

LAND AUCTION

34 Tracts Ranging from 1.7 to 109 Acres

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PRELIMINARY TITLE POLICIES

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At The Wabash Valley Family Sports Center - Terre Haute, IN

DISCLAIMER

All information contained is believed to be accurate and from accurate resources. However, buyers are encouraged to do their own due diligence. Schrader Auction Company assumes no liability for the information provided.



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BOOKLET INDEX

- **MINERAL OWNERSHIP STATEMENT**
- **TRACTS 1-24**
- **TRACTS 25 & 26**
- **TRACTS 32 - 34**



MINERAL OWNERSHIP

RLF Chinook Properties, LLC (the “Seller”), acquired ownership of the property including all of the Tracts (the “Property”) from Lexington Coal Company, LLC, and its affiliate LCC Indiana, LLC (the “Predecessor”). The acquisition included all appurtenances to the Property owned by the Predecessor, including mineral rights and mining permits for coal mining owned by the Predecessor. The Predecessor acquired its ownership from a series of mining companies, including Cypress Amax that had mined some of the Property for coal. The Seller has not searched public records concerning its ownership of the mineral rights, and cannot make any representation concerning its ownership other than the facts mentioned in this note. Purchasers attaching any material value to the mineral rights must rely solely on their own search of public records, including the matters mentioned in the title reports provided for the Property

The Seller entered into Coal Mining Leases dated December 8, 2011 (the “Coal Leases”), that permit the lessee to mine coal under Tracts 1-5 and 8-24. The Seller was told by the lessee that the lessee searched public records concerning the Seller’s ownership and rights to mine the coal, in view of the lessee’s right to terminate the Leases regarding any part of the Tracts for which the Seller might lack ownership and rights to mine the coal. After conducting its search, the lessee paid to the Seller the substantial advance royalties required under the Leases for all of the Tracts.

The Seller entered into the Oil & Gas Lease dated May 31, 2012, that permits the lessee to drill for oil and gas on Tracts 1-26. After investigating those Tracts, the lessee paid the Seller for executing the Oil & Gas Lease a substantial payment relating to all of the acreage covered by the Lease.

The Seller will be conveying to purchasers of the Property all appurtenances to the Property owned by the Seller, including mineral rights, and all rights under the Coal Leases and the Oil & Gas Lease, owned by the Seller, subject to the purchasers’ assumption of the obligations under those Leases.

TRACTS 1 - 24

Commitment for Title Insurance – Schedule A

Issued by **Fidelity National Title Insurance Company**



1. Effective Date: April 22, 2013 @ 7:00 A.M.

Case No. **C1310481**(rev. 5-16-13)

2. Policy or Policies to be issued:

a. Owner's Policy (6/17/06):

Amount:\$TBD

Proposed Insured: TBD

Loan Policy (6/17/06):

Amount:

Proposed Insured: TBD

3. The estate or interest in the land described or referred to in this Commitment is: Fee Simple.

4. Title to the real estate is at the Effective Date vested in: RLF Chinook Properties, LLC, a Colorado limited liability company. Owner acquired title by Special Warranty Deed dated August 30, 2006 and recorded September 1, 2006, in Official Record Book 81, Page 278 and by Quitclaim Deed dated August 20, 2012 and recorded September 12, 2012 at Official Record Book 131 Pages 1613-1614 (as to W/2 NENW 8-11-7).

5. The land referred to in this Commitment is described as follows:

Situated in Clay County, State of Indiana, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

Commitment No. C1310481

Countersigned at Terre Haute
Hendrich Title Company

Authorized Officer or Agent

Issued by **Fidelity National Title Insurance Company**

LEGAL DESCRIPTION

SURFACE ONLY

PORTIONS OF THE SURFACE ONLY OF THE FOLLOWING REAL ESTATE:

TRACT C-XXXVIII

The Northeast Quarter of the Northeast Quarter of Section 8, Township 11 North, Range 7 West, containing 40 acres, more or less.

(formerly Hendrich Tract 8225-39)

TRACT C-XXXIX

The Northwest Quarter of the Northeast Quarter, excepting therefrom the graveyard thereon described as follows: Commencing 40 rods north and 12 rods east of the southwest corner of said quarter quarter section; running thence east 5 rods; thence north 5 rods; thence west 5 rods; thence south 5 rods to the place of beginning; and the East Half of the Northeast quarter of the Northwest Quarter, all in Section 8, Township 11 North, Range 7 West, containing 60 acres, more or less.

(formerly Hendrich Tract 8225-40)

TRACT C-XL

The Southeast Quarter of the Northeast Quarter of Section 8, Township 11 North, Range 7 West, excepting therefrom the following described real estate:

All the real estate in said Quarter Quarter Section lying in a triangle northeast of the center of the road commonly referred to as “The Lower Bloomington Road”, which said road crosses the northeast corner of said Quarter Quarter section in a northwesterly to southeasterly direction.

Also, beginning at a point on the east line of said Quarter Quarter Section, said point being in the center of the intersection of said Lower Bloomington Road and the county road running north and south along the east line of said Quarter Quarter section; thence running northwesterly along the center of said Lower Bloomington Road a distance of 204 feet to a point; thence running south a distance of 282 feet to a point which is 167 feet west of the east line of said Quarter Quarter section; thence running east to the east line of said Quarter Quarter section, being also the center of said county road; thence running north along the east line of said Quarter Quarter section, being also the center of said county road, to the place of beginning.

(formerly Hendrich Tract 8225-41)

TRACT C-XLI

All in Section 8, Township 11 North, Range 7 West:

The Northwest Quarter of the Northwest Quarter, containing 40 acres, more or less;

The South Half of the Northwest Quarter, containing 80 acres, more or less;

The Southwest Quarter of the Northeast Quarter, containing 40 acres, more or less;

The Northeast Quarter of the Southwest Quarter, containing 40 acres, more or less, EXCEPT (1) a conveyance to Gus Lowry and Harry C. Lowry by Mineral Deed of an undivided 1/4 interest in the oil and gas in and under said real estate, which deed was recorded in Clay County Deed Record 145 at page 291, and (2) a conveyance to Robert G. Lowry by Mineral Deed of an undivided 1/2 interest in the oil and gas in and under said real estate, which deed was recorded in Clay County Deed Record 145 at page 292.

(formerly Hendrich Tract 8225-42)

Commitment for Title Insurance – Schedule A

Page 3

Issued by **Fidelity National Title Insurance Company**

Commitment No. C1310481

TRACT C-XLII

The surface only of the West Half of the Northeast Quarter of the Northwest Quarter of Section 8, Township 11 North, Range 7 West.

(formerly Hendrich Tract 8225-43)

TRACT C-XLIII

A part of the Southeast Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West, described as follows: Commencing at a point 782 feet north and 245.5 feet east of the southwest corner of the Southeast Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West; thence due east parallel with the south line of said quarter-quarter section 192 feet; thence due north parallel with the west line of said quarter-quarter section 190 feet; thence due west parallel with the south line of said quarter-quarter section 192 feet, thence due south parallel with the west line of said quarter-quarter section 190 feet to the place of beginning, containing .84 of an acre, more or less.

(formerly Hendrich Tract 8225-44)

TRACT C-XLIV

A part of the Southwest Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West, described as follows: Commencing at a point 425 feet north of the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West; thence west parallel with the south line of said quarter quarter section 244 feet; thence north parallel with the east line of said quarter quarter section 317 feet; thence east parallel with the south line of said quarter quarter section 244 feet to the east line thereof; thence south along the east line 317 feet to the place of beginning, containing 1.78 acres, more or less.

(formerly Hendrich Tract 8225-45)

TRACT C-XLV

The Southeast Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West excepting the two following described tracts, to-wit: Commencing at the northwest corner of the above described quarter quarter section; thence south 313.5 feet; thence east 694.7 feet; thence north 313.5 feet; thence west 694.7 feet to the place of beginning, containing in said exception 5 acres, more or less; also excepting: Commencing 782 feet north and 245.5 feet east of the southwest corner of the above described quarter quarter section; thence due east parallel with the south line of said quarter quarter section 192 feet; thence due north parallel with the west line of said quarter quarter section 190 feet; thence due west parallel with the south line of said quarter quarter section 192 feet; thence due south parallel with the west line of said quarter quarter section 190 feet to the place of beginning, containing .84 of an acre, more or less, in said exception.

Subject to a perpetual easement for ingress and egress to the last described tract over a roadway 20 feet in width, located and described as follows: Running in an east-west direction a distance of 245.5 feet from the roadway to the west line of the above real estate, the south line of which roadway is 55 feet, more or less, north to the southwest corner of last described exception. Containing after said exceptions 34.16 acres, more or less.

Also, the North Half of the Southwest Quarter of the Southeast Quarter of Section 8, Township 11 North, Range 7 West, containing 20 acres, more or less.

NOTE: 5.75 acre tract intentionally deleted.

(formerly Hendrich Tract 8225-46)

Commitment No. C1310481

Commitment for Title Insurance – Schedule A

Issued by **Fidelity National Title Insurance Company**

TRACT C-XLVI

The Northwest Quarter of the Northwest Quarter of Section 17, Township 11 North, Range 7 West, containing 40 acres, more or less.

Also, the Southwest Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West excepting the following two tracts: (1) Commencing at a point 425 feet north of the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West; thence west parallel with the south line of said quarter section 244 feet; thence north parallel with the east line of said quarter section 317 feet; thence east parallel with the south line of said quarter section 244 feet to the east line thereof; thence south along the east line 317 feet to the place of beginning, containing 1.78 acres, more or less; and (2) Commencing at the northeast corner of said quarter section; thence west along the north line 208.7 feet; thence south parallel with the east line 212 feet; thence east parallel with the north line 208.7 feet; thence north 212 feet to the point of beginning, containing 1.01 acres, more or less.

Containing after said two exceptions 37.21 acres, more or less.

(formerly Hendrich Tract 8225-47)

TRACT C-XLVII

Parcel A

The Northwest Quarter of the Southeast Quarter of Section 8, Township 11 North, Range 7 West, containing 40 acres.

(formerly Hendrich Tract 8225-48)

TRACT C-L

The Northwest Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West, containing 40 acres more or less.

Also, part of the Southwest Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West, described as follows: Commencing at the northeast corner of the said quarter section; thence west along the north line 208.7 feet; thence south parallel with the east line 212 feet; thence east parallel with the north line 208.7 feet; thence north 212 feet to the point of beginning, containing 1.01 acres, more or less.

Also, the East Half of the Southeast Quarter of Section 7, Township 11 North, Range 7 West, EXCEPT the following described tract, to-wit: Commencing at the southwest corner of the Southeast Quarter of the Southeast Quarter; thence running east 51 feet to a point; thence running north parallel with the west line 850 feet to a point; thence running west 51 feet to a point; thence running south 850 feet to the place of beginning, containing 79 acres, more or less.

(formerly Hendrich Tract 8225-51)

TRACT C-XLIX

The Northwest Quarter of the Southeast Quarter of Section 7, Township 11 North, Range 7 West, containing 84 acres, more or less.

(formerly Hendrich Tract 8225-50)

TRACT C-LIII - Partial

The East Half of the South Half of the Northeast Quarter of Section 7, Township 11 North, Range 7 West.

(formerly Hendrich Tract 8225-54)

Commitment No. C1310481

Commitment for Title Insurance – Schedule A

Issued by **Fidelity National Title Insurance Company**

TRACT C-LXVI

Part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 11 North, Range 7 West described as follows, to wit: Commencing at northwest corner of said Quarter Quarter Section; thence running south along the west line thereof 795 feet to a point; thence running east parallel with the north line of said Quarter Quarter Section 548 feet to a point; thence running north 795 feet to the north line of said Quarter Quarter Section; thence running west to the place of beginning, containing 10 acres, more or less.

(formerly Hendrich Tract 8225-58)

TRACT C-LVI

The West Half of the Southeast Quarter of Section 5, Township 11 North, Range 7 West, containing 80 acres, more or less.

(formerly Hendrich Tract 8225-60)

TRACT C-LVII

All that part of the Southwest Quarter of the Southwest Quarter of Section 5, Township 11 North, Range 7 West of the Second Principal Meridian, situated and lying south of the Bloomington Road; EXCEPT a strip 36 rods wide of equal width off the west side thereof; also EXCEPT 1 acre out of the southeast corner thereof, conveyed to Perry Township for School purposes; and containing in all 20 acres, more or less.

(formerly Hendrich Tract 8225-61)

TRACT C-LVIII

Beginning at the southeast corner of the Southeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 7 West, and running thence north with the east line thereof 1378 feet; thence west, parallel with the south line of said quarter quarter section 438.06 feet; thence south parallel with the east line of said tract 1378 feet to the south line of said quarter quarter section; thence east along said south line 434.06 feet to the place of beginning, containing 13.75 acres, more or less. **EXCEPT:** Commencing at the southeast corner of the Southeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 7 West, and running thence north with the east line thereof 858 feet to the point of beginning; running thence north with the east line thereof 513 feet; thence west, parallel with the south line of said quarter quarter section 438.06 feet; thence south parallel with the east line of said tract 934 feet; thence northeast on a straight line 612 feet to the point of beginning, and containing 7.30 acres, more or less, and containing after said exception 6.45 acres, more or less.

Also, beginning at a point on the south line of the Southeast Quarter of the Northeast Quarter of said Section 6, at a point 434.06 feet west of the southeast corner of said quarter quarter section; thence running north 15 feet; thence west parallel with the south line of said quarter quarter section, to the public highway known as the "Bloomington Road", thence southeastward along said "Bloomington Road", to the south line of said quarter quarter section; thence east along the south line 436 feet to the place of beginning, containing .15 of an acre, more or less.

(formerly Hendrich Tract 8225-72 [Partial])

TRACT C-LIX

Commencing at a point in the center of the Bloomington Road on the west line of the Southeast Quarter of the Northeast Quarter of said Section 6, Township 11 North, Range 7 West; thence running north 1080 feet to a point on the west line of the Northeast Quarter of the Northeast Quarter of said Section 6; thence running east 830 feet to a point; thence running south 51 feet to a point; thence running east 61 feet to a point; thence running south 1363 feet to the north line of a 15 foot lane on the south side of said tract; thence running west 446 feet to the center of the Bloomington Road; thence running in a northwesterly direction along the center of said Bloomington Road 775 feet to a point in the center of said road in the Southwest Quarter of the Northwest Quarter (*sic*) [proper call is Northeast Quarter] of said Section 6; thence running due east 190 feet to a point on the west line of the Southeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 7 West, containing 27.33 acres, more or less. **EXCEPT:** Commencing at a point in the center of the Bloomington Road on the west line of the Southeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 7 West, thence running north 1080 feet to a point on the west line of the Northeast Quarter of the Northeast Quarter of said Section 6; thence running east 830 feet to a point; thence running south 51 feet to a point; thence running east 61 feet to a point; thence running south 883 feet; thence

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southwest on a line 215 feet to a point 282 feet north of a 15 foot lane on the south side of said tract; thence south 282 feet to the north line of a 15 foot land (*sic*) [proper term is lane] on the south side of said tract; thence running west 300 feet to the center of the Bloomington Road; thence running in a northwesterly direction along the center of said Bloomington Road 775 feet to a point in the center of said road in the Southwest Quarter of the Northwest Quarter (*sic*) [proper call is Northeast] of said Section 6; thence running due east 190 feet to a point on the west line of the Southeast Quarter of the Northeast Quarter of Section 6, Township 11 North, Range 7 West, containing 26.08 acres, more or less, and containing after said exception 1.25 acres, more or less.

