and right of way for public highway and road purposes in, upon and over the lands hereinafter described, including loss of direct access as hereinafter provided, situated in Allen County, Ohio, Richland Township, Section 31, SW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Town 2 S, Range 8 E, and bounded and described as follows:

PARCEL NO. 101

Being a parcel of land lying on the Both sides of the centerline of a survey, made by the Department of Highways, and recorded in Book 8, Page 9,10,11,12 of the records of Allen County and being located within the following described points in the boundary thereof:

Beginning at a point in the west property line of said grantor, said point being 100 feet right of station 812 $\angle$ 41.31 in said centerline: thence north 10°-31'-35" east along said west property line to a point in the northwest property line of said grantor and the southeast right of way line of the Nickel Plate Railroad, said point being 100 feet left of station 814 $\angle$ 11.33 in said centerline: thence north 51°-09'-35" east along said southeast right of way line to a point 146.18 feet left of station 828 $\angle$ 00 in said centerline: thence southeasterly and on a line perpendicular to said centerline to a point 100 feet left of said station 828 $\angle$ 00: thence northeasterly and on a curve bearing right and having a radius of 2964.79 feet to a point 100' left of station 833 $\angle$ 50 in said centerline: thence northwesterly to the east property line of said grantor, said point being 155 feet left of station 836 $\angle$ 97.54 in said centerline: thence south 10°-39' west along said east property line to a point 100 feet right of station 836 $\angle$ 42.87 in said centerline: thence southwesterly and on a curve bearing left and having a radius of 2764.79 feet to a point 100 feet right of station 824 $\angle$ 54.12 in said center line: thence southwesterly to a point 100 feet right of station 821 $\angle$ 54.12 in said centerline: thence south 51°-09'-35" west to point of beginning

It is understood that the strip of land above described contains 11.08 acres, more or less, exclusive of the present road which occupies nil acres, more or less.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Highways, Columbus, Ohio.

In consideration of the sum of Seventy Eight Hundred Sixty Four and no/100 Dollars (\$7864.00), hereinbefore mentioned, they do hereby specifically waive and release any and all right or rights of direct access, or claims thereof, to the present highway improvement to be constructed, or to the ultimate highway improvement to be constructed in the future, as called for by the plans herein referred to, and the execution of this conveyance shall act automatically as a waiver to the State of Ohio in the elimination of any direct access to said highway either for present or future construction.

It is further understood and agreed that the consideration for Parcel No. 101, in addition to the limitation of access as provided above, includes compensation for land taken and all damages accruing from the taking of said Parcel No. 101.

A. J. Reiter	)	-----	Avery E. Coon
C. Lucille Reiter	)	-----	(Doris H. Coon
Marie E. Niece	)	-----	(Aileen Mitchel
L. H. Niece	)	-----	(Richard C. Mitchel
Robert D Winn	)	-----	(T. Wayne Winn
Winifred L. Winn	)	-----	(Berneta Winn

Grantors

R/W Form 7
Acknowledgement
Revised 9-20-28-C.

Sheet 3 of 3 sheets.

TO HAVE AND TO HOLD said easement and right of way unto the Grantee, its successors and assigns forever.

And the said Grantors, for themselves and their heirs, executors, and administrators, hereby covenants with the said Grantee, its successors and assigns that they are the true and lawful owners of said premises, and are lawfully seized of the same in fee simple, and have good right and full power, to grant, bargain, sell, convey and release the same in manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, and that they will warrant and defend the same against all claims of all persons whomsoever.

And for the consideration aforesaid Avery E. Coon, Husband of Doris H. Coon, Richard C. Mitchell Husband of Aileen Mitchell T. Wayne Winn Husband of Berneta Winn hereby relinquish to said Grantee, its successors and assigns, all right and expectancy of Dower in the above described premises.

IN WITNESS WHEREOF Avery E. Coon and Doris H. Coon, husband & wife Richard C. Mitchell and Aileen Mitchell, Husband & Wife T. Wayne Winn and Berneta Winn Husband and Wife have hereunto set their hands, the 25th day of February, in the year of our Lord one thousand nine hundred and Fifty-two

319/271

Signed and sealed in presence of:

A. J. Reiter	}	-----	{	Avery E. Coon
C. Lucile Reiter				Doris H. Coon
Marie E. Niece	}	-----	{	Aileen Mitchell
L. H. Niece				Richard C. Mitchell
Robert D. Winn	}	-----	{	T. Wayne Winn
Winifred L. Winn				Berneta Winn

STATE OF OHIO, }
Allen COUNTY } ss.:

Before me, a Notary Public in and for said County and State, personally appeared the above named Doris H. Coon, Avery E. Coon, Aileen Mitchell, Richard C. Mitchell, T. Wayne Winn & Berneta Winn who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at, Lima, Ohio this 29 day of Feb., A. D. 1952,

(SEAL)

J. L. Rohrbacher
My Commission expires Oct. 1953., J. L. Rohrbacher
Notary Public, Allen County,
Ohio My commission expires
Oct. 31, 1955

3/2/52

Received July 22, 1952
at 10:50 o'clock A. M.
Recorded July 22, 1952
Fee \$2.60

ANNEXATION OF TERRITORY * #117512
TO THE * COPY
VILLAGE OF BLUFFTON *

Margaret Davis
RECORDER

BEFORE THE COUNTY COMMISSIONERS OF ALLEN COUNTY, OHIO.

In the matter of the Petition :
of ALFRED MULLER AND KERMIT KIBELE : Resolution upon Original
for Annexation of territory to the : Filing of Petition
Village of Bluffton, Allen County :
Ohio.

The County Commissioners of Allen County, Ohio, met in regular session on March 3, 1941, at the Office of said County Commissioners in the Court House at Lima, Allen County, Ohio, and then and there was presented to them by Francis Durbin, City Solicitor of the Village of Bluffton, Ohio, a petition signed by Alfred Muller and Kermit Kibele, addressed to the Board of County Commissioners of Allen County, Ohio, in which county certain territory sought to be annexed by means of said petition to the Village of Bluffton, Allen County, Ohio, is located signed by a majority of adult free holders residing on such territory, and containing the name of Francis W. Durbin, City Solicitor of the Village of Bluffton, Ohio, as agent of the petitioners in securing such annexation and containing a full description of said territory and being accompanied by an accurate map or plat thereof, and asking that the property there described, located in the Alfred Muller Addition be annexed to the Village of Bluffton, Allen County, Ohio;

Now Therefore, Be It Resolved by the Commissioners of Allen County, Ohio, that said petition be and the same hereby is ordered filed with the County Auditor of Allen County, Ohio forthwith, where it shall be subject to the inspection of any person interested;

Be It Further Resolved, by the County Commissioners of Allen County, Ohio, that the 7th day of May, 1941, at 10 o'clock A. M. be fixed as the time and the office of the County Commissioners of Allen County, Ohio, in the Court House at Lima, Ohio, as the place for the hearing of said petition and the Clerk of this Board of County Commissioners is hereby ordered and directed forthwith to communicate to the said Francis W. Durbin, City Solicitor of the Village of Bluffton, Ohio, the agent of said petitioners, the time and place of the hearing on said petition.

Mr. Jennings moved the adoption of the foregoing Resolution and upon second by Mr. Morris the same was unanimously carried, the vote being as follows: Mr. Burgess, yea; Mr. Morris, yea; Mr. Jennings, yea.

Dated March 3, 1941. Edward Jones, Clerk of Board

COPY

BEFORE THE COUNTY COMMISSIONERS OF ALLEN COUNTY, OHIO

In the matter of the Petition of :