

Cover page for:

Preliminary Title Evidence

Title Opinion prepared by:

James B. Blevins, Jr., Attorney at Law

Dated June 29, 2023

Opinion Ref. No. 20221323

Opinion Tract No. 3

Group No. 15 Auction Tract 26 (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: 20221323 (Tract 3)

The SW/4 NW/4 SE/4 of Section 14, Township 3 South Range 5 West, I.M.,
Stephens County, Oklahoma.

To Whom It May Concern:

Pursuant to your request, I have examined Abstract of Title No. 133922 & 133922-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:

1.6672 acre or a 1/6 interest – Leroy L. Paschall, by virtue of a Warranty Deed filed April 18, 1917 in Book 76 at Page 105;

1.667 acre or a 1/6 interest – Carol Shahandeh, by virtue of a Warranty Deed filed June 3, 1974 in Book 1167 at Page 397 and an Affidavit of Successor Trustee and Acceptance of Duties filed November 19, 2019 in Book 5745 at Page 287;

.833 acre or a 1/12 interest – Charles Marshal Llewlllyn, by virtue of a Warranty Deed filed February 25, 1930 in Book 213 at page 399;

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

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

.417 acre or a 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;

.417 acre or 1/24 interest - David Barnes for life of Mary Ann 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;

1/48 interest – *Dee Ann Walker upon the death of Mary Anne Barnes;*

.138 acre or a 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;

.138 acre or a 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;

.138 acre or a 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;

.556 acre or a 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;

.556 acre or a 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;

.556 acre or a 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;

.556 acre or a 1/18 interest - Mary Lois Smith, by virtue of a Warranty Deed filed May 9, 1994 in Book 1919 at Page 247 and 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;

.556 acre or a 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 and a Deed filed December 18, 1984 in Book 1585 at Page 941;

.185 acre or a 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;

.185 acre or a 1/54 interest - Johnny 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;

.185 acre or a 1/54 interest - Jimmy 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;

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:

NONE

F) Does this property have a legal right of access?: **NO**

G) Advisory: NONE

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

I) Requirements:

REQUIREMENT No.1: Leroy L. Paschall, Carol Shahandeh, Charles Marshal Llewlllyn, Jane R. Neely, Ronald Harshaw, Linda Anne Barnes, Mary Ann Barnes, David Barnes, Dee Ann Joe Mack Howard, Larry Dean Howard, Mary Louise Vanlandingham, Mary Lois Smith, Cecelia D. Beck and J.W. Beck, Jr., Virginia Watson, Johnnie Watson, Jimmy Watson, 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: 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.6: 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.7: Submit for examination the valid recorded instrument that establishes legal access to the subject lands.

REQUIREMENT No.8: Jack B. Smith and Mary Lois Smith received an undivided by the Deed 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.9: 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.10: Leroy L. Paschall was the owner of an undivided 1/6 interest in the subject lands. A Quit Claim Deed from Cecil Wilder and Owen Wilder, her husband, is recorded in Book 550 at Page 355, granting to Shirley M. Paschall and Peggy S. Paschall all of her interest in the subject lands. Since no other persons with a like name own an interest in the subject lands it has been assumed that all of these people are the descendants of the record owner, even though no change in ownership is demonstrated. Submit for examination a valid recorded instrument determining the succession to this interest and further requirements will be made as necessary with all appropriate changes in the demonstration of ownership.

REQUIREMENT No.11: Charles Marshall Llewlyn was the owner of an undivided 1/12 interest in the subject lands by the Warranty Deed recorded in Book 213 at Page 399. A Journal Entry of Judgment in Stephens County Oklahoma District Court Case NO. C-72-139 quiets all of the right title and interest of Charles M. Llewlyn, III in the oil, gas and minerals of Nellie R. Llewlyn. This Order is not effective to establish the ownership in the surface since it did not reach that issue or establish that these were the same people. No change in ownership is shown for that reason. Submit for examination all of the valid recorded instruments that determines the successors of Charles Marshall Llewlyn and the ownership demonstration will be changed to show that and any further requirements will be made as necessary. In other abstracts his name is spelled Llewellyn.

REQUIREMENT No.12: A Tax Deed of an undivided ½ interest in the subject lands appears at 105 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 requirement 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
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