

BUTLER COUNTY  
Oxford, Ohio

# 170.5± acres

Offered in 12 Tracts or Combinations

## INFORMATION BOOKLET

- Municipal water at the road)
- Crop Rights to Buyer (166.8 FSA Cropland Acres)
- Transitional Value, Only 2.5 miles to Miami University
- Multiple Estate Building Sites
- 1031 Exchange Opportunity
- Across from Miami University Bachelor Nature Preserve

# PRIME OHIO LAND AUCTION



MILFORD TOWNSHIP COMMUNITY CENTER at 5113 Huston Road, Collinsville, OH 45004

## THURSDAY, SEPTEMBER 26<sup>TH</sup> • 6 PM

800.451.2709 | [www.SchraderAuction.com](http://www.SchraderAuction.com)



## DISCLAIMER:

This information booklet includes information obtained or derived from third-party sources. Although believed to be accurate and from reliable sources, such information is subject to verification and is not intended as a substitute for a prospective buyer's independent review and investigation of the property. Prospective buyers are responsible for completing their own due diligence.

THIS PROPERTY IS OFFERED "AS IS, WHERE IS". NO WARRANTY OR REPRESENTATION, STATED OR IMPLIED, IS MADE CONCERNING THE PROPERTY. Without limiting the foregoing, Owner and Auction Company and their respective agents and representatives, assume no liability for (and disclaim any and all promises, representations and warranties with respect to) the information and reports contained herein.

**OWNER: Oxford Oaks, LLC**

**AUCTION COMPANY: Schrader Real Estate and Auction Company, Inc.**

Andrew M. Walther, SAL.2012001611

Travis B. Kelley, SAL.2008003813

Schrader Real Estate and Auction Company, Inc., REC.0000314452 (Jeffersonville,OH)

Schrader Real Estate and Auction Company, Inc., 63198513759



**SCHRADER REAL ESTATE & AUCTION CO., INC.**

950 N. Liberty Dr., Columbia City, IN 46725

**260-244-7606 or 800-451-2709**

**SchraderAuction.com**

## AUCTION TERMS & CONDITIONS:

**PROCEDURES:** The property will be offered in 12 individual tracts, any combination of tracts, or as a total 170.5± acre unit. There will be open bidding on all tracts and combinations during the auction as determined by the Auctioneer.

**DOWNPAYMENT:** 10% down payment on the day of the auction with the balance in cash at closing. The down payment may be made in the form of cash, cashier's check, personal check or corporate check. Your bidding is not conditional upon financing, so be sure you have arranged financing, if needed and are capable of paying cash at closing.

**ACCEPTANCE OF BID PRICES:** Successful bidder(s) will be required to enter into a purchase agreement at the auction site immediately following the close of the auction. All final bid prices are subject to the Seller's acceptance or rejection.

**EVIDENCE OF TITLE:** The Seller will provide a Preliminary Title Opinion for the review of the prospective buyer(s). If Buyer(s) elect to have title insurance, the entire cost of the owner's title insurance will be the responsibility of the Buyer(s). Seller agrees to provide merchantable title to the property subject to matters of record. All tracts sold "As-Is".

**DEED:** Seller(s) shall provide a Warranty Deed(s).  
**CLOSING:** The balance of the real estate purchase price is due at closing, which will take place on or before NOVEMBER 1st, 2024.

**POSSESSION:** Possession will be delivered at closing

subject to the removal of the 2024 crop and consistent with the current crop lease which expires on January 31st, 2025.

**REAL ESTATE TAXES / ASSESSMENTS:** Taxes will be pro-rated to the date of closing. The property is currently enrolled in the CAUV program.

**COVENANTS & RESTRICTIONS:** Tracts 3-11 are covered by recorded covenants. Contact agent for details.

**ACREAGE:** All boundaries are approximate and have been estimated based on current legal descriptions.

**SURVEY:** A new survey will be made where there is no existing legal description or where new boundaries are created by the tract divisions in this auction. Any need for a new survey shall be determined solely by the Seller. Seller and successful bidder shall each pay half (50:50) of the cost of the survey. The type of survey performed shall be at the Seller's option and sufficient for title transfer.

**EASEMENTS & LEASES:** Sale of the property is subject to any and all easements of record. (Contact Agent for information Book)

**MINERAL RIGHTS:** The sale shall include 100% of the mineral rights owned by the Seller.

**AGENCY:** Schrader Real Estate and Auction Company, Inc. and its representatives are exclusive agents of the seller.

**DISCLAIMER AND ABSENCE OF WARRANTS:**

**TIES:** All information contained in this brochure and all related materials are subject to the Terms and Conditions outlined in the Purchase Agreement. The property is being sold on "AS IS, WHERE IS" basis, and no warranty or representation, either express or implied, concerning the property is made by the seller or the auction company. Each potential bidder is responsible for conducting his or her own independent inspections, investigations, inquiries, and due diligence concerning the property. The information contained in this brochure is subject to verification by all parties relying on it. No liability for its accuracy, errors or omissions is assumed by the Sellers or the Auction Company. Conduct of the auction and increments of bidding are at the direction and discretion of the Auctioneer. The Sellers and Selling Agents reserve the right to preclude any person from bidding if there is any question as to the person's credentials, fitness, etc. All decisions of the Auctioneer are final.

**ANY ANNOUNCEMENTS MADE THE DAY OF THE SALE TAKE PRECEDENCE OVER PRINTED MATERIAL OR ANY OTHER ORAL STATEMENTS MADE. AUCTION COMPANY OR OWNER NOT RESPONSIBLE FOR ACCIDENTS.**

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**For Information Call Auction Managers:  
Andy Walther, 765-969-0401 • Travis Kelley, 740-572-1525**



# REGISTRATION FORMS

# **BIDDER PRE-REGISTRATION FORM**

**THURSDAY, SEPTEMBER 26, 2024**

**170.5± ACRES – BUTLER COUNTY, OHIO**

For pre-registration, this form must be received at Schrader Real Estate and Auction Company, Inc.,  
P.O. Box 508, Columbia City, IN, 46725,

Email to [auctions@schraderauction.com](mailto:auctions@schraderauction.com) or fax to 260-244-4431, no later than Thursday, September 19, 2024.  
Otherwise, registration available onsite prior to the auction.

## **BIDDER INFORMATION**

(FOR OFFICE USE ONLY)

Name \_\_\_\_\_

Bidder # \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone: (Res) \_\_\_\_\_ (Office) \_\_\_\_\_

My Interest is in Tract or Tracts # \_\_\_\_\_

## **BANKING INFORMATION**

Check to be drawn on: (Bank Name) \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone No: \_\_\_\_\_

## **HOW DID YOU HEAR ABOUT THIS AUCTION?**

Brochure    Newspaper    Signs    Internet    Radio    TV    Friend

Other \_\_\_\_\_

## **WOULD YOU LIKE TO BE NOTIFIED OF FUTURE AUCTIONS?**

Regular Mail    E-Mail   E-Mail address: \_\_\_\_\_

Tillable    Pasture    Ranch    Timber    Recreational    Building Sites

What states are you interested in? \_\_\_\_\_

*Note: If you will be bidding for a partnership, corporation or other entity, you must bring documentation with you to the auction which authorizes you to bid and sign a Purchase Agreement on behalf of that entity.*

I hereby agree to comply with terms of this sale including, but not limited to, paying all applicable buyer's premiums, and signing and performing in accordance with the contract if I am the successful bidder. Schrader Real Estate and Auction Company, Inc. represents the Seller in this transaction.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Online Auction Bidder Registration**  
**170.5± Acres • Butler County, Ohio**  
**Thursday, September 26, 2024**

**This form and deposit are only required if you cannot attend the auction and wish to bid remotely through our online bidding system.**

This registration form is for the auction listed above only. The person signing this form is personally responsible for any bids placed on the auction site, whether bidding on behalf of their personal account or on behalf of a corporation or other third party. If you are bidding on behalf of a third party, you are responsible for obtaining the necessary documentation authorizing you to bid on behalf of the third party. Schrader Real Estate and Auction Co., Inc. will look to the herein registered bidder for performance on any bid placed on this auction if you are the successful high bidder.

As the registered bidder, I hereby agree to the following statements:

1. My name and physical address is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My phone number is: \_\_\_\_\_

2. I have received the Real Estate Bidder’s Package for the auction being held on Thursday, September 26, 2024 at 6:00 PM (EST).
3. I have read the information contained in the Real Estate Bidder’s Package as mailed to me or by reading the documents on the website (www.schraderauction.com) and understand what I have read.
4. I hereby agree to comply with all terms of this sale, including paying all applicable buyer’s premiums, and signing and performing in accordance with the Real Estate Purchase Agreement if I am the successful bidder.
5. I understand that Schrader Real Estate and Auction Co., Inc. represent the Seller in this transaction.
6. I am placing a deposit with Schrader Real Estate and Auction Co., Inc. Escrow in the amount of \$\_\_\_\_\_. I understand that the maximum bid or combination of bids I place may not exceed an amount equal to ten times the amount of my deposit. My deposit is being conveyed herewith in the form of a cashier’s check payable to Schrader Real Estate and Auction, Co., Inc. Escrow or via wire transfer to the escrow account of Schrader Real Estate and Auction, Co., Inc. per the instructions below. I understand that my deposit money will be returned in full via wire transfer on the next business day if I am not the successful high bidder on any tract or combination of tracts.

