

- Great location with frontage on HABER & SWEET POTATO RIDGE ROADS
- Transitional Value currently zoned RSD (Adjacent to 2 Subdivisions)
- Municipal Water available at the road
- HISTORIC & PICTURESQUE FARMSTEAD w/  
a Brick Home built in 1844, Brick Spring House, Early Bank Barn,  
2nd 1800's Brick Home offered on 6.5± Acres. MUST SEE!
- 176± FSA Cropland Acres- Featuring Westland, Miami, & Celina Soils

# 181.5± Acres

## Prime Ohio LAND AUCTION

MONTGOMERY COUNTY, CLAYTON TWP - SEC 16 & 17

in 4 TRACTS  
Ranging from  
6.5± to 91± Acres  
with Historic Farmstead  
3954 Sweet Potato Ridge Rd,  
Englewood, OH 45322



800.451.2709 • [SchraderAuction.com](http://SchraderAuction.com)

# INFORMATION Booklet

## Tuesday, October 29<sup>th</sup> • 6pm

held at American Legion Post 707, Englewood, OH • Online Bidding Available

# Disclaimer

All information contained is believed to be accurate and from accurate resources. However, buyers are encouraged to do their own due diligence. Schrader Auction Company assumes no liability for the information provided.



950 N. Liberty Dr., Columbia City, IN 46725  
800.451.2709 | 260.244.7606 | www.schraderauction.com

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## Auction Terms & Conditions:

**PROCEDURES:** The property will be offered in **4 individual tracts**, any combination of tracts, or as a total 181.5± acre unit. There will be open bidding on all tracts and combinations during the auction as determined by the Auctioneer.

**DOWN PAYMENT:** 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 **DECEMBER 1<sup>st</sup>, 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 December 31<sup>st</sup>, 2024.

**FAIR HOUSING:** It is illegal, pursuant to the Ohio Fair Housing Law, Division (H) of Section 4112.02 of the Revised Code and the

Federal Fair Housing Law 42 U.S.C.A. 3601, to refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, because of race, color, religion, sex, familial status, as defined in Section 4112.01 of the Revised Code, ancestry, military status as defined in that section, disability as defined in that section, or national origin or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the provision of real estate brokerage services.

**REAL ESTATE TAXES / ASSESSMENTS:** Taxes will be pro-rated to the date of closing utilizing Montgomery County's short pro-ration method. The property is currently enrolled in the CAUV program. Any recoupment required for change of usage of any tract is expense of the buyer.

**ZONING:** The farm is zoned RSD and is under the control of the Clayton Development District.

**SURVEY / ACREAGE:** Each tract has been recently surveyed. It is anticipated that no additional survey work will be needed for transfer. (Contact Agent for copies)

**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 WARRANTIES:** 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.

Owner: Don Roberts LLC

**Auction Managers:**  
Andy Walther • 765.969.0401  
Travis Kelley • 740.572.1525

**800.451.2709**  
**SchraderAuction.com**



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FSA Information

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Flood Zone Map

Survey

Preliminary Title

Property Photos





# **BIDDER PRE-REGISTRATION FORM**

**TUESDAY, OCTOBER 29, 2024**

**181.5± ACRES – MONTGOMERY 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 Tuesday, October 22, 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**  
**181.5± Acres • Montgomery County, Ohio**  
**Tuesday, October 29, 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 Tuesday, October 29, 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](http://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](mailto: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, Tuesday, October 22, 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:**

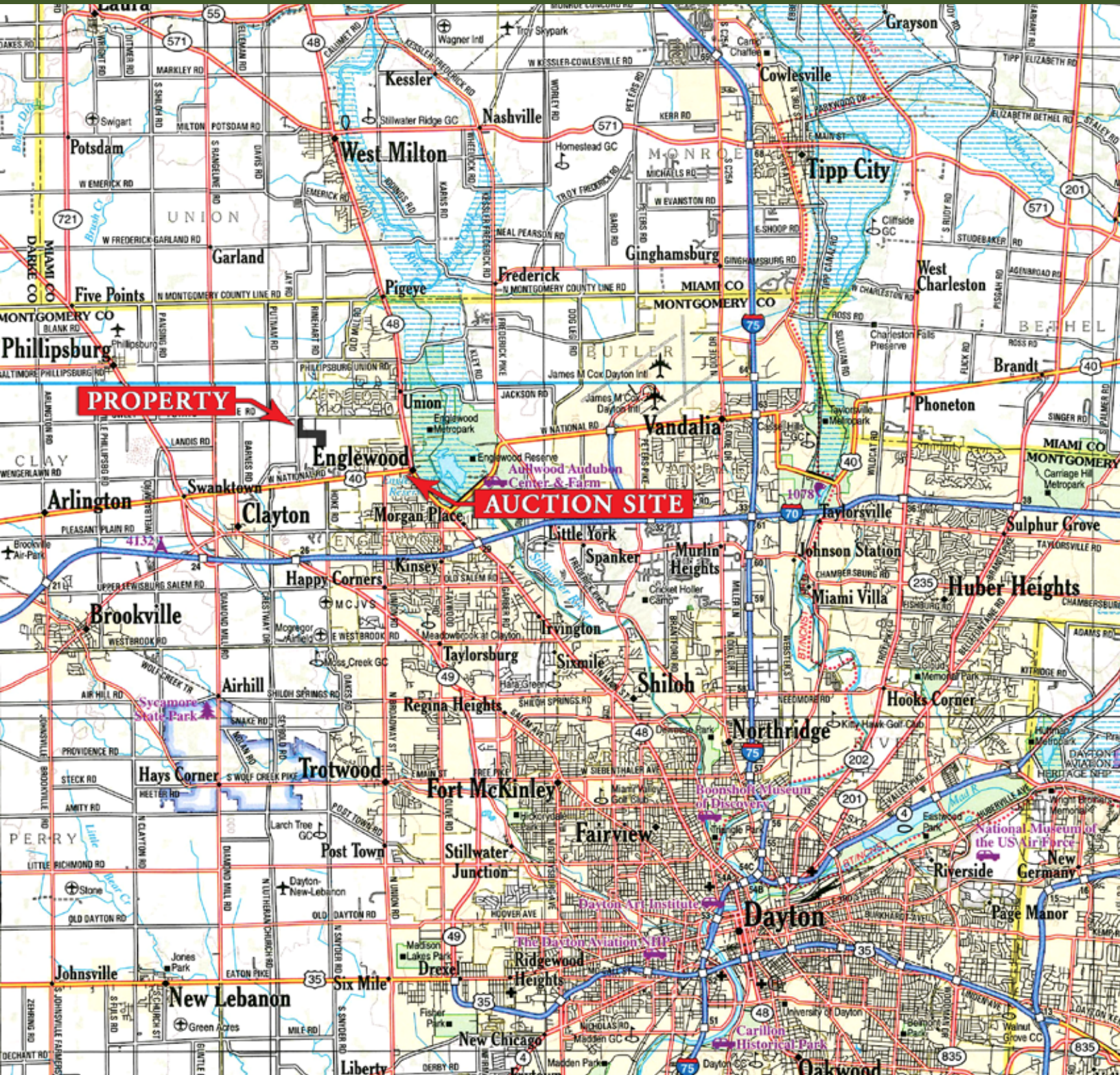
E-mail address of registered bidder: \_\_\_\_\_

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 MAP

# LOCATION MAP



**PROPERTY LOCATION:** *3954 Sweet Potato Ridge Rd, Englewood, OH 45322* From the intersection of OH SR 48 (Main St.) and US 40 (W. National Road), travel west 1.5 miles to Haber Rd. Then right (north) 1 mile to the farm. Continue to intersection and turn right on Sweet Potato Ridge Road. **WATCH FOR SIGNS!**

**AUCTION LOCATION:** *American Legion Post 707, 200 W. National Rd., Englewood, OH 45322*

 **ONLINE BIDDING AVAILABLE:** You may bid online during the auction at [schraderauction.com](http://schraderauction.com). You must be registered **One Week in Advance of the Auction** to bid online. For online bidding information, call Schrader Auction Company.

# TRACT MAP

# TRACT MAP

## INSPECTION DATES:

*from 9:00 - 11:00am*

Tuesday October 1

Saturday October 12

Saturday October 19

Tuesday October 22

*Meet an Agent at Tract 4*



**1**  
31± acres

**2**  
53± acres

**4** 6.5± acres

**3**  
91± acres

Sweet Potato Ridge Rd

Rinehart Rd

Old Mill Rd

Haber Rd

Fox Rd

# **TRACT DESCRIPTIONS**

# 181.5± Acres

MONTGOMERY COUNTY, CLAYTON TWP - SEC 16 & 17

# Prime Ohio LAND AUCTION

in 4 TRACTS  
w/ Historic Farmstead  
Ranging from  
6.5± to 91± Acres

## Tuesday, October 29<sup>th</sup> • 6pm

at the American Legion Post 707, Englewood, OH • Online Bidding Available



TRACT 1

**TRACT 1: 31± Acres with 30± FSA cropland acres.** Approximately 1,410' of frontage on Haber and 549' of frontage on Sweet Potato Ridge Rd. Level topography with productive soils. Municipal water at the road. Whether your interest is agricultural investment or transitional development, this tract warrants your attention.



TRACTS 1 & 2

**TRACT 2: 53± Acres** nearly all tillable less fence lines showing 51.5± FSA cropland acres. 1,115' of frontage on Haber Rd with access to municipal water. Like Tract 1, this offers a sound investment with transitional potential. Nearly level topography for ease of farming operations or ready for your development.



TRACT 3

**TRACT 3: 91± Acres with** 189' of owned frontage on Sweet Potato Ridge Rd. 89± FSA Cropland acres with quality Westland and Celina Soils. The south property line of this tract borders an impressive recently completed subdivision. Consider combining with Tract 2 and / or Tract 4.



TRACTS 3 & 4

**TRACT 4: 6.5± Acres with an "Important" and "Historic" Farmstead.** You will search far and wide to find the charm, character and potential this setting offers. Anchored by the primary brick home (Dating back to 1844), the property features a 2<sup>nd</sup> 3 BR home and a MASSIVE Bank Barn along with support buildings you would expect to find with a mid-1800's Ohio farmstead. The tract has 60' of owned frontage and an established lane. See TRACT 4 IMPROVEMENTS for specifics.

### TRACT 4 IMPROVEMENTS

**Main House:** Original construction by the Brumbaugh Family dating back to 1844. This brick home features nearly 3,100 sf with 3 BR, 2 full baths, large dining room with French doors, spacious family room, entryway and more! 2+ car attached garage with large loft storage. Fuel oil heat with permanent wall-mount air conditioning units. The home has many original built-in cabinets and natural woodwork.

**2<sup>nd</sup> House:** 1800's brick home with 3 BR, 1 BA, large kitchen, utility room and more. Over 1,600 sf of living space per county records. Gas F/A furnace with central air. A must see!

