

# 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 5)

## 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>
22197.5(4)	December 4, 2008 at 8 o'clock A.M.	\$	\$

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:

**Part of the Southwest Quarter of Section Twelve (12), Township Five (5) South, Range Eight (8) West, Boon Township, Warrick County, Indiana, more particularly described as follows:**

**Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section; thence North 00 degrees 09 minutes 51 seconds East along the West line thereof 990.0 feet for the point of beginning; thence North 00 degrees 09 minutes 51 seconds East along said West line 330.0 feet to the Northwest corner of the Northwest Quarter of the Southwest Quarter of said Section; thence North 89 degrees 17 minutes 25 seconds East along the North line of said Southwest Quarter Section 1320.0 feet to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section; thence South 00 degrees 09 minutes 51 seconds West along the East line of the Northwest Quarter of the Southwest Quarter of said Section 330.0 feet; thence South 89 degrees 17 minutes 25 seconds West 1320.0 feet to the point of beginning and containing 10.0 acres, more or less.**

**The above-described real estate is also known as Parcel Four (4) in Eby Acres Minor Subdivision, according to the recorded plat thereof, recorded as Instrument No. 2000R-010140 in the Office of the Recorder of Warrick County, Indiana.**

**Schedule A Continued:**

Commitment No.: 22197.5(4)

**NOTE:** The legal description for the above-described real estate was based upon the Surveyor's Report prepared by William Y. Bivins, Registered Land Surveyor, Ind. Reg. No. LS910003, dated March 11, 2000.

**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. 22197.5(4)**

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 Andrea J. Wagner in favor of Farm Credit Services of Mid-America, FLCA dated August 13, 2003 and recorded August 14, 2003 as Instrument No. 2003R-013994 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.: 22197.5(4)

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

1. Real estate taxes for the insured premises are assessed under Tax Code No. 87-09-12-301-004.000-002, Boon Township; assessed valuation of land - \$3,100.00, 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 \$22.93 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. Notices, dedications, building setback lines, easements and other information set forth upon the recorded plat of Eby Acres Minor Subdivision recorded as Instrument No. 2000R-010140.
4. Right-of-way from Helen W. Kennedy in favor of Warrick County dated July 30, 1980 and recorded August 5, 1980 in Deed File 2, Card 8496.
5. Temporary right-of-way grant from Helen W. Kennedy in favor of Warrick County dated July 30, 1980 and recorded August 5, 1980 in Deed File 2, Card 8497.
6. Easement granted to Southern Indiana Gas and Electric Company dated September 5, 1980 and recorded December 4, 1980 in Deed File 2, Card 9152.
7. Easement for right-of-way granted to Southern Indiana Gas and Electric Company dated October 10, 1951 and recorded July 12, 1989 in Deed File 3, Card 7104.
8. Easement for right-of-way granted to Southern Indiana Gas and Electric Company dated June 17, 1953 and recorded July 25, 1989 in Deed File 3, Card 7209.
9. Twenty-five (25) foot right-of-way for Eby Road off the Entire West side of the insured premises as shown on the recorded plat of Eby Acres Minor Subdivision.
10. Rights, if any, of the property owners abutting the lake, in and to the waters of the lake and in and to the bed thereof; also boating, swimming and fishing rights of the property owners abutting the lake or the stream of water leading thereto or therefrom. This policy does not insure any right to the use of the lake except to the extent of that portion of said lake which is included within the perimeter of the insured premises.
11. Title to all oil and gas which are contained in or underlie the insured premises, together with the rights to explore, collect, mine, remove and store the same, as reserved in Warranty Deed recorded in Deed Record 104, page 391.
12. Subject to all existing sewer agreements and any easements, either created or used, pursuant to said agreements.

**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.

**Schedule B Continued:**

Commitment No.: 22197.5(4)

13. **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.**

**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 ---**