(formerly Hendrich Tract 8225-73 [Partial])

TRACT C-LXII TRACT C-LXXV

The east 577.50 feet of the following two described tracts in the Northeast Quarter of the Southeast Quarter of Section 6, Township 11 North, Range 7 West, containing 17.50 acres, more or less.

A strip 50 rods wide off the east side of the Northeast Quarter of the Southeast Quarter, **excepting** a strip in the northwest corner thereof, described as follows: Commencing 30 rods east and 2 rods south of the northwest corner of the Northeast Quarter of the Southeast Quarter of Section 6, Township 1) North, Range 7 West, thence south 31 rods to a stake, thence east 40 rods to the center of the Bloomington Road, thence along the center of said road 53 rods to the place of beginning, containing 4 acres, more or less, so excepted, and containing herein described 21 acres, more or less, in Section 6, Township 11 North, Range 7 West.

Also, part of the Northeast Quarter of the Southeast Quarter of Section 6, Township 11 North, Range 7 West, described as follows: Commencing 30 rods east and 2 rods south of the northwest corner of said tract; thence running south 31 rods; thence east 41 rods to the center of the Bloomington Road; thence northwesterly along the center of the said road 53 rods to the place of beginning, containing 4 acres, more or less.

(formerly Hendrich Tract 8225-69 [Partial])

(formerly Hendrich Tract 8225-76 [Partial])

TRACT C-LXV

The North Half of the East Half of the Northeast Quarter of Section 5, Township 11 North, Range 7 West.

Excepting therefrom the following described real estate, to-wit:

A part of the East Half of the Northeast Quarter of Section 5, Township 11 North, Range 7 West, Perry Township, more particularly described as follows: Commencing at an iron pin found at the northeast corner of said Section 5; thence south along the east line of Section 5 a distance of 235.77 feet to a railroad spike at the true point of beginning; thence north 89 degrees 22 minutes 37 seconds west 720.04 feet to a 5/8-inch iron pin; thence south 1210.0 feet to a railroad spike in the root of a 10-inch twin sassafras tree in an existing fence line; thence south 89 degrees 22 minutes 37 seconds east 720.04 feet to a railroad spike on the east line of Section 5; thence north along the east line of Section 5 a distance of 1210.0 feet to the point of beginning.

(formerly Hendrich Tract 8225-57)

TRACT C-LXVII

The South Half of the East Half of the Northeast Quarter of Section 5, Township 11 North, Range 7 West, excepting therefrom a strip of equal width 16 1/2 feet wide off the south end thereof.

Excepting therefrom the following described real estate, to-wit:

A part of the East Half of the Northeast Quarter of Section 5, Township 11 North, Range 7 West, Perry Township, Clay County, Indiana, more particularly described as follows: Commencing at an iron pin found at the northeast corner of said Section 5; thence south along the east line of Section 5 a distance of 1445.77 feet to a railroad spike at the true point of beginning; thence north 89 degrees 22 minutes 37 seconds west 720.04 feet to a railroad spike in the root of a 10-inch sassafras tree in an existing fence line; thence south 302.5 feet to a 5/8-inch iron pin; thence south 89 degrees 22 minutes 37 seconds east

Commitment for Title Insurance – Schedule A

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720.04 feet to a boat spike on the east line of Section 5; thence north along the east line of Section 5 a distance of 302.5 feet to the true point of beginning, containing 5 acres.

(formerly Hendrich Tract 8225-59)

TRACT C-LXVIII

All that part of 50 acres off the east side of the Southwest Quarter of Section 5, Township 11 North, Range 7 West lying and being south of the Bloomington Road, containing in all 10 acres, more or less.

(formerly Hendrich Tract 8225-62)

TRACT C-LXIX

Fifty acres off the east side of the Southwest Quarter of Section 5, Township 11 North, Range 7 West, except that part lying and being south of the Bloomington Road, containing herein 40 acres more or less.

(formerly Hendrich Tract 8225-63)

TRACT C-LXX

A part of the Southwest Quarter of the Southwest Quarter of Section 5, Township 11 North, Range 7 West, described as follows: Commencing at the southeast corner of said quarter quarter section, running thence north 10 2/3 rods; thence west 15 rods; thence south 10 2/3 rods; thence east 15 rods to the place of beginning.

(formerly Hendrich Tract 8225-64)

TRACT C-LXXI

The Southwest Quarter of the Northeast Quarter, and a strip 16 1/2 feet wide off the south end of the East Half of the Northeast Quarter of Section 5, Township 11 North, Range 7 West, containing in all 43.67 acres, more or less.

(formerly Hendrich Tract 8225-65)

TRACT C-LXXIII

A part of the Northwest Quarter of Section 5, Township 11 North, Range 7 West, described as follows: Commencing in the center of said Section 5, thence west along the south line of said Northwest Quarter of said Section 5, 100 rods; thence north 6 degrees west 100 rods 22 links; thence east 100 rods, more or less, to the east line of said Northwest Quarter of said Section 5; thence south 100 rods 22 links to the place of beginning, containing 63 acres, more or less.

(formerly Hendrich Tract 8225-67)

TRACT C-LXXV

(Reference Tracts C-LXXII and C-LXXIV)

The Northwest Quarter of the Southwest Quarter, containing 40 acres, more or less.

Also, a strip 30 rods wide off the entire west side of the East Half of the Southwest Quarter, containing 30 acres, more or less.

Also, a three cornered strip in the northeast corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4), being all that part of said quarter quarter section lying north of the Bowling Green (now called Bloomington) Road, containing one (1) acre, more or less. **NOTE: This tract appears to be contained within Tract C-LVII (Hendrich 8225-61)**

Part of the Southwest Quarter of the Southwest Quarter of Section 5, Township 11 North, Range 7 West, described as follows, to-wit: Commencing at the southwest corner of said quarter, quarter section, thence running east 36 rods, thence north 80 rods, thence west 36 rods, thence south 80 rods to the place of beginning, containing 18 acres, more or less.

All of the above in Section 5, Township 11 North, Range 7 West.

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Also, part of the Southeast Quarter of the Southeast Quarter of Section 6, Township 11 North, Range 7 West, described as follows, to-wit: Commencing on the south line of said quarter, quarter section 5 rods west of the southeast corner thereof, thence running west 30 rods, thence north 80 rods, thence east 30 rods, thence south 80 rods to the place of beginning, containing 15 acres, more or less.

Part of the Southeast Quarter of the Southeast Quarter of Section 6, Township 11 North, Range 7 West and particularly described as follows, to-wit: Commencing at the southeast corner of said Southeast Quarter of the Southeast Quarter of said Section, Township and Range, thence running west along the south line thereof 5 rods to the southeast corner of a tract of land in said quarter quarter section, township and range set off to Nancy Riddle in the partition of the estate of Herrod Peyton Estate in Case No. 6677, George W. Peyton, etal, vs Benajmine (*sic*) F. Peyton, etal, thence running north along and with the east line of said Riddle tract of land 80 rods to the north line of said quarter quarter, thence running east 5 rods to the east line thereof, thence running south along said east line 80 rods to the place of beginning, containing 2 ½ acres, more or less.

(formerly Hendrich Tract 8225-69 [Modified])
(Reference Tracts 8225-66 and 8225-68)

TRACT C-LXXIX

The Northwest Quarter of Section 5, Township 11 North, Range 7 West, **except** the following described tract: Commencing in the center of said Section 5, thence West along the South line of said Northwest Quarter (NW ¼) of said Section 5, 100 rods, thence north six degrees west, 100 rods and 22 links, thence east 100 rods, more or less, to the east line of said Northwest Quarter (NW ¼) of said Section 5, thence south 100 rods and 22 links to the place of beginning, containing sixty-three (63) acres, more or less, in said exception; leaving in said quarter section 105 acres, more or less. **Also except:** Commencing 768 feet west of the northeast corner of said quarter section; thence west to the northwest corner of said quarter section; thence south 1,935 feet; thence northeasterly on a straight line 2,692 feet to the point of beginning, containing 42.40 acres, more or less, and containing after said exception 62.60 acres, more or less.

Also, the Northwest Quarter of the Northeast Quarter of Section 5, Township 11 North, Range 7 West, containing 42 acres, more or less.

(formerly Hendrich Tract 8225-70 [Partial])

TRACT C-LXXXVII

The East half of the Southeast Quarter of Section 32 and the Southwest Quarter of Section 33, all in Township 12 North, Range 7 West, and containing in all 240 acres, more or less. **Except, the Southwest of Section 33, Township 12 North, Range 7 West, as conveyed by Official Record 92 Page 254 and Official Record 92 Page 499.**

(formerly Hendrich Tract 8225-89)

TRACT C-LXXXVIII

The West half of the Southeast Quarter and the South Half of the Southwest Quarter of the Northeast Quarter of Section 32, Township 12 North, Range 7 West, containing 100 acres, more or less.

(formerly Hendrich Tract 8225-90)

TRACT C-XCI

The East Half of the Southwest Quarter of Section 32, Township 12 North, Range 7 West. **Except:** Beginning at a point 793 feet north of the southeast corner of said half quarter section; thence north to the northeast corner of said half quarter section; thence west to the northwest corner of said half quarter section; thence south to the southwest corner of said quarter section; thence east 630 feet; thence northeast on a straight line to the point of beginning, and containing 75.94 acres, more or less, and containing after said exception 4.06 acres, more or less.

(formerly Hendrich Tract 8225-93 [Partial])

Commitment No. C1310481

Commitment for Title Insurance – Schedule A

Issued by **Fidelity National Title Insurance Company**

TRACT C-CXVII

A part of the Southeast Quarter of the Northeast Quarter of Section 8, Township 11 North, Range 7 West, more particularly described as follows:

All of the real estate in said Southeast Quarter of the Northeast Quarter lying in a triangle northeast of the center of the road commonly referred to as “The Lower Bloomington Road”, which said road crosses the northeast corner of said Southeast Quarter of the Northeast Quarter in a northwesterly to southeasterly direction, and containing 1.55 acres, more or less.

(formerly Hendrich Tract 8225-119)

TRACT C-CXVIII

A part of the Southeast Quarter of the Northeast Quarter of Section 8, Township 11 North, Range 7 West, described as follows: Beginning at a point on the east line of said Quarter Quarter Section, said point being in the center of the intersection of the road commonly referred to as “The Lower Bloomington Road” and the county road running north and south along the east line of said Quarter Quarter Section; thence running northwesterly along the center of The Lower Bloomington Road a distance of 204 feet to a point; thence running south a distance of 282 feet to a point which is 167 feet west of the east line of said Quarter Quarter Section; thence running east to the east line of said Quarter Quarter Section; being also the center of said county road; thence running north along the east line of said Quarter Quarter Section, being also the center of said county road, to the place of beginning, and containing 0.78 of an acre, more or less.

(formerly Hendrich Tract 8225-120)

TRACT C-CXIX

A part of the Southeast Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West, described as follows: Commencing at the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 8, Township 11 North, Range 7 West, thence south 313.5 feet; thence east 694.7 feet; thence north 313.5 feet; thence west 694.7 feet to the place of beginning, containing 5 acres, more or less.

(formerly Hendrich Tract 8225-121)

The acreage indicated in the legal description is solely for the purpose of identifying said tract and should not be construed as insuring the quantity of land.

Commitment No. C1310481

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Requirements

The following are the requirements to be complied with:

- Item (a) Payments to or for the account of grantors or mortgagors of the full consideration for the estate or interest to be insured.
- Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

Warranty Deed in recordable form from RLF Chinook Properties, LLC, a Colorado limited liability company to TBD, conveying fee simple title.
- Item (c) Proper release in recordable form of Mortgage from RLF Chinook Properties, LLC, a Colorado Limited Liability Company to Farm Credit Services of Mid-America, FLCA dated July 15, 2009 and recorded July 21, 2009, at Official Record Book 107, Page 1479, securing the principal sum of \$1,600,000.00, records of the Recorder's Office of Clay County, Indiana. (NOTE: A partial release for lands in SWNE 7-11-7 appears at Official Record 125 Page 2669.)
- Item (d) We must be furnished a copy of (1) the articles of organization, (2) written operating agreement and all amendments thereto, (3) current membership roster, and (4) a certificate of good standing of said limited liability company. Unless the deed is executed by all members, we must also be furnished evidence satisfactory to Lawyers Title Insurance Company that all necessary consents, authorizations, resolutions, notices and actions relating to the sale and the execution and delivery of the deed as required under applicable law and the governing documents have been conducted, given or properly waived.
- Item (e) A completed Disclosure of Sales Information Form executed pursuant to I.C. 6-1.1-5.5 that is accepted by and filed With the County Auditor and accepted by the County Recorder.
- Item (f) Duly executed and appropriate Vendor's Affidavit is required so that certain standard Exceptions may be deleted on the Mortgagee's policy. In addition, we will automatically remove the survey Exception on the Mortgagee's policy for 1 to 4 family dwellings; however, we may require a proper ALTA/ACSM Land Title Survey in order to delete the survey exception from mortgagee's policies on other types of property.

Commitment No. C1310481

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

Exceptions

Schedule B of the policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or claims of parties other than insured in actual possession of any or all of the property.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land Survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
4. Unfiled mechanics' or material men's liens.
5. The Policy(s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.
6. Easements, or claims of easements, not shown by the public records.
7. Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
 Township: Perry
 Description: Pt 5-11-7 554.55 a
 Parcel No.: **007-00959-00** **STATE ID: 11-08-05-200-001.000-010**
 Assessed Values Land: \$ 556,200.00
 Improvements \$ 1,800.00
 Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 3869.45	\$	\$ 3869.45	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$ 8450.58		\$0	
Late/Liens:	\$0		\$0	

PAY AMT: \$ \$

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. **See Treasurer's Office for amounts due.** NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Continued

Commitment No. C1310481

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
Township: Perry
Description: 6-11-7 210.76 a
Parcel No.: **007-00969-00** STATE ID: **11-08-06-200-001.000-010**

Assessed Values Land: \$ 90,200.00
Improvements \$ 00.00
Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 625.49	\$	\$625.49	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	

PAY AMT: \$ 625.49 \$ 625.49

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. See Treasurer's Office for amounts due. NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
Township: Perry
Description: Pt N ½ 7-11-7 38 a
Parcel No.: **007-00948-00** STATE ID: **11-08-07-100-003.000-010**

Assessed Values Land: \$ 45,100.00
Improvements \$ 00.00
Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 312.74	\$	\$ 312.74	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	

PAY AMT: \$ 312.74 \$312.74

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. See Treasurer's Office for amounts due. NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Continue

Commitment No. C1310481

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
Township: Perry
Description: Pt SE 7-11-7 129 a
Parcel No.: **007-00982-00** STATE ID: **11-08-05-400-002.000-010**
Assessed Values Land: \$ 166,900.00
Improvements \$ 4,300.00
Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 1187.18	\$	\$ 1187.18	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$ 2598.66		\$0	
Late/Liens:	\$0		\$0	

PAY AMT: \$ \$

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. **See Treasurer's Office for amounts due.** NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
Township: Perry
Description: 8-11-7 594.84 a
Parcel No.: **007-00933-00** STATE ID: **11-08-08-200-001.000-010**
Assessed Values Land: \$ 801,700.00
Improvements \$ 11,300.00
Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 5534.26	\$	\$ 5534.26	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	

PAY AMT: \$ 5534.26 \$ 5534.26

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. **See Treasurer's Office for amounts due.** NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Continued

