

Cover page for:

Preliminary Title Evidence

Title Opinion prepared by:

James B. Blevins, Jr., Attorney at Law

Dated June 29, 2023

Opinion Ref. No. 20221328

Opinion Tract No. 8

Group No. 16 Auction Tract 27 (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: 20221328 (Tract 8)

The NE/4 NW/4 SE/4 of Section 13, Township3 South, Range 7 West, I.M.,
Stephens County, Oklahoma.

To Whom It May Concern:

Pursuant to your request, I have examined Abstract of Title No. 133927 & 133927-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:

2.5 acre or 1/4 interest – Paul Mayer, by virtue of a Warranty Deed filed March 12, 1920 in Book 94 at Page 390 and a Guardians Deed filed March 12, 1920 in Book 107 at Page 5;

2.5 acre or 1/4 interest – William Mayer, by virtue of an Order filed June 10, 1920 in Book 34 at Page 396;

.625 acre or 1/16 interest - Linda Anne Barnes for life of Mary Anne Barnes, then an undivided 1/32 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;

.625 acre or 1/16 interest - David Barnes for life of Mary Ann Barnes, then an undivided 1/32 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;

1/16 interest – *Dee Ann Walker upon the death of Mary Anne Barnes;*

.625 acre or 1/16 interest - Ronald Harshaw, by virtue of a Decree of Distribution filed August 4, 2017 in Book 5339 at Page 278;

.2083 acre or 1/48 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;

.2083 acre or 1/48 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;

.2083 acre or 1/48 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;

.138 acre or 1/72 interest - Virginia Watson, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.138 acre or 1/72 interest – John Calvin Watson, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.138 acre or 1/72 interest - Jimmy Watson, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.4166 acre or 1/24 interest - Mary Lois Smith, by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159;

.4167 acre or 1/24 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;

.4167 acre 1/24 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;

.4167 acre or 1/24 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;

4.167 acre or 1/24 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.

- 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.) 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: Paul Mayer, William Mayer, Ronald Harshaw, Linda Anne Barnes, David Barnes, Dee Ann Walker, Mary Ann Barnes, Joe Mack Howard, Larry Don Howard, Mary Louise Vanlandingham, Virginia Watson, John Calvin Watson, Jimmie Watson, Mary Lois Smith, Cecelia D. Beck and J.W. Beck, Jr., 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: Commencing at Page 3 of the abstract are various instruments purporting to convey the interest of the Allottee in the subject lands to various persons, though not uniformly. The plurality indicate that these lands were conveyed to R.S. Bristow and Paul Mayer, though both William Binder and William Mayer take in different instances. In any event no instrument establishing the successors of the Allottee was examined. Submit for examination the valid recorded instrument rendered by a Court of competent jurisdiction with Notice to the Appropriate Officer of the United States of America that establishes the successors of the Allottee.

REQUIREMENT No.8: Submit for examination the valid recorded instrument that establishes legal access to the subject lands.

REQUIREMENT No.9: 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 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.10: 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.

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