

Cover page for:

Preliminary Title Insurance Schedules
(with copies of recorded exception documents)

Preliminary title insurance schedules prepared by:

Titles of Dakota
(File Number: 24-0892)

Auction Tract 1
(Charles Mix County, South Dakota)

For September 23, 2024 auction to be conducted by:
Schrader Real Estate and Auction Company, Inc.

On behalf of:
James & Katherine L. Andersh Revocable Family Trust



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Titles of Dakota
Issuing Office: 17 North 4th Ave., P.O. Box 160, Lake Andes, SD 57356
Issuing Office's ALTA® Registry ID: 0005107
Loan ID No.:
Commitment No.: 24-0892
Issuing Office File No.: 24-0892
Property Address: n/a, Wagner, SD 57380

SCHEDULE A

1. Commitment Date: September 6, 2024 at 08:00 AM
2. Policy to be issued:
 - a. ALTA Owners Policy (07/01/21)
 - Proposed Insured: Purchaser with contractual rights under a purchase agreement with the vested owner identified at Item 4 below
 - Proposed Amount of Insurance: \$5,000.00
 - The estate or interest to be insured: Fee Simple
3. The estate or interest in the Land at the Commitment Date is: Fee Simple.
4. The Title is, at the Commitment Date, vested in:

The James and Katherine L. Andersh Revocable Family Trust u/d/t November 22, 2021
5. The Land is described as follows:

Southeast quarter of northeast quarter (SE¼NE¼) Section four (4), Township ninety-five (95) North, Range sixty-two (62) West of the Fifth Principal Meridian, Charles Mix County, South Dakota.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.

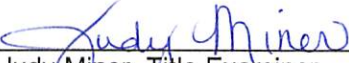
The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



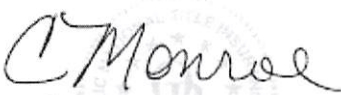
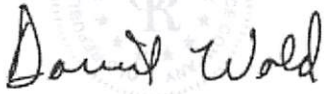
SCHEDULE A
(Continued)

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

TITLES OF DAKOTA

By: 
Judy Miner, Title Examiner
17 North 4th Avenue / PO Box 160
Lake Andes, South Dakota 57356-0160
(605) 487-7271

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By:  President
Attest:  Secretary

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B, PART I Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Complete and return buyers/borrowers/sellers affidavit at the time of closing.
6. Record the Durable Power of Attorney for James Andersh.
7. Record the Durable Power of Attorney for Katherine L. Andersh.
8. Procure and record a Notary Affidavit to correct the Notary Acknowledgment on Quit Claim Deed recorded in Book 135 of Deeds, page 451. The deed was executed by the Power of Attorney for James Andersh and Katherine L. Andersh, and the acknowledgement used is for an individual.
9. Procure and record a properly executed deed from The James and Katherine L. Andersh Revocable Family Trust u/d/t November 22, 2021 To Be Determined.
10. Procure and record a properly executed Certificate of Trust in accordance with SDCL 55-4-51.3 regarding The James and Katherine L. Andersh Revocable Family Living Trust u/d/t November 22, 2021. NOTE: The Certificate of Trust must be executed simultaneously with the conveyance being insured.
11. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being Insured, and any additional premium must be paid at that time. An Owner's Policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent herewith when the final amounts are approved.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

Commitment for Title Insurance (07-01-2021)
Schedule BI



24-0892



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B, PART II Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the Public Records.
5. Any liens, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Any taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims, title, or interest in any minerals, mineral rights, or related matters, or rights of access and egress, including but not limited to oil, gas, coal, and other hydrocarbons; (b) exceptions, reservations, and restrictions contained in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
8. Rights of tenants in possession under the terms of unrecorded leases.
9. Any setback lines and utility easements that may exist.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

ALTA Commitment for Title Insurance (07-01-2021)
Schedule BII



24-0892

SCHEDULE B, PART II
(Continued)

10. The 2023 real estate taxes due and payable in 2024 are due and payable as follows:

SE¼NE¼ Section 4 - T95N - R62W, assessed to James & Katherine L Andersh co-trustees, James & Katherine L Andersh Revocable Family Trust, Parcel #16.04.1040 (40 A), tax in the total amount of **\$608.34**, first installment of \$304.17 paid, second installment of **\$304.17 - - - - UNPAID**

Subject to real estate taxes for the 2024 tax year which are not yet due and payable.

11. Affidavit executed by Michael J. Whalen, attorney for Charles Mix Electric Association, Inc., referring to numerous unrecorded original Right-of-Way Easements, dated October 12, 2010, filed December 20, 2010, at 8:35 o'clock A.M., recorded in Book 54 of Miscellaneous Records, page 237, along with other property. See copy attached.
12. Any adverse claim to title made by or on behalf of an Indian Allottee or the heirs of such Allottee based upon the assertion that such land was improperly removed from the United States Government Trust Protection.
13. Section line highways by operation of law, South Dakota Code 31-18-1, and unrecorded underground easement, if any.
14. Subject to such further matters as may appear of record at the time the final policy is issued.