Commitment No. C1310481

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
Township: Perry
Description: Pt N ½ 17-11-7 40 a
Parcel No.: **007-00904-00** STATE ID: 11-08-17-200-001.000-010
Assessed Values Land: \$ 29,600.00
Improvements \$ 00.00
Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 205.26	\$	\$ 205.26	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	

PAY AMT: \$ 205.26 \$ 205.26

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. See Treasurer's Office for amounts due. NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
Township: Posey
Description: Pt 32-12-7 565.785 a
Parcel No.: **008-01930-00** STATE ID: 11-03-32-200-012.000-011
Assessed Values Land: \$ 298,200.00
Improvements \$ 00.00
Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 2119.16	\$	\$ 2119.16	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	

PAY AMT: \$ 2119.16 \$ 2119.16

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. See Treasurer's Office for amounts due. NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Continued

Commitment No.C1310481

Issued by **Fidelity National Title Insurance Company**

8. All prior conveyances and/or reservations of the coal and/or other minerals in and underlying the real estate, together with the right to mine and remove the same and all other rights appurtenant thereto. (Matters and instruments set forth herein as to coal, oil, gas, and other minerals are provided as a courtesy and do not constitute a representation or certification that such matters or instruments are all of the matters or instruments affecting title to the coal, oil, gas, or other minerals. As stated above, coal, oil, gas, and other minerals, along with surface rights for the development thereof, are excepted from coverage.)
9. Covenants, conditions, easements, leases, sewer service agreements, sewer construction agreements, restrictions with or without a homeowner's association, party wall agreements, riparian rights, if any appearing in the public records and any legal drains and any rights-of-way or rights of the public in and to any right-of-way or roadway adjacent to or crossing the subject property.
10. Proceedings of any Federal Court, including but not limited to bankruptcy proceedings, that are not transcribed to the county in which the insured premises are situated.
11. The rights of the public and the State of Indiana in and to any part of the insured premises lying within the bounds of a legal highway or right of way.
12. Any enforcement of any local, county, state, or federal environmental or other land use rules, regulations, or statutes.
13. Loss arising out of the enforcement of rights of Clay County, Indiana, to public roads located in, along and through the Insured Premises, including but not limited to the enforcement of the duties to construct roads as set out in:
 - a. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Road 53 South (Vigo-Clay County Line Road) filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - b. Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Line Road filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - c. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 28, 1986, as to County Road 53 South (Vigo-Clay County Line Road) filed by Amax Coal Company, which decree is dated July 28, 1986, and appears in Commissioners' Record 80, page 136;
 - d. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated December 2, 1988, as to County Line Road filed by Amax Coal Company, which decree is dated January 5, 1989, and appears in Commissioners' Record 84, page 78.
14. As to all tracts, loss arising out of the existence of county highways that may have been closed temporarily during mining, and any re-building requirements related thereto.
15. As to all tracts, loss arising out of proceedings to vacate county highways.
16. As to all tracts, loss arising out of the permanent extinguishment of all rights and easements of ingress and egress to, from, and across any portion of the Insured Premises to any other portion of the Insured Premises due to the construction, location, or use of I-70.

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17. As to all tracts, loss arising out of the imposition of any ways of necessity to any of the Insured Premises or real estate adjacent thereto.
18. As to all tracts, loss arising out of a Coal Seam Gas Lease between Meadowlark, Inc. and Addington Exploration, LLC dated March 10, 1999, and recorded March 22, 1999, as Instrument #9900001428 in Official Record 3, pages 2682-2692 in the office of the Recorder of Clay County, Indiana, which was assigned by Addington Exploration, LLC to Nytis Exploration Company, LLC by an Assignment, Conveyance, and Bill of Sale dated May 6, 2005, effective February 1, 2005, and recorded July 6, 2005, as Instrument #200500003104 in Official Record 69, pages 241-247, in the office of the Recorder of Clay County, Indiana.

(An Affidavit and Request for Cancellation of Oil and Gas Lease on behalf of Meadowlark, Inc., by LCC Indiana, LLC, was recorded on May 20, 2005, as Instrument #200500002271 in Official Record 67, pages 1576-1577 in the office of the Recorder of Clay County, Indiana. Thereafter, an Affidavit of Compliance and Request to Void Cancellation of Record of Oil and Gas Lease on behalf of Nytis Exploration Company, LLC, which is dated July 8, 2005, was recorded July 11, 2005, as Instrument #200500003194 in Official Record 69, pages 640-642 in the office of the Recorder of Clay County, Indiana, and an Affidavit of Compliance and Request to Void Cancellation of Record of Oil and Gas Lease on behalf of Nytis Exploration Company, LLC, which is dated July 8, 2005, was recorded July 11, 2005, as Instrument #200500003195 in Official Record 69, pages 643-645 in the office of the Recorder of Clay County, Indiana. Thereafter, a Notice of Defective Affidavit of Compliance on behalf of LCC Indiana, LLC, which is dated September 1, 2005, was recorded September 12, 2005, as Instrument #200500004230 in Official Record 70, pages 2671-2672 in the office of the Recorder of Clay County, Indiana, and a Notice of Defective Affidavit of Compliance on behalf of LLC Indiana, LLC, which is dated September 1, 2005, was recorded September 12, 2005, as Instrument #200500004231 in Official Record 70, pages 2673-2674 in the office of the Recorder of Clay County, Indiana.)
27. As to all tracts, loss arising out of a Coal Seam Gas Lease between Meadowlark, Inc. and Addington Exploration, LLC dated March 10, 1999, and recorded May 20, 2005, as Instrument 200500002272 in Official Record 67, pages 1578-1589 in the office of the Recorder of Clay County, Indiana
28. As to all tracts, loss arising out of any right of entry in favor of any governmental entity, including but not limited to the State of Indiana, for the performance of reclamation activities.
29. As to all tracts, loss arising out of the enforcement of the covenants appearing in a certain Special Corporate Warranty Deed from Meadowlark, Inc. *et al.*, to LLC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #200500002924 in Official Record 68, pages 2005-2106 in the office of the Recorder of Clay County, Indiana.
30. Obligations imposed by the royalty requirements to RAG Royalty Company set forth in a Special Corporate Warranty Deed from Meadowlark, Inc., Ayrshire Land Company, and Midwest Coal Company, f.k.a. Amax Coal Company to LCC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #200500002924 in Official Record 68, pages 2005-2106 in the office of the Recorder of Clay County, Indiana.
31. As to all Clay County tracts, loss arising out of the enforcement of rights of Texas Gas Transmission Corporation and its successors, including but not necessarily limited to Indiana Gas Company, Inc., as set forth in a Conveyance, Bill of Sale and Assignment between Texas Gas Transmission Corporation and Indiana Gas Company, Inc. dated November 5, 1992, and recorded October 18,

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1993, in Miscellaneous Record 100, page 603 in the office of the Recorder of Clay County, Indiana, and as such rights may appear in all documents referred to therein.

32. As to all Clay County tracts, loss arising out of the enforcement of the terms of a Right-of-Way Agreement between Meadowlark Farms, Inc. and Texas Gas Transmission Corporation dated June 30, 1967, and recorded July 31, 1967, in Miscellaneous Record 53, page 230 and assigned by Texas Gas Transmission Corporation to Indiana Gas Company, Inc. by Conveyance, Bill of Sale and Assigned dated November 5, 1992, and recorded October 18, 1993, in Miscellaneous Record 100, page 603, both in the office of the Recorder of Clay County, Indiana.

(Among other things, the location of the interest is referred to as being designated in the color red, which does not appear in the copies of documents examined and the instrument refers to a Letter Agreement between the parties, but the Letter Agreement is not attached so its terms are unknown.)

33. As to all Clay County tracts, loss arising out of the enforcement of the terms of a Right-of-Way Agreement between Meadowlark Farms, Inc. and Texas Gas Transmission Corporation dated September 1, 1967, and recorded October 8, 1968, in Miscellaneous Record 54, page 486, and assigned by Texas Gas Transmission Corporation to Indiana Gas Company, Inc. by Conveyance, Bill of Sale and Assigned dated November 5, 1992, and recorded October 18, 1993, in Miscellaneous Record 100, page 603, both in the office of the Recorder of Clay County, Indiana.

(Among other things, the location of the interest is referred to as being designated in the color red, which does not appear in the copies of documents examined and the instrument refers to a Letter Agreement between the parties, but the Letter Agreement is not attached so its terms are unknown.)

34. As to Tract C-LXXXVII, any loss arising from the exercise of rights under a Right-of-Way from Hamlet Brosius and Emma R. Brosius, his wife, to Sinclair Refining Company, dated April 9, 1944, and recorded July 12, 1944, in Deed Record 129, page 84, which Right-of-Way was assigned by Sinclair Refining Company to Sinclair Pipe Line Company by an Assignment dated December 14, 1950, and recorded January 15, 1951, in Deed Record 137, page 121, which right-of-way appears to have been assigned by ARCO Transportation Alaska, Inc. to ARCO Pipe Line February 23, 1994, in Miscellaneous Record 101, page 50, which right-of-way was assigned further by ARCO Pipe Line Company to Four Corners Pipe Line Company by a Conveyance of Agreements dated January 1, 1995, and recorded February 13, 1995, in Miscellaneous Record 102, page 625, which right-of-way appears to have been released by a Release of Right of Way and Easement by ARCO Pipe Line Company dated April 4, 2000, and recorded June 30, 2000, in Official Record 13, page 330, all in the office of the Recorder of Clay County, Indiana. (This exception will be removed if the Insurer is provided proof of the interest in the right-of-way of ARCO Transportation Alaska, Inc.)

35. As to Tracts C-XLI and C-XLII, loss arising out of the failure to determine the owners of the mineral interests underlying the surface and to acquire the mineral interests from the owners thereof. (An undivided one-fourth interest in the minerals underlying Tract C-XLI was conveyed to Gus Lowry and Harry C. Lowry by a Mineral Deed recorded in Deed Record 145, page 291 and an undivided one-half interest in the minerals underlying Tract C-XLI was conveyed to Robert G. Lowry by a Mineral Deed recorded in Deed Record 145, page 292, Assignment of royalty interest to Charles S. Galbraith 1/64 interest dated June 10, 1958 and recorded June 13, 1958 in Deed Record 145, Page 298, and assignment of royalty interest to E. Gordon Christie 1/64 interest dated June 10, 1958 and

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recorded June 13, 1958 in Deed Record 145, page 299, both in the office of the Recorder of Clay County, Indiana. By a Deed of Conveyance dated September 18, 1997, and recorded September 25, 1997, in Deed Record 222, page 646, Ruby K. Waldron conveyed to Meadowlark, Inc. the surface only of Tract C-XLII.)

35. As to Tract C-XLII, loss arising out of a failure to correct the description that appears in a Deed of Conveyance from Ruby K. Waldron to Meadowlark, Inc. dated September 18, 1997, and recorded September 25, 1997, in Deed Record 222, page 646 in the office of the Recorder of Clay County, Indiana.
36. As to Tract C-LXXXVIII, any loss arising from the exercise of rights under a Right-of-Way from Henry N. Modesitt and Rosetta Modesitt, his wife, to Sinclair Refining Company, dated March 24, 1944, and recorded July 12, 1944, in Deed Record 129, page 85, and Right-of-Way from Noah L. Landers, a widower, to Sinclair Refining Company, dated July 11, 1944, and recorded July 17, 1944, in Deed Record 129, page 96, which Rights-of-Way were assigned by Sinclair Refining Company to Sinclair Pipe Line Company by an Assignment dated December 14, 1950, and recorded January 15, 1951, in Deed Record 137, page 121, which rights-of-way appear to have been assigned by ARCO Transportation Alaska, Inc. to ARCO Pipe Line Company by an Assignment of Right of Way Easements dated March 1, 1991, and recorded February 23, 1994, in Miscellaneous Record 101, page 50, which rights-of-way were assigned further by ARCO Pipe Line Company to Four Corners Pipe Line Company by a Conveyance of Agreements dated January 1, 1995, and recorded February 13, 1995, in Miscellaneous Record 102, page 625, which rights-of-way appear to have been released by Releases of Right of Way and Easement by ARCO Pipe Line Company dated April 4, 2000, and recorded June 30, 2000, in Official Record 13, page 330 and page 334, all in the office of the Recorder of Clay County, Indiana. (This exception will be removed if the Insurer is provided proof of the interest in the right-of-way of ARCO Transportation Alaska, Inc.)
37. Any loss arising from the failure of the deed from Ayrshire Collieries Corp. to Fairview Collieries Corp. of all of Ayrshire's interest in the Clay County real estate, which is dated and was recorded June 28, 1965, in Deed Record 151, page 13 to contain a specific description of the real estate conveyed.
38. Terms and conditions of Assignment and Assumption of Real Property Agreements (Clay County) between Lexington Coal Company, LLC., a Delaware Limited Liability Company, LCC Indiana, LLC, a Delaware Limited Liability Company and Wholly owned subsidiary of LCC and RLF Chinook Properties, LLC., a Colorado Limited Liability Company, dated August 30, 2006 and recorded September 1, 2006, in Official Record Book 81, Pages 318-325, in records of the Recorder's Office of Clay County, Indiana.
39. Mortgage from RLF Chinook Properties, LLC, a Colorado Limited Liability Company to Farm Credit Services of Mid-America, FLCA, securing the principal sum of \$1,600,000.00, dated July 15, 2009 and recorded July 21, 2009, at Official Record Book 107, Page 1479.
40. Loss arising from any gaps, gores or overlaps.
41. Loss arising from any ambiguity in the legal descriptions provided.

Commitment No. C1310481

Issued by **Fidelity National Title Insurance Company**

42. Loss resulting from failure to comply with local regulations for land use and transfer and/or split of real estate from a parent tract.
43. Coal Mining Lease by and between RLF Chinook Properties LLC and White Stallion Coal, LLC as evidenced by Short Form of Coal Mining Lease dated December 8, 2011 and recorded December 22, 2011 at Official Record Book 125 Pages 2670-2691, Instrument No. 201100004217.
44. Coal Mining Lease by and between RLF Chinook Properties LLC and White Stallion Coal, LLC as evidenced by Short Form of Coal Mining Lease dated December 8, 2011 and recorded December 22, 2011 at Official Record Book 125 Pages 2692-2713, Instrument No. 201100004218.
45. Intentionally omitted
46. Subordination, Non-Disturbance and Attornment Agreement by and among RLF Chinook Properties, LLC, White Stallion Coal, LLC, and Farm Credit Services of Mid-America, FLCA by instrument dated March 9, 2012 and recorded March 30, 2012 at Official Record Book 127 Pages 2560-2564, Instrument No. 201200001119.
47. Intentionally Deleted.
48. Intentionally Deleted.
49. Intentionally Deleted.
50. Intentionally Deleted.
51. Intentionally Deleted.
52. Intentionally Deleted.
53. Intentionally Deleted.

NOTE: Title Insurance Policy does not extend to any right, title, or interest acquired under a Supplemental Special Warranty Deed from LLC Indiana, LLC to RLF Chinook Properties, LLC, dated as of September 1, 2006 and recorded September 1, 2006 As Instrument Number 200600004443 in Official Record 81, Pages 311 to 317, in the Office of the Recorder of Clay County, Indiana.

All record references in this commitment are to the records of the Recorder of Clay County, Indiana unless otherwise stated.

