

*Cover page for:*

# **Preliminary Certificate of Title (Ben Hill County)**

**With copies of recorded exception.**

*Preliminary Certificate of Title prepared by:*

**Law Office of Ken W. Smith, P.C.**

*For January 27, 2021 auction to be conducted by:*

**Schrader Real Estate and Auction Company, Inc.**

*On behalf of:*

**Carolyn Timberlands, LLC**

## **Notes:**

1. The following pages include the Preliminary Certificate of Title for 3.4 acres in Ben Hill County, being part of **Auction Tract 15** (the strip of land along the east side of Old Coffee Road).
2. As of the date of the Preliminary Certificate of Title, the 3.4-acre parcel is/was owned by Four-S Timberlands, L.P. The Buyer's obligation with respect to any purchase that includes Auction Tract 15 will be contingent upon Seller's acquisition of the 4.3 acres prior to the Tract 15 closing.
3. See Section 4(d) of the Agreement to Purchase included with each Bidder's Packet and paragraphs 23 and 24 of Exhibit B included with each Bidder's Packet.

Law Office of  
**KEN W. SMITH**

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**ATTORNEY & COUNSELLOR-AT-LAW**

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kws@kwslawpc.com

**PRELIMINARY  
CERTIFICATE OF TITLE**

Prepared For: **J. Earl Tison, Schrader Real Estate & Auction Company, Inc.**  
**950 N. Liberty Drive, Columbia City, IN 46725**

*In Re:* **Four-S Timberlands, L.P.**  
**4.30 Acres, more or less, located in Ben Hill County, Georgia**

THIS IS TO CERTIFY that I, the undersigned, a duly licensed and practicing attorney in Jeff Davis County, Georgia, have examined all properly indexed public land records in **Ben Hill** County, Georgia, which do or may disclose information affecting title to the real estate described on **Schedule "A"** of this certificate, which schedule is attached to and made a part of this Certificate of Title. The title search performed for this certificate encompassed a period of not less than fifty years. Relying upon the accuracy of the indexes of said public records, it is the opinion of the undersigned that the fee simple title to said described property is, as of the date of this opinion, vested in **FOUR-S TIMBERLANDS, L.P.**, subject, however, to the liens, objections, exceptions, encumbrances, mortgages, clouds and other defects hereinafter set out on **Schedule "B"** of this opinion, in objections numbered **One** through **Three**.

SO CERTIFIED this the 25<sup>th</sup> day of January, 2021, at 11:00 A. M.



KEN W. SMITH  
ATTORNEY AT LAW

This Certificate of Title is not valid without the initials, in blue ink, of the certifying attorney on each page of this opinion.



**SCHEDULE "A"**  
**LEGAL DESCRIPTION**

All that certain tract or parcel of land situate, lying, being and situated in Land Lot No. 34 & 35 of the Fourth Land District of Ben Hill County, Georgia, containing 4.30 acres, more or less and being more particularly shown, described and having the same metes, bounds, dimensions, courses and distances as shown on that certain plat of survey entitled "Survey for Carolyn Timberlands, LLC," dated January 14, 2021, prepared by Adam H. Evans, G.R.L.S. #3308 and recorded in Plat Book #21001, Folio #5, in the Office of the Clerk of Superior Court of Ben Hill County, Georgia, which said plat and its record thereof are by reference incorporated herein and made a part hereof for descriptive and all other legal purposes.

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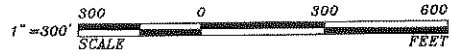
**SCHEDULE "B"**  
**LIENS - OBJECTIONS - EXCEPTIONS**

