

CERTIFICATE OF TITLE
SOUTHWESTERN OHIO TITLE AGENCY

201 South Barron Street
Eaton, Ohio 45320
1-937-472-9015

To: SCHRADER REAL ESTATE & AUCTION CO., INC.

ATTENTION: Andy Walther

The undersigned hereby certifies that he has made a thorough examination and search of the records of Preble County, Ohio, as disclosed by the public indices, for a period of at least forty years, unless otherwise set forth herein, relating to the premises hereinafter described in ITEM I below, and further certifies that, based on said records, the fee simple title to said premises is vested in

Jill Erin Hittle, Trustee,

By Quit-Claim DEED from Ruth Ann Kutter, married, executed August 1, 2019, recorded February 10, 2020, in Volume **401**, Page **556**,

of the Official Records of Preble County, Ohio, and as appears from said County records, the title is marketable and free from encumbrance except and subject to the matters set forth herein at Items II thru VI inclusive.

This Certificate does not purport to cover matters not of record in said County, including rights of persons in possessions, questions which a correct survey or inspection would disclose, right to file Mechanics' Liens, special taxes and assessments not shown by the County Treasurer's Office Records (including C.A.U.V. and agricultural district recoupments), unpaid utilities, or zoning and other governmental regulations.

Southwestern Ohio Title Agency L.L.C. agrees to indemnify you and your successors in interest in the Mortgage opined hereto, to the full extent of any loss attributable to a breach of my duty to exercise reasonable care and skill in the examination of the title and the giving of this opinion.

Dated at Eaton, Ohio, this

Charles D. Hubler Co., L.P.A.

14 day of February 2020
at 7:59 o'clock AM

By



Charles D. Hubler

ITEM I.
(Real Estate Description)

Tract I:

Situate in the Township of Jefferson, in the County of Preble, and in the State of Ohio, and being part of the Northwest Quarter of Section 33, Township 9 North, Range 1 East, and bounded and described as follows:

Beginning at a stone on the North line of said Section 33, and at the Northeast corner of the land owned by Fred Fretta; thence South with Fred Fretta's East line one hundred sixty (160) poles to the South line of said Quarter Section, being the North line of the land of W.P. Mills; thence East with Quarter Section line 100 poles, more or less, to the Charles W. Bloom land; thence North to the center of the National Road (U.S. 40); thence westerly with the said road about forty (40) rods, more or less, to the Southwest corner of Nancy C. Purdum's land; thence North with Nancy C. Purdum's West line one hundred thirty-seven and 12/100 (137.12) rods, more or less, to the North line of said Quarter Section to a stone; thence West on said Section line fifty-nine and 20/100 (59.20) poles to the place of beginning, containing Sixty-five (65) acres, more or less.

Except: Situate in the Township of Jefferson, in the County of Preble, and in the State of Ohio, and being part of the Northwest Quarter of Section 33, Township 9 North, Range 1 East, and bounded and described as follows: Beginning at a stone in the centerline of the National Road (U.S. 40) where the same intersects the East line of said Quarter Section; thence South along the East Line of said Quarter Section twenty six and 77/100 (26.77) rods to a point; thence West along West along the South line of said Quarter Section ninety seven and 21/100 (97.21) rods to a point; thence North and parallel to the East line of said Quarter Section seventeen and 88/100 (17.88) rods to a point in the centerline of said National Road (U.S. 40); thence easterly along the centerline of said road to the point of beginning, containing 13.67 acres of land, more or less.

(And being the same premises as recorded in Volume 238, Page 629, and Volume 239, Page 142, of the Records and Deeds of Preble County, Ohio.)

Also Except: Being part of the Northwest Quarter of Section 33, Township 9 North, Range 1 East, and being more particularly described as follows: Beginning at a point in the centerline of the National Road (U.S. 40), said point being more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter of said Section 33, and running thence, North 00° 00' 00" West, along the East line of said Northwest Quarter (assuming said east line to run north and south) 443.90 feet to a point of intersection with the centerline of said National Road (U.S. 40), thence South 85° 12' 14" West, along said centerline, 956.57 feet to the beginning point of this description; and running thence, from said beginning point, continuing south 85° 12' 14" West, along said centerline, 315.85 feet to a point; thence North 00° 25' 00" East, 417.49 feet to an iron rod set; thence North 85° 12' 14" east, parallel to the centerline of said National Road (U.S. 40), 312.81 feet to a point; thence South 00° 00' 00" east, parallel to the East line of said Northwest Quarter, 417.22 feet to the place of beginning, containing an area of 3.00 acres.

