

COMMONWEALTH LAND TITLE INSURANCE COMPANY
SCHEDULE A

- 1. Commitment Date: July 26, 2017 at 08:00 AM
- 2. Policy to be issued:
- 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 Commitment Date vested in:
 Lot 10, 11, and 12
 The Estate of Hilton H. Smith by Receiver's Deed dated May 31, 2017, filed for record on June 22, 2017 in the office of the Owen County Recorder as Instrument Number 209296.

 Lot 67, 68, 69, 70, and 71
 The Estate of Hilton H. Smith by Receiver's Deed dated February 2, 2012, filed for record on June 22, 2017 in the office of the Owen County Recorder as Instrument Number 209277.
- 5. The Land is described as follows:
 SEE EXHIBIT A ATTACHED HERETO

LANGUELL ABSTRACT & TITLE CORP.

By: Mary O. Harrington
LANGUELL ABSTRACT & TITLE CORP.

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COMMONWEALTH LAND TITLE INSURANCE COMPANY

**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 1. Instrument created the estate or interest to be insured must be executed and filed for record, to-wit:
 - a Compliance with Owen County Zoning and Subdivision Control Ordinances.
 - b Execution and recording of Personal Representative's Deed to proposed insured owner.
 - c Return to Title Agent of properly executed and notarized Vendors Affidavit. Said Affidavit need not be recorded.
 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. Please be advised that our search did not disclose any open mortgages of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
 6. Compliance with the condition of the Supervised Estate of Hilton H. Smith, filed in Clay Circuit Court of Clay County, under Cause Number 11C01-0205-EU-042..
 7. State Form 46021 (R9/7-09) "DISCLOSURE OF SALES INFORMATION" must be completed by the Buyer and Seller and attached to the deed or other document transferring title before the document will be recorded by the County Recorder.

**SCHEDULE B, PART II
Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

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SCHEDULE B
(Continued)

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
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 this Commitment.
2. Owen County Zoning and Subdivision Control Ordinances effective May 26, 2003. – Subject to the arbitrary decision of the Owen County Auditor, Owen County Commissioners and the Owen County Attorney as to the transferability of the herein described real estate.
3. Any easement or servitudes, if any, appearing in the public records.
4. Building setback lines, if any, appearing in the public records.
5. Any Covenants, conditions, and restrictions, if any, appearing in the public records.
6. Assessments for homeowner's association, if any, appearing in the public records.
7. Leases, grants, exceptions, or reservations of minerals or mineral rights, if any, appearing in the public records.
8. Municipal assessments, if any, assessed against the land.
9. A judgment search for judgments which are liens against real estate has been run against Hilton H. Smith, . None were found of record for ten (10) year period.
10. This Company DOES NOT insure any loss or damage arising out of Indiana State Tax Warrants filed in the Clerk's Office.
11. 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
12. Lot 10
Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.
Legal: Cataract Highland V Lot 10
1st Installment due 5/10/2017 \$69.52 Paid
2nd Installment due 11/10/2017 \$69.52 Unpaid
TAX ASSESSMENTS:

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SCHEDULE B
(Continued)

Township - Jackson
 State Tax Parcel Id: 60-03-21-400-050.100-019
 Value/Land:\$6,500.00
 Value/Improvements:\$0.00
 Homestead Exemption:\$0.00
 Supplemental Deduction:\$0.00
 Mortgage:\$0.00

13. Lot 11
 Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.
 Legal: Cataract Highland V Lot 11
 1st Installment due 5/10/2017 \$71.66 Paid
 2nd Installment due 11/10/2017 \$71.66 Unpaid
 TAX ASSESSMENTS:
 Township - Jackson
 State Tax Parcel Id:60-03-21-400-050.110-019
 Value/Land:\$6,700.00
 Value/Improvements:\$0.00
 Homestead Exemption:\$0.00
 Supplemental Deduction:\$0.00
 Mortgage:\$0.00
14. Lot 12
 Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.
 Legal: Cataract Highland V Lot 12
 1st Installment due 5/10/2017 \$72.73 Paid
 2nd Installment due 11/10/2017 \$72.73 Unpaid
 TAX ASSESSMENTS:
 Township - Jackson
 State Tax Parcel Id: 60-03-21-400-050.120-019
 Value/Land:\$6,800.00
 Value/Improvements:\$0.00
 Homestead Exemption:\$0.00
 Supplemental Deduction:\$0.00
 Mortgage:\$0.00
15. Lot 67
 Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.
 Legal: Cataract Highland V Lot 67
 1st Installment due 5/10/2017 \$12.84 Paid
 1st Installment Penalty \$1.28 Unpaid
 1st Installment Annual \$2.52 Unpaid

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SCHEDULE B
(Continued)

2nd Installment due 11/10/2017 \$12.84 Unpaid

TAX ASSESSMENTS:

Township - Jackson

State Tax Parcel Id: 60-03-21-400-050.670-019

Value/Land:\$1,200.00

Value/Improvements:\$0.00

Homestead Exemption:\$0.00

Supplemental Deduction:\$0.00

Mortgage:\$0.00

16. Lot 67

Contract For Sale of Real Estate by and between K. C. Hawk Realty, Vendor, and Tim Thompson and Judy Thompson, Purchaser, dated February 24, 1991, filed for record on July 8, 1991, in the office of the Owen County Recorder In Miscellaneous Record 104, page 182 as Instrument Number 88581.