**Picturesque Bank Barn:** 2-story bank barn with some of the largest hand-hewn beams you will find anywhere. Classic pinned beam construction sitting on top of a cut limestone foundation. Examine the many opportunities this unique barn could be used for. The barn has an overall footprint of 7,500± sq. feet.

**1800's Brick Spring House:** The uniqueness of the property continues with the original spring house. Approximately 28' x 22' with a standing seam metal roof.

**(4) Multiple Support Buildings including:** 60' x 30' Machinery Storage building • 50' x 24' Corn Crib • 20' x 30' workshop / office behind the house • 12' x 16' Storage Building



TRACT 4

Owner: Don Roberts LLC

Auction Managers:

Andy Walther • 765.969.0401

Travis Kelley • 740.572.1525

800.451.2709

SchraderAuction.com



TIMED ONLINE ONLY

VIRTUAL

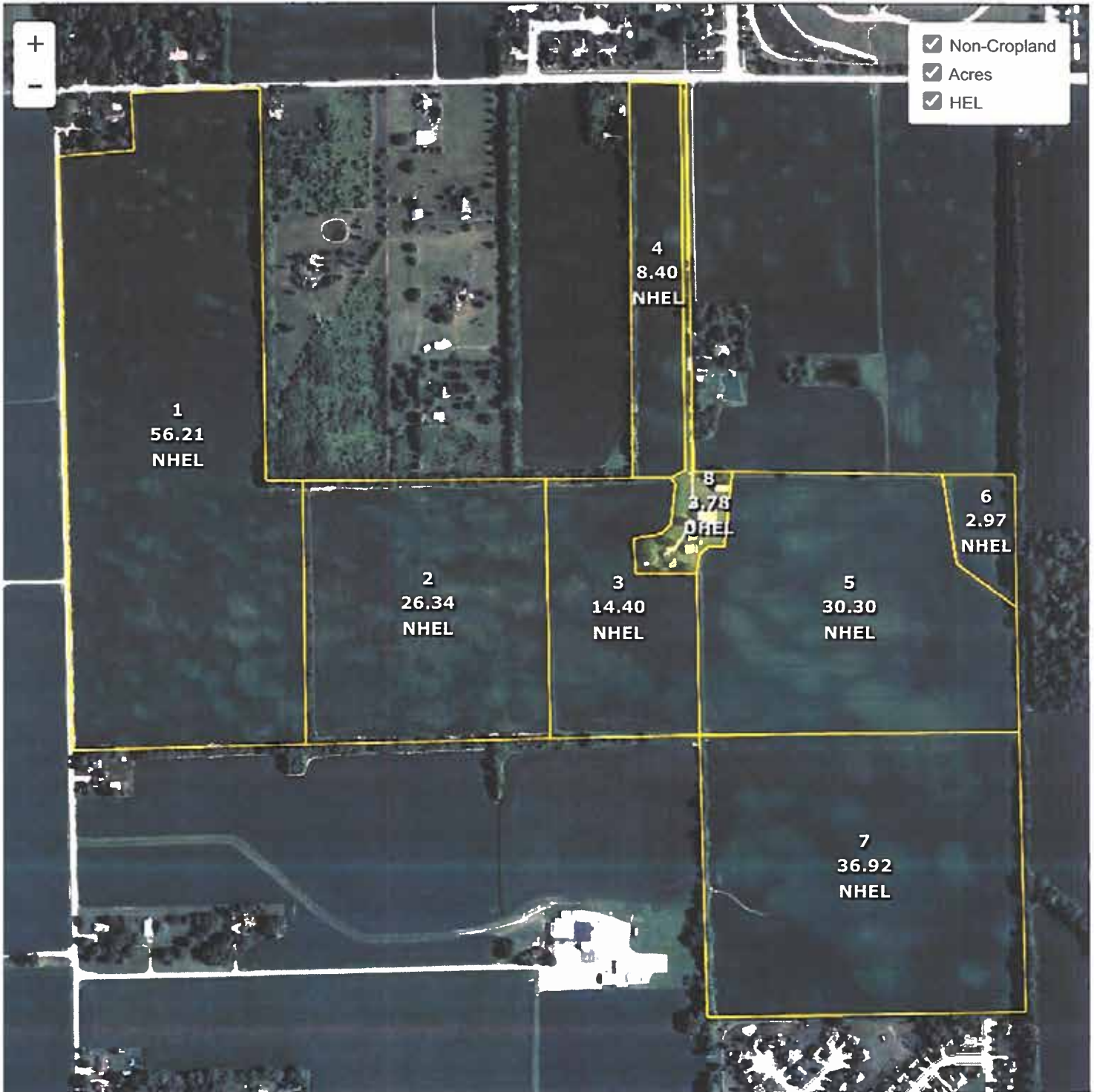
LIVE WITH ONLINE

MULTI-TRACT AUCTIONS

# **FSA INFORMATION**

# FSA INFORMATION

USDA Miami County, Ohio



**Common Land Unit**

- Cropland
- Non-cropland
- CRP

Farm 7561  
Tract 13561

**Wetland Determination Identifiers**

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

2024 Crop Year



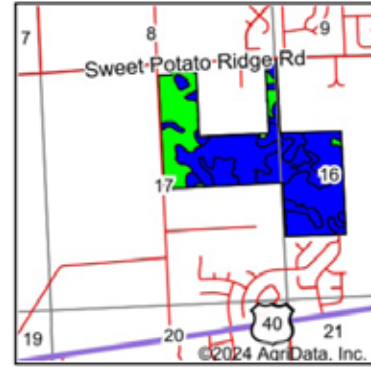
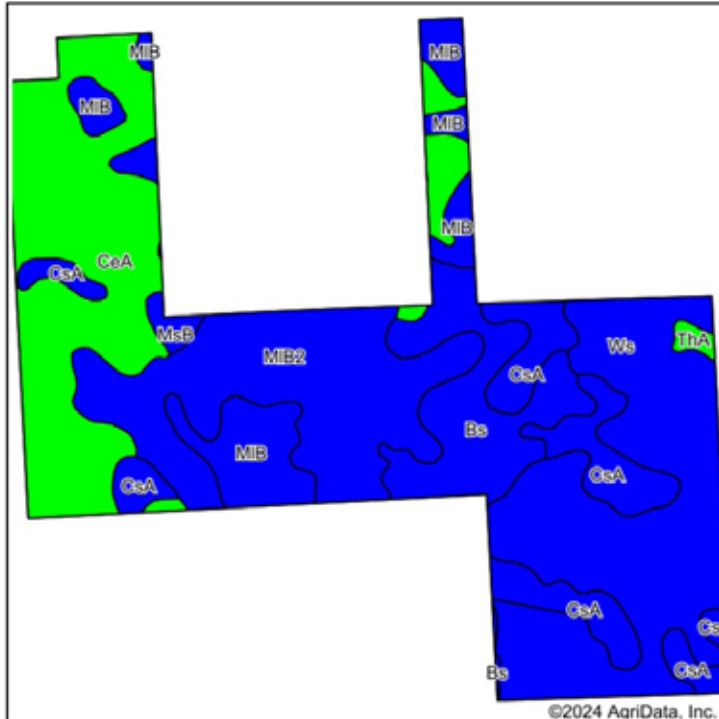
Tract 1 of 1

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 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).



# SOILS MAP

# SOILS MAP



State: Ohio  
 County: Montgomery  
 Location: 17-5N-5E  
 Township: Clayton  
 Acres: 180.64  
 Date: 8/2/2024

**SCHRADER**  
 Real Estate and Auction Company, Inc.

Map Provided By:  
**surety**  
 CUSTOMIZED ONLINE MAPPING  
 © AgriData, Inc. 2023 www.AgriDataInc.com

Soils data provided by USDA and NRCS.

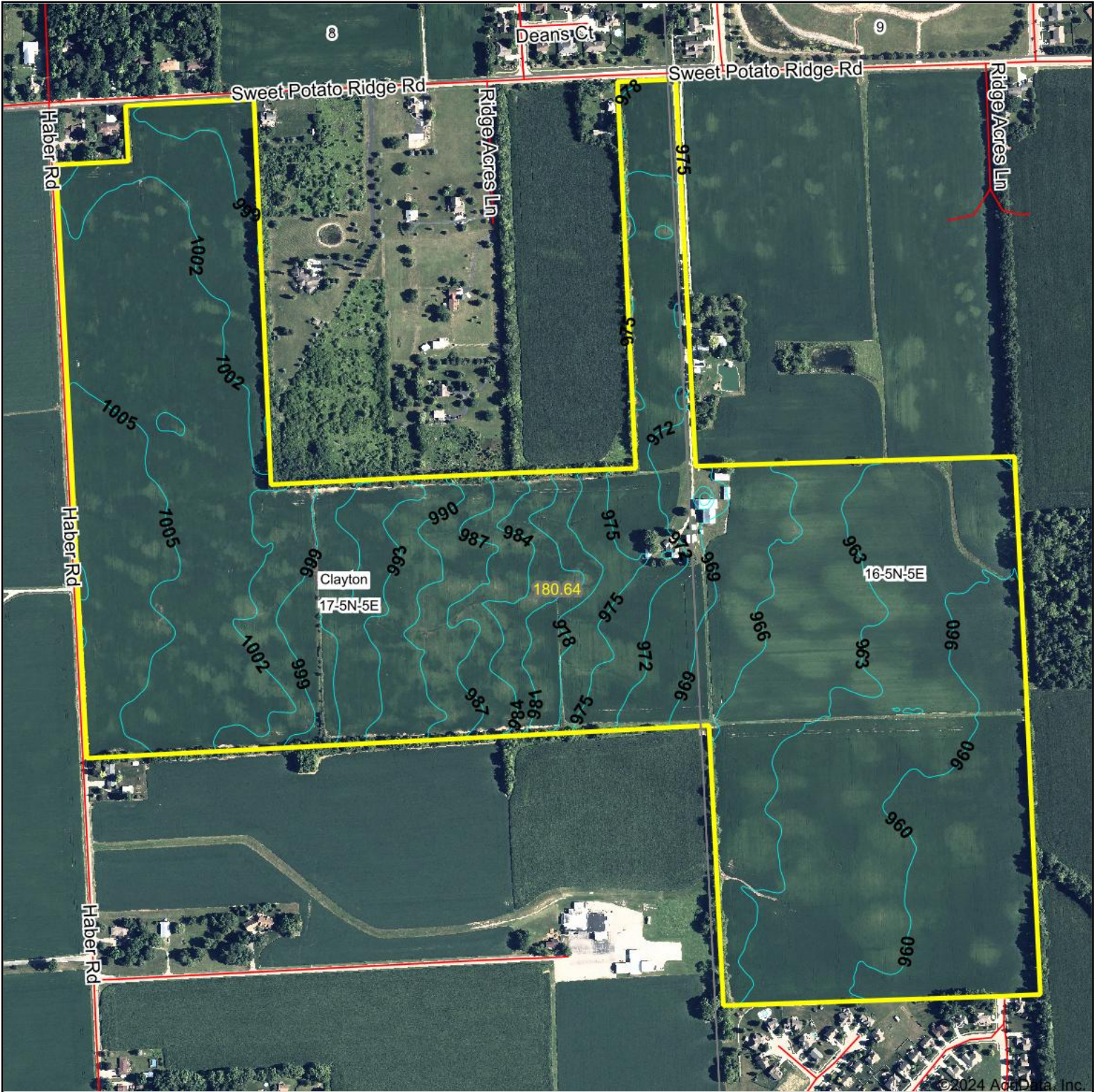
Area Symbol: OH113, Soil Area Version: 22

