

Cover page for:

Preliminary Title Evidence

Title Opinion prepared by:

James B. Blevins, Jr., Attorney at Law

Dated June 29, 2023

Opinion Ref. No. 20221325

Opinion Tract No. 5

Group No. 13 Auction Tract 24 (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: 20221325 (Tract 5)

The E/2 SE/4 SE/4 SE/4 of Section 19, 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. 133924 & 133924-A last
certified to 07/26/22 at 07:59 AM 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:

.2083 acre or 1/24 interest - Linda Anne Barnes for life of Mary Anne Barnes
then an undivided 1/48 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;

.2083 acre or 1/24 interest - David Barnes for life of Mary Ann then an
undivided 1/48 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;

1/24 interest – Dee Ann Walker upon the death of Mary Anne Barnes;

.2083 acre or 1/24 interest - Ronald Harshaw, by virtue of a Decree of
Distribution filed August 4, 2017 in Book 5339 at Page 278;

.0694 acre or 1/72 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;

.0694 acre or 1/72 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;

*.0694 acre or 1/72 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;*

.0925 acre or 1/54 interest - Virginia Watson, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159 and a Deed filed December 18, 1984 in Book 1585 at Page 941;

.0925 acre or 1/54 interest – Johnny (John Calvin) Watson, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.0925 acre or 1/54 interest - Jimmy Watson, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.2778 acre or 1/18 interest - Mary Lois Smith, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.2778 acre or 1/18 interest - Cecelia D. Beck and J.W. Beck, Jr., by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.2778 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;

.2778 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;

.2778 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;

.2778 acre or 1/18 interest – Cecil Wilder, by virtue of a Final Decree filed in the Office of the Pittsburg County Court Clerk as Probate Case NO. 6421 and attached to an Affidavit filed November 22, 2013 in Book 4647 at Page 149;

.5556 acre or 1/9 interest – Peggy Sue Carman, by virtue of a Final Decree filed in the Office of the Pittsburg County Court Clerk as Probate Case NO. 6421 and attached to an Affidavit filed November 22, 2013 in Book 4647 at Page 149;

.4168 acre or 1/12 interest – Jane R. Neely, by virtue of a Warranty Deed filed September 28, 1970 in Book 1060 at Page 50;

.4168 acre or 1/12 interest -Charles M. Llewlynn, by virtue of a Warranty Deed filed February 25, 1930 in Book 213 at Page 399; Case NO. 6421 and attached to an Affidavit filed November 22, 2013 in Book 4647 at Page 149;

.8334 acre or 1/6 interest – Frederick John Haenchen, Trustee, under the Wild Irrevocable Trust dated June 26, 1972, by virtue of a Warranty Deed filed June 3, 1974 in Book 1167 at Page 397;

- B) Mineral Ownership: The minerals have been omitted by request.
- C) Mortgages: NONE
- D) Taxes and Other Encumbrances: 2021 and all prior years' taxes are paid or cancelled pursuant to 68 O.S. § 24233, as amended.
- E) Restrictive Covenants, Easements and Ordinances:

- 1.) Statutory Right of Way line along Section Line.
- 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: Ronald Harshaw, Linda Anne Barnes, David Barnes, Dee Ann Walker, Mary Ann Barnes, Joe Mack Howard, Larry Don Howard, Mary Louise Vanlandingham, Virginia Watson, Johnny Watson, Jimmie Watson, Mary Lois Smith, Cecelia D. Beck and J.W. Beck, Jr., Cecil Wilder, Peggy Sue Carman, Jane R. Neely, Charles M. Llewellyn, 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:** Frederick John Haenchen, Trustee, under the Wild Irrevocable Trust dated June 26, 1972, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.
- REQUIREMENT No.6:** Jack B. Smith and Mary Lois Smith received an undivided interest 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 Case 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.7: 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.8: 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.9: 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: Obtain and file of record a Release of a Federal Tax Lien against Lea Hallie Smith filed February 14, 2011 in Book 4106 at Page 229.

REQUIREMENT No.11: Quit Claim Deed filed February 2, 2009 in Book 3824 at Page 33. Instrument(s) such as this/these could provide the source for establishing a chain of record title and thus clouds the title to the Property. Obtain and file of record valid instrument, pursuant to Title 16 O.S. Section 76, that extinguishes all claims created by this/these document(s).

REQUIREMENT No.12: There is an Affidavit wherein Jane R. Neely claims all of the right title and interest of Charles Marshal Llewlyn. His name is misspelled in the deed to him as is also shown by this Affidavit. There is a conveyance of his interest in the oil, gas, and minerals at Page 95 (2041/233) of the abstract and a Quiet Title Judgment is to the oil gas and minerals at Page 91 (C-72-139). None of this establishes a marketable title to this surface interest of Charles Marshal Llewellyn. Submit for examination the valid recorded instrument that establishes the successors of Llewlyn and further requirement will be made as necessary.

REQUIREMENT No.13: An Affidavit at Page 359 (4663/20) sets out the claim of Sharon Pierce as the sole successor of Cecil Wilder. This alone is not adequate to establish the succession of ownership. Submit for examination the valid recorded instrument that establishes the succession of Cecil Wilder and further requirements will be made as necessary.

REQUIREMENT No.14: A Tax Deed of an undivided ½ interest in the subject lands appears at Page 134 of the abstract. Generally speaking, this would pass all of the right title and interest to Manton Ralls. However, there are two problems with that answer. First, this deed does not address whose interest is being sold and second it conveys the interest to Manton Ralls the husband of Helen Bristow Ralls a co-tenant. Oklahoma law is quite clear that a co-tenant,

cannot acquire an interest by tax sale and divest their co-tenants of title. For these two reasons, no owner of record has been shown as being divested of their interest by this Tax Deed. Submit for examination a valid recorded Order from a Court of competent jurisdiction that establishes what if any interest was addressed by this Tax Deed 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, materialmens', 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 materialmens' 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