Schrader Real Estate & Auction Company, Inc.  
950 North Liberty Drive / P.O. Box 508, Columbia City, IN 46725  
Phone 260-244-7606; Fax 260-244-4431; email: auctions@schraderauction.com

For wire instructions please call 1-800-451-2709.

7. My bank routing number is \_\_\_\_\_ and bank account number is \_\_\_\_\_.  
(This for return of your deposit money). My bank name, address and phone number is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. **TECHNOLOGY DISCLAIMER:** Schrader Real Estate and Auction Co., Inc., its affiliates, partners and vendors, make no warranty or guarantee that the online bidding system will function as designed on the day of sale. Technical problems can and sometimes do occur. If a technical problem occurs and you are not able to place your bid during the live auction, Schrader Real Estate and Auction Co., Inc., its affiliates, partners and vendors will not be held liable or responsible for any claim of loss, whether actual or potential, as a result of the technical failure. I acknowledge that I am accepting this offer to place bids during a live outcry auction over the Internet *in lieu of actually attending the auction* as a personal convenience to me.

9. This document and your deposit money must be received in the office of Schrader Real Estate & Auction Co., Inc. by **4:00 PM, Thursday, September 19, 2024**. Send your deposit and return this form via fax or email to: **260-244-4431 or auctions@schraderauction.com**.

I understand and agree to the above statements.

\_\_\_\_\_  
Registered Bidder's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

***This document must be completed in full.***

**Upon receipt of this completed form and your deposit money, you will be sent a bidder number and password via e-mail. Please confirm your e-mail address below:**

E-mail address of registered bidder: \_\_\_\_\_

Thank you for your cooperation. We hope your online bidding experience is satisfying and convenient. If you have any comments or suggestions, please send them to:  
kevin@schraderauction.com or call Kevin Jordan at 260-244-7606.



# **LOCATION & AERIAL TRACT MAP**

# LOCATION MAP

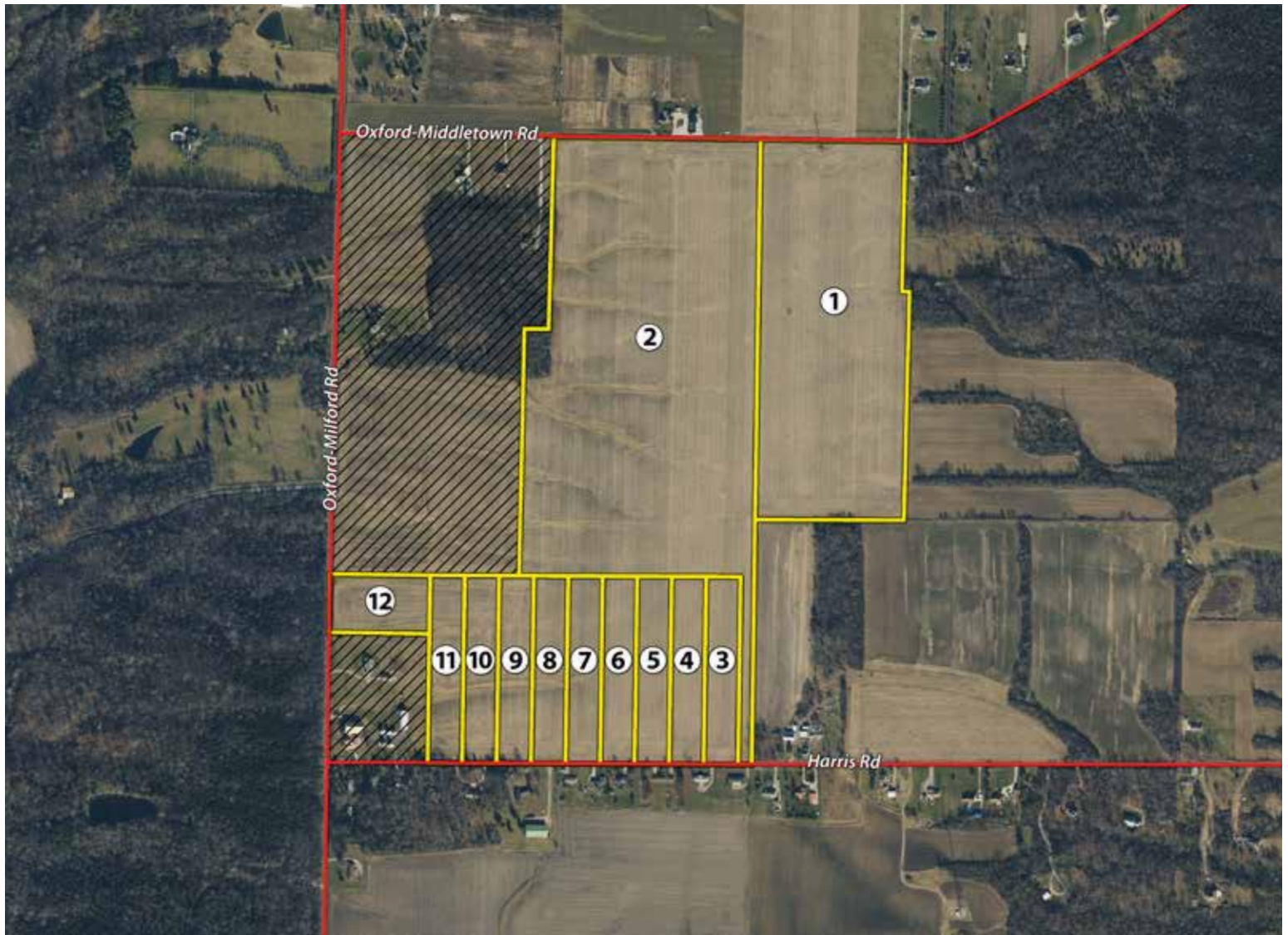


**PROPERTY LOCATION:** From Oxford: At the intersection of US 27 and SR 73, travel east 1.5 miles on OH SR 73. Turn left (north) on Oxford Milford Rd. Travel 1 mile to the Farm. Frontage on Harris, Oxford Milford, & Oxford Middletown Roads. (For GPS purposes, use an address of 4360 Harris Rd. Oxford, OH 45056).

**AUCTION SITE:** MILFORD TOWNSHIP COMMUNITY CENTER at 5113 Huston Road, Collinsville, OH 45004. Located just northeast of the round-a-bout at the intersection of OH SR 73 and US 127.



# AERIAL MAP



**The Oxford Oaks property is located in Northern Butler County just outside the Oxford city limits. Whether you are a crop farmer, home builder, developer or investor, this property warrants your attention.**

**TRACT DESCRIPTIONS:** *(Section 18 Milford Township)*

**TRACT 1: 43± ACRES** nearly all tillable featuring investment quality Fincastle soils with potential transitional value. Extensive pattern drainage helps you maximize production. The farm is in excellent shape and boasts impressive historic yields. The tract has frontage on Oxford Middletown Rd.

**TRACT 2: 78± ACRES** of pattern drained, productive farmland. Extensive frontage on Oxford Middletown Road and an additional 70' of frontage on Harris Rd. Consider combining this tract to create the package that suits your needs.