Code	Soil Description	Acres	Percent of field	Non-Irr Class Legend	Non-Irr Class	Alfalfa hay Tons	Corn Bu	Grass legume hay Tons	Oats Bu	Orchardgrass alfalfa hay Tons	Pasture AUM	Soybeans Bu	Tall fescue AUM	Winter wheat Bu	*eFOTG PI	
Ws	Westland silty clay loam, Southern Ohio Till Plain, 0 to 2 percent slopes	46.30	25.6%		ilw	5	142	5			12	46		53	83	
CeA	Celina silt loam, 0 to 2 percent slopes	43.62	24.1%		lw		121	4.6		3.4	8.1	42		53	79	
MIB2	Miamian silt loam, 2 to 6 percent slopes, eroded	34.42	19.1%		ile		119			4		36	4.9	48	73	
CsA	Crosby silt loam, Southern Ohio Till Plain, 0 to 2 percent slopes	20.74	11.5%		ilw		120	5				46	6.8	48	81	
Bs	Brookston silty clay loam, fine texture, 0 to 2 percent slopes	17.71	9.8%		ilw		129	4.5				48	9	51	87	
MIB	Miamian silt loam, 2 to 6 percent slopes	14.69	8.1%		ile		130	4.3			8.6	46		59	76	
MsB	Milton silt loam, 2 to 6 percent slopes	2.32	1.3%		ile		101	3.3			6.6	35		40	67	
ThA	Thackery silt loam, till substratum, 0 to 2 percent slopes	0.84	0.5%		I		102		78	4		35		42	71	
Weighted Average						1.75	1.3	127.1	3.8	0.4	1.2	5.8	43.1	2.6	51.5	79.5

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

# TOPOGRAPHY MAP

# TOPOGRAPHY MAP



Source: USGS 3 meter dem  
 Interval(ft): 3.0  
 Min: 957.2  
 Max: 1,009.1  
 Range: 51.9  
 Average: 980.7  
 Standard Deviation: 18.01 ft



8/2/2024

**17-5N-5E**  
**Montgomery County**  
**Ohio**

Boundary Center: 39° 53' 8.61, -84° 20' 0.62

Maps Provided By:



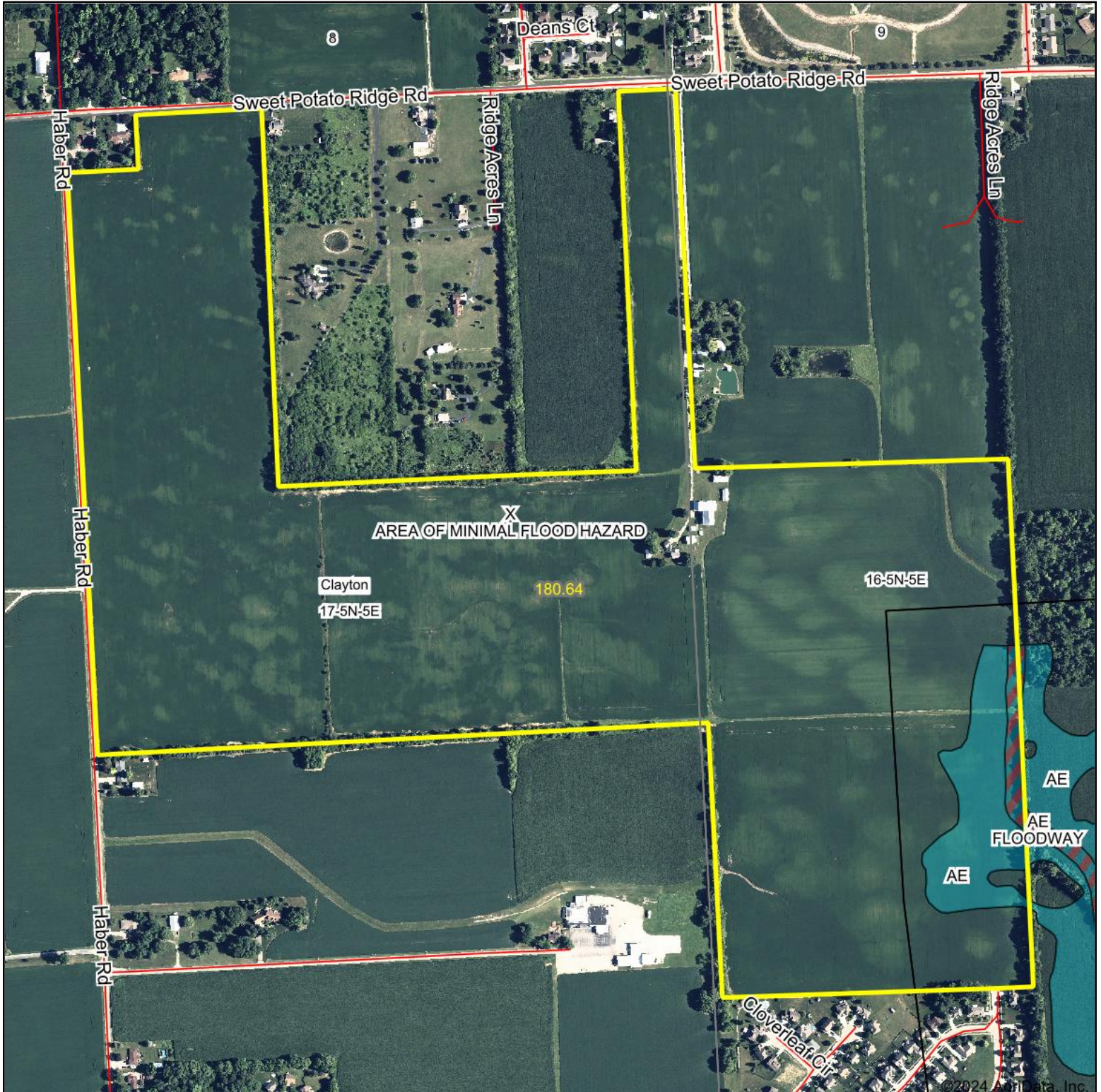
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www.AgridataInc.com

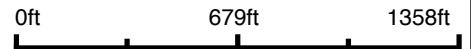
© 2024 AgriData, Inc.

# **FLOOD ZONE MAP**

# FLOOD ZONE MAP



Map Center: 39° 53' 8.61, -84° 20' 0.62



17-5N-5E  
Montgomery County  
Ohio



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8/2/2024

Flood related information provided by FEMA

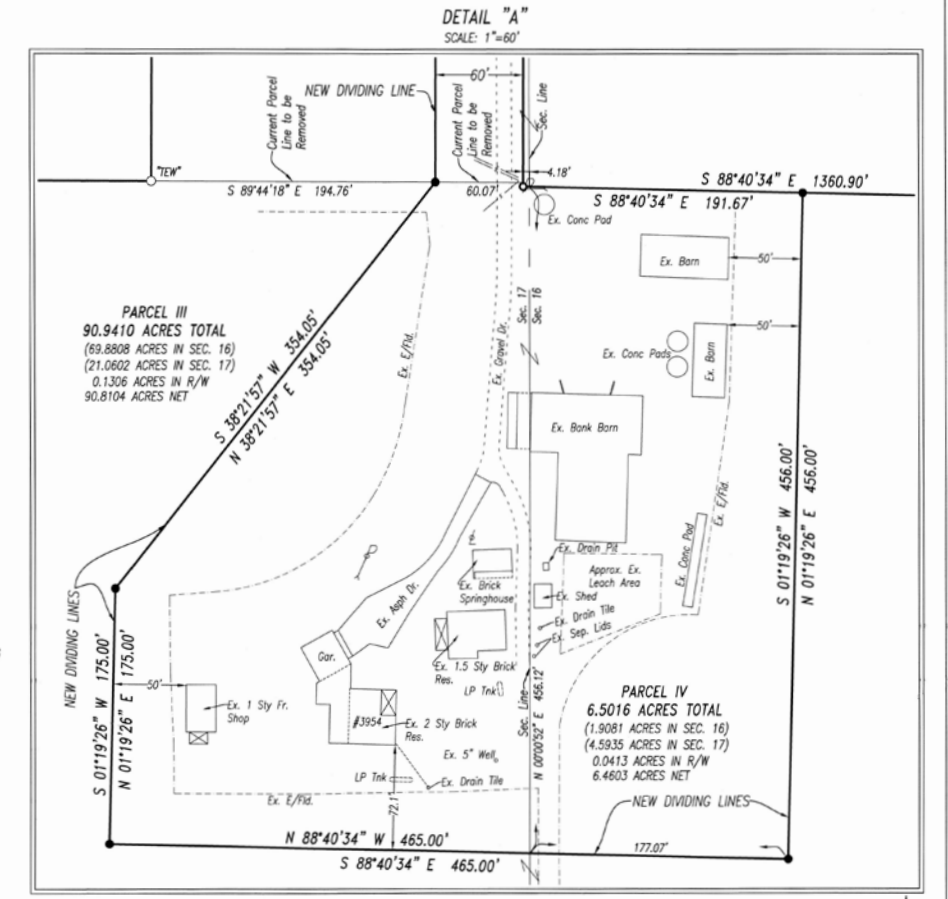
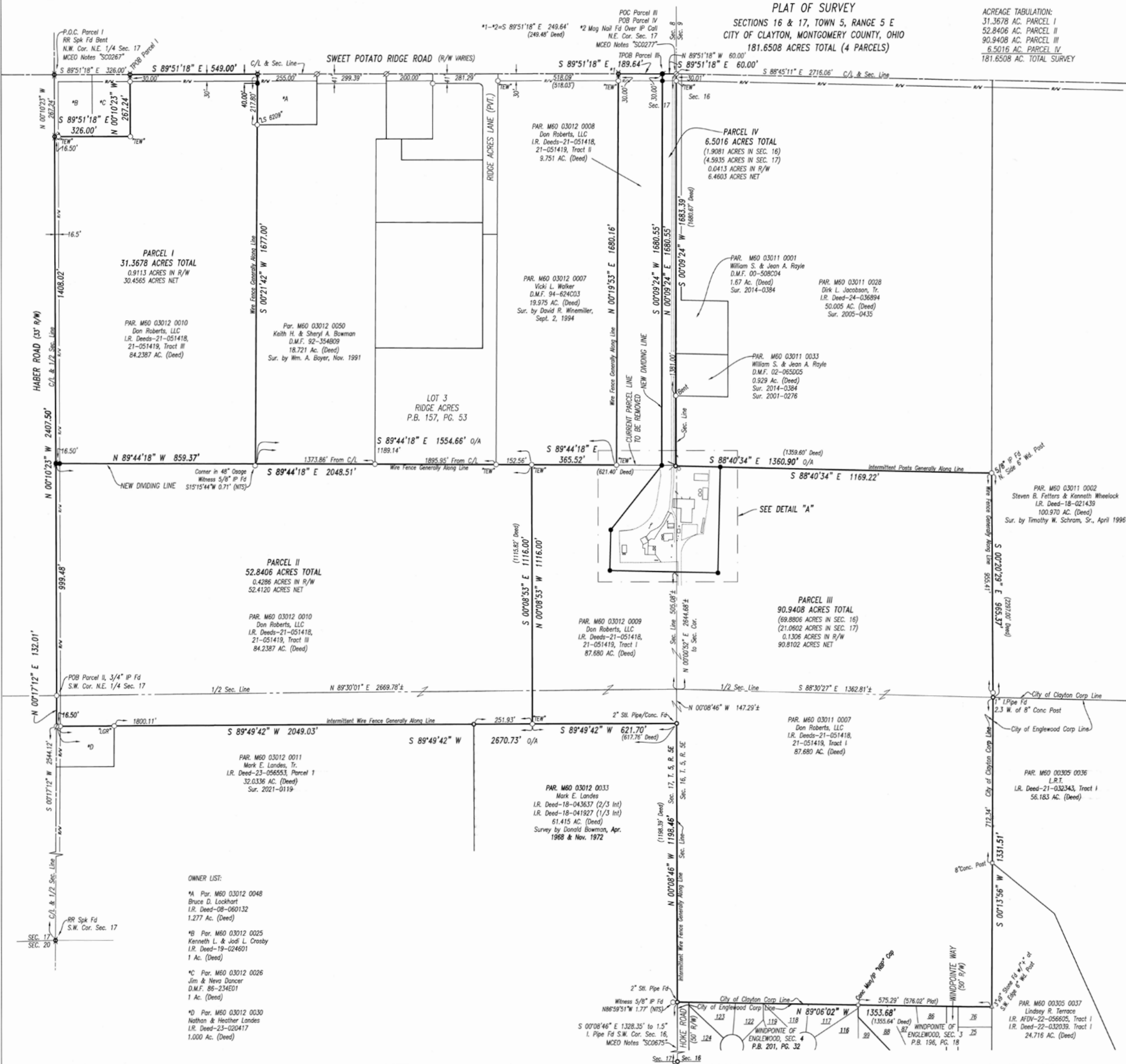
# **SURVEY**