- (1) All questions with reference to the following are expressly excepted from this Certificate unless otherwise noted herein:
- a. Such facts as would be disclosed by an accurate survey or personal inspection of the property;
  - b. Errors of surveyors, including, but not limited to, encroachments, computation of acreage, or location of boundaries;
  - c. The past or present presence of any hazardous, toxic or other dangerous wastes, materials, or other substances on, in, under, or about said property;
  - d. Adverse claims of any persons in possession of any part or the whole of said property, unless shown by public records;
  - e. Unrecorded claims for labor, materials or services furnished for the improvement of the property described on Schedule A.
  - f. Items of personalty used in connection with, or attached to, the realty, where not indexed upon the Deed Records;
  - g. All existing roads, easements, rights of ways, or gas, oil, or mineral deeds or leases, whether or not the same appear of record;
  - h. All zoning ordinances, regulations, municipal or county, or any actions by any municipal or governmental agency (heretofore or hereafter taken) for the purpose of regulating the use, occupancy, or zoning of the property described on Schedule of this Certificate of Title, or any building or structure thereon;
  - i. Matters affecting the title which are not of record or which if they are recorded, are not indexed in such a manner that a reasonably prudent search would have revealed them to the examiner;
  - j. Matters which might be disclosed by an examination of the United States Bankruptcy Courts of the applicable jurisdiction;
  - k. Responsibility relative to the accuracy and sufficiency of the description of the property is hereby excepted when the examiner must rely totally upon prior deeds for the purpose of acquiring such description, or upon information by the party requesting the certificate;
  - l. The examination of the aforesaid title was strictly confined to records maintained in the Office of the Clerk of the Superior Court of the County wherein the captioned property is situated and the online digital computer records of the Georgia Superior Court Clerk's Cooperative and did not concern city taxes or county taxes not specifically reduced to judgment and duly recorded in the General Execution Docket in said Clerk's Office, or any other matter not properly indexed or recorded in the Land Records in said Office or the online digital computer records with the Georgia Superior Court Clerk's Cooperative within the time covered by this examination;
  - m. All legal responsibility and liability of the attorney making this certificate is expressly limited to the party for whom the certificate was prepared, as shown and named herein, and shall include no other person, firm or corporation, at any time, and this certificate is not assignable or transferrable, and the examiner has no liability whatsoever to any assignee or transferee of same.;
  - n. Financial responsibility of the attorney making this certificate to any lender for whom the certificate is prepared shall be limited to the amount of the initial indebtedness secured by the captioned property in reliance upon this certificate and shall not extend to future advances or additional monies loaned on said property under an open-end deed to secure debt;
  - o. All matters of record pre-dating the record search as hereinabove set out;
  - p. All matters relating to access, or lack of access, to the captioned property or rights of ingress or egress;
  - q. All matters of record subsequent to the date of this Certificate of Title;
  - r. Responsibility relative to the accuracy of information disclosed to the examiner by the applicable taxing authority concerning the captioned property or the accuracy of the records of the applicable taxing authority.
- (2) Forest Land Conservation Use Covenant, Deed Book 726, Page 187, expires 12/31/2023.
- (3) Taxes: State, County and/or City taxes for the year 2021, not yet due and payable.

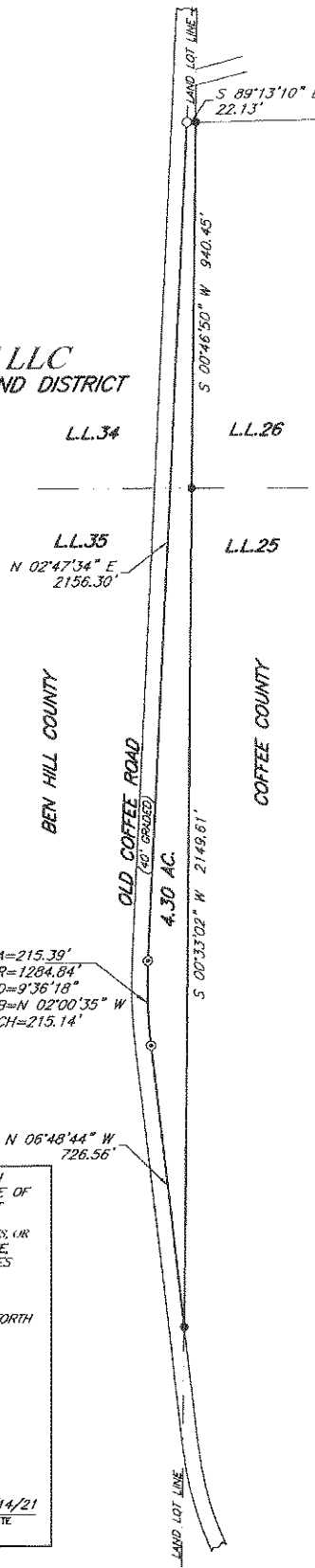
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eFiled & eRecorded  
 DATE: 1/18/2021  
 TIME: 4:23 PM  
 PLAT BOOK: 21001  
 PAGE: 00005  
 RECORDING FEES: \$10.00  
 PARTICIPANT ID: 4648217864  
 CLERK: Betty Johnson  
 Ben Hill County, GA



