

Cover page for:

Preliminary Title Evidence

Title Opinion prepared by:

James B. Blevins, Jr., Attorney at Law

Dated June 29, 2023

Opinion Ref. No. 20221333

Opinion Tract No. 13

Group No. 3 Auction Tract 9 (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: 20221333 (Tract 13)

The SE/4 and the SE/4 SW/4 NE/4 LESS the Railroad Right of Way in Section 8, Township 2 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. 133931 & 139748 last certified to 08/10/22 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:

10.892 acre or a 1/15 interest - John T. Holleman, Jr, by virtue of a Final Decree filed April 9, 1962 in Book 816 at Page 144;

21.784 acre or a 2/15 interest - Judy H. Kruse, formerly Russell, nee Holleman, by virtue of a Final Decree filed April 9, 1962 in Book 816 at Page 144 and Final Decree of Distribution filed April 27, 1970 in Book 799 at Page 469;

3.631 acre or a 1/45 interest - Clarabelle Wagnon, by virtue of a Final Decree filed June 26, 1950 in Book 463 at Page 121;

3.631 acre or a 1/45 interest - Pat F. Brown, by virtue of a Final Decree filed June 26, 1950 in Book 463 at Page 121;

3.631 acre or a 1/45 interest - Rothie Lane Cochran for life, rest to Taylor Jaye Cochran, Evan Lee Blankenship and Dalton Dean Blankenship equally, by virtue of a Final Decree filed November 17, 2011 in Book 4244 at Page 26;

3.631 acre or a 1/45 interest - Arthur Richard Brown 2013 Revocable Trust under Agreement dated the 17th day of May 2013, by virtue of a Quit Claim Deed filed July 18, 2013 in Book 4578 at Page 263 and a Memorandum filed August 26, 2013 in Book 4599 at Page 121;

1.816 acre or a 1/90 interest - Virginia Rud, by virtue of a Final Decree filed June 20, 2013 in Book 4562 at Page 96 and a Quit Claim Deed filed November 6, 2006 in Book 3427 at Page 205;

5.446 acre or a 1/30 interest - Arthur M. Brown, Jr., by virtue of a Final Decree filed February 28, 1984 in Book 1550 at Page 367;

3.631 acre or a 1/45 interest - Mary Roper Maupin, by virtue of a Final Decree filed December 4, 1984 in Book 1584 at Page 91;

3.631 acre or a 1/45 interest - John E. Roper, Jr., by virtue of a Final Decree filed December 4, 1984 in Book 1584 at Page 91;

3.631 acre or a 1/45 interest - Dale C. Delano and Ruth Delano, Trustees of the Dale C. and Ruth R. Delano 2000 Revocable Trust under Agreement dated the 10th day of April 2000, by virtue of a Quit Claim Deed filed June 30, 2000 in Book 2420 at Page 90 and a Memorandum of Trust filed June 30, 2000 in Book 2406 at Page 95;

3.631 acre or a 1/45 interest - Virginia Sue Mosley, by virtue of a Final Decree filed March 27, 1968 in Book 994 at Page 84;

3.631 acre or a 1/45 interest - Terry L. Askins, trustee of the Charlotte Ruth Heffernan Trust, by virtue of a Warranty Deed filed July 21, 1987 in Book 1686 at Page 247;

15.128 acre or a 5/54 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;

15.128 acre or a 5/54 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;

15.128 acre or a 5/54 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;

24.734 acre or a 218/1440 interest - Mary Lois Smith, an undivided 7/90 interest by virtue of a Warranty Deed filed May 9, 1994 in Book 1919 at Page 247 and an undivided 3/160 interest by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159 and an undivided 1/90 interest Deed filed December 18, 1984 in Book 1585 at Page 941;

4.879 acre or a 43/1440 interest - Cecelia D. Beck and J.W. Beck, Jr., as joint tenants, an undivided 3/160 interest by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159 and an undivided 1/90 interest by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

1.929 acre or a 17/1440 interest - Virginia Watson, an undivided 1/160 interest by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159 and an undivided 1/180 interest by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

1.929 acre or a 17/1440 interest - Johnny Watson, an undivided 1/160 interest by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159 and an undivided 1/180 interest by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

1.929 acre or a 17/1440 interest - Jimmy Watson, an undivided 1/160 interest by virtue of a Final Decree filed December 7, 1999 in Book 2333 at Page 159

and an undivided 1/180 interest by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