PLAT OF SURVEY  
SECTIONS 16 & 17, TOWN 5 E  
CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO  
181.6508 ACRES TOTAL (4 PARCELS)

ACREAGE TABULATION:  
31.3678 AC. PARCEL I  
52.8406 AC. PARCEL II  
90.9408 AC. PARCEL III  
6.5016 AC. PARCEL IV  
181.6508 AC. TOTAL SURVEY

DATE APPROVED 9/18/2024  
ZONING DEPARTMENT  
MUNICIPALITY OF CLAYTON



PERTINENT DOCUMENTS:  
DEEDS, PLATS, AND SURVEYS AS SHOWN ON THIS PLAT AND:  
OCCUPATION STATEMENT:  
OCCUPATION GENERALLY FOLLOWS SURVEYED LINES EXCEPT AS NOTED OR SHOWN.  
NOTES:  
1. THIS SURVEY PREPARED WITHOUT BENEFIT OF A CURRENT TITLE SEARCH REPORT OR COMMITMENT.  
2. DISTANCE IN ( ) INDICATES A RECORD CALL DISTANCE.

ABBREVIATIONS:  
C/L - CENTERLINE  
D.M.F. - DEED MICROFICHE  
E.S.M.T. - EASEMENT  
INT. - INTERSECTION  
I.R. - INSTRUMENT RECORD  
NTS - NOT TO SCALE  
O/A - OVERALL  
POB - POINT OF BEGINNING  
POC - POINT OF COMMENCEMENT  
P/L - PROPERTY LINE  
R/W - RIGHT-OF-WAY  
SEC. - SECTION  
SUR. - SURVEY VOLUME  
TEW - THOMAS E. WINEMILLER  
TPOB - TRUE POINT OF BEGINNING  
MCEO - MONTGOMERY COUNTY ENGINEER'S OFFICE

MONUMENTATION LEGEND table with columns for SYMBOL, DESCRIPTION, and ABBREVIATION.

CERTIFICATION:  
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OR PLAT OF SURVEY WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 STANDARDS FOR BOUNDARY SURVEYS.  
ALL MONUMENTATION IS OR WILL BE SET AS SHOWN.  
By: Luis G. Riancho  
Luis G. Riancho  
REGISTERED SURVEYOR OF OHIO NO. 5287  
CLIENT: DON ROBERTS LLC  
DATE OF SURVEY: AUG. 2024  
PREPARED BY: LGR  
Luis G. Riancho & Associates, Inc.  
SURVEYING:  
JOB # 24043  
DRAWING: 24043POS  
AUG. 2024  
140 WEST WENGER ROAD  
ENGLEWOOD, OHIO 45322-2727  
TEL 937 836-1585  
FAX 937 836-9974  
LGRANCH@OHIOHRR.COM

SURVEY



# SURVEY



LUIS G. RIANCHO, PS

## LUIS G. RIANCHO & ASSOCIATES, INC.

**SURVEYING**

GPS SERVICES  
HIGHWAY & CONSTRUCTION STAKING  
BOUNDARY & TOPOGRAPHIC SURVEYS

140 W. WENGER ROAD  
ENGLEWOOD, OHIO  
45322-2727

TEL (937) 836-1585  
FAX (937) 836-9974

Email: [lgriancho@woh.rr.com](mailto:lgriancho@woh.rr.com)

D24043-1

September 4, 2024

Description of Parcel I, Containing 31.3678 Acres  
Sweet Potato Ridge Road & Haber Road  
City of Clayton, Montgomery County, Ohio

Located in the northeast quarter of Section 17, Town 5, Range 5 E, City of Clayton, County of Montgomery, State of Ohio and being part of an 84.2387 acre tract of land conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract III & I.R. Deed-21-051419, Tract III (Parcel Id: M60 03012 0010) and being more particularly described as follows:

Commencing at a railroad spike found bent at the northwest corner of said northeast quarter of Section 17 at the centerline intersection of Haber Road (33' R/W) and Sweet Potato Ridge Road (R/W Varies), reference Montgomery County Engineer Section Corner Notes "SC0267";

thence in an easterly direction with the north line of said northeast quarter of Section 17 and centerline of said Sweet Potato Ridge Road, South eighty-nine degrees fifty-one minutes eighteen seconds ( $89^{\circ} 51' 18''$ ) East for three hundred twenty-six and 00/100 (326.00) feet to a railroad spike found at the northeast corner of a 1 acre tract conveyed to Jim & Neva Dancer by deed recorded in D.M.F. 86-243E01 and the **TRUE POINT OF BEGINNING**;

thence in an easterly direction with the north line of said northeast quarter of Section 17 and centerline of said Sweet Potato Ridge Road, South eighty-nine degrees fifty-one minutes eighteen seconds ( $89^{\circ} 51' 18''$ ) East for five hundred forty-nine and 00/100 (549.00) feet to a railroad spike found at the northwest corner of a 1.277 acre tract conveyed to Bruce D. Lockhart by deed recorded in I.R. Deed-08-060132;

thence in a southerly direction with the west line of said 1.277 acre Lockhart tract and with the west line of an 18.721 acre tract conveyed to Keith H. & Sheryl A. Bowman by deed

Continued on Page 2

# SURVEY

D24043-1

Desc. of 31.3678 Acres

Sweet Potato Ridge Road & Haber Road

City of Clayton

-2-

09/04/2024

recorded in D.M.F. 92-354B09, South zero degrees twenty-one minutes forty-two seconds (00° 21' 42") West, passing an iron pin set for reference at 40.00 feet, passing also a 5/8" iron pin capped "LS-6209" found at 217.80 feet at the southwest corner of said Lockhart tract, for a total distance of on thousand six hundred seventy-seven and 00/100 (1677.00) feet to the southwest corner of said 18.721 acre Bowman tract within a 48" Osage tree, witness a 5/8" iron pin found South 15° 15' 44" West at 0.71 feet;

thence in a westerly direction with a new dividing line, North eighty-nine degrees forty-four minutes eighteen seconds (89° 44' 18") West for eight hundred fifty-nine and 37/100 (859.37) feet to a Mag Nail set in the west line of said northeast quarter of Section 17 and centerline of said Haber Road, reference an iron pin set 16.50 feet easterly from said Mag Nail on line last described and in the easterly right-of-way line of Haber Road, said Mag Nail being also North 00° 10' 23" West a distance of 999.48 feet from a 3/4" iron pin found at the southwest corner of said northeast quarter of Section 17;

thence in a northerly direction with the west line of said northeast quarter of Section 17 and centerline of said Haber Road, North zero degrees ten minutes twenty-three seconds (00° 10' 23") West for one thousand four hundred eight and 02/100 (1408.02) feet to a railroad spike found at the southwest corner of a 1 acre tract conveyed to Kenneth L. & Jodi L. Crosby by deed recorded in I.R. Deed-19-024601, reference a railroad spike found at the northwest corner of said northeast quarter of Section 17 bearing North 00° 10' 23" West at 267.24 feet;

thence in an easterly direction with the south line of said 1 acre Crosby tract and with the south line of said 1 acre Dancer tract, South eighty-nine degrees fifty-one minutes eighteen seconds (89° 51' 18") East, passing a 5/8" iron pin capped "TEW" found at 16.50 feet in the easterly right-of-way line of Haber Road, for a total distance of three hundred twenty-six and 00/100 (326.00) feet to a 5/8" iron pin capped "TEW" found at the southeast corner of said 1 acre Dancer tract;

thence in a northerly direction with the east line of said 1 acre Dancer tract, North zero degrees ten minutes twenty-three seconds (00° 10' 23") West for two hundred sixty-seven and 24/100 (267.24) feet returning to the **TRUE POINT OF BEGINNING**, reference a 5/8" iron pin found 30.00 feet southerly from said true point of beginning on line last described in the southerly right-of-way line of Sweet Potato Ridge Road, containing **31.3678** acres more or less, of which 0.9113 acres are located within the rights-of-way of Haber Road and Sweet Potato Ridge Road, leaving a net of 30.4565 acres, and subject to all legal highways,

Continued on Page 3

# SURVEY

D24043-1

Desc. of 31.3678 Acres

Sweet Potato Ridge Road & Haber Road

City of Clayton

-3-

09/04/2024

easements, restrictions and agreements of record, according to a survey of said premises by Luis G. Riancho, Registered Surveyor, State of Ohio #5287, dated August 2024.