**SURVEY FOR:**  
**CAROLYN TIMBERLANDS LLC**  
 LOCATED IN LAND LOTS 34 & 35, 4TH LAND DISTRICT  
 BEN HILL COUNTY, GEORGIA  
 SCALE: 1"=300'  
 DATE: 01/14/21



- LEGEND:**
- 5/8 REBAR SET
  - T POST FOUND
  - ▲ FENCE TURN-CORNER
  - ⊙ CALCULATED POSITION
  - CONCRETE MARKER FOUND
  - X- FENCE ON OR NEAR LINE

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



*Adam Evans*  
 GA. PLS 3308 01/14/21  
 DATE

ERROR OF CLOSURE: GREATER THAN 1" IN 10,000  
 ANGULAR ERROR: LESS THAN 6" PER ANGLE  
 ADJUSTED CLOSURE: 1" = 100,000'  
 COMPASS RULE ADJUSTMENT  
 FIELD SURVEYOR: LARRY EVANS  
 EQUIP. USED: TOPCON GTS 38 TOTAL STATION-TRIMBLE GPS  
 PLAT BY: LARRY EVANS  
 COMP. FILE: CTIMBER-011421

STATEWIDE SURVEYING COMPANY  
 521 ETHEL STREET  
 DOUGLAS, GEORGIA 31533  
 912-384-7723

FILED & RECORDED  
000783 *Bomb*  
APR 28 2009  
11:10 A.M.  
*Billy Lynn Johnson*  
CLERK, SUPERIOR COURT, BEN HILL CO., GA.

PT-48-5-7.7 (Dec 08)

**APPLICATION AND QUESTIONNAIRE  
FOR  
FOREST LAND CONSERVATION USE PROPERTY**

To the Board of Tax Assessors of \_\_\_\_\_ County: In accordance with the provisions of O.C.G.A. § 48-5-7.7, I submit this application and the completed questionnaire on the back of this application for consideration of Forest Land Conservation Use value assessment on the property described herein. Along with this application, I am submitting the fee of the Clerk of Superior Court for recording such application if approved.

Name of owner: <i>Claude Plook &amp; Co LP</i>			
Owner's mailing address: <i>541 Buckett's Ferry Rd</i>		City/State/Zip: <i>Hazlehurst, Ga</i>	Number of acres included in this application: <i>1836 AC</i>
Property location (Street, Route, Hwy, Parcel Id's, etc.): <i>Green Mervitt Road</i>		City/State/Zip: <i>Fitzgerald, Ga</i>	
District(s): <i>4</i>	Land Lot(s): <i>35, 39, 34, 53</i>	Sublot & Block:	Recorded Deed Books/Pages: <i>Planted lines</i>

I, the undersigned, do hereby solemnly swear, covenant and agree that all the information contained above, as well as the information provided on the questionnaire, is true and correct to the best of my knowledge and that the above described property qualifies under the ownership and land use provisions of O.C.G.A. § 48-5-7.7. I further swear that I am authorized to sign this application on behalf of the owner(s) making application. I am aware that certain penalty provisions are applicable if this covenant is breached.

Signature of Taxpayer or Taxpayer's Authorized Representative: *[Signature]* Date Application Filed: *3-30-09*

Signature of Taxpayer or Taxpayer's Authorized Representative (Please have additional taxpayers sign on reverse side of application): *[Signature]* Sworn to and subscribed before me this *30th* day of *March*, 2009. Notary Public: *[Signature]*

If denied, Georgia law O.C.G.A. § 48-5-7.7 provides that the applicant may appeal in the same manner as other property appeals are made pursuant to O.C.G.A. § 48-5-311.

