

**TRACT 10**

**SCHEDULE A**

FILE NO.: T- 14991

1. Effective Date: OCTOBER 25, 2010 AT 8:00 A.M.

2. Policy or Policies to be issued:

a. Owner's Policy: \$ TO BE DETERMINED

Proposed Insured: TO BE DETERMINED

b. Loan Policy: \$

Proposed Insured:  
its successors and or assigns

3. The estate or interest in the land described or referred to in this Commitment is fee simple.

4. Title to the fee simple estate or interest in the land is at the Effective Date vested in:

BEST FARMS, INC.,

5. The land referred to in this Commitment is described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Issued through the Office of:

**HIGH PLAINS LAND & TITLE**  
107 GUNSMOKE, P. O. BOX 878  
DODGE CITY, KANSAS 67801

  
\_\_\_\_\_  
Authorized Signature MITCH L. LITTLE

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

By



President

Attest

Secretary

TRACT 10:

EXHIBIT "A" LEGAL DESCRIPTION:

Lots 5 & 6 and the Southwest Quarter of the Southeast Quarter (SW/4 SE/4),  
(being all of the SE/4) in Section Twenty-five (25), Township Twenty-five (25) South,  
Range Thirty (30) West of the 6<sup>th</sup> P.M., Gray County, Kansas.

AND

Lots 6, 7, 8 and 9 in Section Thirty (30),  
(being all that part of the Section lying South of the Arkansas River Bed).  
Township Twenty-five (25) South, Range Twenty-nine (29) West of the 6<sup>th</sup> P.M.,  
Gray County, Kansas.

**NOTE: A Survey may be required, if the above legal description changes,  
According to the recorded plat thereof.**

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## **SCHEDULE B-1**

The following requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
4. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exception.
5. Execute and record MORTGAGE RELEASE of Mortgage, Dated October 1, 2008. Executed by Best farms, Inc., a Kansas Corporation to Metropolitan Life Insurance Company. Filed October 1, 2008 at 1:15 P.M., Recorded in Book 144 at Pages 317-328. Including UCC Filings, with the State and in Gray County, Register of Deeds.
6. Execute and record proper WARRANTY DEED. Executed by Best Farms, Inc., a Kansas Corporation to ( TO BE DETERMINED). (Kansas Real Estate Sales Validation Questionnaire must accompany said Deed)
7. Furnish Company with RESOLUTION by the Board of Directors of Best Farms, Inc., a Kansas, Corporation authorizing the execution and delivery of all instruments necessary for the consummation of this transaction by the proper officers. Along with a copy of the Certificate of Good Standing with the State of Kansas.
8. A Survey may be required if the Legal Description changes, from the recorded Plat thereof.
9. The right is reserved to make additional exceptions and/or requirements.

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## SCHEDULE B-11 EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. Facts which would be disclosed by a comprehensive survey of the premises herein described.
2. Mechanic's, Contractor's or Materialmen's liens and lien claims, if any, where no notice thereof appears of record.
3. Any change in title occurring subsequent to the effective date of this Commitment and prior to the date of issuance of the title policy.
4. Loss or damage by reason of there being recorded in the Public Records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the commitment date and prior to the effective date of the final policy.
5. Taxes and special assessments for 2010 and subsequent years, not yet due and payable.  
FOR INFORMATION ONLY:  
Lots 5 & 6 & SE/4 25-25-30: Tax Card # EA02950 - 2009 amount (\$ 607.94)  
Lots 6 & 7: 30-25-29: Tax Card # EA00130 - 2009 amount (\$ 586.50)  
Lots 8 & 9: 30-25-29: Tax Card # EA00135 - 2009 amount (\$ 645.04)
6. Except and subject to rights of way and easements for roadways, streets, highways and railways.
7. This policy does not insure against loss or damage as a result of the denial or impairment of access over the existing roadways and railways to the insured premises.
8. The square footage or acreage shown on Schedule "A" is neither insured nor guaranteed, but shown for description only.