**TRACTS 3 - 11: 5.0± ACRES** potential building sites each having 1,089' of lot depth and 200' of frontage on Harris Road. Building lots of this size are very scarce in Butler County. The location offers great proximity to Oxford and all it's amenities. Municipal water is available at the road and soil suitability tests are completed for your review. If you're looking for more acreage, consider combining 2 or more of these tracts to meet your needs. These tracts are all currently in crop production and feature an attractive level topography. *Lot restrictions and covenants are set forth to protect your investment (contact agent for details).*

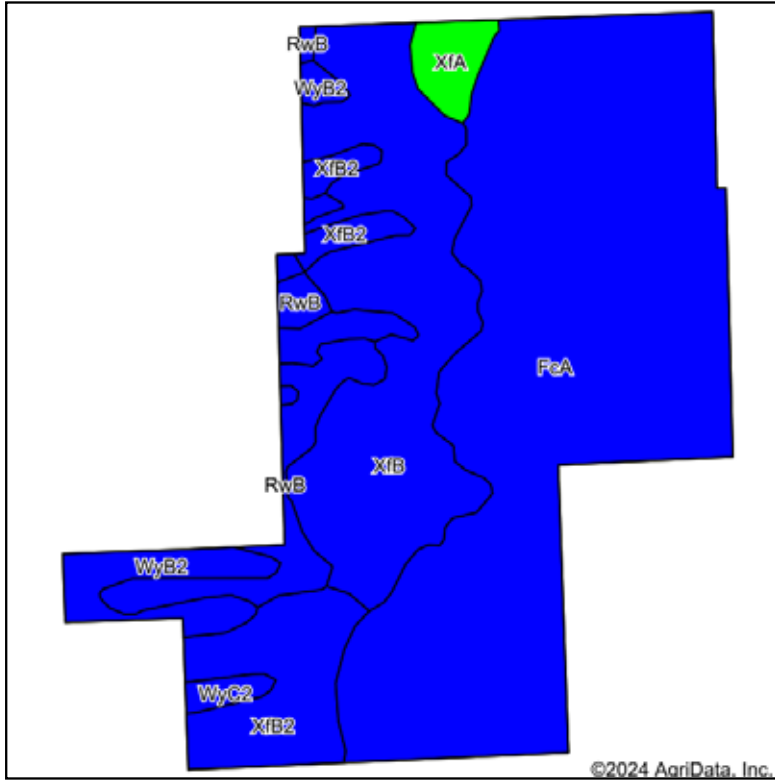
**TRACT 12: 4.5± ACRES** with 339' of frontage on Oxford Milford Road. Soil suitability tests have been completed and are available for review. Another potential building site or consider combining with additional tracts.



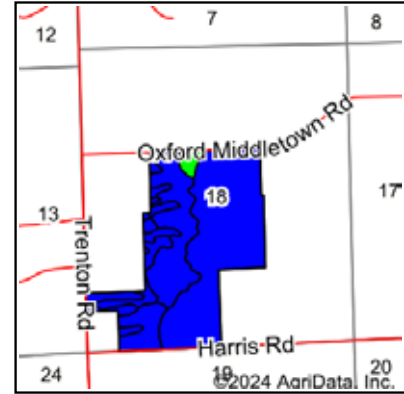
# **SOIL INFORMATION**



# SOIL MAP



Soils data provided by USDA and NRCS.



State: **Ohio**  
 County: **Butler**  
 Location: **18-5N-2E**  
 Township: **Milford**  
 Acres: **170.16**  
 Date: **7/29/2024**



Archived Soils Ending 11/06/2022 Area Symbol: OH017, Soil Area Version: 21

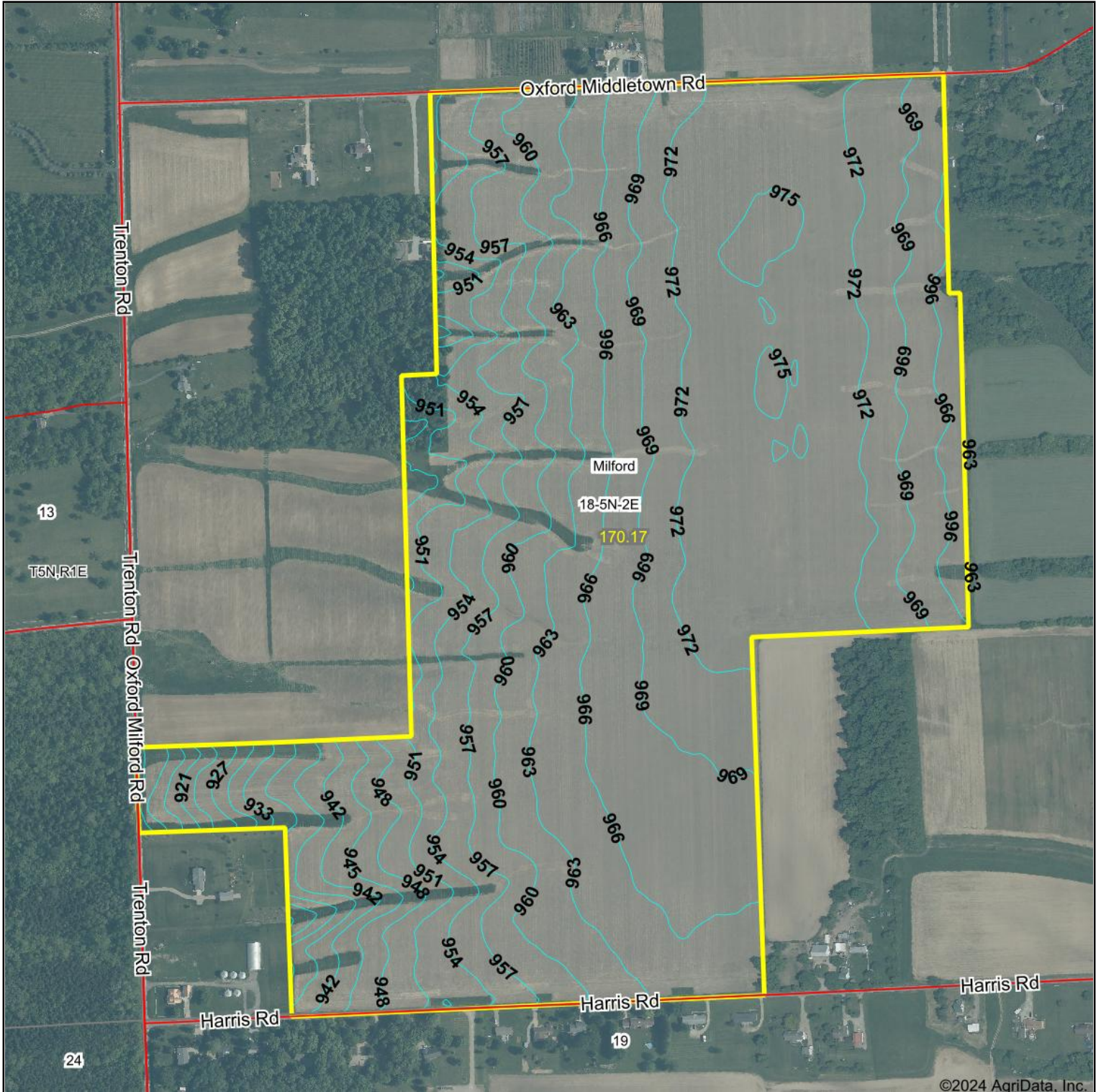
Code	Soil Description	Acres	Percent of field	Non-Irr Class Legend	Non-Irr Class	Corn Bu	Grass legume hay Tons	Pasture AUM	Soybeans Bu	Tall fescue AUM	Tobacco Lbs	Winter wheat Bu	*eFOTG PI	
FcA	Fincastle silt loam, southern ohio till plain, 0 to 2 percent slopes	93.29	54.7%		llw	167	5.5	11	59			74	78	
XfB	Xenia silt loam, bedrock substratum, 2 to 6 percent slopes	37.34	21.9%		lle	142	3.8		49	7.6		58	74	
XfB2	Xenia silt loam, bedrock substratum, 2 to 6 percent slopes, moderately eroded	15.57	9.2%		lle	139	3.4		47	6.8		57	68	
WyB2	Wynn silt loam, 2 to 6 percent slopes, eroded	9.96	5.9%		lle	99	3.2	6.5	34			40	64	
RxB	Russell-Miamian silt loams, bedrock substratum, 2 to 6 percent slopes	9.29	5.5%		lle	142	3.9		47	7.2	2900	59	71	
XfA	Xenia silt loam, bedrock substratum, 0 to 2 percent slopes	3.41	2.0%		l	144	3.8		50	7.6		60	77	
WyC2	Wynn silt loam, 6 to 12 percent slopes, eroded	1.30	0.8%		lle	88	2.9	5.8	31			36	57	
<b>Weighted Average</b>						<b>1.98</b>	<b>152.5</b>	<b>4.7</b>	<b>6.5</b>	<b>53.2</b>	<b>2.8</b>	<b>158.3</b>	<b>65.6</b>	<b>74.8</b>

Soils data provided by USDA and NRCS.