Commitment No. C1310481

TRACTS 25 & 26

Commitment for Title Insurance – Schedule A

Issued by **Fidelity National Title Insurance Company**



1. Effective Date: @ 7:00 A.M. May 2, 2013

Case No. **C13-10485** (rev 5-16-13)

a. Property Address: (FOR INFORMATION ONLY)

2. Policy or Policies to be issued:

a. Owner's Policy (6/17/06): Amount:\$ TBD

Proposed Insured: TBD

b. Loan Policy (6/17/06): Amount:\$

Proposed Insured: and/or its successors and assigns.

3. The estate or interest in the land described or referred to in this Commitment is: Fee Simple

4. Title to the real estate is at the Effective Date vested in: RLF Chinook Properties, LLC, a Colorado Limited Liability Company.

5. The land referred to in this Commitment is described as follows:

Situated in Clay County, State of Indiana, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

Countersigned at Terre Haute
Hendrich Title Company

Authorized Officer or Agent

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**LEGAL DESCRIPTION
SURFACE ONLY
TRACT C-XX**

Parcel 1

The Southeast Quarter of Section 29, Township 12 North, Range 7 West, Posey Township, Clay County, State of Indiana, except 40 acres of equal width off of the north side thereof.

Parcel II

The East Half of the Southwest Quarter of Section 29, Township 12 North, Range 7 West, Posey Township, Clay County, State of Indiana, except 1 acre in the southwest corner thereof.

Excepting from the above Parcels 1 and 2, the following described real estate, to-wit:

Exception I

A part of the Southeast Quarter of Section 29, Township 12 North, Range 7 West, Clay County, Indiana, described as follows: Beginning at the intersection of the north boundary of S. R. 42 and the west boundary of County Road 19 South, which point of beginning is north 88 degrees 18 minutes 30 seconds west 18.36 feet (along the south line of said quarter section) and north 1 degree 41 minutes 30 seconds east 18.00 feet from the southeast corner of said quarter section; thence north 88 degrees 18 minutes 30 seconds west 1,627.48 feet along the north boundary of S. R. 42; thence north 79 degrees 17 minutes 03 seconds east 102.39 feet; thence north 40 degrees 07 minutes 44 seconds east 160.86 feet; thence south 88 degrees 18 minutes 41 seconds east 424.75 feet; thence northeasterly 81.92 feet along an arc to the left and having a radius of 155.00 feet and subtended by a long chord having a bearing of north 76 degrees 33 minutes 01 second east and a length of 80.97 feet; thence north 61 degrees 24 minutes 33 seconds east 325.74 feet; thence north 57 degrees 35 minutes 42 seconds east 150.33 feet; thence north 61 degrees 24 minutes 33 seconds east 250.00 feet; thence north 64 degrees 51 minutes 24 seconds east 93.73 feet; thence northeasterly 420.23 feet along an arc to the left and having a radius of 455.00 feet and subtended by a long chord having a bearing of north 27 degrees 00 minutes 32 seconds east and a length of 405.46 feet; thence north 0 degrees 33 minutes 00 seconds east 138.20 feet; thence north 15 degrees 30 minutes 30 seconds east 103.51 feet to the west boundary of County Road 19 South; thence south 0 degrees 32 minutes 30 seconds west 1,191.53 feet along said boundary to the point of beginning and containing 11.778 acres, more or less.

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Together with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as I-70 and as Project I-70-1(34)17) to and from the owner's abutting lands along the lines described as follows: LINE 1: Beginning on the north boundary of S. R. 42 north 88 degrees 18 minutes 30 seconds west 1,075.54 feet (along the south line of said quarter section) and north 1 degree 41 minutes 30 seconds east 18.00 feet from the southeast corner of said quarter section; thence northeasterly 268.54 feet along an arc to the left and having a radius of 5,584.58 feet and subtended by a long chord having a bearing of north 60 degrees 52 minutes 39 seconds east and a length of 268.52 feet; thence north 59 degrees 30 minutes 00 seconds east 152.36 feet; thence north 62 degrees 56 minutes 01 second east 250.45 feet; thence north 59 degrees 30 minutes 00 seconds east 570.93 feet and terminating in the east line of said quarter section. LINE 2: Beginning on the north boundary of S. R. 42 north 88 degrees 18 minutes 30 seconds west 277.12 feet (along the south line of said quarter section) and north 1 degree 41 minutes 30 seconds east 18.00 feet from the southeast corner of said quarter section; thence north 45 degrees 14 minutes 19 seconds east 173.99 feet; thence north 53 degrees 30 minutes 00 seconds east 193.35 feet and terminating in the east line of said quarter section. The above described access control line restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

as described in a certain Warranty Deed from Valentine Company, Inc. to the State of Indiana, which deed is dated January 27, 1967, and was recorded April 6, 1967, in Deed Record 154, page 98 in the office of the Recorder of Clay County, Indiana.

Exception II

A part of the South Half of the Southeast Quarter of Section 29, Township 12 North, Range 7 West, described as follows:

Beginning at a point at the north boundary of State Road 42 and the west boundary of relocated County Road 19 South, which point of beginning is north 88 degrees 18 minutes 30 seconds west 1,645.84 feet and north 1 degree 41 minutes 30 seconds west 18.00 feet from the southeast corner of said quarter section; thence north 88 degrees 18 minutes 30 seconds west 224.16 feet; thence north 1 degree 41 minutes 30 seconds east 432.00 feet to a point; thence south 88 degrees 18 minutes 30 seconds east 450.00 feet to a point; thence south 1 degree 41 minutes 30 seconds west 266.00 feet to the north boundary line of relocated County Road 19 South; thence westerly along said boundary line north 88 degrees 41 minutes 30 seconds west 25.84 feet; thence along said boundary line south 40 degrees 07 minutes 44 seconds west 160.86 feet; thence along said boundary line south 79 degrees 17 minutes 03 seconds west 102.39 feet to the place of beginning and containing 4.15 acres, more or less.

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as shown in a certain Special Corporate Warranty Deed from Meadowlark Inc. to Vernon E. Knight and Dianna M. Knight, husband and wife, which deed is dated June 10, 1994, and was recorded July 14, 1994, at Deed Record 215, page 1078 in the Recorder's Office of Clay County, Indiana.

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to James B. Eitinier and Stacy S. Freeman by Special Warranty Deed dated November 6, 2007 and recorded November 19, 2007 at Official Record Book 92 Page 953, Recorder's Office, Clay County, Indiana. (Auction Tract 11)

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Charles Joenathan by Special Warranty Deed dated October 31, 2007 and recorded December 6, 2007 at Official Record Book 92 Page 2018, Recorder's Office, Clay County, Indiana. (Auction Tract 13)

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Mark Minar and Judy Minar, husband and wife by Special Warranty Deed dated October 24, 2007 and recorded November 8, 2007 at Official Record Book 92 Page 266, Recorder's Office, Clay County, Indiana. (Auction Tract 14)

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Kimberly J. Drake by Special Warranty Deed dated November 6, 2007 and recorded November 29, 2007 at Official Record Book 92 Page 1474, Recorder's Office, Clay County, Indiana. (Auction Tract 15)

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Kimberly S. Sankey and David M. Sankey, Wife and Husband by Special Warranty Deed dated November 6, 2007 and recorded November 27, 2007 at Official Record Book 92 Page 1315, Recorder's Office, Clay County, Indiana. (Auction Tract 16)

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Michael D. Sankey and Sherry Sankey, Husband and Wife and Kimberly S. Sankey and David M. Sankey, Wife and Husband by Special Warranty Deed dated January 17, 2008 and recorded January 29, 2008 at Official Record Book 94 Page 276, Recorder's Office, Clay County, Indiana. (Auction Tract 17)

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Scott A. Harris and Mandy O. Harris, Husband and Wife by Special Warranty Deed dated October 31, 2007 and recorded November 16, 2007 at Official Record Book 92 Page 827, Recorder's Office, Clay County, Indiana. (Auction Tract 12)

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Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Jay Swearingen and Kelly M. Swearingen, Husband and Wife by Special Warranty Deed dated October 25, 2007 and recorded November 19, 2007 at Official Record Book 92 Page 976, Recorder's Office, Clay County, Indiana. (Auction Tracts 6-8, 10, and 40)

Also excepting from the above Parcels 1 and 2, that portion of the above described real estate conveyed from RLF Chinook Properties, LLC to Covol Engineered Fuels, LC by Special Warranty Deed dated August 6, 2007 and recorded August 13, 2007 at Official Record Book 89 Page 2132, Recorder's Office, Clay County, Indiana.

Note: Auditor's records show RLF Chinook Properties assessed on 29.98 acres 29-12-7 under tax parcel number 008-01964-00.

(formerly Hendrich Tract 8225U)

TRACT C-XCVII

Ten acres of even width off the north side of the Northwest Quarter of the Northeast Quarter of Section 32, Township 12 North, Range 7 West, except the following tracts:

- (1) Beginning at the northeast corner of said quarter quarter section; thence west 198 feet; thence south 330 feet; thence east 198 feet; thence north 330 feet to the place of beginning;
- (2) Commencing at a point where the Texas Gas Transmission Corporation's presently existing Martinsville 6 inch pipeline intersects the section line dividing Sections 32 and 33, Township 12 North, Range 7 West, Clay County, Indiana; running thence north 89 degrees 15 minutes west along said pipeline for a distance of 1664 feet to the point of beginning; running thence south 0 degrees 45 minutes west 19.30 feet to a point; thence north 89 degrees 15 minutes west 30 feet to a point; thence north 0 degrees 45 minutes east 30 feet to a point in the south right-of-way line of Indiana Highway 42; thence with said right-of-way line of the Highway south 89 degrees 15 minutes east 30 feet to a point; thence south 0 degrees 45 minutes west 10.70 feet to the point of beginning;
- (3) A part of the Northwest Quarter of the Northeast Quarter of Section 32, Township 12 North, Range 7 West, described as follows: Commencing at the northeast corner of said quarter quarter section; thence north 88 degrees 18 minutes 30 seconds west 198.00 feet

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along the north line of said quarter quarter section to an east line of the owners' land; thence south 1 degree 25 minutes 00 seconds west 330.00 feet along said line to a southeast corner of the owners' land; thence north 88 degrees 18 minutes 30 seconds west 417.30 feet along a south line of the owners' land to a corner of the owners' land; thence south 1 degree 25 minutes 00 seconds west 61.95 feet along an east line of the owners' land to the point of beginning of this description; (1) thence south 1 degree 25 minutes 00 seconds west 199.41 feet along an east line of the owners' land to a southeast corner of the owners' land; (2) thence north 88 degrees 18 minutes 30 seconds west 250.00 feet along a south line of the owners' land to a southwest corner of the owners' land; (3) thence north 1 degree 25 minutes 00 seconds east 129.69 feet along a west line of the owners' land; (4) thence north 89 degrees 38 minutes 28 seconds east 46.98 feet; (5) thence northeasterly 213.84 feet along an arc to the left and having a radius of 5599.58 feet and subtended by a long chord having a bearing of north 73 degrees 08 minutes 17 seconds east and a length of 213.83 feet to the point of beginning and containing 0.908 acres, more or less.

Also, a part of the Northwest Quarter of the Northeast Quarter of Section 32, Township 12 North, Range 7 West, described as follows: Beginning on an east line of the owners' land north 88 degrees 18 minutes 30 seconds west 198.00 feet (along the north line of said quarter quarter section) and south 1 degree 25 minutes 00 seconds west 221.78 feet (along an east line of the owners' land) from the northeast corner of said quarter quarter section; (1) thence south 1 degree 25 minutes 00 seconds west 108.22 feet along said east line to a southeast corner of the owners' land; (2) thence north 88 degrees 18 minutes 30 seconds west 251.76 feet along a south line of the owners' land; (3) thence northeasterly 244.93 feet along an arc to the left and having a radius of 5599.58 feet and subtended by a long chord having a bearing of north 68 degrees 59 minutes 06 seconds east and a length of 244.91 feet; (4) thence north 63 degrees 18 minutes 00 seconds east 28.77 feet to the point of beginning and containing 0.300 acres, more or less.

Also, a part of the Northwest Quarter of the Northeast Quarter of Section 32, Township 12 North, Range 7 West, described as follows: Beginning at the intersection of the south boundary of S.R. 42 and an east line of the owners' land, which point of beginning is

Commitment for Title Insurance – Schedule A

Page 7

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north 88 degrees 18 minutes 30 seconds west 198.00 feet (along the north line of said quarter quarter section) and south 1 degree 25 minutes 00 seconds west 18.00 feet (along an east line of the owners' land) from the northeast corner of said quarter quarter section; thence south 1 degree 25 minutes 00 seconds west 22.00 feet along said east line; thence north 88 degrees 18 minutes 30 seconds west 24.10 feet; thence north 75 degrees 54 minutes 03 seconds west 102.39 feet to the south boundary of S.R. 42; thence south 88 degrees 18 minutes 30 seconds east 124.00 feet to the point of beginning and containing 0.037 acres, more or less.

(formerly Hendrich Tract 8225-99)

Note: Auditor's records show RLF Chinook Properties assessed on 8.735A acres in NW NE 32-12-7 under tax parcel number 008-01936-00.

The acreage indicated in the legal description is solely for the purpose of identifying said tract and should not be construed as insuring the quantity of land.

Commitment No. C1310485

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Requirements

The following are the requirements to be complied with:

- Item (a) Payments to or for the account of grantors or mortgagors of the full consideration for the estate or interest to be insured.
- Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

Warranty Deed in recordable form from RLF Chinook Properties, LLC, a Colorado Limited Liability Company to TBD, conveying fee simple title.
- Item (c) We must be furnished a copy of (1) the articles of organization, (2) written operating agreement and all amendments thereto, (3) current membership roster, and (4) a certificate of good standing of said limited liability company. Unless the deed is executed by all members, we must also be furnished evidence satisfactory to Lawyers Title Insurance Company that all necessary consents, authorizations, resolutions, notices and actions relating to the sale and the execution and delivery of the deed as required under applicable law and the governing documents have been conducted, given or properly waived.
- Item (d) A completed Disclosure of Sales Information Form executed pursuant to I.C. 6-1.1-5.5 that is accepted by and filed With the County Auditor and accepted by the County Recorder.
- Item (e) Duly executed and appropriate Vendor's Affidavit Is required so that certain standard Exceptions may be deleted on the Mortgagee's policy. In addition, we will automatically remove the survey Exception on the Mortgagee's policy for 1 to 4 family dwellings; however, we may require a proper ALTA/ACSM Land Title Survey in order to delete the survey exception from mortgagee's policies on other types of property.

Commitment No. C1310485

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Exceptions

Schedule B of the policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment
2. Rights or claims of parties other than insured in actual possession of any or all of the property.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land Survey of the Land. The term “encroachment” includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments Onto the Land of existing improvements located on adjoining land.
4. Unfiled mechanics’ or material men’s liens.
5. The Policy(s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.
6. Easements, or claims of easements, not shown by the public records.

7. Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
 Township: Posey
 Description: Pt 29-12-7 29.98 a
 Parcel No.: **008-01964-00** STATE ID: **11-03-29-200-001.000-011**
 Assessed Values Land: \$ 44,300.00
 Improvements \$ 00.00
 Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 314.82	\$	\$ 314.82	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$ 314.82		\$ 314.82	

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer’s Office. See Treasurer’s Office for amounts due. NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Continued....