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9. Except and subject to any mineral rights, interest and reservations of record, if any, including Oil and Gas Leases, Assignments and interest of record, if any, regarding minerals whatsoever, and all other matters thereto.
10. Except and subject to railroad rights of way, switch tracts, spur tracts, electric and telephone transmission lines and all other easements, if any over the premises.
11. Except and subject to any portion of the property within any public road.
12. Except and subject to any interest outstanding of record, in and to all the oil, gas and other minerals in and under and that may be produced from said premises, together with all rights incident to or growing out of said outstanding minerals, including but not limited to outstanding oil and gas leases and easements.
13. Subject to Any adverse claim based upon the assertion that:
  1. Said land or any part thereof is now or at anytime has been below the ordinary high water mark of the River.
  2. Some portion of said land has been created by artificial means or has accepted to such portion so created.
  3. Some portion of said land has been brought within he boundaries thereof by an avulsive movement of the River, or has been formed by accretion to any such portion.
14. Subject to PIPELINE EASEMENT, Executed by Renick Brothers, Inc., Donoco Energy Corp., its successor and/or assigns, for pipeline purposes. Filed October 27, 1986 at 9:30 A.M., Recorded in Book 76 at Pages 324-325.  
Subject to ASSIGNMENT OF EASEMENT. Donoco Energy Corp to W.R. Renick, Inc., and Conoco Farms, Inc., Filed August 4, 1993 at 12:00 M., Recorded in Book 81 at Page 146.
15. Except and subject to any claims of water rights whatsoever that would be created or established under an instrument entitled IN THE MATTER OF THE PROPOSED DESIGNATION OF AN INTENSIVE GROUNDWATER USE CONTROL AREA, in Hamilton, Kearney, Finney, Gray and Ford Counties, Kansas, dated September 29, 1986, filed December 24, 1986 at 9:35 A.M., Recorded in the Office of the Register of Deeds of Gray County, Kansas, in Book 76 at Pages 366-399 Said Groundwater Instrument was amended by instrument entitled AMENDED ORDER OF PROPOSED DESIGNATION OF AN INTENSIVE GROUNDWATER USE CONTROL AREA, dated March 6, 1987, Filed November 9, 1988 at 9:45 A.M., Recorded in the Register of Deeds of Gray County, Kansas, in Book 98 at Pages 135

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16. Subject to Terms and provisions of Natural Gas Gathering Transmission, and Feeder Line Lease Dated June 23, 1987. Executed by Donoco Energy Corp, to Federal Land bank of Wichita. Filed June, 24, 1987 at 12:05 P.M., Recorded in Book 77 at Pages 19-26.
17. Subject to Certificate of Appropriation for Beneficial Use of Water, Certificate No., 10,297. Water Right File No., 23,547, Priority Date 2-3-75. Executed by the State Board of Agriculture, Division of Water Resources. Filed March 26, 1984 at 1:45 P.M., Recorded in Book 74 at Page 493-495
18. Subject to Easement Dated November 7, 1961, in favor of Gray County for roadway purposes over and through. Filed November 7, 1961 at 1:00 P.M., Recorded in Book 59 at Page 183.
19. Subject to Certificate of Appropriation for Beneficial use of Water, Certificate No., 10,398, Water Right File No., 23,548, Priority date 2-3-75. Executed by State Board of Agriculture, Division of Water Resources. Filed March 26, 1984 at 1:45 P.M., Recorded in Book 74 at Pages 496-498.
20. Subject to Terms and provisions of access RIGHT OF WAY in favor of Citizens National Bank of Colorado Springs, Colorado., Filed October 27, 1986, Recorded in Book 76 at Page 327.
21. Subject to Certificate of Appropriation for Beneficial Use of Water No., 7782, Application No., 8521, Priority Date December 15, 1960. Executed by State Board of Agriculture, Division of Water Resources. Filed October 8, 1981 at 1:30 P.M., Recorded in Book 72 at Pages 233-234.
22. Subject to Certificate of Appropriation for Beneficial Use of Water No., 7784, Application No., 11,487, priority Dated December 10, 1965. Executed by State Board of Agriculture, Division of Water Resources. Filed October 8, 1981 at 1:35 P.M., Recorded in Book 72 at Pages 237-238.
23. Subject to Certificate of Appropriation for Beneficial use of Water No., 7785, Application No., 14,870. Priority Date March 22, 1968. Executed by State Board of Agriculture, Division of Water Resources. Filed October 8, 1935 at 1:35 P.M., Recorded in Book 72 at Pages 239-242.
24. Subject to Certificate of Appropriation for Beneficial use of Water No., 7786, Application No., 18,249. Priority Date June 22, 1971. Executed by State Board of Agriculture, Division of Water Resources. Filed October 8, 1935 at 1:35 P.M., Recorded in Book 72 at Pages 243-246.
25. Subject to Application for Change in Place of Use. File No. 8521. Executed by State Board of Agriculture, Division of Water Resources. Filed October 19, 1981 at 1:45 P.M., Recorded in Book 72 at Pages 259-262.