\*eftog PI: Obtained from the NRCS eFOTG (<http://efotg.sc.egov.usda.gov>)

# TOPO CONTOURS MAP



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Source: USGS 3 meter dem

Interval(ft): 3.0

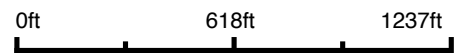
Min: 909.6

Max: 975.8

Range: 66.2

Average: 962.9

Standard Deviation: 11.12 ft



7/29/2024

**18-5N-2E**  
**Butler County**  
**Ohio**

Boundary Center: 39° 31' 39.92, -84° 41' 49.37

Maps Provided By:

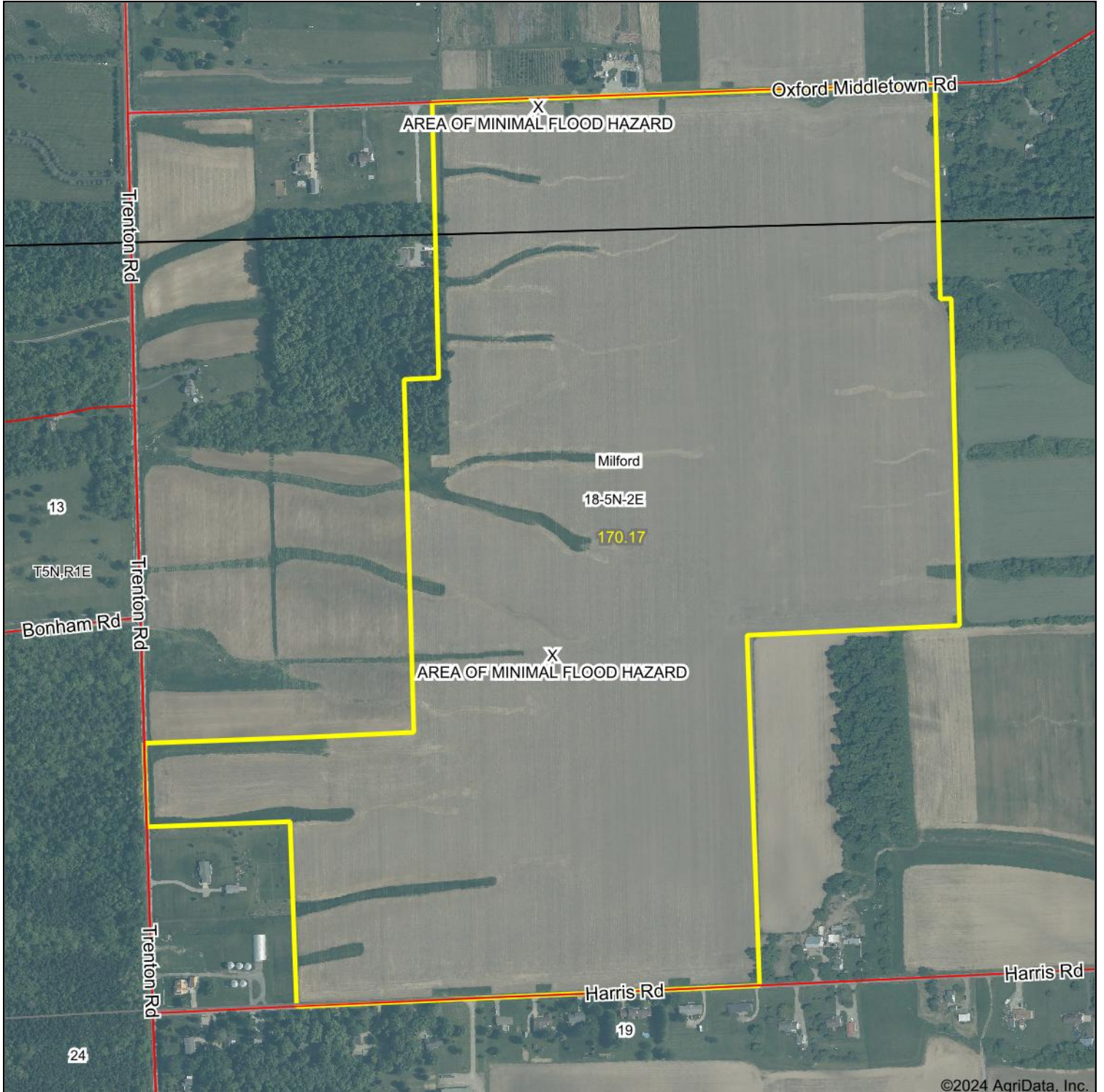


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# FLOOD ZONE MAP



Boundary Center: 39° 31' 39.92, -84° 41' 49.37

0ft 632ft 1264ft



18-5N-2E  
Butler County  
Ohio



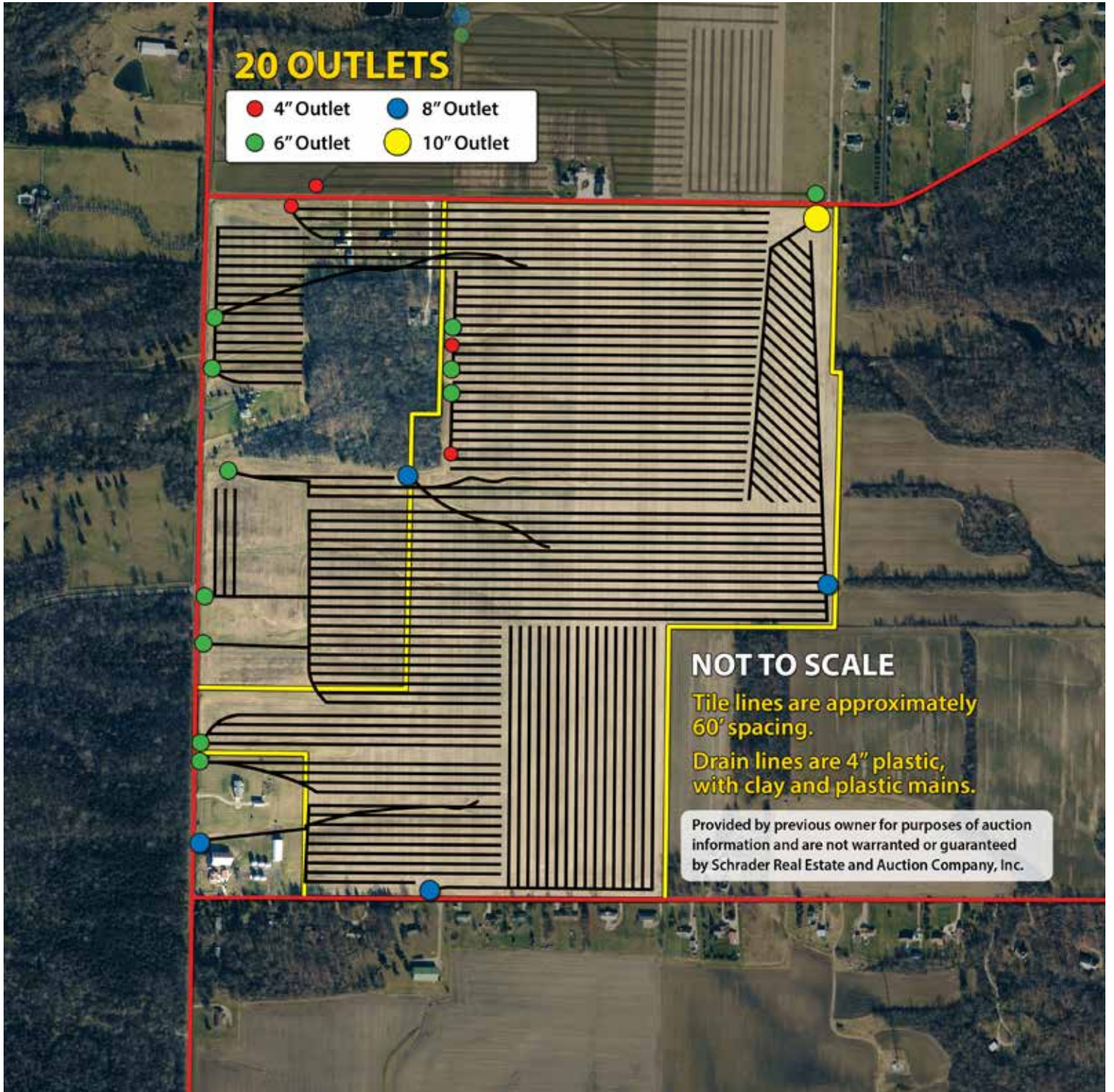
7/29/2024



# TILE MAP

## 20 OUTLETS

- |             |              |
|-------------|--------------|
| ● 4" Outlet | ● 8" Outlet  |
| ● 6" Outlet | ● 10" Outlet |



### NOT TO SCALE

Tile lines are approximately 60' spacing.

Drain lines are 4" plastic, with clay and plastic mains.

Provided by previous owner for purposes of auction information and are not warranted or guaranteed by Schrader Real Estate and Auction Company, Inc.





# **FSA INFORMATION**

# FSA INFORMATION

OHIO  
 BUTLER  
 Form: FSA-156EZ



United States Department of Agriculture  
 Farm Service Agency

FARM : 4010  
 Prepared : 7/19/24 1:05 PM CST  
 Crop Year : 2024

See Page 2 for non-discriminatory Statements.