Commitment No. C1310485

Commitment for Title Insurance – Schedule B – Section 2

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Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC
Township: Posey
Description: Pt NW NE 32-12-7 8.735 a
Parcel No.: **008-01936-00** **STATE ID: 11-03-32-100-007.000-011**
Assessed Values Land: \$ 8,500.00
 Improvements \$ 1,300.00
 Exemptions \$ 00.00

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$ 69.64	\$	\$ 69.64	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$161.03		\$0	
Late/Liens:	\$0		\$0	
<hr/>				
PAY AMT:	\$		\$	

Taxes for 2013 payable in 2014 are a lien, but the duplicates are not yet available in the Treasurer's Office. **See Treasurer's Office for amounts due.** NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

8. The rights of the public and the State of Indiana in and to any part of the insured premises lying within the bounds of a legal highway or right of way.
9. All prior conveyances and/or reservations of the coal and/or other minerals in and underlying the real estate, together with the right to mine and remove the same and all other rights appurtenant thereto. (Matters and instruments set forth herein as to coal, oil, gas, and other minerals are provided as a courtesy and do not constitute a representation or certification that such matters or instruments are all of the matters or instruments affecting title to the coal, oil, gas, or other minerals. As stated above, coal, oil, gas, and other minerals, along with surface rights for the development thereof, are excepted from coverage.)
10. Covenants, conditions, easements, leases, sewer service agreements, sewer construction agreements, restrictions with or without a homeowner's association, party wall agreements, riparian rights, if any appearing in the public records and any legal drains and any rights-of-way or rights of the public in and to any right-of-way or roadway adjacent to or crossing the subject property.
11. Federal Bankruptcy proceedings of the Federal District Court not transcribed to Clay County, Indiana, within the past twelve months.
12. Our searches of the Clay and Vigo County Courts are limited to a search of the Judgment Dockets only as provided by the General Assembly of the State of Indiana. (We make no certification as to traffic violations.

Continued...

Commitment No. C1310485

Issued by **Fidelity National Title Insurance Company**

13. Any enforcement of any local, county, state, or federal environmental or other land use rules, regulations, or statutes.
14. Zoning, restrictions, and prohibitions imposed by governmental authority, and any violations thereof.
15. If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.
16. As to all tracts, loss arising out of the enforcement of rights of Clay and Vigo Counties, Indiana, to public roads located in, along, and through the Insured Premises, including but not limited to the enforcement of the duties to construct roads as set out in:
 - A. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - B. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to Light Road filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - C. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Road 53 South (Vigo-Clay County Line Road) filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - D. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Line Road filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - E. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 2, 1985, as to County Road 92 South (Tabertown Road) filed by Amax Coal Company, which decree is dated July 2, 1985, and appears in Commissioners' Record 78, page 42;
 - F. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 2, 1985, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated July 2, 1985, and appears in Commissioners' Record 78, page 42;

Continued...

Commitment No. C1310485

Issued by **Fidelity National Title Insurance Company**

- G. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 28, 1986, as to County Road 53 South (Vigo-Clay County Line Road) filed by Amax Coal Company, which decree is dated July 28, 1986, and appears in Commissioners' Record 80, page 136;
 - H. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 28, 1986, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated July 28, 1986, and appears in Commissioners' Record 80, page 136;
 - I. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 28, 1986, as to Light Road filed by Amax Coal Company, which Decree is dated July 28, 1986, and appears in Commissioners' Record 80, page 136;
 - J. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated September 25, 1987, as to County Road 92 South (Tabertown Road) filed by Amax Coal Company, which decree is dated September 25, 1987, and appears in Commissioners' Record 82, page 182;
 - K. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated September 25, 1987, as to County Road 92 South (Tabertown Road) filed by Amax Coal Company, which decree is dated October 5, 1987, and appears in Commissioners' Record 82, page 182;
 - L. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated September 25, 1987, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated October 5, 1987, and appears in Commissioners' Record 82, page 182; and
 - M. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated December 2, 1988, as to County Line Road filed by Amax Coal Company, which decree is dated January 5, 1989, and appears in Commissioners' Record 84, page 78.
15. As to all tracts, loss arising out of a Coal Seam Gas Lease between Meadowlark, Inc. and Addington Exploration, LLC dated March 10, 1999, and recorded March 22, 1999, as Instrument #9900001428 in Official Record 3, pages 2682-2692 in the office of the Recorder of Clay County, Indiana, and recorded June 10, 2005, as Instrument #2005009750 in the office of the Recorder of Vigo County, Indiana, which was assigned by Addington Exploration, LLC to Nytis Exploration Company, LLC by an Assignment, Conveyance, and Bill of Sale dated May 6, 2005, effective February 1, 2005, and recorded July 6, 2005, as Instrument #200500003104 in Official Record 69, pages 241-247, in the office of the Recorder of Clay County, Indiana, and recorded June 30, 2005, as Instrument #2005011038 in the office of the Recorder of Vigo County, Indiana.

Continued...

Commitment No. C1310485

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(An Affidavit and Request for Cancellation of Oil and Gas Lease on behalf of Meadowlark, Inc., by LCC Indiana, LLC, was recorded on May 20, 2005, as Instrument #200500002271 in Official Record 67, pages 1576-1577 in the office of the Recorder of Clay County, Indiana, and recorded May 20, 2005, as Instrument #2005008414 in the office of the Recorder of Vigo County, Indiana. Thereafter, an Affidavit of Compliance and Request to Void Cancellation of Record of Oil and Gas Lease on behalf of Nytis Exploration Company, LLC, which is dated July 8, 2005, was recorded July 11, 2005, as Instrument #200500003194 in Official Record 69, pages 640-642 in the office of the Recorder of Clay County, Indiana, and was recorded May 9, 2006, as Instrument #2006010159 in the office of the Recorder of Vigo County, Indiana, and an Affidavit of Compliance and Request to Void Cancellation of Record of Oil and Gas Lease on behalf of Nytis Exploration Company, LLC, which is dated July 8, 2005, was recorded July 11, 2005, as Instrument #200500003195 in Official Record 69, pages 643-645 in the office of the Recorder of Clay County, Indiana, and was recorded May 9, 2006, as Instrument #2006010159 in the office of the Recorder of Vigo County, Indiana. Thereafter, a Notice of Defective Affidavit of Compliance on behalf of LCC Indiana, LLC, which is dated September 1, 2005, was recorded September 12, 2005, as Instrument #200500004230 in Official Record 70, pages 2671-2672 in the office of the Recorder of Clay County, Indiana, and a Notice of Defective Affidavit of Compliance on behalf of LLC Indiana, LLC, which is dated September 1, 2005, was recorded September 12, 2005, as Instrument #200500004231 in Official Record 70, pages 2673- 2674 in the office of the Recorder of Clay County, Indiana.)

16. Intentionally deleted.
17. As to all tracts, loss arising out of a Coal Seam Gas Lease between Meadowlark, Inc. and Addington Exploration, LLC dated March 10, 1999, and recorded May 20, 2005, as Instrument 200500002272 in Official Record 67, pages 1578-1589 in the office of the Recorder of Clay County, Indiana.
18. As to all tracts, loss arising out of any right of entry in favor of any governmental entity, including but not limited to the State of Indiana, for the performance of reclamation activities.
19. As to all tracts, loss arising out of the enforcement of the covenants appearing in a certain Corrective Special Corporate Warranty Deed from Meadowlark, Inc. *et al.* to LCC Indiana, LLC dated September 30, 2004, and recorded May 23, 2005, as Instrument No. 2005010626 in the office of the Recorder of Vigo County, Indiana, and a Special Corporate Warranty Deed from Meadowlark, Inc. *et al.*, to LLC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #200500002924 in Official Record 68, pages 2005-2106 in the office of the Recorder of Clay County, Indiana.
20. Obligations imposed by the royalty requirements to RAG Royalty Company set forth in a Special Corporate Warranty Deed from Meadowlark, Inc., Ayrshire Land Company, and Midwest Coal Company, f.k.a. Amax Coal Company to LCC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #200500002924 in Official Record 68, pages 2005-2106 in the office of the Recorder of Clay County, Indiana, and a Corrective Special Corporate Warranty Deed from Meadowlark, Inc. to LCC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #2005010626 in the office of the Recorder of Vigo County, Indiana.

Continued...

Commitment No. C1310485

Commitment for Title Insurance – Schedule B – Section 2

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21. As to all tracts, loss arising out of the existence of county highways that may have been closed temporarily during mining, and any re-building requirements related thereto.
22. As to all tracts, loss arising out of proceedings to vacate county highways.
23. As to all tracts, loss arising out of the permanent extinguishment of all rights and easements of ingress and egress to, from, and across any portion of the Insured Premises to any other portion of the Insured Premises due to the construction, location, or use of I-70.
24. As to all tracts, loss arising out of the imposition of any ways of necessity to any of the Insured Premises or real estate adjacent thereto.
25. As to all Clay County tracts, loss arising out of the enforcement of rights of Texas Gas Transmission Corporation and its successors, including but not necessarily limited to Indiana Gas Company, Inc., as set forth in a Conveyance, Bill of Sale and Assignment between Texas Gas Transmission Corporation and Indiana Gas Company, Inc. dated November 5, 1992, and recorded October 18, 1993, in Miscellaneous Record 100, page 603 in the office of the Recorder of Clay County, Indiana, and as such rights may appear in all documents referred to therein.
26. As to all Clay County tracts, loss arising out of the enforcement of the terms of a Right-of-Way Agreement between Meadowlark Farms, Inc. and Texas Gas Transmission Corporation dated June 30, 1967, and recorded July 31, 1967, in Miscellaneous Record 53, page 230 and assigned by Texas Gas Transmission Corporation to Indiana Gas Company, Inc. by Conveyance, Bill of Sale and Assigned dated November 5, 1992, and recorded October 18, 1993, in Miscellaneous Record 100, page 603, both in the office of the Recorder of Clay County, Indiana.

(Among other things, the location of the interest is referred to as being designated in the color red, which does not appear in the copies of documents examined and the instrument refers to a Letter Agreement between the parties, but the Letter Agreement is not attached so its terms are unknown.)

27. As to all Clay County tracts, loss arising out of the enforcement of the terms of a Right-of-Way Agreement between Meadowlark Farms, Inc. and Texas Gas Transmission Corporation dated September 1, 1967, and recorded October 8, 1968, in Miscellaneous Record 54, page 486, and assigned by Texas Gas Transmission Corporation to Indiana Gas Company, Inc. by Conveyance, Bill of Sale and Assigned dated November 5, 1992, and recorded October 18, 1993, in Miscellaneous Record 100, page 603, both in the office of the Recorder of Clay County, Indiana.

(Among other things, the location of the interest is referred to as being designated in the color red, which does not appear in the copies of documents examined and the instrument refers to a Letter Agreement between the parties, but the Letter Agreement is not attached so its terms are unknown.)

28. As to all Clay County tracts, loss arising out of the conveyance of the following described real estate in Clay County, Indiana, to-wit:

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Commitment No. C1310485

Commitment for Title Insurance – Schedule B – Section 2

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A part of the West Half of the Northeast Quarter of the Northeast Quarter of Section 31, Township 12 North, Range 7 West, Clay County, Indiana, described as follows: Beginning on the west line of said quarter-quarter section north 0 degrees 52 minutes 00 seconds east 247.50 feet from the southwest corner of said quarter-quarter section, which point is the northwest corner of the owner's land; thence south 88 degrees 39 minutes 43 seconds east 467.62 feet along the north line of the owner's land; thence south 84 degrees 05 minutes 22 seconds west 201.37 feet; thence north 89 degrees 13 minutes 00 seconds west 267.64 feet to the west line of said quarter-quarter section; thence north 0 degrees 52 minutes 00 seconds east 28.00 feet along said west line to the point of beginning and containing 0.222 acres, more or less.

A part of the Northwest Quarter of the Northwest Quarter of Section 32, Township 12 North, Range 7 West, Clay County, Indiana, described as follows: Commencing at the northwest corner of said section; thence south 0 degrees 45 minutes 00 seconds west 1078.20 feet along the west line of said section to the north line of the owner's land; thence south 88 degrees 02 minutes 26 seconds east 44.90 feet along said north line to the point of beginning of this description; thence south 88 degrees 02 minutes 26 seconds east 571.15 feet along said north line to the corner of the owner's land; thence north 61 degrees 52 minutes 00 seconds east 775.54 feet along the northwestern line of the owner's land to the west boundary of County Road 49 S; thence south 0 degrees 45 minutes 00 seconds west 438.00 feet along the boundary of said County Road 49 S; thence north 89 degrees 13 minutes 00 seconds west 50.13 feet; thence north 75 degrees 10 minutes 50 seconds west 206.16 feet; thence north 89 degrees 13 minutes 00 seconds west 930.00 feet; thence north 69 degrees 45 minutes 57 seconds west 74.24 feet to the point of beginning and containing 3.525 acres, more or less.

Also, a part of the Northeast Quarter of the Northwest Quarter, a part of the Northwest Quarter of the Northeast Quarter, a part of the East Half of the Northeast Quarter of Section 32, Township 12 North, Range 7 West, Clay County, Indiana, described as follows: Commencing at the northeast corner of said section 32; thence north 88 degrees 18 minutes 30 seconds west 18.00 feet along the north line of said section of the prolonged west boundary of County Road 45S; thence south 00 degrees 37 minutes 30 seconds west 18.00 feet along the said prolonged west boundary to the point of beginning of this description, which point is the intersection of said west boundary and the south boundary of S.R. 42; (1) thence south 00 degrees 37 minutes 30 seconds west 132.02 feet along said west boundary; (2) thence north 72 degrees 50 minutes 27 seconds west 187.48 feet; (3) thence south 88 degrees 24 minutes 00 seconds west 205.95 feet; (4) thence south 53 degrees 30 minutes 00 seconds west 532.88 feet; (5) thence southwesterly 1516.05 feet along an arc to the right and having a radius of 3064.79 feet and subtended by a long chord having a bearing of south 67 degrees 40 minutes 16 seconds west and a length of 1500.64 feet; (6) thence north 86 degrees 14 minutes 12 seconds west 630.12 feet; (7) thence north 89 degrees 13 minutes 00 seconds west 650.00 feet; (8) thence south 68 degrees 58 minutes 55 seconds west 269.26 feet; (9) thence north 89 degrees 13 minutes 00 seconds

Continued...

Commitment No. C1310485

Issued by **Fidelity National Title Insurance Company**

west 209.87 feet to the east boundary of County Road 9 S; (10) thence north 00 degrees 45 minutes 00 seconds east 505.00 feet along the east boundary of said County Road 49 S; (11) thence south 89 degrees 13 minutes 00 seconds east 410.16 feet; (12) thence easterly 136.39 feet along an arc to the left and having a radius of 5524.72 feet and subtended by a long chord having a bearing of north 87 degrees 56 minutes 21 seconds east and a length of 136.39 feet; (13) thence south 86 degrees 26 minutes 21 seconds east 194.87 feet; (14) thence northeasterly 871.73 feet along an arc to the left and having a radius of 5549.58 feet and subtended by a long chord having a bearing of north 80 degrees 43 minutes 55 seconds east and a length of 870.83 feet; (15) thence north 89 degrees 38 minutes 28 seconds east 153.91 feet to the east line of the owner's land; (16) thence south 01 degrees 25 minutes 00 seconds west 129.69 feet along said east line to the north line of the owner's land; (17) thence south 88 degrees 18 minutes 30 seconds east 250.00 feet along said north line to the west line of the owner's land; (18) thence north 01 degree 25 minutes 00 seconds east 261.36 feet along said west line to the north line of the owner's land; (19) thence south 88 degrees 18 minutes 30 seconds east 417.30 feet along said north line to the east line of the owner's land; (20) thence south 01 degrees 25 minutes 00 seconds west 110.00 feet along said east line to the north line of the owner's land; (21) thence south 88 degrees 18 minutes 30 seconds east 198.00 feet along said north line to the west line of the owner's land; (22) thence north 1 degrees 25 minutes 00 seconds east 324.96 feet along said west line; (23) thence north 63 degrees 18 minutes 00 seconds east 39.90 feet; (24) thence north 5 degrees 35 minutes 42 seconds west 56.75 feet; (25) thence north 88 degrees 18 minutes 30 seconds west 27.90 feet to the west line of the owner's land; (26) thence north 01 degrees 25 minutes 00 seconds east 22.00 feet along said west line to the south boundary of S.R. 42; (27) thence south 88 degrees 18 minutes 30 seconds east 1306.24 feet along the boundary of said S.R. 42 to the point of beginning and containing 39.106 acres, more or less.