- END OF SCHEDULE B -

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

ALTA Commitment for Title Insurance (07-01-2021)
Schedule BII



24-0892

expense, shall remain the property of the Co-operative, removable at the option of the Co-operative upon termination of service to or on said lands..."

- 5. That each and all of said right-of-way easements were duly acknowledged before a notary public or proved in the manner and method prescribed by state statute.
- 6. That the purpose and intent of this Affidavit is to provide constructive notice to all purchasers or encumbrancers of the existence and execution of the right-of-way easements identified in "Exhibit A" attached hereto and to provide notice to all interested parties that CME claims such right-of-way easements by reason of and pursuant to the original right-of-way easements now in the legal custody of CME at its headquarters in Lake Andes, South Dakota.
- 7. That this Affidavit and the right-of-way easements identified in the attached "Exhibit A" affect the title to the real property so described and this Affidavit is recorded as an explanatory affidavit pursuant to SDCL 43-28-4.

Dated this 12th day of October, 2010.

Michael J. Whalen
 Michael J. Whalen AFFIANT
 Attorney for Charles Mix Electric Association, Inc.

State of South Dakota)
 ss.
 County of Pennington)

On this the 12th day of October, 2010, before me the undersigned officer, personally appeared Michael J. Whalen, who acknowledged himself to be the attorney for Charles Mix Electric Association, Inc. and acknowledged to me that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

Carol Hodge
 NOTARY PUBLIC - SOUTH DAKOTA
 My Commission Expires: 10-14-14



Section	Twnshp	Range	Description		Grantor	Date
1	95	62	W 1/2	NW¼	Joseph & Antonia Placek	1/3/1948
1	95	62	Lot 10		Elsie Giedd	7/11/1949
1	95	62	W 1/2	SE¼	Elsie Giedd	7/11/1949
1	95	62	Lot 9		Elsie Giedd	7/11/1949
1	95	62	Lot 5		Elsie Giedd	7/11/1949
1	95	62	Lot 6		Elsie Giedd	7/11/1949
1	95	62	Lot 8		Elsie Giedd	7/11/1949
1	95	62		SW¼	Eugene Kozel	11/3/1953
2	95	62	Lot 3		Frank & Barbara Turek	12/2/1947
2	95	62	S 1/2	NW¼	Frank & Barbara Turek	12/2/1947
2	95	62	Lot 4		Frank & Barbara Turek	12/2/1947
2	95	62	S 1/2	NE¼	Joseph & Rose Petrik	1/17/1948
2	95	62		NW¼	Frank Tucek	12/31/1947
2	95	62	Lot 4		Frank Tucek	10/24/1945
2	95	62	Lot 3		Frank Tucek	10/24/1945
3	95	62	Lot 3		Thomas & Ann Sykora	11/26/1945
3	95	62	Lot 1		Thomas & Ann Sykora	11/26/1945
3	95	62	Lot 2		Thomas & Ann Sykora	11/26/1945
3	95	62	S 1/2	NE¼	Thomas Sykora	12/18/1947
3	95	62	Lot 1		Thomas Sykora	12/18/1947
3	95	62	Lot 3		Thomas Sykora	12/18/1947
3	95	62	SE 1/4	NW¼	Thomas Sykora	12/18/1948
3	95	62	Lot 2		Thomas Sykora	12/18/1947
3	95	62	W 1/2	NW¼	Ladislav Andersh	3/22/1954
3	95	62	N 1/2	SW¼	Ladislav Andersh	3/22/1954
3	95	62	NW 1/4	SE¼	Albert Cihak	11/27/1945
3	95	62	S 1/2	SE¼	Albert Cihak	11/27/1945
4	95	62	SE 1/4	NE¼	Ladislav Andersh	5/19/1954
4	95	62	NE 1/4	NE¼	Elmo Gullikson	5/18/1954
4	95	62		NW¼	Elmo & Arlene Gullikson	11/27/1959
4	95	62	NE 1/4	NE¼	Elmo & Arlene Gullikson	11/27/1959
4	95	62	E 1/2	SE¼	Elmo & Arlene Gullikson	11/27/1959
4	95	62		S½	Elmo & Arlene Gullikson	11/27/1959
4	95	62	Lot 4	NE¼	Henry Weddell	1/10/1975
4	95	62	NE1/4 NW1/4 SW1/4	NE¼	Henry Weddell	11/10/1975
4	95	62	Lot 4		Henry Weddell	10/31/1975
4	95	62		SW¼	Yankton Sioux Housing	7/26/1978