## Abbreviated 156 Farm Record

Operator Name : YOST & SONS - FARMING, LLC  
 CRP Contract Number(s) : None  
 Recon ID : 39-017-2014-10  
 Transferred From : None  
 ARCPLC G/W Eligibility : Eligible

### Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	EWP	WRP	GRP	Sugarcane	Farm Status	Number Of Tracts
169.36	166.80	166.80	0.00	0.00	0.00	0.00	0.0	Active	1
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped		CRP	MPL	DCP Ag.Rel. Activity	SOD	
0.00	0.00	166.80	0.00		0.00	0.00	0.00	0.00	

### Crop Election Choice

ARC Individual	ARC County	Price Loss Coverage
None	CORN	None

### DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield	HIP
Corn	159.50	0.00	138	
<b>TOTAL</b>	<b>159.50</b>	<b>0.00</b>		

### NOTES

--

Tract Number : 11297

Description :  
 FSA Physical Location : OHIO/BUTLER  
 ANSI Physical Location : OHIO/BUTLER  
 BIA Unit Range Number :  
 HEL Status : NHEL: No agricultural commodity planted on undetermined fields  
 Wetland Status : Wetland determinations not complete  
 WL Violations : None  
 Owners : OXFORD OAKS LLC  
 Other Producers : None  
 Recon ID : None

### Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	EWP	WRP	GRP	Sugarcane
169.36	166.80	166.80	0.00	0.00	0.00	0.00	0.0
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	CRP	MPL	DCP Ag. Rel Activity	SOD
0.00	0.00	166.80	0.00	0.00	0.00	0.00	0.00

# FSA INFORMATION

OHIO  
BUTLER  
Form: FSA-156EZ



United States Department of Agriculture  
Farm Service Agency

## Abbreviated 156 Farm Record

FARM : 4010  
Prepared : 7/19/24 1:05 PM CST  
Crop Year : 2024

Tract 11297 Continued ...

### DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Corn	159.50	0.00	138
<b>TOTAL</b>	<b>159.50</b>	<b>0.00</b>	

### NOTES

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

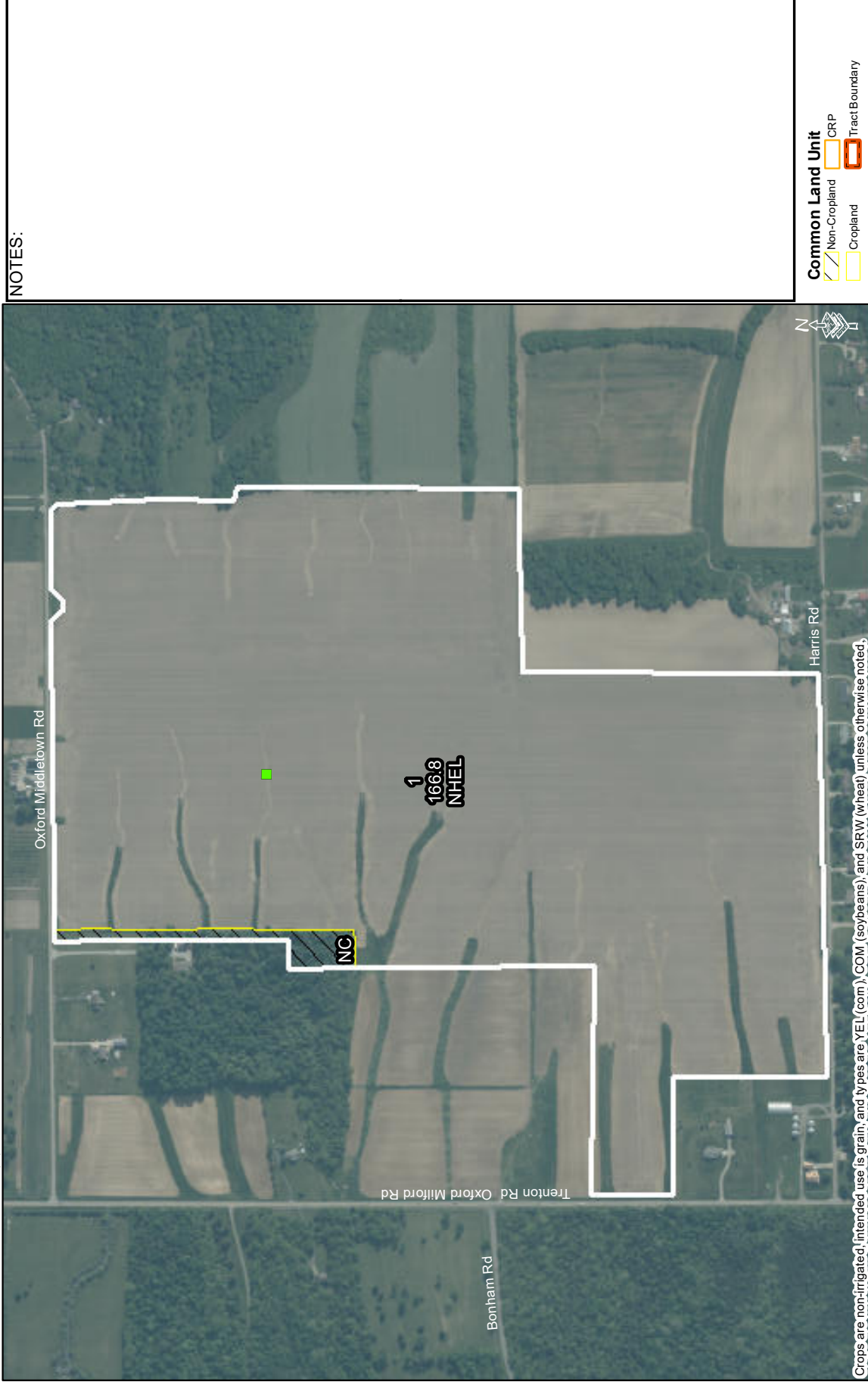
To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) e-mail: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

# FSA INFORMATION

**USDA**  
**Butler County, Ohio**  
 1802 Princeton Rd, Suite 200  
 Hamilton, OH 45011  
 513-642-3715 (P) 855-835-8362 (F)

2024 Program Year

Farm 4010  
 Tract 11297



NOTES:

Crops are non-irrigated, intended use is grain, and types are YEL (corn), COM (soybeans), and SRW (wheat) unless otherwise noted.

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data as is and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination CPA-026 and attached maps for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

1:7,179

Tract Cropland Total: 166.80 acres

- Common Land Unit**
- Non-Cropland
  - Cropland
  - CRP
  - Tract Boundary
- Wetland Determination Identifiers**
- Restricted Use
  - Limited Restrictions
  - Exempt from Conservation
  - Compliance Provisions
- Map Created April 10, 2024

# **RESTRICTIVE COVENANT**

- **COVENANTS**
  - **SURVEY**



# RESTRICTIVE COVENANT

## RESTRICTIVE COVENANTS FOR AUCTION TRACTS 3-11

### Recorded Documents Include

1. Declaration of Restrictive and Protective Covenants (**Recorded 8/13/2007**)
2. First Amendment to Declaration of Restrictions and Protective Covenants (**Recorded 6/15/2009**)
3. First Amendment to Declaration of Restrictions and Protective Covenants (**Recorded 10/22/2012**)

*NOTE: Items #2 & #3 above both have the same name, but have different recording dates. They are **2 separate documents**.*

4. Survey of Plat Recorded in Book 51 Page 32 with last revision being in 2008.

*NOTE: The covenants relate to the original tract numbers shown on the 2007 survey as follows:*

**AUCTION TRACT 3** = Original Survey Tract 22  
**AUCTION TRACT 4** = Original Survey Tract 21  
**AUCTION TRACT 5** = Original Survey Tract 20  
**AUCTION TRACT 6** = Original Survey Tract 19  
**AUCTION TRACT 7** = Original Survey Tract 18  
**AUCTION TRACT 8** = Original Survey Tract 17  
**AUCTION TRACT 9** = Original Survey Tract 16  
**AUCTION TRACT 10** = Original Survey Tract 15  
**AUCTION TRACT 11** = Original Survey Tract 14

\*\* Auction Tract 12 is represented as Original Survey Tract 24 in this map, however, it is NOT covered by the covenants. The 2007 survey does not accurately depict the west boundary of Auction Tract 2 as parts of the property were sold off in 2012.

# RESTRICTIVE COVENANT

Image ID: 00008846811 Type: OFF  
Kind: DECLARATION  
Recorded: 08/13/2007 at 11:27:14 AM  
Fee Amt: \$188.00 Page 1 of 22  
Workflow# 1745808  
Butler County, Ohio  
Dan Frank COUNTY RECORDER  
File# 2007-00048097  
BK 7928 PG 1623

## DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS

THIS DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS (the "Declaration") is made by Harry Fillager ("Declarant") under the following circumstances, WITNESSETH:

WHEREAS, Declarant is the owner of a tract of land in Section 18, Town 5, Range 2, Milford Township, Butler County, Ohio, consisting of 235.816 acres, more or less; and

WHEREAS, Declarant desires to divide part of the real estate into eighteen (18) separate tracts as shown on a Plat of Survey prepared by Daniel R. Brosey dated May 30, 2007 and recorded in Volume 51, Page 32 of the Butler County Engineer's Records of Land Surveys; and

WHEREAS, Declarant desires to submit Tract Numbers 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22, as more particularly described on Exhibits A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-14, A-15, A-16, A-17, A-18, A-19, A-20, A-21 and A-22 (the "Tracts"), to the following restrictions and protective covenants.