Map(s) and Parcel ID Numbers: (Additional Space on Page 2): <i>517-2</i> <i>517-45-176, 419-27</i>	Tax District(s):	Taxpayer Account Number(s):	Total Number of Acres: <i>1836 AC</i> 2008 Board of Assessors Fair Market Value: <i>1,100,450</i>	Covenant Begins: <i>2001</i> Covenant Ends: <i>2023</i> Covenant #: <i>2001-009-000008</i> (Year - County Code - Covenant #)
If transferred from Potential Agricultural Assessment or Conservation Use Assessment, provide date of transfer:	If applicable, covenant is a renewal for tax year: Beginning Jan 1, _____ Ending: Dec 31, _____ Pursuant to O.C.G.A. § 48-5-7.7(d) a taxpayer may enter into a renewal contract in the 14 <sup>th</sup> year of a covenant period so that the contract is continued without a lapse for an additional 15 years.		If applicable, covenant is a continuation for tax year Beginning Jan 1, _____ Ending: Dec 31, _____ If continuing a covenant where part of the property has been transferred, list Original Covenant Map and Parcel Number: _____	

Based on the information submitted above, and the information provided on the questionnaire, the \_\_\_\_\_ County Board of Tax Assessors has considered such information and has made the following final determination of this application:

Approved: \_\_\_\_\_ Date: *4/9/09* Board of Tax Assessors Date: *4/9/09*

Denied: \_\_\_\_\_ Date: \_\_\_\_\_ if denied, the County Board of Tax Assessors shall issue a notice to the taxpayer in the same manner as all other notices are issued pursuant to O.C.G.A. § 48-5-306.

I, the owner of the above described property, having satisfied all applicable taxes and penalties associated with the covenant above, do hereby file this application for release of current use assessment with the county board of tax assessors. Pursuant to O.C.G.A. § 48-5-7.7(v), no fee is required for the clerk of superior court to file and index this release in the real property records of the clerk's office.

Sworn to and subscribed before me This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Taxpayer's Authorized Signature: \_\_\_\_\_ Approved by: Board of Tax Assessors \_\_\_\_\_  
Notary Public Date Filed Date Approved

726/187

**FOREST LAND CONSERVATION ASSESSMENT QUESTIONNAIRE - PT-48-5-7.7**

Please enter additional Map(s) and Parcel ID Numbers from reverse side of application form:

Map(s)	Parcel ID	2008 Values
5-11-4	490 AC	677 AC FE
5-11-6	470 AC	704 AC FE
4-17-19	479 AC	673 AC FE
5-19-7	329 AC	658 AC FE

If property is owned by more than one individual, please list each person's name that has beneficial interest in the property described in this application. (If this form does not contain sufficient lines to list all owners, please attach list providing all information requested for each individual)	Percent interest owned in property in this application only
SARALYN COOK SMITH	68
CAROLYN COOK PINNER	18
CLAUDE TALKER COOK JR.	13

**Check Appropriate Ownership Type:**

One or more individuals

Entity registered to do business in the State of Georgia (county tax official may request verification of registration. Such verification may include sales tax number, FEI number, etc.)

Yes ( ) No Is this property or any portion thereof, currently being leased? (If yes, list the name of the person or entity and briefly explain how the property is being used by the lessee, as well as the percentage of the property leased.)  
Hunting Club

( ) Yes  No Are there other real property improvements located on this property? If Yes, briefly list and describe these real property improvements.

( ) Yes  No Is there any type business operated on this property? If yes please indicate business name & type of business.

( ) Yes  No A portion of this qualifying tract lies in another county? If yes, please indicate the County Name, County Parcel Number(s), and the number of acres in each applicable tract.

Primary use of property must be the good faith subsistence or commercial production of trees, timber, or other wood and wood fiber products. Specific secondary uses are allowed. Please indicate if any of the following are applicable to the property covered on this application and the percentage of usage:

Promotion, preservation, or management of wildlife habitat % 0

Carbon sequestration. Is the property listed on the Georgia Carbon Sequestration Registry ( ) Yes  No

Mitigation or conservation use banking to restore or conserve wetlands and other natural resources. % 0

Production or maintenance of ecosystem products and services such as, but not limited to, clean air and water % 0

The Board of Tax Assessors can only deny an application if the primary use of the property does not meet the definition of bona fide forest land conservation use property or if the ownership of the property is not in compliance with O.C.G.A. § 48-5-7.7.