Also, a part of the South Half of Section 27, and a part of the South Half of Section 28, Township 12 North, Range 7 West, Clay County, Indiana, described as follows: Beginning at the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 27; (1) thence north 87 degrees 59 minutes 35 seconds west 1320.08 feet along the south line of said quarter-quarter section to the west line of said Southeast Quarter; (2) thence south 0 degrees 25 minutes 00 seconds west 231.09 feet along said west line; (3) thence north 87 degrees 57 minutes 00 seconds west 110.51 feet; (4) thence south 78 degrees 33 minutes 15 seconds west 514.20 feet; (5) thence north 87 degrees 57 minutes 00 seconds west 5276.03 feet; (6) thence southwesterly 654.86 feet along an arc to the left and having a radius of 2614.79 feet and subtended by a long chord having a bearing of south 84 degrees 52 minutes 31 seconds west and a length of 653.15 feet; (7) thence north 81 degrees 32 minutes 38 seconds west 89.13 feet to the west line of the Southeast Quarter of the Southwest Quarter of said Section 28; (8) thence north 0 degrees 32 minutes 30 seconds east 374.85 feet along said west line to the northwest corner of said Southeast quarter of the Southwest Quarter; (9) thence north 88 degrees 18 minutes 30 seconds west 349.39 feet along the south line of the Northwest Quarter of the Southwest Quarter of said Section 28; (10) thence northeasterly 1119.84 feet along an arc to the right and having a radius of 3114.79 feet and subtended by a long chord having a bearing of north 81 degrees

Continued...

Commitment No. C1310485

Issued by **Fidelity National Title Insurance Company**

45 minutes 01 seconds east and a length of 1113.82 feet; (11) thence south 87 degrees 57 minutes 00 seconds east 5276.03 feet; (12) thence south 78 degrees 51 minutes 35 seconds east 506.36 feet; (13) thence south 87 degrees 57 minutes 00 seconds east 600.00 feet; (14) thence south 76 degrees 38 minutes 24 seconds east 203.96 feet; (15) thence south 87 degrees 57 minutes 00 seconds east 623.28 feet to the east line of the Northwest Quarter of the Southeast Quarter of said Section 27; (16) thence south 0 degrees 34 minutes 30 seconds west 28.01 feet along said east line to the point of beginning and containing 30.244 acres, more or less, in said Section 27, and containing 46.102 acres, more or less, in said Section 28; and containing in all 76.346 acres, more or less.

Together with the permanent extinguishment (*sic.*) of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as I-70 and as Project I-70-1(34)), to and from the owner's abutting lands, along the lines described as follows: the 201.37-foot and the 267.64-foot courses described above in the description of the 0.222-acre parcel. Also, beginning at the east end of the 467.62-foot course described above in the description of the 0.222-acre parcel; thence south 88 degrees 39 minutes 43 seconds east 203.01 feet along the north line of the south 15 rods of the West Half of the Northeast quarter of the Northeast Quarter of said Section 31 to the east line of said half-quarter-quarter section; thence north 0 degrees 47 minutes 00 seconds east 2.50 feet along said east line to the north line of the south 250.00 feet of the East Half of the Northeast Quarter of the Northeast Quarter of said Section 31; thence south 88 degrees 02 minutes 26 seconds east 697.15 feet along the north line of the south 250.00 feet of the East Half of the Northeast quarter of the Northeast quarter of said Section 31 and along the south 250.00 feet of the Northwest Quarter of the Northwest Quarter of said Section 32 and terminating on the west end of the 571.15-foot course described above in the description of the 3.525-acre parcel. Also, the 74.24-foot, the 930.00-foot, and the 50.13-foot courses described above in the description of the 3.525-acre parcel. Also, beginning at the east end of the 50.13-foot course described above in the description of the 3.525-acre parcel; thence south 89 degrees 13 minutes 00 seconds east 20.00 feet and terminating on the east line of the Northwest Quarter of the Northwest Quarter of said Section 32. Also, beginning at the south end of course (10) described above in the description of the 39.106-acre parcel; thence north 89 degrees 13 minutes 00 seconds west 20.00 feet and terminating on the west line of the Northeast Quarter of the Northwest Quarter of said Section 32. Also, beginning at the north end of course (10) described above in the description of the 39.106-acre parcel; thence north 89 degrees 13 minutes 00 seconds west 20.00 feet and terminating on the west line of the Northeast Quarter of the Northwest Quarter of said Section 32. Also, course (4), (5), (6), (7), (8), (9), (12), (13), (14), (15), and (23) described above in description of the 39.106-acre parcel. Also, the west 10.16 feet and the east 100.00 feet of course (11) described above in the description of the 39.106-acre parcel. Also, beginning south 1 degree 25 minutes 00 seconds west 61.95 feet from the north end of course (18) described above in the description of the 39.106-acre parcel; thence northeasterly 176.50 feet along an arc to the left and having a radius of 5599.58 feet and subtended by a long chord having a bearing of north 71 degrees 08 minutes 28 seconds east and a length of 176.49 feet and terminating on the north line of the owner's land. Also, beginning at the northeastern end of course (23) described

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Commitment No. C1310485

Issued by **Fidelity National Title Insurance Company**

above in the description of the 39.106-acre parcel; thence northeasterly 146.20 feet along an arc to the left and having a radius of 5584.58 feet and subtended by a long chord having a bearing of north 63 degrees 58 minutes 55 seconds east and a length of 146.20 feet; thence north 63 degrees 07 minutes 17 seconds east 21.56 feet and terminating on the south boundary of S.R. 42. Also, beginning at the northeastern end of course (4) described above in the description of the 39.106-acre parcel; thence north 47 degrees 03 minutes 00 seconds east 133.53 feet and terminating on the south boundary of S.R. 42. Also, courses (3), (4), (5), (6), (7), (10), (11), (12), (13), (14), and (15) described above in the description of the 76.346-acre parcel. This restriction shall be a covenant (*sic.*) running with the land and shall be binding on all successors in title to the said abutting lands.

and the enforcement of any covenants set forth therein, all as appear in a certain Special Corporate Warranty Deed from Meadowlark, Inc. to the State of Indiana dated December 5, 1988, and recorded February 13, 1987, in Deed Record 206, page 318 in the office of the Recorder of Clay County, Indiana.. (It appears that access control lines referred to in such deed may extend into a portion of the Insured Premises.)

29. As to Tract C-XX, loss arising out of the enforcement of covenants set forth in a certain Warranty Deed from Valentine, Inc. to the State of Indiana dated January 27, 1967, and recorded April 6, 1967, in Deed Record 154, page 98 in the office of the Recorder of Clay County, Indiana. (It appears that access control lines referred to in such deed may extend into a portion of the Insured Premises.
30. As to Tract C-XX, loss arising out of the enforcement of a Right of Way Agreement to Terre Haute Gas Corporation dated December 9, 1967, and recorded January 3, 1968, in Deed Record 156, page 279 in the office of the Recorder of Clay County, Indiana.
31. As to Tract C-XX, loss arising out of the enforcement of a Conveyance and Grant of Right-of-Way Easement from Meadowlark, Inc. to Utilities District of Western Indiana Rural Electric Membership Corporation dated August 5, 1994, and recorded August 8, 1994, in Miscellaneous Record 101, page 939 in the office of the Recorder of Clay County, Indiana.
32. As to Tracts C-XX, C-CXXI, and C-CXXII, loss arising out of the enforcement of a Deed of Easement from Meadowlark Farms, Inc. to Buckeye Pipe Line Company dated February 12, 1980, and recorded February 28, 1980, in Deed Record 186, page 529, and purportedly assigned to Marathon Ashland Petroleum LLC by assignment dated December 17, 1997, and recorded March 25, 1998, in Miscellaneous Record 107, page 613, and by Assignment and Assumption of Easements dated September 17, 2004, and recorded October 20, 2004, as Instrument #200400005069 in Official Record 61, pages 2168-2172, and purportedly assigned to LCC, Indiana, LLC by An Assignment of Real Property Agreements dated September 30, 2004 and recorded June 23, 2005 at Official Record Book 68 Page 2107 as Instrument No. 200500002925, all in the office of the Recorder of Clay County, Indiana. (By an Easement Amendment Valve and Instrument Station dated September 20, 1999, and recorded May 15, 2000, in Official Record 12, page 480, the easement was amended by Meadowlark, Inc. and Buckeye Pipe Line Company and the Marathon Ashland Pipe Line LLC.)

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Commitment No. C1310485

Issued by **Fidelity National Title Insurance Company**

33. As to Tracts C-XX, C-CXXI, and C-CXXII, loss arising out of the exercise of rights pursuant to an Easement granted by Meadowlark Farms, Inc. to Buckeye Pipe Line Company dated February 12, 1980, and recorded February 28, 1980, in Deed Record 186, page 529.

(By an Assignment of Easements dated December 17, 1997, and recorded March 25, 1998, in Miscellaneous Record 107, page 613, the easement was assigned by Marathon Oil Company to Marathon Ashland Petroleum LLC.) (By an Easement Amendment Valve and Instrument Station dated September 20, 1999, and recorded May 15, 2000, in Official Record 12, page 480, the easement was amended by Meadowlark, Inc. and Buckeye Pipe Line Company and the Marathon Ashland Pipe Line LLC.) (Purportedly assigned to LCC, Indiana, LLC by An Assignment of Real Property Agreements dated September 30, 2004 and recorded June 23, 2005 at Official Record Book 68 Page 2107 as Instrument No. 200500002925)

(By an Assignment and Assumption of Easements dated September 17, 2004, and recorded October 20, 2004, in Official Record 61, page 2168, the easement was assigned further by Buckeye Pipe Line Company, L.P. to Marathon Ashland Petroleum LLC.) (All documents are in the office of the Recorder of Clay County, Indiana.)

34. As to tract C-XCVII, any loss arising out of the exercise of rights pursuant to an Anchor Permit granted by Augusta Fagg to Public Service Company of Indiana, Inc. dated May 24, 1967, and recorded June 2, 1967, in Miscellaneous Record 53, page 88 in the office of the Recorder of Clay County, Indiana.

(Said anchor permit is across the following described real estate, to-wit: A parcel of land containing approximately 8.21 acres located adjacent to the north line of the Northwest quarter of the Northeast Quarter of Section 32, Township 12 North, Range 7 West. The Anchor Permit includes a notation that the anchor is to be located approximately 1122 feet east of the northwest corner and 70 feet south of the north line of said quarter quarter section.)

35. As to tract C-XCVII, any loss arising out of the exercise of rights pursuant to a Right of Way Agreement granted by Augusta Fagg to Texas Gas Transmission Corporation dated June 8, 1967, and recorded June 19, 1967, in Miscellaneous Record 53, page 127, and assigned by Texas Gas Transmission Corporation to Indiana Gas Company, Inc. by conveyance, Bill of Sale and Assignment dated November 5, 1992, and recorded October 18, 1993, in Miscellaneous Record 100, page 603, both in the office of the Recorder of Clay County, Indiana.

36. As to tract C-XCVII, any loss arising out of the exercise of rights pursuant to a Right of Way Agreement granted by Augusta Fagg to Texas Gas Transmission Corporation dated August 24, 1967, and recorded June 19, 1967, in Miscellaneous Record 53, page 333, and assigned by Texas Gas Transmission Corporation to Indiana Gas Company, Inc. by conveyance, Bill of Sale and Assignment dated November 5, 1992, and recorded October 18, 1993, in Miscellaneous Record 100, page 603, both in the office of the Recorder of Clay County, Indiana.

Continued...

Commitment No. C1310485

Issued by **Fidelity National Title Insurance Company**

37. Terms and conditions of Lease Agreement between Meadowlark, Inc. and Midway Advertising dated April 8, 1987, and recorded July 13, 2006 in Official Record 79 Page 1682.
38. Terms and conditions of Assignment and Assumption of Real Property Agreements (Clay County) between Lexington Coal Company, LLC., a Delaware Limited Liability Company, LCC Indiana, LLC, a Delaware Limited Liability Company and Wholly owned subsidiary of LCC and RLF Chinook Properties, LLC., a Colorado Limited Liability Company, dated August 30, 2006 and recorded September 1, 2006, in Official Record Book 81, Pages 318-325, in records of the Recorder's Office of Clay County, Indiana.
39. As to Tract C-XCVII, Terms and conditions of Ground Lease Agreement between RLF Chinook Properties, LLC. and Olympus Media / Indiana LLC by instrument dated August 1, 2007 and recorded November 21, 2008 at Official Record Book 101 Page 254.
40. As to Tract C-XCVII, Terms and conditions of Ground Lease Agreement between RLF Chinook Properties, LLC. and Olympus Media / Indiana LLC by instrument dated August 1, 2007 and recorded November 21, 2008 at Official Record Book 101 Page 258.
41. Any loss arising as a result of Protective Covenants and Easements by instrument dated October 18, 2007 and recorded October 22, 2007 at Official Record Book 91 Page 1767.
42. Any loss arising as a result of Private Road Easements and Maintenance Covenants by instrument dated October 25, 2007 and recorded November 1, 2007 at Official Record Book 91 Page 2597.

All record references in this commitment are to the records of the Recorder of Clay County, Indiana unless otherwise stated.

NOTE:

Any exception herein omits any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. § 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. § 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.

End of Schedule B.

Commitment No. C1310485

TRACTS 32-34

Commitment for Title Insurance – Schedule A

Issued by **Fidelity National Title Insurance Company**



1. Effective Date: April 15, 2013 @ 7:00 A.M. Case No. V13236034-revised 5-16-13

a. **Property Address: (FOR INFORMATION ONLY) Various Locations – Lost Creek Township, Vigo County, Indiana.**

2. Policy or Policies to be issued:

a. Owner's Policy (6/17/06): Amount:\$ TBD.00

Proposed Insured: TBD

b. Loan Policy (6/17/06): Amount:\$.00

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment is : Fee Simple

4. Title to the real estate is at the Effective Date vested in: RLF Chinook Properties, LLC., a Colorado Limited Liability Company. Owner acquired title by Special Warranty Deed dated September 1, 2006 and recorded September 1, 2006, in Instrument Number 2006017978, in records of the Recorder's Office of Vigo County, Indiana.