NOW, THEREFORE, Declarant declares that the Tracts shall be held, developed, encumbered, leased, occupied, improved, built upon, used and conveyed subject to the restrictions and protective covenants set forth in this Declaration:

1. Only one single family residence with an attached garage and no more than two outbuildings shall be built on a Tract. Each single family residence must have a minimum of two thousand (2,000) square feet of living space, exclusive of the garage, basement and porches, and the attached garage must be for a minimum of two vehicles. The residence shall be primarily of brick, wood or stone but may have vinyl siding on the sides or rear of the residence.
2. No residence shall be constructed closer than two hundred (200) feet from the centerline of the road.
3. No fences shall be constructed in front of the 200 foot setback line except for a decorative fence not exceeding three (3) feet in height.
4. A residence shall be completed within nine (9) months after construction has commenced.
5. The residence and any outbuildings shall be maintained in good condition and repair and the land shall be kept mowed and well maintained at all times and kept free of weeds and other unsightly plants, brush, rubbish and/or debris.
6. No inoperative vehicle or vehicle without a valid license may remain stored outdoors on a Tract for more than three (3) days. No trailer, recreational vehicle, camper, boat or similar vehicle shall be kept on a Tract unless stored in a garage or outbuilding or parked to the rear of the residence.

TRANSFER NOT NECESSARY  
KAY ROGERS  
BY 7-13-07 DEPT.  
AUDITOR, BUTLER CO., OHIO

# RESTRICTIVE COVENANT

7. No animals, livestock or poultry of any kind shall be raised, bred, boarded or maintained on any Tract, except that dogs, cats or other small household pets and horses that are for the personal use of the owner may be so maintained provided they are not raised, bred, boarded or maintained for commercial purposes.

8. No business, trade or profession that involves the entry onto the Tract of customers, clients, patients or other persons involved in any way with the business, trade or profession shall be conducted on any Tract.

9. No owner, other than Declarant, shall take any action to reduce the size of or subdivide any Tract.

10. The grade of all Tracts shall not be materially altered or changed so as to adversely affect any other Tract.

11. Nothing shall be done or placed or permitted to remain on any Tract which is unlawful or hazardous or which may endanger the health or unnecessarily disturb the quiet occupancy of persons residing on other Tracts.

12. This Declaration and the restrictions and protective covenants set forth herein shall run with the land and shall be binding upon and inure to the benefit of Declarant and all owners, occupants and their respective successors and assigns until December 31, 2030 and shall be automatically renewed for successive ten (10) year periods unless at least thirty (30) days prior to the expiration of the initial term or any renewal term this Declaration is terminated or amended by the recording of an instrument signed by the owners of not less than two-thirds of the Tracts either terminating or modifying this Declaration. Invalidation of any of these restrictions and protective covenants by any court of competent jurisdiction shall not in any way affect the validity of any of the other provisions of this Declaration.

Harry Fillager has hereunto set his hand this 31st day of July, 2007.

  
\_\_\_\_\_  
HARRY FILLAGER

Indiana Franklin  
STATE OF OHIO, COUNTY OF BUTLER, SS:

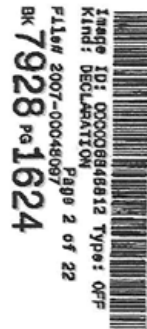
This Declaration of Restrictions and Protective Covenants was acknowledged before me this 31st day of July, 2007 by Harry Fillager.

  
\_\_\_\_\_  
Notary Public, State of Ohio Indiana



This instrument was prepared by:  
Lee H. Parrish, Attorney at Law

BETH A. PETTY  
Notary Public State of Indiana  
Union County  
My Commission Expires  
April 19, 2012



# RESTRICTIVE COVENANT



Image ID: 00007335941 Type: OFF  
Kind: DECLARATION  
Recorded: 06/15/2009 at 12:49:23 PM  
Fee Amt: \$228.00 Page 1 of 27  
Workflow# 0000031837-0002  
Butler County, Ohio  
Dan Crank COUNTY RECORDER  
File# 2009-00030884

## FIRST AMENDMENT

TO

8125 pg 1437

## DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS ("First Amendment") is made under the following circumstances, WITNESSETH:

WHEREAS, Harry Fillager, as Declarant and as owner of a tract of land in Section 18, Town 5, Range 2, Milford Township, Butler County, Ohio, filed a Declaration of Restrictions and Protective Covenants (the "Declaration"), which is recorded in Book 7928, Page 1623 of the Official Records of Butler County, Ohio; and

WHEREAS, the Declaration provided that the following real estate would be subject to the restrictions and protective covenants set forth in the Declaration: Tract Numbers 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as more particularly described on Exhibits A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-14, A-15, A-16, A-17, A-18, A-19, A-20, A-21 and A-22 (the "Tracts"); and

WHEREAS, after filing the Declaration the Declarant sold two parcels of real estate that were not part of the above referenced Tracts but were conveyed subject to the restrictions and protective covenants set forth in the Declaration, being a 5.0 acre tract described on Exhibit B-1 and designated herein as Tract B-1 and a 12.085 acre tract described on Exhibit B-2 and designated herein as Tract B-2; and

WHEREAS, Tracts 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22, which are described on Exhibits A-4, A-5, A-8, A-9, A-10, A-11, A-12, A-14, A-15, A-16, A-17, A-18, A-19, A-20, A-21 and A-22, are owned by Declarant; and

WHEREAS, Tract 7, which is described on Exhibit A-7, is owned by Cheryl C. Vajda and Ronald C. Stevens; and

WHEREAS, Tract 6, which is described on Exhibit A-6, is owned by Thomas C. Phillips and Judy A. Phillips; and

WHEREAS, Tract B-1, which is described on Exhibit B-1, is owned by Russell L. Wright and Kathy A. Mohylsky; and

WHEREAS, Tract B-2, which is described on Exhibit B-2, is owned by Durbin Interior & Exterior Landscaping, Inc.; and

TRANSFER NOT NECESSARY  
ROGER REYNOLDS, CPA  
BY 6-15-09 R.R. DEPT.  
AUDITOR, BUTLER CO., OHIO



# RESTRICTIVE COVENANT

WHEREAS, Declarant desires to amend Restriction 1 of the Declaration, which is acceptable to the owners of Tract 7, Tract 6, Tract B-1 and Tract B-2.

NOW, THEREFORE, it is agreed as follows:

FIRST: Restriction 1 of the Declaration is hereby deleted in its entirety and the following is substituted therefor:

"1. Only one single family residence with an attached garage and no more than two outbuildings shall be built on a Tract. Each single family residence on one level must have a minimum of one thousand six hundred fifty (1,650) square feet of living space, exclusive of the garage, basement and porches, and the attached garage must be for a minimum of two vehicles. All other single family residences must have a minimum of two thousand (2,000) square feet of living space, exclusive of the garage, basement and porches, and the attached garage must be for a minimum of two vehicles. The residence shall be primarily of brick, wood or stone but may have vinyl siding on the sides or rear of the residence."

SECOND: Cheryl C. Vajda, Ronald C. Stevens, Thomas C. Phillips, Judy A. Phillips, Russell L. Wright, Kathy A. Mohylsky and Durbin Interior & Exterior Landscaping, Inc. consent to the changes to Restriction 1 of the Declaration as set forth above.

THIRD: The consent of The Bath State Bank, the holder of a Mortgage on Tract 7, as described on Exhibit A-7, to the changes to Restriction 1 is attached as Exhibit C.

FOURTH: Except as modified herein, the Declaration shall remain in full force and effect.

THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

SIGNATURE PAGES ATTACHED.



Image ID: 00007335942 Type: OFF  
Kind: DECLARATION

Page 2 of 27

File# 2008-00030854

BK 8125 Pg 1438

# RESTRICTIVE COVENANT

Harry Fillager has hereunto set his hand this 12TH day of JUNE, 2009.



Image ID: 000007336943 Type: OFF  
Kind: DECLARATION  
File# 2009-00030884 Page 3 of 27  
BK **8125** Pg **1439**

Harry Fillager  
HARRY FILLAGER

STATE OF OHIO, COUNTY OF BUTLER, SS:

This First Amendment to Declaration of Restrictions and Protective Covenants was acknowledged before me this 12TH day of JUNE, 2009 by Harry Fillager.



OFFICIAL SEAL  
JAMES M. ALLEN, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no Expiration Date  
O.R.C. Section 147.03


James M. Allen  
Notary Public, State of Ohio

This instrument was prepared by:  
Lee H. Parrish, Attorney at Law



# RESTRICTIVE COVENANT

Thomas C. Phillips and Judy A. Phillips have hereunto set their hands this 12TH day of JUNE, 2009.