Subject to: The right-of-way of United States Highway Number 40, and any easements of record.

The above description is the return of a survey by John E. Beals, Registered Surveyor No. 6080, State of Ohio, July 9, 1986.

Containing in all after said exception 48.33 acres of land, more or less, by deduction, subject to all legal highways and rights-of-way.

Tract II:

Situate in the Township of Jefferson, in the County of Preble, and in the State of Ohio, and being part of the Northwest Quarter of Section 33, Township 9 North, Range 1 East, and being part of a 114.42 acre tract described in Deed Records Volume 263, Page 641, of the Records and Deeds of Preble County, Ohio, and being more particularly described as follows:

Commencing at a "plus" on a stone found at the Northeast corner of said Northwest Quarter; thence North 89° 46' 49" West along the North line of said Quarter and the North line of said 114.42 acre tract 78.44 feet to an iron pin set, being the true point of beginning for the tract herein described; thence South 0° 27' 07" East along a new division line 2248.08 feet to a spike set in the National road (U.S. 40), witness an iron pin set North 0° 27' 07" West 40.00 feet; thence South 84° 46' 10" West along said road 51.29 feet to a spike set at the Southeast corner of a 4 acre tract described in Deed Records Volume 275, Page 404, witnessed a post found North 1° 07' 22" West 41.11 feet; thence North 0° 49' 35" West along an existing fence 348.50 feet to a point at the Northeast corner of said 4 acre tract, witness a post found South 1.58 feet, thence South 84° 44' 18" West along the North line of said 4 acre tract and along an existing fence 250.00 feet to a point at the Southeast corner of a 4.577 acre tract described in Deed Records Volume 275, Page 404, witness a post found North 40° 44' 49" East 0.73 feet; thence North 0° 39' 22" West along an existing fence 800 feet to an iron pin set at the Northeast corner of said 4.577 acre tract; thence South 84° 38' 05" West 241.13 feet to an iron pin set on the West line of said 114.42 acre tract; thence North 0° 16' 54" West along said West line 1151.84 feet to an iron pin set on the North line of said Quarter, witness a stone found South 85° 08' 56" East 24.89 feet; thence South 89° 46' 49" East along said North line 542.22 feet to the point of beginning, containing 20.052 acres, more or less, 20.005 acres exclusive of road right-of-way.

Subject to: All easements, covenants, conditions, reservations, leases and restrictions of record, all legal highways, all rights-of-way, all zoning, building and other laws, ordinances and regulations.

ITEM II. The real estate described in Item I. is subject to an Open-end mortgage from Joseph M. Kutter and Ruth A. Kutter, aka Ruth Ann Kutter, husband and wife, in favor of Kutter

Construction Co., Inc., in the face amount of \$125,000.00, executed May 18, 1991, recorded May 20, 1991, in Vol. 298, Page 509, Mortgage Records, Preble County, Ohio.

ITEM III. Subject to Deed Restrictions, recorded in Volume 342, Page 352, Deed Records, Preble County, Ohio. (Tract I only)

ITEM IV. Subject to an ongoing case, David Brannon, as the Administrator of the Estate of Bobby Joe Grubbs, Deceased, et al. vs. Joseph M. Kutter, Case No. 14 CV 030259, Clerk of Courts, Preble County, Ohio. Order regarding Property ordering Quit Claim Deed to be executed from Ruth Ann Kutter and Joseph M. Kutter to Jill Erin Hittle, Trustee, filed February 7, 2020.

ITEM V. New Survey Recommended by Preble County Engineer's Office.

ITEM VI. REAL ESTATE TAXES: (P.P.I.D. #G22-9133-100-00-002-000)

(a) First half of 2019 (due February, 2020) --- \$2,129.98 Paid
(b) Second half of 2019 (due July, 2020) ----- \$2,129.98 Unpaid
Homestead Exemption per half ----- \$160.18

Land - \$223,370 Building - \$66,760 Total - \$505,170

SUBJECT TO CAUV RECAPTURE

REAL ESTATE TAXES FOR 2020 ARE A LIEN AGAINST THE ABOVE PARCEL BUT HAVE NOT YET BEEN DETERMINED AND ARE NOT YET DUE AND PAYABLE.