1.816 acre or a 1/90 interest - Julia Smith Watson, by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

.907 acre or a 1/180 interest - Robert F. Watson, by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

.907 acre or a 1/180 interest - J.B. Smith, Jr., by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

.907 acre or a 1/180 interest - Jack B. Smith and Mary Lois Smith Trustees of the Claudia Lee Smith La Mothe Trust, by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

.907 acre or a 1/180 interest - Jack B. Smith and Mary Lois Smith Trustees of the Lea Hallie Smith Trust, by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

.907 acre or a 1/180 interest - Jack B. Smith and Mary Lois Smith Trustees of the Charlene Cartwright Smith Trust, by virtue of a Deed filed December 18, 1984 in Book 1585 at Page 941;

.907 acre or a 1/180 interest - Jesse St. John Beck, by virtue of a Deed filed February 20, 2008 in Book 3659 at Page 152;

.907 acre or a 1/180 interest - Alice Shay Beck Zeck, by virtue of a Deed filed February 20, 2008 in Book 3659 at Page 152;

.907 acre or a 1/180 interest - Nathan Bristow Beck, by virtue of a Deed filed February 20, 2008 in Book 3659 at Page 152;

.907 acre or a 1/180 interest - Anna Cecelia Zeck, nee Beck, by virtue of a Deed filed February 20, 2008 in Book 3659 at Page 152;

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 easement for roadway along Section line.
- 2) Easement Grant filed October 25, 1987 in Book 1695 at Page 157.
- 3) Right of Way filed November 3, 1927 in Book 188 at Page 316.
- 4) Decree Establishing Conservancy District filed June 17, 1963 in Book 858 at Page 220.
- 5) Right of Way Easement filed in Book 1111 at Page 67.

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: John T. Holleman, Jr, Judy H. Kruse, Clarabelle Wagon, Pat F. Brown, Virginia Rud, Arthur M. Brown, Jr., Mary Roper Maupin, John E. Roper, Jr., Virginia Sue Mosley, Mary Lois Smith, Cecelia D. Beck and J.W. Beck, Jr., Virginia Watson, Johnny Watson, Jimmy Watson, Julia Smith Watson, Robert F. Watson, J.B. Smith, Jr., Alice Shay Beck Zeck, Nathan Bristow Beck, Anna Cecelia Zeck, nee Beck and Jesse St. John Beck, 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: Rothie Lane Cochran and Taylor Jaye Cochran, Evan Lee Blankenship and Dalton Dean Blankenship 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.3: The Trustees of the Arthur Richard Brown 2013 Revocable Trust under Agreement dated the 17th day of May 2013, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.4: Dale C. Delano and Ruth Delano, Trustees of the Dale C. and Ruth R. Delano 2000 Revocable Trust under Agreement dated the 10th day of April 2000, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.5: Terry L. Askins, Trustee of the Charlotte Ruth Heffernan Trust, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.6: 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.7: 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.8: 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.9: Jack B. Smith and Mary Lois Smith, Trustees of the Claudia Lee Smith La Mothe Trust, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.10: Jack B. Smith and Mary Lois Smith, Trustees of the Lea Hallie Smith Trust, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.11: Jack B. Smith and Mary Lois Smith, Trustees of the Charlene Cartwright Smith Trust, must execute any instrument conveying an interest in the subject property. Additionally, all formalities of execution must be properly completed.

REQUIREMENT No.12: 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.13: As noted above John T. Holleman Jr., is the record owner of an interest by the Final Decree rendered August 12, 1991 in the Estate of John T. Holleman III. It appears John T. Holleman, IV is claiming this interest. The Final Decree was filed in the Office of the County Clerk of Stephens County Oklahoma January 25, 1993 and recorded in Book 1873 at Page 66 (257 of abstract). Submit for examination a valid recorded instrument or the valid recorded probate decree that distributes all of the interest of John T. Holleman, Jr. to John T. Holleman, III and further requirements will be made as necessary.

REQUIREMENT No.14: The Final Decree in the Estate of Shirley Jean Cochran was rendered less than ten years ago. Her successors are Rothie Lane Cochran for life, rest to Taylor Jaye Cochran, Evan Lee Blankenship and Dalton Dean Blankenship, equally, as shown above. Submit for examination a full transcript of the proceedings in the probate of the estate of Shirley Jean Cochran.