  
Image ID: 000007395944 Type: OFF  
Kind: DECLARATION Page 4 of 27  
File# 2009-00030884  
BK 8125 PG 1440

Thomas C. Phillips  
THOMAS C. PHILLIPS

Judy A. Phillips  
JUDY A. PHILLIPS

STATE OF OHIO, COUNTY OF BUTLER, SS:

This First Amendment to Declaration of Restrictions and Protective Covenants was acknowledged before me this 12TH day of JUNE, 2009 by Thomas C. Phillips and Judy A. Phillips.



OFFICIAL SEAL  
JAMES M. ALLEN, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no Expiration Date  
O.R.C. Section 147.03

James M. Allen  
Notary Public, State of Ohio

# RESTRICTIVE COVENANT

Image ID: 000009273011 Type: OFF  
Recorded: 10/22/2012 at 10:43:35 AM  
Fee Amt: \$196.00 Page 1 of 23  
Workflow# 0000151558-0001  
Butler County, Ohio  
Dan Grank COUNTY RECORDER  
File# 2012-00050412  
BK 8504 PG 624

TRANSFER NOT NECESSARY  
ROGER REYNOLDS, CPA  
BY 10/22/12 DEPT.  
AUDITOR, BUTLER CO., OHIO

## FIRST AMENDMENT

TO

### DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS ("First Amendment") is made under the following circumstances, WITNESSETH:

WHEREAS, Harry Fillager, as Declarant and as owner of a tract of land in Section 18, Town 5, Range 2, Milford Township, Butler County, Ohio, filed a Declaration of Restrictions and Protective Covenants (the "Declaration"), which is recorded in Book 7928, Page 1623 of the Official Records of Butler County, Ohio; and

WHEREAS, the Declaration provided that the following real estate would be subject to the restrictions and protective covenants set forth in the Declaration: Tract Numbers 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as shown on the Plat of Survey recorded in Volume 51, Page 32 of the Butler County Engineer's Record of Land Surveys and as more particularly described on Exhibits A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-14, A-15, A-16, A-17, A-18, A-19, A-20, A-21 and A-22 attached hereto (the "Tracts"); and

WHEREAS, Paragraph 12 of the Declaration provides that it can be amended by the recording of an instrument signed by the owners of not less than two-thirds of the Tracts; and

WHEREAS, Declarant owns more than two-thirds of the Tracts and desires to amend the Declaration for the sole purpose of clarifying that until a Tract is developed there is no restriction as to the use of the Tract for farming purposes, as the intent of the Declaration was to restrict the use of a Tract upon which a residence had been constructed.

# RESTRICTIVE COVENANT



Image ID: 00008273013 Type: OFF  
Page 3 of 23

File# 2012-00050412


PK 8504 PG 626

Harry Fillager has hereunto set his hand this 19th day of October, 2012.

  
\_\_\_\_\_  
HARRY FILLAGER

STATE OF OHIO, COUNTY OF BUTLER, SS:

This First Amendment to Declaration of Restrictions and Protective Covenants was acknowledged before me this 19th day of October, 2012 by Harry Fillager.

  
\_\_\_\_\_  
Notary Public, State of Ohio



Lee H Parrish  
Notary Public  
State of Ohio  
My commission does not expire.

This instrument was prepared by:  
Lee H. Parrish, Attorney at Law

# RESTRICTIVE COVENANT



Image ID: 00008273012 Type: OFF  
Page 2 of 23  
File# 2012-00050412  
BK 8504 PG 625

NOW, THEREFORE, the Declaration is amended to add a new Paragraph 13, which is as follows:

"13. Any Tract may be used for farming purposes prior to the construction of a single family residence on the Tract. Once a residence is constructed on a Tract, all the restrictions and protective covenants, including Paragraph 7 regarding animals, livestock and poultry, shall then be applicable.

Except as modified herein, the Declaration shall remain in full force and effect.

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SIGNATURE PAGE ATTACHED.

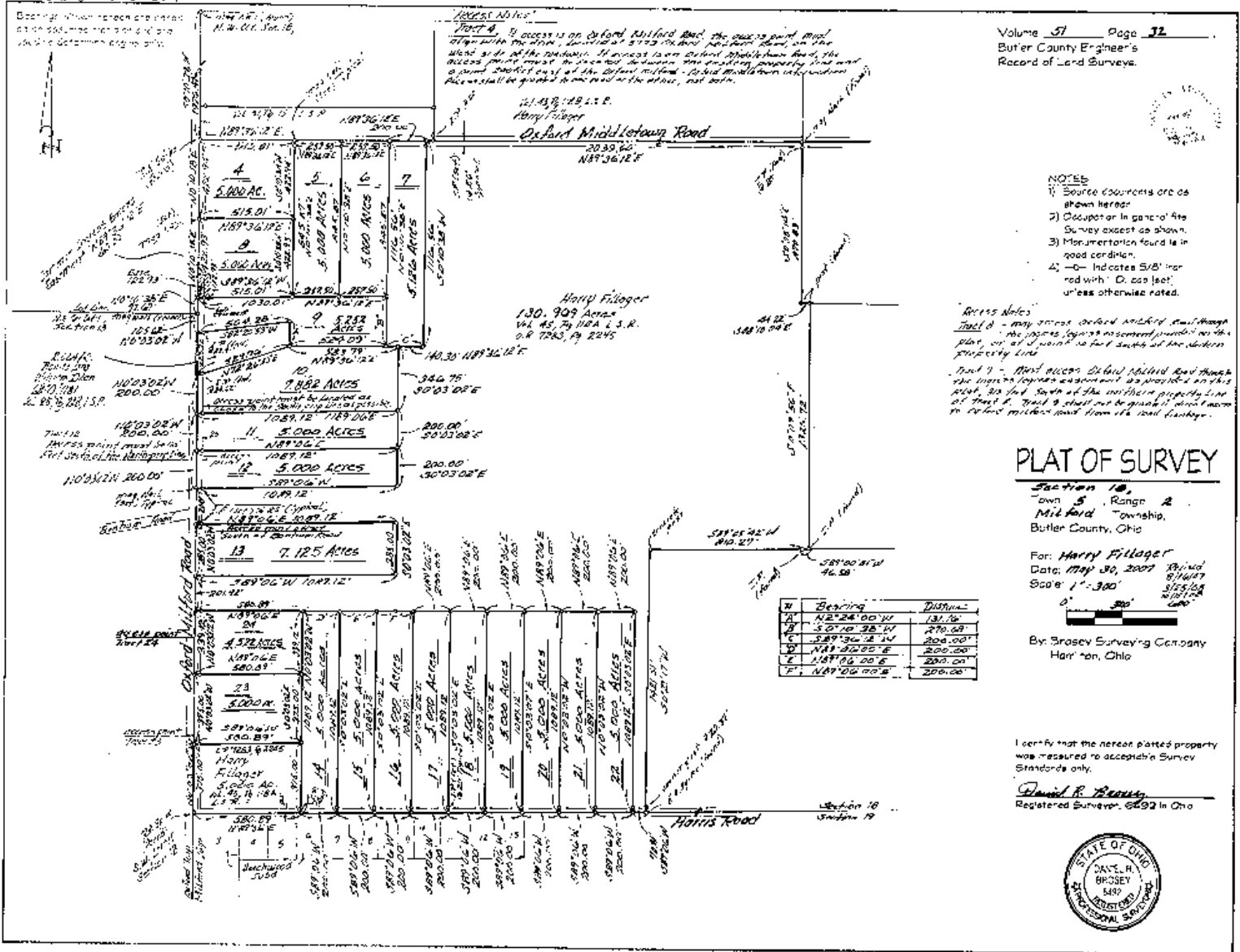


# SURVEY

This 2007 survey does not accurately depict the west boundary of Auction Tract 2 as parts of the property were sold off in 2012.

FA&D-D13.000-007

Beating shown herein are based on 2007 data, and are not to be used for determining acreage.



**PRELIMINARY  
TITLE**

# PRELIMINARY TITLE

William C. Keck  
Catherine L. Evans  
Heather Sanderson Lewis  
Jon P. Whalen  
Steven A. Tooman  
Thomas A. Dierling  
Salvatore A. Gilene  
Craig D. Havens  
Joshua M. Reintjes

## MILLIKIN & FITTON LAW FIRM A Legal Professional Association

232 HIGH STREET  
HAMILTON, OHIO 45011  
(513) 863-6700  
Fax: (513) 863-0031

Hamilton Office  
232 High Street  
Hamilton, Ohio 45011

West Chester Office  
9032 Union Centre Boulevard  
Suite 200  
West Chester, Ohio 45069

*Established 1840*

### CERTIFICATE OF TITLE

Oxford Oaks, LLC  
1386 Huntland Ct. S  
Xenia, OH 45385

RE: Oxford Middletown Rd., Oxford, OH 45056 & Oxford Milford Rd., Oxford, OH 45056

To Whom It May Concern:

We hereby certify that we have examined the records of Butler County, Ohio as disclosed by the public indices in accordance with the Ohio Marketable Title Act (from 40 years to date), relating to the premises hereinafter described in Exhibit A.