ITEM VI. REAL ESTATE TAXES: (P.P.I.D. #G22-9133-100-00-001-000)

(a) First half of 2019 (due February, 2020) --- \$84.43 Paid
(b) Second half of 2019 (due July, 2020) ----- \$84.43 Unpaid

Land - \$72,690 Building - \$0 Total - \$72,690

SUBJECT TO CAUV RECAPTURE

REAL ESTATE TAXES FOR 2020 ARE A LIEN AGAINST THE ABOVE PARCEL BUT HAVE NOT YET BEEN DETERMINED AND ARE NOT YET DUE AND PAYABLE.

Property Address: 7905 US Route 40, New Paris, Ohio

CDH/zek
SWO0200520

RELEASE OF MORTGAGE

The undersigned, Kutter Construction Co., Inc., an Indiana Corporation, does hereby certify that a certain mortgage from Joseph M. Kutter and Ruth A. Kutter, husband and wife, as the same is recorded in Mortgage Record Volume 298, Page 509, dated 5/18/1991, filed 5/20/1991 at 9:25 a.m. in the Recorder's Office of Preble County, Ohio, in the face amount of \$125,000.00, upon property described as follows:

SEE ATTACHED EXHIBIT "A"

Parcel: G22-9133-100-00-002-000

has been fully paid and satisfied, and the mortgage should be released.

The undersigned Kutter Construction Co., Inc., an Indiana Corporation, hereby authorizes the Recorder of Preble County, Ohio, to release the above described mortgage of record.

Signed this 7th day of February, 2020.

Kutter Const Co. inc
Kutter Construction Co., Inc.
Joseph M Kutter
president

Joseph M. Kutter, President

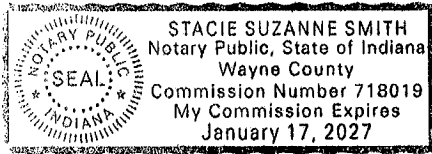
Kutter Const. Co., Inc.
Kutter Construction Co., Inc.,
Ruth A Kutter
Secretary

Ruth A. Kutter, Secretary

State of Indiana, County of Wayne, SS:

Before me, a Notary Public, in and for said State and County, personally appeared the above named Joseph M. Kutter, as President of Kutter Construction Co., Inc., who acknowledged before me to be said person and who acknowledged that they did sign the foregoing instrument and that the same is their free voluntary act and deed, individually and in their official capacity.

In Testimony Whereof, I have hereunto set my hand and official seal, this 7th day of February, 2020.

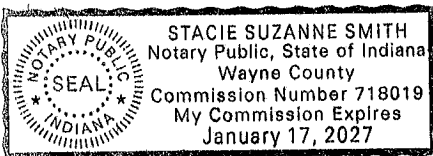



Notary Public, State of Indiana

State of Indiana, County of Wayne, SS:

Before me, a Notary Public, in and for said State and County, personally appeared the above named Ruth A. Kutter, as Secretary of Kutter Construction Co., Inc., who acknowledged before me to be said person and who acknowledged that they did sign the foregoing instrument and that the same is their free voluntary act and deed, individually and in their official capacity.

In Testimony Whereof, I have hereunto set my hand and official seal, this 7th day of February, 2020.




Notary Public, State of Indiana

This Instrument Prepared By:
Jill E. Hittle, Attorney at Law
112 N. Barron St.
Eaton, Ohio 45320

EXHIBIT "A"

Situate in the Township of Jefferson, in the County of Preble and State of Ohio, to-wit: Being part of the Northwest Quarter of Section 33, Township 9, Range 1 East, and bounded and described as follows: Beginning at a stone on the North line of Section 33, and at the Northeast corner of the land owned by Fred Fetta; thence South with Fred Fetta's East line one hundred sixty (160) poles to the South line of said Quarter Section, being the North line of the land of W.P. Mills; thence East with Quarter Section line 100 poles, more or less, to the Charles W. Bloom land; thence North to the center of the National Road; thence westerly with the said road about forty (40) rods, more or less, to the Southwest corner of Nancy C. Purdum's land; thence North with the Nancy C. Purdum's West line one hundred thirty-seven and 12/100 (137.12) rods, more or less, to the North line of the said Quarter Section to a stone; thence West on said Section line fifty-nine and 20/100 (59.20) poles to the place of beginning, containing sixty-five (65) acres, more or less.