Note: Basis of bearing: South 89° 51' 18" East for the north line of the northeast quarter of Section 17 and centerline of Sweet Potato Ridge Road from GPS observations utilizing ODOT GNSS RTN, State Plane Coordinate System, NAD'83(2011), Ohio South Zone, Geoid'12.

Note: All deeds referenced are recorded in the Deed Records of Montgomery County, Ohio and all plats referenced are recorded in the Plat Records of Montgomery County, Ohio.

Note: All iron pins set are #5 rebars, capped and stamped "LGR & ASSOC, ENGLEWOOD, OHIO".

Note: A Plat of Survey is recorded with the Montgomery County Engineer's Office Record of Land Surveys Volume 2024 Page 0272.

ANDREW J. SHAHAN, P.E., P.S.  
MONTGOMERY COUNTY ENGINEER  
APPROVED FOR POINT OF BEGINNING,  
ACREAGE AND CLOSURE ONLY  
DATE 9/18/2024 FILE NO. 2024-0272  
BY Wayne B. [Signature]

[Signature]

Luis G. Riancho  
Registered Surveyor  
State of Ohio #5287  
Date 9/9/2024



MUNICIPALITY OF CLAYTON  
ZONING DEPARTMENT  
[Signature]  
DATE APPROVED 9/18/2024  
# 2024285

# SURVEY



LUIS G. RIANCHO, PS

## LUIS G. RIANCHO & ASSOCIATES, INC.

SURVEYING

GPS SERVICES

HIGHWAY & CONSTRUCTION STAKING

BOUNDARY & TOPOGRAPHIC SURVEYS

140 W. WENGER ROAD

ENGLEWOOD, OHIO

45322-2727

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FAX (937) 836-9974

Email: [lgriancho@woh.rr.com](mailto:lgriancho@woh.rr.com)

D24043-2

September 4, 2024

Description of Parcel II, Containing 52.8406 Acres

Haber Road

City of Clayton, Montgomery County, Ohio

Located in the northeast quarter and southeast quarter of Section 17, Town 5, Range 5 E, City of Clayton, County of Montgomery, State of Ohio and being part of an 84.2387 acre tract of land conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract III & I.R. Deed-21-051419, Tract III (Parcel Id: M60 03012 0010) and being more particularly described as follows:

**BEGINNING** at a 3/4" iron pin found at the southwest corner of said northeast quarter of Section 17 in the centerline of Haber Road (33' Right-of-Way);

thence in a northerly direction with the west line of said northeast quarter of Section 17 and centerline of said Haber Road, North zero degrees ten minutes twenty-three seconds ( $00^{\circ} 10' 23''$ ) West for nine hundred ninety-nine and 48/100 (999.48) feet to a Mag Nail set;

thence in an easterly direction with a new dividing line and with the south line of an 18.721 acre tract conveyed to Keith H. & Sheryl A. Bowman by deed recorded in D.M.F. 92-354B09 and with the south line of Lot 3 of Ridge Acres recorded in Plat Book 157, Page 53 and with the south line of a 19.975 acre tract conveyed to Vicki L. Walker by deed recorded in D.M.F. 94-624C03, South eighty-nine degrees forty-four minutes eighteen seconds ( $89^{\circ} 44' 18''$ ) East, passing an iron pin set at 16.50 feet in the easterly right-of-way line of Haber Road, passing also the southwest corner of said 18.721 acre Bowman tract within a 48" Osage tree at 859.37 feet, passing also a 5/8" iron pin found at 1373.86 feet at the southwest corner of said Lot 3, Ridge Acres, passing also a 5/8" iron pin capped "TEW" found at 1895.95 feet, for a total distance of two thousand forty-eight and 51/100 (2048.51) feet to a 5/8" iron pin capped "TEW" found at a northwesterly corner in the westerly lines of a 87.680 acre tract conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract III & I.R. Deed-21-051419, Tract I;

Continued on Page 2

# SURVEY

D24043-2

Desc. of 52.8406 Acres

Haber Road

City of Clayton

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09/04/2024

thence in a southerly direction with a westerly line of said 87.680 acre Don Roberts, LLC tract, South zero degrees eight minutes fifty-three seconds ( $00^{\circ} 08' 53''$ ) East for one thousand one hundred sixteen and 00/100 (1116.00) feet to a 5/8" iron pin capped "TEW" found in the north line of a 61.415 acre tract conveyed to Mark E. Landes by deeds recorded in I.R. Deed-18-043637 & I.R. Deed-18-041927;

thence in a westerly direction with the north line of said 61.415 acre Landes tract and with the north line of a 32.0336 acre tract conveyed to Mark E. Landes, Tr. by deed recorded in I.R. Deed-23-056553, Tract 1 and with the north line of a 1.000 acre tract conveyed to Nathan & Heather Landes by deed recorded in I.R. Deed-23-020417, South eighty-nine degrees forty-nine minutes forty-two seconds ( $89^{\circ} 49' 42''$ ) West, passing a 3/4" iron pipe found at 251.93 feet at the northwest corner of said 61.415 acre Landes tract, passing also a 5/8" iron pin capped "LGR" found at 1800.11 feet at the northwest corner of said 32.0336 acre Landes, Tr. tract, for a total distance of two thousand forty-nine and 03/100 (2049.03) feet to a Mag Nail found in the west line of the southeast quarter of Section 17 and centerline of Haber Road, witness a 5/8" iron pin found 16.50 feet easterly from said Mag Nail on line last described in the easterly right-of-way line of Haber Road, witness also a railroad spike found at the southwest corner of Section 17 bearing South  $00^{\circ} 17' 12''$  West a distance of 2544.12 feet from said Mag Nail;

thence in a northerly direction with the west line of said southeast quarter of Section 17 and centerline of said Haber Road, North zero degrees seventeen minutes twelve seconds ( $00^{\circ} 17' 12''$ ) East for one hundred thirty-two and 01/100 (132.01) feet returning to the **POINT OF BEGINNING**, containing **52.8406** acres more or less, of which 0.4286 acres are located within the right-of-way of Haber Road, leaving a net of 52.4120 acres, and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by Luis G. Riancho, Registered Surveyor, State of Ohio #5287, dated August 2024.

Note: Basis of bearing: South  $89^{\circ} 51' 18''$  East for the north line of the northeast quarter of Section 17 and centerline of Sweet Potato Ridge Road from GPS observations utilizing ODOT GNSS RTN, State Plane Coordinate System, NAD'83(2011), Ohio South Zone, Geoid'12.

Note: All deeds referenced are recorded in the Deed Records of Montgomery County, Ohio and all plats referenced are recorded in the Plat Records of Montgomery County, Ohio.

# SURVEY

D24043-2  
Desc. of 52.8406 Acres  
Haber Road  
City of Clayton

-3-

09/04/2024

Note: All iron pins set are #5 rebars, capped and stamped "LGR & ASSOC, ENGLEWOOD, OHIO".

Note: A Plat of Survey is recorded with the Montgomery County Engineer's Office Record of Land Surveys Volume 2024 Page 0272.



Luis G. Riancho  
Registered Surveyor  
State of Ohio #5287  
Date 9/9/2024



ANDREW J. SHAHAN, P.E., P.S.  
MONTGOMERY COUNTY ENGINEER  
APPROVED FOR POINT OF BEGINNING,  
ACREAGE AND CLOSURE ONLY  
DATE 9/19/2024 FILE NO. 2024-0272

BY Wagner B. W.

# 2024285  
DATE APPROVED 9/18/2024  
Glen Sander  
ZONING DEPARTMENT  
MUNICIPALITY OF CLAYTON

# SURVEY



LUIS G. RIANCHO, PS

## LUIS G. RIANCHO & ASSOCIATES, INC.

SURVEYING

GPS SERVICES  
HIGHWAY & CONSTRUCTION STAKING  
BOUNDARY & TOPOGRAPHIC SURVEYS

140 W. WENGER ROAD  
ENGLEWOOD, OHIO  
45322-2727

TEL (937) 836-1585

FAX (937) 836-9974

Email: [lgriancho@woh.rr.com](mailto:lgriancho@woh.rr.com)

D24043-3

September 4, 2024

Description of Parcel III, Containing 90.9408 Acres  
Sweet Potato Ridge Road  
City of Clayton, Montgomery County, Ohio

Located in the northeast and southeast quarters of Section 17, Town 5, Range 5 E and in the northwest and southwest quarters of Section 16, Town 5, Range 5 E, City of Clayton, County of Montgomery, State of Ohio and being part of an 87.680 acre tract of land conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract I & I.R. Deed-21-051419, Tract I (Parcel Ids: M60 03012 0009 & M60 03011 0007) and being part of a 9.751 acre tract of land conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract II & I.R. Deed-21-051419, Tract II (Parcel Id: M60 03012 0008) and being more particularly described as follows:

Commencing at a Mag Nail found, reported to be over an iron pin, at the northeast corner of said Section 17 also being the northwest corner of said Section 16 in the centerline of Sweet Potato Ridge Road (R/W Varies), reference Montgomery County Engineer Section Corner Notes "SC0277";

thence in a westerly direction with the north line of said northeast quarter of Section 17 and centerline of said Sweet Potato Ridge Road, North eighty-nine degrees fifty-one minutes eighteen seconds ( $89^{\circ} 51' 18''$ ) West for sixty and 00/100 (60.00) feet to a Mag Nail set at the **TRUE POINT OF BEGINNING;**

thence in a southerly direction with a new dividing line through said 9.751 acre Don Roberts, LLC tract, South zero degrees nine minutes twenty-four seconds ( $00^{\circ} 09' 24''$ ) West, passing an iron pin set at 30.00 feet in the southerly right-of-way line of Sweet Potato Ridge Road, for a total distance of one thousand six hundred eighty and 55/100 (1680.55) feet to an iron pin set in the south line of said 9.751 acre tract and in the north line of said 87.680 acre Don Roberts, LLC tract;

Continued on Page 2

# SURVEY

D24043-3

Desc. of 90.9408 Acres  
Sweet Potato Ridge Road  
City of Clayton

-2-

09/04/2024

thence with new dividing lines through said 87.680 acre Don Roberts, LLC tract on the following four (4) courses:

1) in a southwesterly direction, South thirty-eight degrees twenty-one minutes fifty-seven seconds ( $38^{\circ} 21' 57''$ ) West for three hundred fifty-four and 05/100 (354.05) feet to an iron pin set;

2) in a southerly direction, South one degree nineteen minutes twenty-six seconds ( $01^{\circ} 19' 26''$ ) West for one hundred seventy-five and 00/100 (175.00) feet to an iron pin set;