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26. Subject to Approval of Application for Change in Place of Use. File No., 8521. Executed by State Board of Agriculture, Division of Water Resources. Filed October 19, 1981 at 1:45 P.M., Recorded in Book 72 at Pages 263-266.
27. Subject to Approval of Application for Change in Place of Use. File No., 18,249. Executed by State Board of Agriculture, Division of Water Resources. Filed October 19, 1981 at 1:45 P.M., Recorded in Book 72 at Pages 267-270.
28. Subject to Approval of Application for Change in Place of Use. File No., 11,487. Executed by State Board of Agriculture, Division of Water Resources. Filed October 19, 1981 at 1:45 P.M., Recorded in Book 72 at Pages 271. 274.
29. Subject to Approval of Application for change in Place of Use, File No., 8751. Executed by State Board of Agriculture, Division of Water Resources. Filed October 19, 1981 at 1:45 P.M., Recorded in Book 72 at Pages 275-278.
30. Subject to Approval of Application for Change in Place of use, File No., 8571. Executed by State Board of Agriculture, Division of Water Resources. Filed October 19, 1981 at 1:55 P.M., Recorded in Book 72 at Pages 279-282.
31. Subject to Approval of Application for Change in Place of Use, File No., 8751, Executed by State Board of Agriculture, Division of Water Resources. Filed October 19, 1981 at 1:55 P.M., Recorded in Book 72 at Pages 283-284.
32. Subject to Approval of Application for Change in Point of Diversion, File No., 14,870. Executed by State Board of Agriculture, Division of Water Resources. Filed April 30, 1982 at 2:10 P.M., Recorded in Book 72 at Pages 625-627.
33. Subject to Certificate of Appropriation for Beneficial use of Water No., 10,297, Water Right File No., 23,547, Priority Date February 3, 1975. Executed by State Board of Agriculture, Division of Water Resources. Filed March 26, 1984 at 1:45 P.M., Recorded in Book 74 at Pages 493-495.
34. Subject to Certificate of Appropriation for Beneficial Use of Water, Water Right File, No., 23,548, Priority Date February 3, 1975. Executed by State Board of Agriculture, Division of Water Resources. Filed March 26, 1984 at 1:45 P.M., Recorded in Book 74 at Pages 496-498
35. Subject to DWR Field Office Application for Approval to Change the Place of Use, file No, 23,547. Executed by State Board of Agriculture, Division of Water Resources. Filed April 15, 2010 at 9:15 A.M., Recorded in Book 107 at Page 118-125.

## HIGH PLAINS LAND & TITLE

### PRIVACY POLICY NOTICE *PURPOSE OF THIS NOTICE*

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing non public personal information about you with a non affiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of **HIGH PLAINS LAND & TITLE, and OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.**

We may collect non-public personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates, or others.
- We receive this information from your lender, attorney, real estate broker, etc.
- Information from public records.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional non-public personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, Securities and insurance.
- Non-Financial companies such as envelope stuffers and other fulfillment service providers.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

We restrict access to non-public personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.