

Cover page for:

Preliminary Title Evidence

Title Opinion prepared by:

James B. Blevins, Jr., Attorney at Law

Dated June 29, 2023

Opinion Ref. No. 20221329

Opinion Tract No. 9

Group No. 11 Auction Tract 22 (Stephens County, Oklahoma)

For July 10, 2023 auction to be conducted by:

Schrader Real Estate and Auction Company, Inc.

On behalf of:

Melany Levenson, as Co-Trustee, *et al.*

JAMES B. BLEVINS, JR
George W. Velotta II
Attorney at Law
P.O. Box 1565
Purcell, OK 73080

June 29, 2023

Justin Landgraf
7 East Main St.
Ardmore, OK 73401

Re: 20221329 (Tract 9)

The W/2 E/2 NW/4 NE/4 and W/2 NW/4 NE/4 and E/2 NE/4 NW/4 of Section 13, Township 2 South, Range 4 West, I.M., Stephens County, Oklahoma.

To Whom It May Concern:

Pursuant to your request, I have examined Abstract of Title No. 133928 & 133928-A last certified to 07/26/2022 at 07:59 PM by Stephens County Abstract Company. Pursuant to such examination, I am of the opinion that the condition of the title is as follows:

A) Surface Title:

The surface title is vested in:

4.15 acre or 1/12 interest - Linda Anne Barnes for life of Mary Anne Barnes then an undivided 1/24 interest upon the death of Mary Anne Barnes, by virtue of a Final Decree filed in the Office of the Court Clerk of Stephens County District Case NO. PB-2019-151 on November 7, 2019;

4.15 acre or 1/12 interest - David Barnes for life of Mary Ann Barnes then an undivided 1/24 interest upon the death of Mary Anne Barnes, by virtue of a Final Decree filed in the Office of the Court Clerk of Stephens County District Case NO. PB-2019-151 on November 7, 2019;

1/12 interest – *Dee Ann Walker upon the death of Mary Anne Barnes;*

4.15 acre or 1/12 interest - Ronald Harshaw, by virtue of a Decree of Distribution filed August 4, 2017 in Book 5339 at Page 278;

1.39 acre or 1/36 interest - Joe Mack Howard, by virtue of a Final Decree filed in the Office of the Court Clerk of Stephens County District Case NO. PB-2010-6;

1.39 acre or 1/36 interest - Larry Don Howard, by virtue of a Final Decree filed in the Office of the Court Clerk of Stephens County District Case NO. PB-2010-6;

1.39 acre or 1/36 interest – Mary Louise Vanlandingham, by virtue of a Final Decree filed in the Office of the Court Clerk of Stephens County District Case NO. PB-2010-6;

2.78 acre or 1/18 interest – Jack Bristow Smith a/k/a Jack B. Smith, by virtue of a Warranty Deed filed September 8, 1952 in Book 526 at Page 1;
2.78 acre or 1/18 interest - Cecelia D. Beck, nee Smith, by virtue of a Warranty Deed filed September 8, 1952 in Book 526 at Page 1;
2.78 acre or 1/18 interest – Melany Levenson, Lisa Craven and Shelley Rinella, Successor Trustee of the Anne R. Green Revocable Trust, by virtue of a Quit Claim Deed filed February 27, 2002 in Book 2643 at Page 1 and an Affidavit of Successor Co-Trustee recorded February 21, 2020 in Book 5781 at Page 267;
2.78 acre or 1/18 interest - Rosemary R. Fair, Trustee of the Rosemary R. Fair Revocable Trust, by virtue of a Quit Claim Deed filed May 4, 2002 in Book 2645 at Page 224;
2.78 acre or 1/18 interest - Dana G. Ralls as Trustee of the Ralls Trust dated May 26, 1987 by virtue of a Final Decree filed May 16, 1989 in Book 1747 at Page 554;
2.78 acre or 1/18 interest - Julia Smith Watson, by virtue of a Deed filed September 8, 1952 in Book 526 at Page 1;
3.33 acre or 1/15 interest – Oklahoma Baptist University, by virtue of a Final Decree filed April 17, 2001 in Book 2514 at Page 58;
3.33 acre or 1/15 interest – William G. Glass, Trustee Roy G. Glass Trust Dated February 15, 1975, by virtue of a Warranty Deed filed February 28, 2000 in Book 2358 at Page 92;
1.11 acre or 1/45 interest – Gene Sherman Glass, by virtue of a Final Decree filed January 28, 1975 in Book 1188 at Page 436;
3.33 acre or 1/15 interest – Thomas James Folkes, by virtue of a Final Decree filed January 9, 2019 in Book 5597 at Page 297;
1.12 acre or 1/45 interest – Judy V. Springer, by virtue of a Quit Claim Deed filed April 14, 1994 in Book 191 at Page 776;
1.12 acre or 1/45 interest – Alfred N. Glass, by virtue of a Quit Claim Deed filed April 14, 1994 in Book 191 at Page 776;
1.12 acre or 1/45 interest – Karen D. Rhodes, by virtue of a Quit Claim Deed filed April 14, 1994 in Book 191 at Page 776;
1.12 acre or 1/45 interest – S. Craig Miller, by virtue of a Quit Claim Deed filed April 14, 1994 in Book 191 at Page 776;
1.12 acre or 1/45 interest – Kandis B. Savage, by virtue of a Quit Claim Deed filed April 14, 1994 in Book 191 at Page 776;

B) Mineral Ownership:

The minerals have been omitted by request.