3) in an easterly direction, South eighty-eight degrees forty minutes thirty-four seconds ( $88^{\circ} 40' 34''$ ) East for four hundred sixty-five and 00/100 (465.00) feet to an iron pin set;

4) in a northerly direction, North one degree nineteen minutes twenty-six seconds ( $01^{\circ} 19' 26''$ ) East for four hundred fifty-six and 00/100 (456.00) feet to an iron pin set in the south line of a 50.005 acre tract conveyed to Dirk L. Jacobson, Tr. by deed recorded in I.R. Deed-24-036894;

thence in an easterly direction with the south line of said 50.005 acre Jacobson, Tr. tract, South eighty-eight degrees forty minutes thirty-four seconds ( $88^{\circ} 40' 34''$ ) East for one thousand one hundred sixty-nine and 22/100 (1169.22) feet to a 5/8" iron pin found at the north side of a 6" wood corner post at the southeast corner of said 50.005 acre Jacobson, Tr. tract and in the west line of a 100.970 acre tract conveyed to Steven B. Fetters & Kenneth Wheelock by deed recorded in I.R. Deed-18-021439;

thence in a southerly direction with the west line of said 100.970 acre Fetters & Wheelock tract, South zero degrees twenty minutes twenty-nine seconds ( $00^{\circ} 20' 29''$ ) East, passing a 5/8" iron pin found at 955.41 feet, for a total distance of nine hundred sixty-five and 37/100 (965.37) feet to a 1" iron pipe found at the southwest corner of said 100.970 acre Fetters & Wheelock tract and at the northwest corner of a 56.183 acre tract conveyed to L.R.T. by deed recorded in I.R. Deed-21-032343, Tract I, reference an 8" concrete corner post lying 2.3 feet easterly of said iron pipe, said iron pipe being also in the south line of said northwest quarter of Section 16;

thence in a southerly direction with the west line of said 56.183 acre L.R.T. tract and with the west line of a 24.716 acre tract conveyed to Lindsey R. Terrace by deeds recorded in I.R.

Continued on Page 3



# SURVEY

D24043-3

Desc. of 90.9408 Acres  
Sweet Potato Ridge Road  
City of Clayton

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09/04/2024

AFDV-22-056605, Tract I & I.R. Deed-22-032039, Tract I, South zero degrees thirteen minutes fifty-six seconds ( $00^{\circ} 13' 56''$ ) West, passing an 8" concrete corner post at 712.34 feet, for a total distance of one thousand three hundred thirty-one and  $51/100$  (1331.51) feet to a 3"x9" stone with "+" found lying at the southwest edge of a 6" wood post and in the north line of Windpointe of Englewood, Section Three recorded in Plat Book 196, Page 18, said stone being also in the north line of Lot 76 of said plat;

thence in a westerly direction with the north line of said Windpointe of Englewood, Section Three and with the north line of Windpointe of Englewood, Section Four recorded in Plat Book 201, Page 32, North eighty-nine degrees six minutes two seconds ( $89^{\circ} 06' 02''$ ) West, passing a concrete monument with an iron pin capped "NBP" at 575.29 feet, for a total distance of one thousand three hundred fifty-three and  $68/100$  (1353.68) to a 2" iron pipe found in the west line of the southwest quarter of Section 16 and in the east line of a 61.415 acre tract conveyed to Mark E. Landes by deeds recorded in I.R. Deed-18-043637 and I.R. Deed-18-041927, reference a 1.5" iron pipe found at the southwest corner of said Section 16 as shown in Montgomery County Engineer Section Corner Notes "SC0675" bearing South  $00^{\circ} 08' 46''$  East at 1328.35 feet;

thence in a northerly direction with the west line of said southwest quarter of Section 16 and with the east line of said 61.415 acre Landes tract, North zero degrees eight minutes forty-six seconds ( $00^{\circ} 08' 46''$ ) West for one thousand one hundred ninety-eight and  $46/100$  (1198.46) feet to a 2" iron pipe found in concrete at the northeast corner of said 61.415 acre Landes tract;

thence in a westerly direction with the north line of said 61.415 acre Landes tract, South eighty-nine degrees forty-nine minutes forty-two seconds ( $89^{\circ} 49' 42''$ ) West for six hundred twenty-one and  $70/100$  (621.70) feet to a 5/8" iron pin capped "TEW" found at the southeast corner of an 84.2387 acre tract conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract III & I.R. Deed-21-051419, Tract III;

thence in a northerly direction with the east line of said 84.2387 acre Don Roberts, LLC tract, North zero degrees eight minutes fifty-three seconds ( $00^{\circ} 08' 53''$ ) West for one thousand one hundred sixteen and  $00/100$  (1116.00) feet to a 5/8" iron pin capped "TEW" found in the south line of a 19.975 acre tract conveyed to Vicki L. Walker by deed recorded in D.M.F. 94-624C03;

# SURVEY

D24043-3

Desc. of 90.9408 Acres  
Sweet Potato Ridge Road  
City of Clayton

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09/04/2024

thence in an easterly direction with the south line of said 19.975 acre Walker tract, South eighty-nine degrees forty-four minutes eighteen seconds ( $89^{\circ} 44' 18''$ ) East for three hundred sixty-five and  $52/100$  (365.52) feet to a  $5/8''$  iron pin capped "TEW" found at the southeast corner of said 19.975 acre Walker tract;

thence in a northerly direction with the east line of said 19.975 acre Walker tract, North zero degrees nineteen minutes fifty-three minutes ( $00^{\circ} 19' 53''$ ) East for one thousand six hundred eighty and  $16/100$  (1680.16) feet to a railroad spike found in the north line of said northeast quarter of Section 17 and centerline of said Sweet Potato Ridge Road, reference a  $5/8''$  iron pin capped "TEW" found 30.00 feet southerly from said railroad spike on line last described in the southerly right-of-way line of Sweet Potato Ridge Road;

thence in an easterly direction with the north line of said northeast quarter of Section 17 and centerline of said Sweet Potato Ridge Road, South eighty-nine degrees fifty-one minutes eighteen seconds ( $89^{\circ} 51' 18''$ ) East for one hundred eighty-nine and  $64/100$  (189.64) feet returning to the **TRUE POINT OF BEGINNING**, containing **90.9408** acres more or less, of which 69.8806 acres are located in Section 16 and 21.0602 acres are located in Section 17, and of the 90.9408 acres described above, 0.1306 acres are located within the right-of-way of Sweet Potato Ridge Road, leaving a net of 90.8102 acres, and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by Luis G. Riancho, Registered Surveyor, State of Ohio #5287, dated August 2024.

Note: Basis of bearing: South  $89^{\circ} 51' 18''$  East for the north line of the northeast quarter of Section 17 and centerline of Sweet Potato Ridge Road from GPS observations utilizing ODOT GNSS RTN, State Plane Coordinate System, NAD'83(2011), Ohio South Zone, Geoid'12.

Note: All deeds referenced are recorded in the Deed Records of Montgomery County, Ohio and all plats referenced are recorded in the Plat Records of Montgomery County, Ohio.

Note: All iron pins set are #5 rebars, capped and stamped "LGR & ASSOC, ENGLEWOOD, OHIO".


# SURVEY

D24043-3  
Desc. of 90.9408 Acres  
Sweet Potato Ridge Road  
City of Clayton

-5-

09/04/2024

Note: A Plat of Survey is recorded with the Montgomery County Engineer's Office  
Record of Land Surveys Volume 2024 Page 0272.



Luis G. Riancho  
Registered Surveyor  
State of Ohio #5287  
Date 9/9/2024

ANDREW J. SHAHAN, P.E., P.S.  
MONTGOMERY COUNTY ENGINEER  
APPROVED FOR POINT OF BEGINNING,  
ACREAGE AND CLOSURE ONLY  
DATE 9/19/2024 FILE NO. 2024-0272  
BY Wayne B W



# 2024285  
DATE APPROVED 9/18/2024  
Glen Snyder  
ZONING DEPARTMENT  
MUNICIPALITY OF CLAYTON

# SURVEY



LUIS G. RIANCHO, PS

## LUIS G. RIANCHO & ASSOCIATES, INC.

**SURVEYING**

GPS SERVICES  
HIGHWAY & CONSTRUCTION STAKING  
BOUNDARY & TOPOGRAPHIC SURVEYS

140 W. WENGER ROAD  
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FAX (937) 836-9974

Email: [lgriancho@woh.rr.com](mailto:lgriancho@woh.rr.com)

D24043-4

September 4, 2024

**Description of Parcel IV, Containing 6.5016 Acres  
Sweet Potato Ridge Road  
City of Clayton, Montgomery County, Ohio**

Located in the northeast quarter of Section 17 and in the northwest quarter of Section 16, Town 5, Range 5 E, City of Clayton, County of Montgomery, State of Ohio and being part of an 87.680 acre tract of land conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract I & I.R. Deed-21-051419, Tract I (Parcel Ids: M60 03012 0009 & M60 03011 0007) and being part of a 9.751 acre tract of land conveyed to Don Roberts, LLC by deeds recorded in I.R. Deed-21-051418, Tract II & I.R. Deed-21-051419, Tract II (Parcel Id: M60 03012 0008) and being more particularly described as follows:

**BEGINNING** at a Mag Nail found, reported to be over an iron pin, at the northeast corner of said Section 17 also being the northwest corner of said Section 16 in the centerline of Sweet Potato Ridge Road (R/W Varies), reference Montgomery County Engineer Section Corner Notes "SC0277";

Thence in a southerly direction with the east line of said northeast quarter of Section 17 and with the west line of a 1.67 acre tract conveyed to William S. & Jean A. Rayle by deed recorded in D.M.F. 00-508C04 and with the west line of a 0.929 acre tract conveyed to William S. & Jean A. Rayle by deed recorded in D.M.F. 02-065D05 and with the west line of a 50.005 acre tract conveyed to Dirk L. Jacobson, Tr. by deed recorded in I.R. Deed-24-036894, South zero degrees nine minutes twenty-four seconds (00° 09' 24") West, passing a 5/8" iron pin capped "TEW" found at 30.01 feet in the southerly right-of-way line of Sweet Potato Ridge Road, passing also a 5/8" iron pin found bent at 1381.00 feet, for a total distance of one thousand six hundred eighty-three and 39/100 (1683.39) feet to a 3/4" iron pipe found at the southwest corner of said 50.005 acre Jacobson, Tr. tract;

thence in an easterly direction with the south line of said 50.005 acre Jacobson, Tr. tract,

Continued on Page 2

# SURVEY

D24043-4

Desc. of 6.5016 Acres

Sweet Potato Ridge Road

City of Clayton

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09/04/2024

South eighty-eight degrees forty minutes thirty-four seconds ( $88^{\circ} 40' 34''$ ) East for one hundred ninety-one and  $67/100$  (191.67) feet to an iron pin set;

thence with new dividing lines through said 87.680 acre Don Roberts, LLC tract on the following four (4) courses:

1) in a southerly direction, South one degree nineteen minutes twenty-six seconds ( $01^{\circ} 19' 26''$ ) West for four hundred fifty-six and  $00/100$  (456.00) feet to an iron pin set;

2) in a westerly direction, North eighty-eight degrees forty minutes thirty-four seconds ( $88^{\circ} 40' 34''$ ) West for four hundred sixty-five and  $00/100$  (465.00) feet to an iron pin set;

3) in a northerly direction, North one degree nineteen minutes twenty-six seconds ( $01^{\circ} 19' 26''$ ) East for one hundred seventy-five and  $00/100$  (175.00) feet to an iron pin set;

4) in a northeasterly direction, North thirty-eight degrees twenty-one minutes fifty-seven seconds ( $38^{\circ} 21' 57''$ ) East for three hundred fifty-four and  $05/100$  (354.05) feet to an iron pin set in the southerly line of said 9.751 acre Don Roberts, LLC tract;

thence in a northerly direction with a new dividing line through said 9.751 acre Don Roberts, LLC tract, North zero degrees nine minutes twenty-four seconds ( $00^{\circ} 09' 24''$ ) East for one thousand six hundred eighty and  $55/100$  (1680.55) feet to a Mag Nail set in the north line of said northeast quarter of Section 17 and centerline of said Sweet Potato Ridge Road, reference an iron pin set 30.00 feet southerly from said Mag Nail on line last described in the southerly right-of-way line of Sweet Potato Ridge Road;

thence in an easterly direction with the north line of said northeast quarter of Section 17 and centerline of said Sweet Potato Ridge Road, South eighty-nine degrees fifty-one minutes eighteen seconds ( $89^{\circ} 51' 18''$ ) East for sixty and  $00/100$  (60.00) feet returning to the **POINT OF BEGINNING**, containing **6.5016** acres more or less, of which 1.9081 acres are located in Section 16 and 4.5935 acres are located in Section 17, and of the 6.5016 acres described above, 0.0413 acres are located within the right-of-way of Sweet Potato Ridge Road, leaving a net of 6.4603 acres, and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by Luis G. Riancho, Registered Surveyor, State of Ohio #5287, dated August 2024.

# SURVEY

D24043-4  
Desc. of 6.5016 Acres  
Sweet Potato Ridge Road  
City of Clayton

-3-

09/04/2024

Note: Basis of bearing: South 89° 51' 18" East for the north line of the northeast quarter of Section 17 and centerline of Sweet Potato Ridge Road from GPS observations utilizing ODOT GNSS RTN, State Plane Coordinate System, NAD'83(2011), Ohio South Zone, Geoid'12.

Note: All deeds referenced are recorded in the Deed Records of Montgomery County, Ohio and all plats referenced are recorded in the Plat Records of Montgomery County, Ohio.

Note: All iron pins set are #5 rebars, capped and stamped "LGR & ASSOC, ENGLEWOOD, OHIO".

Note: A Plat of Survey is recorded with the Montgomery County Engineer's Office Record of Land Surveys Volume 2024 Page 0272.

ANDREW J. SHAHAN, P.E., P.S.  
MONTGOMERY COUNTY ENGINEER  
APPROVED FOR POINT OF BEGINNING,  
ACREAGE AND CLOSURE ONLY  
DATE 9/19/2024 FILE NO. 2024-0272  
BY Wayne BT



Luis G. Riancho  
Registered Surveyor  
State of Ohio #5287  
Date 9/9/2024



#2024285  
DATE APPROVED 9/18/2024  
Ellen Sugar  
ZONING DEPARTMENT  
MUNICIPALITY OF CLAYTON

# PRELIMINARY TITLE

# PRELIMINARY TITLE

## ALTA COMMITMENT FOR TITLE INSURANCE

issued by:



CHICAGO TITLE  
INSURANCE COMPANY

Commitment Number:

**38240387**  
**Revision 10-9-2024**

### NOTICE

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

### Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Angela M. Byas  
Authorized Officer or Agent

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# PRELIMINARY TITLE

COMMITMENT NO. 38240387

REVISION 10-9-2024

CHICAGO TITLE INSURANCE COMPANY

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

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Angela M Byas Chicago Title Insurance Company 1 S. Main St., Suite 250 Dayton, OH 45402 Main Phone: (937) 223-8378 Email: Angela.Byas@ctt.com	Escrow Officer: Traci Walker Chicago Title Insurance Company 1 S. Main St., Suite 250 Dayton, OH 45402 Phone: 9372690463 Main Phone: (937)223-8378 Main Fax: 937-963-0843 Email: Traci.Walker@ctt.com

**Order Number: 38240387**

**Property Address: Sweet Potato Ridge Road, Englewood, OH 45322**

## SCHEDULE A

1. Commitment Date: September 16, 2024 at 07:59 AM
2. Policy to be issued:
  - (a) ALTA Owner's Policy 2021 - OH (12/01/2022)  
Proposed Insured: Purchaser with contractual rights under a purchase agreement with the vested owner identified at Item #4 below  
Proposed Amount of Insurance: \$100,000.00  
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:  
Don Roberts, LLC, an Ohio limited liability company, acquired by deeds of record in [Instrument No. 2021-00051418](#) and [Instrument No. 2021-00051419](#), both of the Recorder's Office, Montgomery County, Ohio.
5. The Land is described as follows:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

## END OF SCHEDULE A

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# PRELIMINARY TITLE

## EXHIBIT "A" Legal Description

### PARCEL I:

Located in Section 16 and 17, Township 5 Range 5 East, City of Clayton, Montgomery County, Ohio, being part of the land conveyed to Miriam Wenger et. al. by deeds recorded in Deed Book 2117, page 263 and Microfiche #84-054B06, both of the Montgomery County Deed Records, and being more particularly described as follows:

Beginning at a railroad spike found at the northeast corner of said Section 17, said railroad spike also being in the centerline of Sweet Potato Ridge Road; thence with the east line of said Section 17, South 5 degrees 02 minutes 45 seconds East for 1680.67 feet to an iron pin set at the true point of beginning of the tract hereinafter described; thence North 86 degrees 16 minutes 12 seconds East for 1359.60 feet to an iron pin set; thence South 5 degrees 10 minutes 16 seconds East for 2297.00 feet to a stone found; thence South 85 degrees 45 minutes 00 seconds West for 1355.64 feet to an iron pin set; thence North 5 degrees 24 minutes 13 seconds West for 1198.39 feet to an iron pin set; thence South 84 degrees 40 minutes 25 seconds West for 617.76 feet to an iron pin found; thence North 5 degrees 17 minutes 53 seconds West for 1115.82 feet to an iron pin found; thence North 85 degrees 07 minutes 00 seconds East for 621.40 feet to the true point of beginning; containing 87.680 acres, more or less.

For Informational Purposes Only:  
Parcel No: M60 03011 0007 (87.680 acres)

### PARCEL II:

Situated in the County of Montgomery in the State of Ohio and in the City of Clayton:

Located in Section 17, Township 5, Range 5 East, City of Clayton, Montgomery County, Ohio, being part of the land conveyed to Miriam Wenger et. al. by deeds recorded in Deed Book 2117, page 263 and Microfiche #84-054B06, both deeds of the Montgomery County Deed Records, and being more particularly described as follows:

Beginning at a railroad spike found at the northeast corner of said Section 17, said railroad spike also being in the centerline of Sweet Potato Ridge Road; thence with the east line of said Section 17, South 5 degrees 02 minutes 45 seconds East for 1680.67 feet to an iron pin set, and passing an iron pin set in the south right-of-way line of Sweet Potato Ridge Road at 30.00 feet along this course; thence South 85 degrees 07 minutes 00 West for 256.08 feet to an iron pin set; thence North 4 degrees 49 minutes 15 seconds West for 1680.16 feet to a railroad spike set in the north line of said Section 17 and in the centerline of Sweet Potato Ridge Road, and passing an iron pin set in the south right-of-way line of Sweet Potato Ridge Road at 1650.16 feet along this course; thence with the north line of Section 17 and the centerline of Sweet Potato Ridge Road, North 85 degrees 00 minutes 00 seconds East for 249.48 feet to the point of beginning; containing 9.751 acres, more or less.

For Informational Purposes Only:  
Parcel No.: M60 03012 0008 (9.751 acres)

### PARCEL III:

Situate in Section 17, Township 5, Range 5 East, City of Clayton, Montgomery County, Ohio, being part of the land conveyed to Miriam Wenger et. al. by deed recorded in Deed Book 2117, page 263 and Microfiche #84-054B06, both deeds of the Montgomery County Deed Records, and being more particularly described as follows:

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# PRELIMINARY TITLE

## EXHIBIT "A"

### Legal Description

Beginning at an iron pin found at the northwest corner of the northeast quarter of said Section 17 and at the intersection of the centerlines of Sweet Potato Ridge Road and Haber Road; thence with the north line of said Section 17 and the centerline of Sweet Potato Ridge Road, North 85 degrees 00 minutes 00 seconds East for 326.00 feet to a railroad spike found at the true point of beginning of the tract hereinafter described; thence continuing with the north line of said Section 17 and the centerline of Sweet Potato Ridge Road, North 85 degrees 00 minutes 00 seconds East for 549.00 feet to a railroad spike set; thence South 4 degrees 47 minutes 00 seconds East for 1677.00 feet to an iron pin set, and passing an iron pin set in the south right-of-way line of Sweet Potato Ridge Road at 30.00 feet along this course; thence North 85 degrees 07 minutes 00 seconds East for 1189.14 feet to an iron pin set; thence South 5 degrees 17 minutes 53 seconds East for 1115.82 feet to an iron pin set; thence South 84 degrees 40 minutes 25 seconds West for 2049.03 feet to a railroad spike found in the half section line of said Section 17 and in the centerline of Haber Road, and passing an iron pin set in the east right-of-way line of Haber at 2032.53 feet along this course; thence with the half section line of said Section 17 and the centerline of Haber Road, North 5 degrees 17 minutes 53 seconds West for 2539.68 feet to a railroad spike set; thence North 85 degrees 00 minutes 00 seconds East for 326.00 feet to an iron pin set; and passing an iron pin set in the east right-of-way line of Haber Road at 16.50 feet along this course; thence North 5 degrees 17 minutes 53 seconds West for 267.24 feet to the true point of beginning, and passing an iron pin set in the south right-of-way line of Sweet Potato Ridge Road at 237.24 feet along this course; containing 84.2387 acres and subject to all legal highways, easements and restrictions of record.