REQUIREMENT No.15: Mary Roper was the owner of an undivided 1/45. At Page 225 of the abstract is the Final Decree of John E. Roper, her husband. It

recites that he was the sole devisee of this interest in his decree by virtue of her Final Decree rendered in Oklahoma County Oklahoma, District Court Case NO. P-721146. It has been assumed this is correct though a copy of her decree was not examined and it does not appear that it was filed in the Office of the County Clerk of Stephens County, Oklahoma. Submit for examination a certified copy of the Final Decree of Mary Roper that has been filed in the Office of the County Clerk of Stephens County, Oklahoma and if it varies further requirement will be made as necessary.

REQUIREMENT No.16: 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.17: Jack B. Smith and Mary Lois Smith received an undivided interest by the Deed 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.18: Obtain and file of record a Memorandum of Trust, for the Claudia Lee Smith La Mothe 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.19: Obtain and file of record a Memorandum of Trust, for the Charlene Cartwright Smith 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.20: Obtain and file of record a Memorandum of Trust for the Lea Hallie Smith 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.21: The subject lands were allotted to Susan Johnson a Full Blood Choctaw Roll NO. 8484 as part of her homestead. Deeds from persons purporting to be her heirs at law appear at Pages 5 and 9 of the abstract with an Order approving those conveyances at Pages 6 and 7 of the abstract. No instrument or Order from any Court determining her heirship was examined. At

Page 109 of the abstract starts a suit to quiet title to an undivided 1/5 interest in the subject lands, and while it does determine the heirship of the Allottee, it does so only in a manner that covers the 1/5 interest. The successors to this 1/5 interest also own interests that are derived from the other 4/5ths that are not cleared so that all of the ownership above have the same problem to some extent. Submit for examination the valid Order from a Court of competent jurisdiction with notice to the appropriate officer of the United States of America, that establishes the heirship of the Allottee and quiets the title to the other 4/5ths interest held by the owners shown above.

REQUIREMENT No.22: The Final Decree of Fred A. Brown filed in the Office of the County Clerk of Stephens County Oklahoma recites that both June Brown and Fred Allen Brown Jr. conveyed all of their right title and interest to Arthur Richard Brown and Virginia Rud by Quit Claim Deeds. This has been demonstrated even though only the Quit Claim Deed from June Brown filed Oklahoma County Clerk of Stephens County Oklahoma with the Final Decree was included in the materials examined. Submit for examination a valid recorded copy of the Quit Claim Deed from Fred Allen Brown that has been filed in the Office of the County Clerk of Stephens County, Oklahoma or this Title Opinion will have to be supplemented to reflect that Fred Jr. is entitled to ½ of the interest of Virginia Rud and ½ of the interest held by Arthur Brown, Trustee as shown above.

REQUIREMENT No.23: Judy Kruse, nee Holleman, caused an Affidavit to be filed in the Office of the County Clerk of Stephens County in Book 2014 at Page 938 that sets out that her interest is held by Kruse Minerals Incorporated. No instrument conveying this interest was examined and the Affidavit does not contain sufficient language to effect a conveyance. Submit for examination either a valid recorded conveyance to the corporation or a valid recorded disclaimer of any interest in the subject lands by the corporation.

REQUIREMENT No.24: Notice of Pending Suit filed January 7, 2010 in Book 3956 at Page 281. Instrument(s) such as this/these could provide the source for establishing a chain of record title and thus cloud(s) 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.25: Marilyn Sue Pike and Pat F. Brown Jr., Co-Trustees of the Pat F. and Bertha Brown Family Trust dated October 31, 1991 are claiming some interest in the subject lands by the Order of Distribution in the Estate of Pat F. Brown, Stephens County Oklahoma District Court Case No. PB-2022-01. Submit for examination the valid recorded instrument that establishes their claim or extinguishes it.

REQUIREMENT No.26: Clarabell Wagon passed from this life February 5, 1920, testate, leaving as her sole devisee BancFirst, Duncan, Oklahoma, Trustee of the Clarabell B. Wagon Trust dated August 17, 1984. Her estate was admitted into probate March 4, 2021 in Garvin County District Court Case NO. PB-2021-4 and that Order was filed in the Office of the County Clerk of Stephens County Oklahoma on March 9, 2021 and recorded in Book 5937 at Page 79. Submit for examination a valid recorded Order distributing her estate to the Devisee 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