C) Mortgages:

NONE

D) Taxes and Other Encumbrances:

2019 and all prior years' taxes are paid or cancelled pursuant to 68 O.S. § 24233, as amended. 2020 and 2021 are due, plus penalties and interest.

E) Restrictive Covenants, Easements and Ordinances:

- 1) Statutory easement for roadway along Section line.
- 2) Right of Way Agreement filed November 7, 1952 in Book 530 at Page 220.
- 3) Right of Way Agreement filed November 17, 1952 in Book 530 at Page 537.
- 4) Right of Way Agreement filed November 25, 1952 in Book 531 at Page 286.
- 5) Right of Way Contract filed March 25, 1964 in Book 566 at Page 538.
- 6) Right of Way Contract filed March 25, 1964 in Book 566 at Page 547.
- 7) Right of Way Contract filed March 25, 1964 in Book 566 at Page 549.

F) Does this property have a legal right of access?: YES

G) Advisory:
NONE

H) Is the title marketable: Yes- upon fulfillment of the below requirements.

I) Requirements:

REQUIREMENT No.1: Linda Anne Barnes, David Barnes and Dee Ann Walker, Ronald Harshaw, Joe Mack Howard, Larry Don Howard, Mary Louise Vanlandingham, Mary Lois Smith, Cecelia D. Beck, J.W. Beck, Jr., Virginia Watson, Julia Smith Watson, Johnny Watson, Jimmy Watson, Julia Smith Watson, Gene Sherman Glass, Thomas James Folkes, Judy V. Springer, Alfred N. Glass, Karen D. Rhodes, Craig Miller, Kandis B. Savage, all single people, or joined by spouses if applicable, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.2: Dana G. Ralls as Trustee of the Ralls Trust dated May 26, 1987, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.3: Melany Levenson, Lisa Craven and Shelley Rinella, Successor Trustee of the Anne R. Green Revocable Trust, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.4: Rosemary R. Fair, Trustee of the Rosemary R. Fair Revocable Trust, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.5: William G. Glass, Trustee Roy G. Glass Trust Dated February 15, 1975, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.6: The appropriate official of the Oklahoma Baptist University, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.7: Obtain and file of record a Release of a Federal Tax Lien against David E. Barnes filed December 17, 2018 in Book 5589 at Page 60.

REQUIREMENT No.8: Obtain and file of record a Release of a Federal Tax Lien against David E. Barnes filed September 12, 2019 in Book 5713 at Page 13.

REQUIREMENT No.10: 2020 Ad Valorem taxes are due and must be paid.

REQUIREMENT No.11: 2021 Ad Valorem taxes are due and must be paid.

REQUIREMENT No.12: Obtain and file of record a Memorandum of Trust, for the Rosemary R. Fair Revocable Trust, reflecting who the current trustees are as well as the fact that said trustees have the power and authority to convey and/or mortgage the captioned property, as required by Section 15.2 of the Oklahoma Marketable Title Act.

REQUIREMENT No.13: Jack B. Smith and Mary Lois Smith received an undivided interest by the Deed in Book 1585 at Page 941 as joint tenants. It is clear that Jack B. Smith is deceased and his estate is being probated or was probated in Stephens County Oklahoma District Court Cast NO. PB 2014-134. However, no instrument terminating the joint tenancy was examined. Submit for examination the valid recorded instrument terminating the joint tenancy of Jack B. Smith.

REQUIREMENT No.14: From an Affidavit covering an interest in the oil, gas and minerals it appears that Julia Watson is deceased. Submit from a Court of competent jurisdiction an Order determining her successors and further requirements will be made as necessary.

Miscellaneous:

This opinion does not cover rights of parties in possession, rights arising out of adverse possession, mechanics', materialmen's, or other liens not of record, unmatured special assessments, filings under the uniform Commercial code, or other matters not ordinarily abstracted.

Accordingly, I submit the following general requirements:

1. You should ascertain whether there may be persons in possession of the subject property who may be claiming any rights inconsistent with ownership set forth above.

2. You should ascertain whether any work has been performed on the subject premises within the last 120 days, which might be the subject of materialmen's or mechanics' liens, as yet unrecorded.

3. You should ascertain, calling for a survey if necessary, that there are no encroachments upon the subject property by adjoining structures, that no structures upon the subject property encroach upon adjoining properties and that the property in question has access to a public road for the use and benefit of the owners thereof.

4. You should ascertain, hiring a qualified expert if necessary, whether or not hazardous material has ever been used on the property or in connection with the construction or maintenance of any building or structure on the property. The existence of urea-formaldehyde foam insulation or other potentially hazardous waste material may have an effect on the value and use of the subject property.

Sincerely:

James B. Blevins, Jr.
O.B.A. #881
George W. Velotta II
O.B.A. #9223