For Informational Purposes Only:

Parcel No: M60 03012 0010 (84.2387 acres)

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# PRELIMINARY TITLE

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. 38240387  
REVISION 10-9-2024

## 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. Any instrument of conveyance creating an insured interest must comply with local rules on descriptions and conveyances pursuant to Sections 315.251 and 319.203 of the Ohio Revised Code.
6. Approval of the legal description as contained in Schedule "A" herein by the Montgomery County Auditor's office. A copy was submitted to the County on September 26, 2024.
7. Deed from Don Roberts, LLC, an Ohio limited liability company, by its duly authorized member(s) conveying the premises herein to a Purchaser to be determined.
8. Copy of the Operating Agreement and all amendments thereto and resolution of Don Roberts, LLC, an Ohio limited liability company, authorizing the execution of the above deed.
9. Certificate of Good Standing from the Ohio Secretary of State for Don Roberts, LLC.
10. Owners/Sellers Affidavit covering matters of title in a form acceptable to the Company.
11. An ALTA survey satisfactory to the Company will be required if the survey exceptions are to be deleted from the final policy.
12. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.
13. 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 of full value of the Land. A Loan Policy should reflect the loan amount of value of the Land being used as collateral. Proposed Policy Amount(s) will be revised and premium charged consistent therewith when the final amounts are approved.
14. For each policy to be issued as identified in Schedule A, Item 2; the Company shall not be liable under this commitment until it receives a designation for a Proposed Insured, acceptable to the Company. As provided in

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# PRELIMINARY TITLE

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. 38240387  
REVISION 10-9-2024

## SCHEDULE B, PART I REQUIREMENTS (continued)

Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.

15. Further exceptions and/or requirements may be made upon review of the proposed documents creating the interest or estate to be insured and/or further ascertaining details of the transaction.
16. Payment of the full consideration to, or for the account of the grantors or mortgagors should be made.
17. Payment of taxes, charges and assessments levied and assessed against subject premises, which are due and payable.
18. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractors, subcontractors, labor and materialmen are all paid.

Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Notice: Please be aware that the Company will not insure a prohibited person as defined under Ohio Revised Code Section 5301.256 as to the ownership in agricultural land or land in proximity to a military installation as defined under the referenced code section which is an excluded matter under the Exclusions from Coverage of any policy issued.

**END OF SCHEDULE B, PART I**

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# PRELIMINARY TITLE

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. 38240387  
REVISION 10-9-2024

## 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 lien, 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. Taxes or special assessments which are not shown as existing liens by the Public Records.
7. No liability is assumed for tax increases occasioned by the retroactive revaluation as a result of the change in land usage, on account of errors or omissions and changes in the valuation of the property by legally constituted authorities.
8. Oil and gas leases, pipeline agreements or any other instruments related to the production or sale of oil and gas which may arise subsequent to the date of the Policy, pursuant to Ohio Revised Code Section 1509.31(D).
9. Any lease, grant, exception or reservation of minerals or mineral rights together with any rights appurtenant thereto.
10. Rights of public to use those portions of subject premises lying within the confines of public roads and highways.
11. Lease by and between Frank C. Puterbaugh and Elsie Puterbaugh, Lessors, and Belden & Blake Oil Production, Lessee, dated February 3, 1960, of record in [Lease Book 76, Page 53](#), Recorder's Office, Montgomery County, Ohio.

Note: The Company has conducted no further investigation under the above lease.

12. Intentionally deleted.

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# PRELIMINARY TITLE

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. 38240387  
REVISION 10-9-2024

## SCHEDULE B, PART II EXCEPTIONS (continued)

13. Intentionally deleted.

14. Tax parcel desc: 5-5-16/17 87.68 Ac (Parcel I)

Taxes, listed in the name(s) of Don Roberts LLC, (Parcel ID M60-03011-0007) for the first half of the year 2023 in the net amount of \$5,675.50, plus \$10.75 APC assessment, plus \$3.24 MCD Aquifer Pres Subd assessment, Total \$5,689.49 are paid; Taxes for the second half of the year 2023 in the net amount of \$5,675.50, plus \$10.75 APC assessment, Total \$5,686.25 are paid.

Tax valuation: Land: \$217,600; Bldg: \$68,610; CAUV: \$124,180; Total: \$192,790

The above tax listing as to caption premises is currently valued at a reduced rate under Section 5713.31 revised code. Said "current agricultural use value" will revert to the regular rate if not maintained under said section and is subject to the right of the county as to tax recoupment pursuant to ORC 5713.34 regarding conversion of subject premises to a use other than agricultural.

There will be an APC assessment with the future installments of taxes, the exact amount(s) of which is not known at this time.

There will be a MCD Aquifer Pres Subd assessment with the future installments of taxes, the exact amount(s) of which is not known at this time.

Tax parcel desc: 5-5-17 9.751 Ac (Parcel II)

Taxes, listed in the name(s) of Don Roberts LLC, (Parcel ID M60-03012-0008) for the first half of the year 2023 in the net amount of \$263.77, plus \$1.00 MCD Aquifer Pres Subd assessment, Total \$264.77 are paid; Taxes for the second half of the year 2023 in the net amount of \$263.77 are paid.

Tax valuation: Land Only: \$21,740; CAUV: \$8,960; Total: \$8,960

The above tax listing as to caption premises is currently valued at a reduced rate under Section 5713.31 revised code. Said "current agricultural use value" will revert to the regular rate if not maintained under said section and is subject to the right of the county as to tax recoupment pursuant to ORC 5713.34 regarding conversion of subject premises to a use other than agricultural.

There will be a MCD Aquifer Pres Subd assessment with the future installments of taxes, the exact amount(s) of which is not known at this time.

Tax parcel desc: 5-5-17 84.239 Ac (Parcel III)

Taxes, listed in the name(s) of Don Roberts LLC, (Parcel ID M60-03012-0010) for the first half of the year 2023 in the net amount of \$2,141.96, plus \$1.22 MCD Aquifer Pres Subd assessment, Total \$2,143.18 are paid; Taxes for the second half of the year 2023 in the net amount of \$2,141.96 are paid.

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# PRELIMINARY TITLE

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. 38240387  
REVISION 10-9-2024

## SCHEDULE B, PART II EXCEPTIONS (continued)

Tax valuation: Land Only: \$164,600; CAUV: \$72,760; Total: \$72,760

The above tax listing as to caption premises is currently valued at a reduced rate under Section 5713.31 revised code. Said "current agricultural use value" will revert to the regular rate if not maintained under said section and is subject to the right of the county as to tax recoupment pursuant to ORC 5713.34 regarding conversion of subject premises to a use other than agricultural.

There will be a MCD Aquifer Pres Subd assessment with the future installments of taxes, the exact amount(s) of which is not known at this time.

15. Taxes and assessments for the year 2024, and thereafter, are a lien but are not yet due and payable.

Taxes or special assessments which are not shown as existing liens by the public records.

Additions or abatements, if any, which may hereafter be made by legally constituted authorities on account of errors, omissions or changes in the valuation.

**END OF SCHEDULE B, PART II**

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# PRELIMINARY TITLE

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. 38240387  
REVISION 10-9-2024

## COMMITMENT CONDITIONS

### 1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
  - b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
  - c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
  - d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
  - e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
  - f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
  - g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
  - h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
  - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
  - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
  - b. the Commitment to Issue Policy;
  - c. the Commitment Conditions;
  - d. Schedule A;
  - e. Schedule B, Part I-Requirements;
  - f. Schedule B, Part II-Exceptions; and
  - g. a counter-signature by the Company or its issuing agent that may be in electronic form.

### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

### 5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I-Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

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# PRELIMINARY TITLE

COMMITMENT NO. 38240387  
REVISION 10-9-2024

CHICAGO TITLE INSURANCE COMPANY

(continued)

- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
  - e. The Company is not liable for the content of the Transaction Identification Data, if any.
  - f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
  - g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.
- 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**
- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
  - b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
  - c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
  - d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
  - e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
  - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
- The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
- 8. PRO-FORMA POLICY**
- The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. CLAIMS PROCEDURES**
- This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
- 10. CLASS ACTION**
- ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.
- 11. ARBITRATION**
- The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is Two Million And No/100 Dollars (\$2,000,000.00) or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

**END OF CONDITIONS**

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Chicago 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; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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# PROPERTY PHOTOS

TRACT 1



TRACT 1



TRACT 1



TRACTS 1 & 2



TRACT 2



TRACT 2





**TRACT 3**



**TRACTS 3 & 4**







TRACTS 3 & 4



TRACTS 3 & 4





TRACT 4



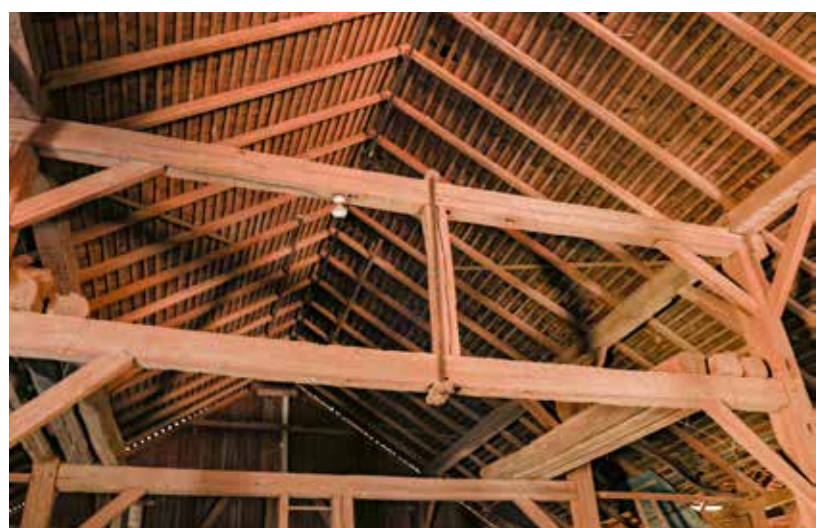
TRACT 4





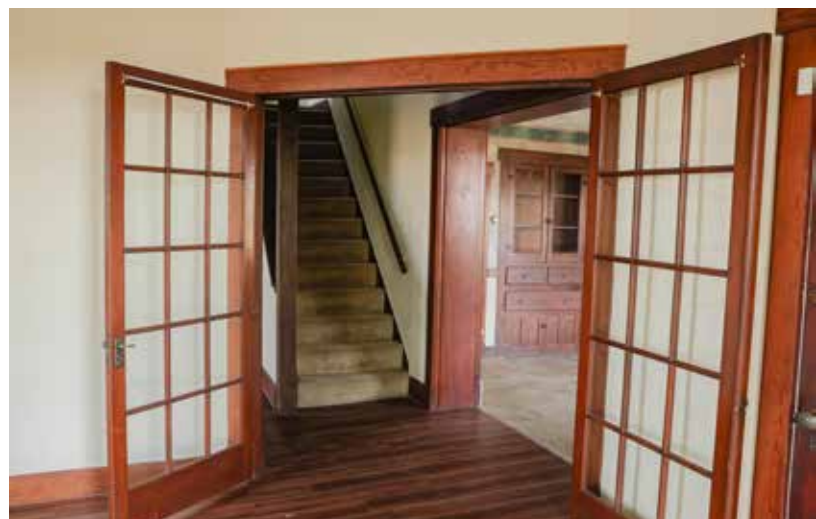




















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