We further certify that based on said records, the fee simple title to said premises is vested in Oxford Oaks, LLC, an Ohio limited liability company, by virtue of deed dated December 4, 2012 and recorded December 14, 2012 in Volume 8523, Page 504, Official Records, Butler County, Ohio, and as appears from said records, the title is marketable and free from encumbrances except as to the matters set forth herein as follows:

1. There are no mortgages encumbering the premises.
2. Utility easement to The Water Association recorded November 21, 1991 in Volume 1739, Page 578, Deed Records, Butler County, Ohio. (Easement does not specify exact location).
3. Utility easement to The Southwest Regional Water District recorded May 6, 1988 in Volume 6219, Page 1219, Official Records, Butler County, Ohio. (Easement does not specify exact location).
4. Declaration of restrictions and protective covenants as stated in an instrument recorded August 13, 2007 in Volume 7928, Page 1623, Official Records, Butler County, Ohio. Said Declaration was amended by an instrument recorded in Volume 8125, Page 1437, Official Records, Butler County, Ohio and an instrument recorded in Volume 8504, Page 624, Official Records, Butler County, Ohio. (Tract I only)

# PRELIMINARY TITLE

5. Subject to the right of way of Harris Road and Oxford Middletown Rd. (Tract I only)
6. Subject to the right of way of Oxford Milford Rd. (Tract II only)
7. Right of way to Butler County, Ohio recorded April 28, 1997 in Volume 6107, Page 731, Official Records, Butler County, Ohio. (Easement does not specify exact location).
8. Utility easement to the Butler Rural Electric Cooperative, Inc. recorded November 3, 1937 in Volume 11, Page 92, Miscellaneous Records, Butler County, Ohio. (Easement does not specify exact location).
9. Utility easement to the Butler Rural Electric Cooperative, Inc. recorded November 3, 1937 in Volume 11, Page 95, Miscellaneous Records, Butler County, Ohio. (Easement does not specify exact location).

For purposes of taxation, the above-described real estate is known as Auditor's Tax Parcel Number F2610-018.000-034 and is valued as follows: Land: \$2,250.00; Buildings: \$0.00; for a total tax valuation of \$2,250.00. The real estate taxes are \$41.04 per half year. The real estate described above appears on the Agricultural Land Tax List, and therefore, it will be subject to current agricultural use valuation recapture upon use change as provided for in Sections 5713.34 and 5713.35 of the Ohio Revised Code. Real estate taxes for the 2023 tax year are paid. Real estate taxes for the first half of the 2024 tax year and thereafter are a lien against the premises, but said taxes are not yet due and payable.

For purposes of taxation, the above-described real estate is known as Auditor's Tax Parcel Number F2610-018.000-027 and is valued as follows: Land: \$147,740.00; Buildings: \$0.00; for a total tax valuation of \$147,740.00. The real estate taxes are \$2,689.36 per half year. The real estate described above appears on the Agricultural Land Tax List, and therefore, it will be subject to current agricultural use valuation recapture upon use change as provided for in Sections 5713.34 and 5713.35 of the Ohio Revised Code. Real estate taxes for the 2023 tax year are paid. Real estate taxes for the first half of the 2024 tax year and thereafter are a lien against the premises, but said taxes are not yet due and payable.

This certificate does not purport to cover matters not of record in said county, including deficiency in quantity of ground, boundary lines and other matters which a correct survey or inspection would disclose; forgeries; rights to file mechanics' liens; rights to file Medicaid liens; special taxes and assessments not shown by the County Treasurer's Records; unpaid utilities; liens asserted by the United States and the State of Ohio, their agencies and officers under the Ohio Solid and Hazardous Waste and Disposal Act and Federal Super Fund Amendments, and under Racketeering Influence and Corrupt Organization Acts and receivership liens, unless the lien is filed in the public records of the county in which the property is located; zoning and other



# PRELIMINARY TITLE

governmental regulations; encroachments, overlaps, overhangs; and rights of persons in possession.

Respectfully submitted,

Millikin & Fitton Law Firm  
A Legal Professional Association



Salvatore A. Gilene

This Certificate of Title is dated July 1, 2024 at 7:59 a.m.  
File No. 311-24

# PRELIMINARY TITLE

EXHIBIT "A"  
Legal Description  
(Page 1 of 2)

**TRACT I**

Situated in Section 18, Town 5, Range 2, Milford Township, Butler County, Ohio and being more particularly bounded and described as follows:

Beginning at a mag nail (found) in the south line of said Section and in the center of Harris Road, found by measuring North 89° 06' 00" East 580.89 feet from a spike (found) at the southwest corner of Section 18; THENCE FROM THE BEGINNING POINT THUS FOUND, North 0° 03' 02" West (passing an iron pin found at 20.00 feet) a distance of 1089.12 feet to an iron pin (found); thence North 89° 06' 00" East 508.23 feet to an iron pin (found); thence North 0° 03' 02" West 1433.67 feet to an iron pin (found); thence North 89° 36' 12" East 140.30 feet to an iron pin (found); thence North 0° 10' 38" East (passing an iron pin found at 1096.56 feet) a distance of 1116.56 feet to a mag nail (found) in the center of Oxford Middletown Road; thence North 89° 36' 12" East along the center of said Road 2039.60 feet to a mag nail (found); thence South 0° 05' 14" East (passing an iron pin found at 20.00 feet) a distance of 870.83 feet to a wood post; thence South 88° 10' 04" East 44.22 feet to a wood post; thence South 0° 09' 56" East 1325.72 feet to an iron pin (found); thence South 89° 00' 51" West 46.58 feet to an iron pin (found); thence South 89° 05' 42" West 810.27 feet to a concrete post (found); thence South 0° 27' 17" West 1421.51 feet to a spike (found) in the south line of said Section and in the center of Harris Road; thence South 89° 06' 00" West along the south line of said Section and in the center of Harris Road 1870.81 feet to the point of beginning, containing 165.861 acres of land, more or less, and being subject to the legal right-of-way of Oxford Middletown Road and Harris Road and all other easements and restrictions of record.

A Plat of Survey of the herein described property is recorded in Volume 55, Page 94, Butler County Engineers Record of Land Surveys.

Part of said premises are subject to the Declaration of Restrictions and Protective Covenants recorded in Volume 7928, Page 1623, Official Records, Butler County, Ohio and the First Amendment to Declaration of Restrictions and Protective Covenants recorded in Volume 8504, Page 624, Official Records, Butler County, Ohio.

This description was prepared by Daniel R. Brosey, Registered Surveyor No. 6492 in Ohio.

Parcel No. F2610-018.000-027  
Address: Oxford Middletown Rd., Oxford, OH 45056

# PRELIMINARY TITLE

EXHIBIT "A"  
Legal Description  
(Page 2 of 2)

**TRACT II**

Situated in Section 18, Town 5, Range 2, Milford Township, Butler County, Ohio and being more particularly bounded and described as follows:

Beginning at a mag nail (set) the west line of said Section and in the center of Oxford Milford Road, found by measuring North 0° 03' 02" West 750.00 feet from a spike (found) at the southwest corner of Section 18; THENCE FROM THE BEGINNING POINT THUS FOUND North 0° 03' 02" West along the west line of said Section and in the center of said road 339.12 feet to a point; thence North 89° 06' 00" East (passing an iron pin set at 25.00 feet) a distance of 580.89 feet to an iron pin (set); thence South 0° 03' 02" East 339.12 feet to an iron pin (set); thence South 89° 06' 00" West 580.89 feet to the point of beginning, containing 4.522 acres of land, more or less, and being subject to the legal right-of-way for Oxford Milford Road and all other easements and restrictions of record.

A Plat of Survey of the herein described property is recorded in Volume 51, Page 32 of the Butler County Engineer's Record of Land Surveys.

All iron pins set are 5/8" iron rods with an orange cap bearing the surveyor's name and number.

This description was prepared by Daniel R. Brosey, Registered Surveyor No. 6492 in Ohio.

Parcel No. F2610-018.000-034  
Address: Oxford Milford Rd., Oxford, OH 45056

**PHOTOS**



# PHOTOS





# PHOTOS





# PHOTOS





# PHOTOS





# PHOTOS





# PHOTOS



**SCHRADER REAL ESTATE & AUCTION CO., INC.**

950 N. Liberty Dr., Columbia City, IN 46725

**260-244-7606 or 800-451-2709**

**SchraderAuction.com**

