

COPY

Schedule "A"

File No. 86-008

Commitment No. 74868

1. Effective date: November 3, 1986

at 8 a.m.

2. Policy or Policies to be issued:

Amount

(a) Owner's Policy \$ 30,012.00

Proposed Insured: City of Napoleon, Ohio

(b) _____ Loan Policy \$ _____

Proposed Insured: _____

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

4. The fee simple title to said land is at the date hereof vested in TLR Developers, a partnership

5. The land referred to herein is described as follows:

Situated in the City of Napoleon, County of Henry and State of Ohio and known as:

A parcel of land situated in the Northwest Quarter (1/4) of Section 7, T-5-N, R-7-E, Liberty Township, Henry County, Ohio, and in the City of Napoleon, Ohio and is more particularly described as follows:

Commencing at the Northwest Corner of Section 7, T-5-N, R-7-E, Liberty Township, Henry County, Ohio; thence S 0° 41' 09" W along the West line of the Northwest Quarter (1/4) of Section 7 a distance of 1293.40 feet to a concrete monument on the Southerly right-of-way of Independence Drive; thence S 89° 15' 20" E along the Southerly right-of-way of Independence Drive a distance of 1060.50 feet to an iron pin and the TRUE PLACE OF BEGINNING; thence continuing S 89° 15' 20" E along the Southerly right-of-way of Independence Drive a distance of 342.00 feet to an iron pin; thence S 0° 44' 40" W and perpendicular to Independence Drive a distance of 637.11 feet to an iron pin; thence N 89° 13' 52" W a distance of 342.00 feet to an iron pin; thence N 0° 44' 40" E and perpendicular to Independence Drive a distance of 636.96 feet to an iron pin and the PLACE OF BEGINNING.

Containing 5.002 acres of land more or less but subject to all legal highways and easements of public record and of record in respective utility offices.

Survey filed in Volume 18, Page 237 of the Record of Surveys in the Henry County Engineer's Office, Courthouse, Napoleon, Ohio.

Countersigned:

By *[Signature]*
Officer or Validating Agent

ISSUED BY:

AGENT Ronald P. Lankenau

ADDRESS 105 West Main Street

CITY Napoleon, Ohio 43545

TELEPHONE (419) 592-0010

Schedule "B"

I

In addition to the matters contained in the Conditions and Stipulations herein referred to, this Commitment is also subject to the following:

- 1. Such defects in title, not appearing of record, as may be known to the insured but not disclosed to the Company.*
- 2. Government regulation of the use and occupancy of the premises described, including the regulation or condemnation of any building or structure thereon.*
- 3. Liens, defects or encumbrances created or suffered by the Insured.*
- 4. Procuring and/or recording of such instruments as may be necessary to establish title according to application herein.*
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.*

II

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

- 1. Special assessments and special taxes, if any, and taxes not yet due and payable. (Delinquent taxes, if any, shown below.)*
- 2. 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.*
- 3. Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.*
- 4. Rights or claims of parties in possession.*
- 5. Roads, ways, streams or easements, if any, not shown of record, riparian rights and the title to any filled-in lands.*
- 6. Assessments, if any, which are a lien but not yet certified to the County Auditor.*
- 7. This real estate and other adjoining real estate is subject to a mortgage from TLR Developers, a partnership, to The Henry County Bank in the original principal amount of \$120,000.00 (open-end limit of \$120,000.00), dated March 29, 1979, filed for record March 29, 1979 at 2:56 P.M. and recorded in Volume 181 at Page 518, Mortgage Records of Henry County, Ohio.*
- 8. Real estate taxes and assessments for the full year 1985 and all years prior thereto are paid in full. Said assessments consist of an assessment for District 14 sewer (which will run for one more year after 1985) and an assessment for Independence Drive street (which will run for thirteen more years after 1985). For the full year 1985, the total amount of said taxes and assessments for Permanent Parcel #28-09-09-07-000-0760100 (which consists of a 20.498 acre parcel of which this real estate is a part) was \$7,849.30, of which \$511.40 was the sewer assessment and \$7,194.92 was the street assessment.*
- Real estate taxes and assessments for the full year 1986 are a lien on this real estate but have not been ascertained.*
- 9. This real estate is subject to a perpetual right and easement for electric utility purposes executed by Lena Reiser, et al. to The Toledo Edison Company, dated February 23, 1953, filed for record April 16, 1953 at 2:09 P.M. and recorded in Volume 159 at Page 151, Easement Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit A.)*
- 10. This real estate is subject to a perpetual right and easement for electric utility purposes executed by Raymond Reiser and Loretta Reiser, husband and wife, to The Toledo Edison Company, dated February 27, 1953, filed for record April 16, 1953 at 2:13 P.M. and recorded in Volume 159 at Page 156, Easement Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit B.)*