5. The land referred to in this Commitment is described as follows:

Surface only of the following real estate situated in Vigo County, State of Indiana, to-wit:

TRACT V-XVII-A

A part of the South Half of the Northwest Quarter of the Southwest Quarter, more particularly described as follows: Commencing at a point 10 rods south of the northwest corner of the South Half of the Northwest Quarter of the Southwest Quarter; thence south along the section line a distance of 10 rods; thence east parallel with the south line of said quarter quarter section 8 rods; thence north parallel with the west section line 10 rods; thence west parallel with the south line of said quarter quarter section 8 rods to the place of

Countersigned at Terre Haute
Hendrich Title Company

Authorized Officer or Agent

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beginning, containing $\frac{1}{2}$ acre, more or less. All of the above situated in Section 36 in Township 12 North of Range 8 West of the Second Principal Meridian.

TRACT V-XVII-B

A part of the South Half of the Northwest Quarter of the Southwest Quarter, more particularly described as follows: Commencing at a point 20 rods south of the Northwest Quarter of the South Half of the Northwest Quarter of the Southwest Quarter; thence south 20 rods to the southwest corner of said quarter quarter section; thence east along the south line of said quarter quarter section 80 rods to the southeast corner thereof; thence north along the east line of said quarter quarter section 40 rods to the northeast corner of the South Half of the Northwest Quarter of the Southwest Quarter; thence west on the line parallel to the south line of said quarter quarter section, 80 rods to the northwest corner of said South Half of the Northwest Quarter of the Southwest Quarter; thence south along the west line 10 rods; thence east on a line parallel with the south line of said quarter quarter section 8 rods; thence south on a line parallel with the west section line 10 rods; thence west 8 rods to the place of beginning. Containing in all herein conveyed $19\frac{1}{2}$ acres, more or less.

Also, $26\frac{2}{3}$ rods off the west side of the South Half of the Northeast Quarter of the Southwest Quarter.

Also, 6 acres off the north side of the Southwest Quarter of the Southwest Quarter.

All of the above situated in Section 36 in Township 12 North of Range 8 West of the Second Principal Meridian, containing $31\frac{1}{2}$ acres, more or less.

TRACT V-XVII-C (PART)

Also, beginning $26\frac{2}{3}$ rods east of the southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 36, running thence north 80 rods to the north line of the Southwest Quarter of said Section; thence west $26\frac{2}{3}$ rods; thence north to the center of the Bloomington Road; thence southeasterly along the center of said road to the east line of the Southwest Quarter of said Section 36; thence south to the southeast corner of said Northeast Quarter of the Southwest Quarter of said Section 36; thence west to the place of beginning.

Except one-half acre as follows:

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Commencing on the northeast corner of the Southwest Quarter of Section 36, Township 12 North of Range 8 West; thence running 5 rods west; thence 6½ rods south to the place of beginning; thence 12½ rods south; thence 6½ rods northwest; thence 12½ rods north; then 6½ rods east to the place of beginning, being one-half acre, more or less for the use of a graveyard.

Containing 33.84 acres, more or less.

Except also the following tract, to-wit:

Beginning at a point 234.18 feet south of the northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 36, and on the east line of said Northeast Quarter of the Southwest Quarter; thence south 00 degrees 22 minutes 05.9 seconds east a distance of 1,011.26 feet; thence north 49 degrees 59 minutes 59.8 seconds west a distance of 567.70 feet; thence north 25 degrees 00 minutes 44.8 seconds east a distance of 587.82 feet; thence south 49 degrees 59 minutes 59.8 seconds east a distance of 118.98 feet; thence north 25 degrees 00 minutes 44.8 seconds east a distance of 209.79 feet to the place of beginning, containing 5.519 acres.

TRACT V-XVII-D

Beginning at the northeast corner of the Northeast Quarter of the Southwest Quarter of Section 36, Township 12 North, Range 8 West; thence south 89 degrees 16 minutes 26.2 seconds west along the north line of the said Northeast Quarter of the Southwest Quarter a distance of 256.27 feet to the centerline of the Bloomington Road; thence south 49 degrees 59 minutes 59.8 seconds east along the said centerline of the Bloomington Road a distance of 196.86 feet; thence north 79 degrees 22 minutes 15.6 seconds east a distance of 108.01 feet to the east line of said quarter quarter section; thence north 00 degrees 22 minutes 05.9 seconds west along the said east line a distance of 109.87 feet to the place of beginning. Containing 0.512 acre.

TRACT V-XVII-E

Beginning at the southwest corner of the Southeast Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 8 West, and extending thence east 26²/₃ rods;

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thence north to the center of the Bloomington Road; thence northwesterly along and upon the center line of said road to a point due north of the place of beginning; thence south to the place of beginning.

TRACT V-XVII-F

Part of the West Half of the Northwest Quarter, and a part of the North Half of the North Half of the Southwest Quarter, all in Section 36, Township 12 North, Range 8 West, which parts are described as follows: Beginning at the point on the west line of the Northwest Quarter of said Section 36 where said west line intersects the south line of the Bloomington Road as the same is located in this year of 1976; thence easterly along the south line of said road to the point of intersection of the south line of said road with the east line of the West Half of said Northwest Quarter; thence south to the southeast corner of the West Half of the said Northwest Quarter; thence east 440 feet; thence south 660 feet; thence west 1760 feet, more or less, to a point on the west line of said section, 660 feet south of the northwest corner of the Southwest Quarter; thence north 1800 feet, more or less to the place of beginning, containing before the following exception 61.32 acres, more or less.

Except, beginning at a point 660 feet south of the northwest corner of the Southwest Quarter of said Section 36, thence east 250 feet; thence north parallel with the west line of said Section, 1800 feet, more or less, to the south line of the Bloomington Road; thence westerly along the south line of said road to the west line of the Northwest Quarter of said section; thence south along the west line of said section 1800 feet, more or less, to the place of beginning, containing in said exception 10 acres, more or less, and said exception being the land retained by grantors.

Except also all that part thereof appropriated by the State of Indiana in Cause No. 49884 in the Vigo Superior Court pursuant to order entered in Order Book 139, page 97 described as follows, to-wit:

A part of the West Half of the Northwest Quarter of said Section 36 described as beginning 20.00 feet easterly along the north line of said Section 36 and south 0 degrees 13 minutes 30 seconds west 834.35 feet (along the east boundary of Hyde Road) from the northwest corner of said Section 36; thence north 62 degrees 40 minutes 22 seconds east 84.32 feet; thence north 81 degrees 33 minutes 17 seconds east 31.55 feet to the southwest boundary of Root Road (also known as Bloomington Road); thence south 55 degrees 11 minutes 42 seconds east 354.96 feet along said

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southwest boundary; thence south 49 degrees 56 minutes 30 seconds east 377.02 feet along said southwest boundary; thence south 79 degrees 00 minutes 30 seconds west 273.00 feet; thence south 71 degrees 24 minutes 49 seconds west 302.65 feet; thence south 86 degrees 26 minutes 23 seconds west 133.73 feet to the east boundary of Hyde Road; thence north 0 degrees 13 minutes 30 seconds east 558.72 feet along said east boundary to the point of beginning and containing 5.441 acres, more or less.

Also, a part of the West Half of the Northwest Quarter of said Section 36 described as beginning 20.00 feet easterly (along the north line of said Section 36) and south 0 degrees 13 minutes 30 seconds west 1,393.07 feet (along the east boundary of Hyde Road) from the northwest corner of said Section 36; thence north 86 degrees 26 minutes 23 seconds east 133.73 feet; thence north 71 degrees 24 minutes 49 seconds east 302.65 feet; thence north 79 degrees 00 minutes 30 seconds east 273.00 feet to the southwest boundary of Root Road (also known as Bloomington Road); thence south 49 degrees 56 minutes 30 seconds east 263.80 feet along said southwest boundary; thence north 67 degrees 56 minutes 08 seconds west 89.36 feet; thence north 69 degrees 07 minutes 14 seconds west 121.76 feet; thence north 89 degrees 40 minutes 31 seconds west 61.74 feet; thence south 73 degrees 17 minutes 52 seconds west 602.99 feet; thence south 16 degrees 47 minutes 28 seconds west 51.92 feet; thence south 0 degrees 13 minutes 30 seconds west 225.00 feet; thence north 89 degrees 46 minutes 30 seconds west 40.00 feet to the east boundary of Hyde Road; thence north 0 degrees 13 minutes 30 seconds east 383.48 feet along said east boundary to the point of beginning and containing 2.007 acres, more or less.

Also, a part of the Northwest Quarter of the Northwest Quarter of said Section 36 described as beginning 20.00 feet easterly along the north line of said Section 36 and south 0 degrees 13 minutes 30 seconds west 717.56 feet (along the east boundary of Hyde Road) from the northwest corner of said Section 36, which point of beginning is the intersection of said east boundary with the southwest boundary of Root Road (also known as Bloomington Road); thence south 55 degrees 11 minutes 42 seconds east 128.68 feet along said southwest boundary; thence south 81 degrees 33 minutes 17 seconds west 31.55 feet; thence south 62 degrees 40 minutes 22 seconds west 84.32 feet to said east boundary; thence north 0 degrees 13 minutes 30 seconds east 116.79 feet along said boundary to the point of beginning and containing 0.132 acres, more or less.

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Except also all that part thereof appropriated by the State of Indiana in Cause No. 49880 in the Vigo Superior Court pursuant to order entered in Order Book 139, page 156 described as follows, to-wit:

A part of the West Half of the Northwest Quarter of said Section 36 described as beginning south 0 degrees 15 minutes 16 seconds west 712.62 feet (along the east line of said half-quarter section) from the northeast corner of said half-quarter section; thence south 0 degrees 15 minutes 16 seconds west 405.36 feet along said east line; thence south 80 degrees 13 minutes 44 seconds west 10.96 feet; thence south 74 degrees 45 minutes 14 seconds west 236.49 feet; thence south 79 degrees 00 minutes 30 seconds west 241.44 feet; thence north 82 degrees 33 minutes 24 seconds west 94.87 feet; thence south 79 degrees 00 minutes 30 seconds west 4.00 feet to the northeast boundary of Root Road (also known as Bloomington Road); thence northwesterly 717.52 feet along said northeast boundary; thence north 81 degrees 33 minutes 06 seconds east 18.57 feet; thence south 83 degrees 47 minutes 33 seconds east 208.78 feet; thence north 83 degrees 21 minutes 06 seconds east 202.27 feet; thence north 78 degrees 42 minutes 35 seconds east 203.43 feet; thence south 89 degrees 00 minutes 21 seconds east 203.43 feet; thence northeasterly 306.81 feet along an arc to the right and having a radius of 11,589.16 feet and subtended by a long chord having a bearing of north 86 degrees 36 minutes 36 seconds east and a length of 306.80 feet to the point of beginning and containing 8.775 acres, more or less.

Also, a part of the West Half of the Northwest Quarter of said Section 36 described as commencing at the northeast corner of said Half-Quarter Section; thence south 0 degrees 15 minutes 16 seconds west 1,117.98 feet along the east line of said Half-Quarter Section; thence south 80 degrees 13 minutes 44 seconds west 10.96 feet; thence south 74 degrees 45 minutes 14 seconds west 236.49 feet; thence south 79 degrees 00 minutes 30 seconds west 241.44 feet to the point of beginning of this description: thence south 29 degrees 49 minutes 17 seconds east 157.69 feet to the northeast boundary of Root Road (also known as Bloomington Road); thence northwesterly 230.49 feet along said northeast boundary; thence north 79 degrees 00 minutes 30 seconds east 4.00 feet; thence south 82 degrees 33 minutes 24 seconds east 94.87 feet to the point of beginning and containing 0.145 acres, more or less.

TRACT V-XVII-G

Commitment for Title Insurance – Schedule A

Page 7

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That part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 8 West, lying north of the old Bloomington Road, containing 30 acres, more or less.

Also, all that part of the Northeast Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 8 West, containing 10 acres, more or less, lying south of the real estate conveyed to the State of Indiana by deed dated July 14, 1966, and recorded in Deed Record 340 at page 118 in the office of the Vigo County Recorder.

(formerly Hendrich Legacy Nos. 28204600, 28204200, 28209900, 28204700, 28103301, and 28104700)

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Requirements

The following are the requirements to be complied with:

- Item (a) Payments to or for the account of grantors or mortgagors of the full consideration for the estate or interest to be insured.
- Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:
 - 1. Warranty Deed, in recordable form, from RLF Chinook Properties, LLC. to TBD, conveying fee simple title.
- Item (c) The following documents must be furnished with respect to RLF Chinook Properties, LLC: (1) a copy of the articles or organization, (2) the written operating agreement and all amendments thereto, (3) a current membership roster, and (4) a certificate of good standing of said limited liability company. Unless the deed is executed by all members, we must also be furnished evidence satisfactory to insurer that all necessary consents, authorizations, resolutions, notices and actions relating to sale and the execution and delivery of the deeds, as required under applicable law, and the governing documents have been conducted, given or properly waived.
- Item (d) Release of any judgment entered and indexed prior to closing in Pending Vigo Superior Court Cause No. 84D02-1107-PL-06587, Civil Plenary, Charles K. Butts, Kimberly L. Butts, Chinook Enterprises, LLC., Chinook Project, LLC., RLF Chinook Properties, LLC. vs. Addington Exploration, LLC. and Nytis Exploration Company, LLC. Filed: July 22, 2011.
- Item (e) A completed Disclosure of Sales Information Form executed pursuant to I.C. 6-1.1-5.5 that is accepted by and filed With the County Auditor and accepted by the County Recorder.

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Exceptions

Schedule B of the policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment
2. Rights or claims of parties other than insured in actual possession of any or all of the property.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land Survey of the Land. The term “encroachment” includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
4. Unfiled mechanics’ or material men’s liens.
5. The Policy(s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.
6. Easements, or claims of easements, not shown by the public records.

7. Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
 Township Lost Creek (Bloomington Rd, TH)
 Description: PRT W-1/2 SW NW 36-12-8 43.990 AC
 Parcel No.: **84-07-36-100-014.000-007**
 Assessed Values Land: \$39,300

	Improvements	\$0		
	Exemption	\$0		
	<u>Spring</u>		<u>Credits</u>	
Taxes	\$361.21	\$0	<u>Fall</u>	<u>Credits</u>
Ditch	\$0		\$361.21	\$0
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
<hr/>				
PAY AMT:	\$361.21		\$361.21	

Taxes for 2013, payable in 2014, are a lien, but the duplicates are not yet available in the Treasurer’s Office. See Treasurer’s Office for amounts due. NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
Township Lost Creek (Bloomington Rd, TH)
Description: PRT W-1/2 NW S OF RD 36-12-8 .930 AC
Parcel No.: **84-07-36-100-008.000-007**
Assessed Values Land: \$600

Improvements \$0

Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$5.51	\$0	\$5.51	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$5.51		\$5.51	

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
Township Lost Creek (Tabortown Rd, TH)
Description: S END NW SW 36-12-8 20.000 AC
Parcel No.: **84-07-36-300-003.000-007**
Assessed Values Land: \$26,700

Improvements \$0

Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$245.40	\$0	\$245.40	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$245.40		\$245.40	

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
Township: Lost Creek (Tabortown Rd, TH)
Description: N SIDE SW SW 36-12-8 6.000 AC
Parcel No.: **84-07-36-300-004.000-007**

Assessed Values Land: \$11,200
Improvements \$0
Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$102.94	\$0	\$102.94	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$102.94		\$102.94	

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
Township: Lost Creek (Bloomington Rd, TH)
Description: PRT NE NW 36-12-8 10.000 AC
Parcel No.: **84-07-36-100-016.000-007**

Assessed Values Land: \$8,600
Improvements \$0
Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$79.04	\$0	\$79.04	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$79.04		\$79.04	

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
Township: Lost Creek (Bloomington Rd, TH)
Description: ALL N OF RD IN SE NW 36-12-8 30.000 AC
Parcel No.: **84-07-36-100-012.000-007**

Assessed Values Land: \$22,300
Improvements \$0
Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$204.96	\$0	\$204.96	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$204.96		\$204.96	

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
 Township: Lost Creek (Bloomington Rd, TH)
 Description: SW COR SE NW 36-12-8 8.000 AC
 Parcel No.: **84-07-36-100-010.000-007**

Assessed Values Land: \$2,700
 Improvements \$0
 Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$24.82	\$0	\$24.82	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$24.82		\$24.82	

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
 Township: Lost Creek (Bloomington Rd, TH)
 Description: IN SE NW S OF RD 36-12-8 3.000 AC
 Parcel No.: **84-07-36-100-011.000-007**

Assessed Values Land: \$1,000
 Improvements \$0
 Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$9.19	\$0	\$9.19	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$9.19		\$9.19	

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
 Township: Lost Creek (Tabortown Rd, TH)
 Description: N END W SIDE NE SW 36-12-8 6.250 AC
 Parcel No.: **84-07-36-300-006.000-007**

Assessed Values Land: \$1,900
 Improvements \$0
 Exemption \$0

	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$17.46	\$0	\$17.46	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$17.46		\$17.46	

Commitment for Title Insurance – Schedule B – Section 2

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Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
Township: Lost Creek (Tabortown Rd, TH)
Description: SW COR NE SW 36-12-8 6.250 AC
Parcel No.: **84-07-36-300-007.000-007**
Assessed Values Land: \$3,200

	Improvements	\$0		
	Exemption	\$0		
	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$29.41	\$0	\$29.41	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$29.41		\$29.41	

Taxes for 2012 due and payable in 2013:

In Name Of: RLF Chinook Properties LLC.
Township: Lost Creek (Bloomington Rd, TH)
Description: IN E SIDE NE SW 36-12-8 18.481 AC
Parcel No.: **84-07-36-300-009.000-007**
Assessed Values Land: \$5,600

	Improvements	\$0		
	Exemption	\$0		
	<u>Spring</u>	<u>Credits</u>	<u>Fall</u>	<u>Credits</u>
Taxes	\$51.47	\$0	\$51.47	\$0
Ditch	\$0		\$0	
Cons:	\$0		\$0	
Delinq:	\$0		\$0	
Late/Liens:	\$0		\$0	
PAY AMT:	\$51.47		\$51.47	

Taxes for 2013, payable in 2014, are a lien, but the duplicates are not yet available in the Treasurer's Office. See Treasurer's Office for amounts due. NOTE: The parcel numbers are provided for information only. The Company neither guarantees nor insures the accuracy or completeness thereof. You are advised that you should not rely upon these numbers and should independently verify the accuracy thereof.

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8. Proceedings of any Federal Court, including but not limited to bankruptcy proceedings, that are not transcribed to the county in which the insured premises are situated.
9. All prior conveyances, leases, grants, exceptions and/or reservations of the coal, oil, gas, coalbed methane, coal mine methane, any and all other hydrocarbons, and any and all other minerals and mineral substances, whether in solid, liquid, or gaseous state, without regard to whether the same is associated with any other mineral, along with surface rights as the same may appear in public records.
10. Rights of public in and to any rights-of-way or roadways adjacent to or crossing the subject property. Rights of the Public and others entitled thereto, in and to the use of that portion of the insured premises used for road purposes.
11. Rights of way for drainage tiles, ditches, feeders and laterals, if any.
12. Federal Bankruptcy proceedings of the Federal District Court not transcribed to Vigo County, Indiana, within the past twelve months.
13. Our searches of the Vigo County Courts are limited to a search of the Judgment Dockets only as provided by the General Assembly of the State of Indiana. (We make no certification as to traffic violations.)
14. Any enforcement of any local, county, state, or federal environmental or other land use rules, regulations, or statutes.
15. Zoning, restrictions, and prohibitions imposed by governmental authority, and any violations thereof.
16. As to all tracts, loss arising out of the enforcement of rights of Vigo Counties, Indiana, to public roads located in, along, and through the Insured Premises, including but not limited to the enforcement of the duties to construct roads as set out in:
 - A. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - B. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to Light Road filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
 - C. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Road 53 South (Vigo-Clay County Line Road) filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;

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- D. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 9, 1984, as to County Line Road filed by Amax Coal Company, which decree is dated July 9, 1984, and appears in Commissioners' Record 76, page 83;
- E. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 2, 1985, as to County Road 92 South (Tabertown Road) filed by Amax Coal Company, which decree is dated July 2, 1985, and appears in Commissioners' Record 78, page 42;
- F. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 2, 1985, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated July 2, 1985, and appears in Commissioners' Record 78, page 42;
- G. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 28, 1986, as to County Road 53 South (Vigo-Clay County Line Road) filed by Amax Coal Company, which decree is dated July 28, 1986, and appears in Commissioners' Record 80, page 136;
- H. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 28, 1986, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated July 28, 1986, and appears in Commissioners' Record 80, page 136;
- I. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated July 28, 1986, as to Light Road filed by Amax Coal Company, which decree is dated July 28, 1986, and appears in Commissioners' Record 80, page 136;
- J. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated September 25, 1987, as to County Road 92 South (Tabertown Road) filed by Amax Coal Company, which decree is dated September 25, 1987, and appears in Commissioners' Record 82, page 182;
- K. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated September 25, 1987, as to County Road 92 South (Tabertown Road) filed by Amax Coal Company, which decree is dated October 5, 1987, and appears in Commissioners' Record 82, page 182;
- L. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated September 25, 1987, as to County Road 78 East (Moyer Road) filed by Amax Coal Company, which decree is dated October 5, 1987, and appears in Commissioners' Record 82, page 182; and
- M. A decree of the Board of County Commissioners of Vigo County, Indiana, entered pursuant to a Petition for Extension of Temporary Road Closure dated December 2, 1988, as to County Line Road filed by Amax Coal Company, which decree is dated January 5, 1989, and appears in Commissioners' Record 84, page 78.

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17. As to all tracts, loss arising out of a Coal Seam Gas Lease between Meadowlark, Inc. and Addington Exploration, LLC dated March 10, 1999, and recorded March 22, 1999, as Instrument #9900001428 in Official Record 3, pages 2682-2692 in the office of the Recorder of Clay County, Indiana, and recorded June 10, 2005, as Instrument #2005009750 in the office of the Recorder of Vigo County, Indiana, which was assigned by Addington Exploration, LLC to Nytis Exploration Company, LLC by an Assignment, Conveyance, and Bill of Sale dated May 6, 2005, effective February 1, 2005, and recorded July 6, 2005, as Instrument #200500003104 in Official Record 69, pages 241-247, in the office of the Recorder of Clay County, Indiana, and recorded June 30, 2005, as Instrument #2005011038 in the office of the Recorder of Vigo County, Indiana.

(An Affidavit and Request for Cancellation of Oil and Gas Lease on behalf of Meadowlark, Inc., by LCC Indiana, LLC, was recorded on May 20, 2005, as Instrument #200500002271 in Official Record 67, pages 1576-1577 in the office of the Recorder of Clay County, Indiana, and recorded May 20, 2005, as Instrument #2005008414 in the office of the Recorder of Vigo County, Indiana. Thereafter, an Affidavit of Compliance and Request to Void Cancellation of Record of Oil and Gas Lease on behalf of Nytis Exploration Company, LLC, which is dated July 8, 2005, was recorded July 11, 2005, as Instrument #200500003194 in Official Record 69, pages 640-642 in the office of the Recorder of Clay County, Indiana, and was recorded May 9, 2006, as Instrument #2006010159 in the office of the Recorder of Vigo County, Indiana, and an Affidavit of Compliance and Request to Void Cancellation of Record of Oil and Gas Lease on behalf of Nytis Exploration Company, LLC, which is dated July 8, 2005, was recorded July 11, 2005, as Instrument #200500003195 in Official Record 69, pages 643-645 in the office of the Recorder of Clay County, Indiana, and was recorded May 9, 2006, as Instrument #2006010159 in the office of the Recorder of Vigo County, Indiana. Thereafter, a Notice of Defective Affidavit of Compliance on behalf of LCC Indiana, LLC, which is dated September 1, 2005, was recorded September 12, 2005, as Instrument #200500004230 in Official Record 70, pages 2671-2672 in the office of the Recorder of Clay County, Indiana, and a Notice of Defective Affidavit of Compliance on behalf of LLC Indiana, LLC, which is dated September 1, 2005, was recorded September 12, 2005, as Instrument #200500004231 in Official Record 70, pages 2673- 2674 in the office of the Recorder of Clay County, Indiana.)

18. As to all tracts, loss arising out of a Coal Seam Gas Lease between Meadowlark, Inc. and Addington Exploration, LLC dated March 10, 1999, and recorded May 20, 2005, as Instrument 200500002272 in Official Record 67, pages 1578-1589 in the office of the Recorder of Clay County, Indiana.
19. As to all tracts, loss arising out of any right of entry in favor of any governmental entity, including but not limited to the State of Indiana, for the performance of reclamation activities.
20. As to all tracts, loss arising out of the enforcement of the covenants appearing in a certain Corrective Special Corporate Warranty Deed from Meadowlark, Inc. *et al.* to LCC Indiana, LLC dated September 30, 2004, and recorded May 23, 2005, as Instrument No. 2005010626 in the office of the Recorder of Vigo County, Indiana, and a Special Corporate Warranty Deed from Meadowlark, Inc. *et al.*, to LLC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #200500002924 in Official Record 68, pages 2005-2106 in the office of the Recorder of Clay County, Indiana.
21. Obligations imposed by the royalty requirements to RAG Royalty Company set forth in a Special Corporate Warranty Deed from Meadowlark, Inc., Ayrshire Land Company, and Midwest Coal Company, f.k.a. Amax Coal Company to LCC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #200500002924 in Official Record 68, pages 2005-2106 in the office of

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the Recorder of Clay County, Indiana, and a Corrective Special Corporate Warranty Deed from Meadowlark, Inc. to LCC Indiana, LLC dated September 30, 2004, and recorded June 23, 2005, as Instrument #2005010626 in the office of the Recorder of Vigo County, Indiana.

22. As to all tracts, loss arising out of the existence of county highways that may have been closed temporarily during mining, and any re-building requirements related thereto.
23. As to all tracts, loss arising out of proceedings to vacate county highways.
24. As to all tracts, loss arising out of the permanent extinguishment of all rights and easements of ingress and egress to, from, and across any portion of the Insured Premises to any other portion of the Insured Premises due to the construction, location, or use of I-70.
25. As to all tracts, loss arising out of the imposition of any ways of necessity to any of the Insured Premises or real estate adjacent thereto.
26. As to all Vigo County tracts, loss arising out of a Statement of Claim filed by Consolidation Coal Company on August 2, 1982, in Miscellaneous Record 187, page 190 in the office of the Recorder of Vigo County, Indiana.
27. As to all Vigo County tracts, loss arising out of the matters appearing in a Corner Perpetuation Section Plat for Section 1, T. 11 N., R 8 W. prepared by Kevin W. Rowland, registered land surveyor, holding Indiana Registration No. LS29600015, which survey is dated July 9, 2004, and was recorded July 15, 2004, as Instrument #200416682 and a survey dated July 9, 2004, and recorded July 15, 2004, as Instrument #2004016680, both in the office of the Recorder of Vigo County, Indiana.
28. As to all Vigo County tracts, loss arising out of the assignment of any portion thereof or any interest therein as appears in a Bill of Sale and Assignment of Easements from Sullivan County Rural Electric Membership Cooperation to Public Service Company of Indiana, Inc. dated September 28, 1984, and recorded October 30, 1986, in Miscellaneous Record 193, page 46 in the office of the Recorder of Vigo County, Indiana.
29. Intentionally Deleted.
30. Loss arising out of the failure to acquire the coal and other rights, including but not limited to a production royalty obligation and leases and subleases set forth in a certain Royalty Deed between Meadowlark, Inc. and Cyprus Amax Royalty Company dated as of June 1, 1998, and recorded June 12, 1998, in Deed Record 443, page 2104 in the office of the Recorder of Vigo County, Indiana, as to 4,563.498 acres in Vigo County, Indiana.
31. As to Tract V-XVII-A, loss arising out of the mineral reservation referred to in a certain Warranty Deed from Elmer H. Bruce and Pearl L. Bruce, husband and wife, to Meadowlark Farms, Inc. dated December 23, 1966, and recorded December 28, 1966, in Deed Record 341, page 54 in the office of the Recorder of Vigo County, Indiana.
32. As to Tract V-XVII-B, loss arising out of the mineral reservation referred to in a certain Warranty Deed from Elmer H. Bruce and Pearl L. Bruce, husband and wife, to Meadowlark Farms, Inc. dated

Commitment for Title Insurance – Schedule B – Section 2

Issued by **Fidelity National Title Insurance Company**

December 23, 1966, and recorded December 28, 1966, in Deed Record 341, page 55 in the office of the Recorder of Vigo County, Indiana.

33. As to Tract V-XVII-C, loss arising out of the conveyance of the coal, clay and minerals as appears in a certain Warranty Deed from Mamie Price to Fairview Collieries Corporation dated July 23, 1965, and recorded February 5, 1968, in Deed Record 344, page 87 in the office of the Recorder of Vigo County, Indiana.
34. As to Tract V-XVII-C, subject to the coal and mining rights as set forth in an instrument recorded in Deed Record 114, page 552 in the office of the Recorder of Vigo County, Indiana.
35. As to Tract V-XVII-G, loss arising out of the conveyance of the coals, clays and minerals decreed to be owned by Vandalia Coal Company as referenced in a certain Warranty Deed from Pearl Woldron and Helen Woldron, husband and wife, to Meadowlark Farms, Inc. dated February 17, 1969, and recorded February 21, 1969, in Deed Record 347, page 297 in the office of the Recorder of Vigo County, Indiana.
36. As to Tract V-XVII-F, loss arising out of the reservation of minerals as referenced in a certain Warranty Deed from Gerald L. Cesinger and Betty L. Cesinger, husband and wife, to Meadowlark Farms, Inc. dated June 24, 1976, and recorded July 2, 1976, in Deed Record 368, page 331 in the office of the Recorder of Vigo County, Indiana.
37. Pending Vigo Superior Court Cause No. 84D02-1107-PL-06587, Civil Plenary, Charles K. Butts, Kimberly L. Butts, Chinook Enterprises, LLC., Chinook Project, LLC., RLF Chinook Properties, LLC. vs. Addington Exploration, LLC. and Nytis Exploration Company, LLC. Filed: July 22, 2011.
38. Acreage in legal description is for informational purposes only, not for insuring quantity of land.

Note: Title Insurance Policy does not extend to any right, title, or interest acquired under a Supplemental Special Warranty Deed from LLC Indiana, LLC to RLF Chinook Properties, LLC, dated as of September 1, 2006 and recorded September 1, 2006 as Instrument Number 200600004443 in Official Record 81, Pages 311 to 317, in the Office of the Recorder of Clay County, Indiana, and recorded September 1, 2006, as Instrument Number 2006017979, in the Office of the Recorder of Vigo County, Indiana.

All record references in this commitment are to the records of the Recorder of Vigo County, Indiana unless otherwise stated.

GD/jmm



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