EXCEPT: Situate in the Township of Jefferson, County of Preble and State of Ohio, and being in the Northwest Quarter of Section 33, Town 9, Range 1 East, and bounded and described as follows: Beginning at a stone in the centerline of the National Road (U.S. 40) where the same intersects the East line of said quarter section; thence south along the east line of said quarter section 26.77 rods to a point; thence west along the south line of said section 97.21 rods to a point; thence north and parallel to the east line of said quarter section 17.88 rods to a point in the centerline of said National Road (U.S. 40); thence easterly along the centerline of said road to the point of beginning, containing 13.67 acres of land, more or less.

(And being the same premises as recorded in Volume 238, Page 629, and Volume 239, page 142, of the Records of Deeds of Preble County, Ohio.)

Containing in all, after said exception 51.33 acres of land, more or less, subject to all legal highways and rights of way.

ALSO EXCEPT: Being a part of the Northwest Quarter of Section 33, Township 9 North, Range 1 East in Jefferson Township, Preble County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of United States Highway #40, said point being more particularly described as follows: Commencing at the southeast corner of the northwest quarter of said section 33, and running thence north 00° 00' 00" west, along the east line of said Northwest Quarter (assuming said east line to run north and south) 443.90 feet to a point of intersection with the centerline of said highway; thence south 85° 12' 14" west along said centerline 956.57 feet to the beginning point of this description; running thence from said beginning point continuing south 85° 12' 14" west along said centerline 315.85 feet to a point; thence north 00° 25' 00" east 417.49 feet to an iron rod set; thence north 85° 12' 14"

east, parallel to the centerline of said highway 312.81 feet to a point; thence south 00° 00' 00" east parallel to the east line of said northwest quarter 417.22 feet to the place of beginning, containing an area of 3.00 acres. Subject to the right of way of United States Highway Number 40 and any easements of record.

The above description is the return of a survey by John E. Beals, Registered Surveyor No. 6080, State of Ohio. Dated July 9, 1986.

Subject to the following restrictions: That said premises, or any part thereof, shall be used for residential, farming or storage purposes only, so long as such storage is not unsightly; that said tract may be subdivided; that each lot so subdivided shall be used for single family or multifamily dwellings only, together with appurtenant accessory buildings; that each such dwelling shall have not less than 1,250 square feet of heated living space; that buildings shall be constructed so that concrete block is not the predominant exposed component on the exterior of said buildings, and that no mobile home or inoperative automobiles shall be placed or suffered to remain on said premises or any part thereof. Such restrictions shall run with the land and be binding upon the purchasers and all subsequent owners until the first day of January 1990, on which date said restrictions shall cease and terminate.

7-26-86 TRANSFER TO 4.30 ac. by
FILED SEP 19, 1986
JUL 25 1986
Being A. M. Long

KNOW ALL MEN BY THESE PRESENTS: That

ROBERT D. LEWIS and ANNA EARLE LEWIS, husband and wife,

in consideration of One Dollar (\$1.00) and other valuable considerations to them paid by Joseph M. Kutter and Ruth Ann Kutter, husband and wife, Box 188, R. R. #1, Centerville, Indiana, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to the said

JOSEPH M. KUTTER and RUTH ANN KUTTER, husband and wife,

their heirs and assigns forever, the following described Real Estate, situate in the Township of Jefferson, in the County of Preble and State of Ohio, to-wit:

Being part of the Northwest Quarter of Section 33, Township 9, Range 1 East, and bounded and described as follows: Beginning at a stone on the North line of said Section 33, and at the Northeast corner of the land owned by Fred Fetta; thence South with Fred Fetta's East line one hundred sixty (160) poles to the South line of said Quarter Section, being the North line of the land of W. P. Mills; thence East with Quarter Section line 100 poles, more or less, to the Charles W. Bloom land; thence North to the center of the National Road; thence westerly with the said road about forty (40) rods, more or less, to the Southwest corner of Nancy C. Purdum's land; thence North with the Nancy C. Purdum's West line one hundred thirty-seven and 12/100 (137.12) rods, more or less, to the North line of the said Quarter Section to a stone; thence West on said Section line fifty-nine and 20/100 (59.20) poles to the place of beginning, containing Sixty-five (65) acres, more or less.

