

# Chicago Title Insurance Company

herein called the Company

for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

**Southwestern Indiana Land Title, Inc.**  
**605 S.E. M.L. King, Jr. Blvd.**  
**P.O. Box 654**  
**Evansville, IN 47713**  
**Telephone: (812) 425-0055**  
**FAX: (812) 425-8456**

(AUCTION TRACT 3)

## SCHEDULE A

<u>COMMITMENT No.</u>	<u>EFFECTIVE DATE:</u>	<u>Policy or Policies to be issued:</u>	
		<u>ALTA Owner's Policy</u> <u>(06-17-06)</u>	<u>ALTA Loan Policy</u> <u>(06-17-06)</u>
<b>22197.3</b>	<b>December 5, 2008</b> <b>at 8 o'clock A.M.</b>	<b>\$</b>	<b>\$</b>

Proposed Insured -- LOAN:

**To Be Determined**

Proposed Insured -- OWNER'S:

**To Be Determined**

The estate or interest in the land described or referred to in the Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

**Andrea J. Wagner**

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

**The Southwest Quarter of the Northwest Quarter and the South Half of the Northwest Quarter of the Northwest Quarter, all in Section Five (5), Township Six (6) South, Range Nine (9) West, in Warrick County, Indiana, containing 63 acres, more or less.**

**NOTE: The reference to acreage is shown for the sole purpose of aiding in the identification of the insured premises and this policy does not insure any quantity of land.**

**--- End of Schedule A ---**

**Chicago Title Insurance Company**  
**COMMITMENT**

**SCHEDULE B**

**Commitment No. 22197.3**

I. The following are the requirements to be complied with:

1. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
  - a. **Warranty Deed from Andrea J. Wagner conveying fee simple title to a purchaser to be subsequently named.**
  - b. **Real Estate Mortgage from a purchaser to be subsequently named, as mortgagor, to a lender to be subsequently named, as mortgagee, creating a first mortgage lien against the Real Estate.**
2. Pay the full consideration to, or for the account of, the grantors or mortgagors.
3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material.
5. **Release of the insured premises from the lien of the mortgage executed by Jeff B. Wagner aka Jeffrey B. Wagner and Andrea J. Wagner in favor of Farm Credit Services of Mid-America, FLCA dated March 1, 2004 and recorded March 15, 2004 as Instrument No. 2004R-003207 in the Office of the Recorder of Warrick County, Indiana.**
6. **Release of the insured premises from the lien of the Commercial Real Estate Second Mortgage and Assignment of Leases executed by Andrea Wagner in favor of Fifth Third Bank dated October 6, 2005 and recorded October 13, 2005 as Instrument No. 2005R-011655 in the Office of the Recorder of Warrick County, Indiana.**

II. 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:

1. 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 the Commitment.
2. **Standard Exceptions:**
  - a. Rights or Claims of parties in possession not shown by the public records.
  - b. Easements, or claims of easements, not shown by the public records.
  - c. 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.
  - d. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by any public records.
  - e. Taxes or special assessments which are not shown as existing liens by the public record.

## **Schedule B Continued:**

Commitment No.: 22197.3

### **3. Special Exceptions:**

1. Real estate taxes for the insured premises are assessed under Tax Code No. 87-12-05-100-012.000-019, Ohio Township; assessed valuation of land - \$66,200.00, assessed valuation of improvements - \$0.00, exemptions - none; real estate taxes for the year 2007, due and payable in August and November, 2008, in the amount of \$502.25 for each installment are both paid; lien of 2008 real estate taxes, due and payable in 2009.
2. Any possible charges for sewer services, charges and/or connection charges levied by any public or private organization.
3. Right of way granted to the State of Indiana by instrument dated March 23, 1942 and recorded July 2, 1942 in Deed Record 95, pages 18 and 19.
4. Easement for right-of-way granted Southern Indiana Gas and Electric Company by instrument dated July 15, 1955 and recorded September 6, 1956 in Miscellaneous Record 50, page 362.
5. Any easements or servitudes appearing in the public records.
6. Rights-of-way for drainage tiles, legal drains, ditches, feeders and laterals, if any.
7. Rights of the Public, State of Indiana, County and municipality in and to that part of the premises taken or used for road purposes.
8. There is the possibility of easements in favor of Southern Indiana Gas and Electric Company which have been recorded outside of the chain of title and which are expressly excluded from the coverage of this policy.

**NOTE:** Upon request of the client and for an additional cost, these easements will be furnished and specifically designated in the title insurance policy; or if we are furnished information from Southern Indiana Gas and Electric Company that there are no such easements affecting the insured premises, this exception will be deleted.

9. Indiana Code 8-1-26, effective January 1, 1991, provides for the recordation of a Notice of Underground Facilities. The proposed Insured is invited to make inquiry of all operators of such facilities if the possibility of underground facilities is of concern to the proposed Insured. No search has been made for Notices of Underground Facilities which may have been recorded. By calling 800-382-5544, most, but not all, operators can be notified of the need to provide location information.

(All recording references contained herein are to records in the Office of the Recorder of Warrick County, wherein the Real Estate is located.)

**NOTE:** By virtue of IC 27-7-3.6, a fee of \$5.00 will be collected from the purchase of the policy for each policy issued in conjunction with closings occurring on or after July 1, 2006. The fee should be designated in the 1100 series of the HUD form as TIEFF (Title Insurance Enforcement Fund Fee) charge.

**Schedule B Continued:**

Commitment No.: 22197.3

**NOTE:** By virtue of IC 36-2-11-15, any documents that require a preparation statement and are executed or acknowledged in Indiana must contain the following affirmation statement: "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. (NAME)"

--- End of Schedule B ---