THE OHIO BAR TITLE INSURANCE COMPANY

Policy Number 74868

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86-008

SCHEDULE "B"

11. This real estate may be subject to a perpetual easement and right-of-way for public highway and road purposes executed by Lena Reiser, widow, to the State of Ohio, dated September 27, 1958, filed for record May 12, 1959 at 10:30 A.M. and recorded in Volume 177 at Page 69, Easement Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit C.)
12. This real estate is subject to a perpetual easement and right-of-way for public highway and road purposes executed by Carl F. Gerken and Esther Ruetz Gerken, husband and wife, to the State of Ohio, dated August 4, 1965, filed for record November 10, 1965 at 11:30 A.M. and recorded in Volume 179 at Page 395, Easement Records of Henry County, Ohio (A true and complete photocopy of this instrument is attached hereto as Exhibit D).
13. This real estate is subject to a perpetual easement and right for gas utility purposes executed by Carl F. Gerken to Ohio Gas Company, dated July 14, 1966, filed for record July 14, 1966 at 2:02 P.M. and recorded in Volume 179 at Page 500, Easement Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit E.)
14. This real estate is subject to a perpetual easement for drainage channel purposes executed by Carl F. Gerken to the City of Napoleon, Ohio, dated March 17, 1978, filed for record March 28, 1978 at 10:09 A.M. and recorded in Volume 213 at Page 284, Easement Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit F.)
15. This real estate is subject to a perpetual easement for sanitary sewer line and water-line purposes executed by Carl F. Gerken to the City of Napoleon, dated March 17, 1978, filed for record March 28, 1978 at 10:10 A.M. and recorded in Volume 213 at Page 286, Easement Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit G.)
16. This real estate is subject to an oil and gas lease executed by Carl F. Gerken, widower, to Glen Dial for a primary term of ten (10) years and continuing during production, dated March 18, 1964, filed for record May 11, 1966 at 12:20 P.M. and recorded in Volume 14 at Page 395, Lease Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit H.)
17. This real estate is subject to an oil and gas lease executed by Carl F. Gerken and Esther Gerken, husband and wife, to R. Douglas Callander for a primary term of three (3) years and continuing during production, dated March 23, 1972, filed for record May 2, 1972 at 10:16 A.M. and recorded in Volume 15 at Page 671, Lease Records of Henry County, Ohio.
This lease was subsequently assigned to Callander and Kimbrel, Inc. by an instrument dated July 25, 1972, filed for record July 26, 1972 at 2:24 P.M. and recorded in Volume 11 at Page 84, Miscellaneous Records of Henry County, Ohio. (True and complete photocopies of these instruments are attached hereto as Exhibit I and Exhibit J, respectively.)
18. This real estate is subject to a perpetual easement for storm drainage outlet executed by Carl F. Gerken to the City of Napoleon, Ohio, dated October 10, 1977, filed for record November 14, 1977 at 2:50 P.M. and recorded in Volume 213 at Page 243, Easement Records of Henry County, Ohio. (A true and complete photocopy of this instrument is attached hereto as Exhibit K.)