EXCEPT: Situate in the Township of Jefferson, County of Preble and State of Ohio, and being in the Northwest Quarter of Section 33, Town 9, Range 1 East, and bounded and described as follows: Beginning at a stone in the centerline of the National Road (U. S. 40) where the same intersects the East line of said Quarter Section; thence South along the East line of said Quarter Section 26.77 rods to a point; thence West along the South line of said Quarter Section 97.21 rods to a point; thence North and parallel to the East line of said Quarter Section 17.88 rods to a point in the centerline of said National Road (U. S. 40); thence easterly along the centerline of said road to the point of beginning, containing 13.67 acres of land, more or less.

(And being the same premises as recorded in Volume 238, Page 629, and Volume 239, Page 142, of the Records of Deeds of Preble County, Ohio.)

Containing in all after said exception 51.33 acres of land, more or less, subject to all legal highways and rights of way.

The parties agree that said premises, or any part thereof, shall be used for residential, farming or storage purposes only, so long as such storage is not unsightly; that said tract may be subdivided; that each lot so subdivided shall be used for single family or multi-family dwellings only, together with appurtenant accessory buildings; that each such dwelling shall have not less than One Thousand Two Hundred Fifty square feet of heated living space; that buildings shall be constructed so that concrete block is not the predominant exposed component on the exterior of said buildings; and that no mobile homes or inoperative automobiles shall be placed

DESCRIPTIONS APPROVED
J. STEPHEN SHAMONS
PREBLE COUNTY ENGINEER

BY: [Signature]
DATE: July 25, 1986

or suffered to remain on said premises or any part thereof. The parties agree that any subsequent conveyance of this real estate or any part thereof, shall be subject to the restrictions set forth above, and that such restrictions shall run with the land and be binding upon the purchasers and all subsequent owners until the first day of January, 1990, on which date said restrictions shall cease and terminate.

and all the Estate, Title and Interest of the said Robert D. Lewis and Anna Earle Lewis, husband and wife, either in Law or Equity, of, in and to the said premises TOGETHER with all the privileges and appurtenances to the same belonging, and all rents, issues and profits thereof; TO HAVE AND TO HOLD the same to the only proper use of the said Joseph M. Kutter and Ruth Ann Kutter, husband and wife, their heirs and assigns forever.

And the said Robert D. Lewis and Anna Earle Lewis, husband and wife, for themselves and their heirs, executors and administrators, does hereby Covenant with the said Joseph M. Kutter and Ruth Ann Kutter, their heirs and assigns, that they are true and lawful owners of the said premises, and have full power to convey the same; and that the title so conveyed is CLEAR, FREE AND UNINCUMBERED; And further, That they do WARRANT AND WILL DEFEND the same against all claim or claims, of all persons whomsoever;

IN WITNESS WHEREOF, The said Robert D. Lewis and Anna Earle Lewis, husband and wife, who hereby release all their right and expectancy of Dower in the said premises, have hereunto set their hands this 12 day of June, one thousand nine hundred sixty-nine (1969).

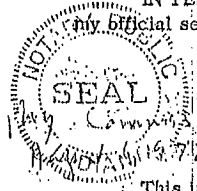
Signed and acknowledged in the presence of:

Duke Clark
Diana Lee
NO. 944 FEB 10 1969
TRANSFERRED 7-25-86
RECEIVED 7-25-1969
TIME 9:30
WITNESSES
ROBERT D. LEWIS
ANNA EARLE LEWIS
RECORDED 7-27-1969
VOL 342 PAGE 353
WILLIAM J. SPANARD Anna Earle Lewis
RECORDER, FREBLE COUNTY OHIO

STATE OF INDIANA, COUNTY OF WAYNE, SS:

Be It Remembered, That on the 12 day of June in the year of our Lord one thousand nine hundred sixty-nine (1969), before me, the subscriber, a Notary Public in and for said county, personally came Robert D. Lewis and Anna Earle Lewis, husband and wife, the grantors in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



David A. Federico
Notary Public

This instrument was prepared by David A. Federico, Attorney at Law.