17. Lot 68

Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.

Legal: Cataract Highland V Lot 68

1st Installment due 5/10/2017 \$28.88 Paid

2nd Installment due 11/10/2017 \$28.88 Unpaid

TAX ASSESSMENTS:

Township - Jackson

State Tax Parcel Id: 60-03-21-400-050.680-019

Value/Land:\$2,700.00

Value/Improvements:\$0.00

Homestead Exemption:\$0.00

Supplemental Deduction:\$0.00

Mortgage:\$0.00

18. Lot 69

Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.

Legal: Cataract Highland V Lot 69

1st Installment due 5/10/2017 \$149.74 Paid

2nd Installment due 11/10/2017 \$149.74 Unpaid

TAX ASSESSMENTS:

Township - Jackson

State Tax Parcel Id: 60-03-21-400-050.690-019

Value/Land:\$6,100.00

Value/Improvements:\$10,900.00

Homestead Exemption:\$0.00

Supplemental Deduction:\$0.00

Mortgage:\$3,000.00

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SCHEDULE B
(Continued)

19. Lot 68 and 69
Contract For Sale of Real Estate by and between K. C. Hawk Realty, Vendor, and Tim E. Thompson and Judith Ann Thompson, Purchaser, dated April 24, 1989, filed for record on October 28, 1991, in the office of the Owen County Recorder in Miscellaneous Record 105, page 434 as Instrument Number 089917.
20. Lot 70
Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.
Legal: Cataract Highland V Lot 70
1st Installment due 5/10/2017 \$81.28 Paid
2nd Installment due 11/10/2017 \$81.28 Unpaid
TAX ASSESSMENTS:
Township - Jackson
State Tax Parcel Id: 60-03-21-400-050.700-019
Value/Land:\$7,600.00
Value/Improvements:\$0.00
Homestead Exemption:\$0.00
Supplemental Deduction:\$0.00
Mortgage:\$0.00
21. Lot 71
Real estate taxes for the year 2016 due in 2017 and all taxes thereafter.
Legal: Cataract Highland V Lot 71
1st Installment due 5/10/2017 \$72.73 Paid
2nd Installment due 11/10/2017 \$72.73 Unpaid
TAX ASSESSMENTS:
Township - Jackson
State Tax Parcel Id:60-03-21-400-050.710-019
Value/Land:\$6,800.00
Value/Improvements:\$0.00
Homestead Exemption:\$0.00
Supplemental Deduction:\$0.00
Mortgage:\$0.00
22. All Lots:
A right of way to Gulf Pipeline Company for the right to lay, maintain and operate a pipeline dated August 15, 1930, file for record on October 25, 1930 in the office of the Owen County Recorder in Miscellaneous Record 11, page 243; Right of Way Assigned to Gulf Refining Company dated December 31, 1956, filed for record on March 10, 1958 in the office of the Owen County Recorder in Miscellaneous Record 28, page 229; Right of Way Assigned to Williams Brothers Pipeline Company dated March 8, 1973, filed for record on April 12, 1973 in the office of the Owen County Recorder in Miscellaneous Record 37, page 303; Right of Way Partially Assigned to Williams Telecommunications Company dated October 31, 1986, filed for record on December 1, 1986 in the office of the Owen County Recorder in Miscellaneous Record 82, page 246; Amendment of Right of Way Agreement dated June 25, 1996, filed for record on September 20, 1996 in the office of the Owen County Recorder in Miscellaneous Record 130, page 410. **Affidavit of

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SCHEDULE B
(Continued)

Nonproduction and Request For Cancellation of Record dated July 17, 2017, filed for record on July 18, 2017 in the office of the Owen County Recorder as Instrument Number 209642. ** Policy exception to the future conditions of a Appeal of Cancellation and Redemption (Statute 32-23-8-4.)** Policy exception to the conditions of Voiding a Cancellation (Statute 32-23-8-3.)**

23. All Lots
A right of way easement to Universal Gas Company for the right to construct, operate, patrol and maintain a pipeline dated November 25, 1929, filed for record on October 7, 1931 in the office of the Owen County Recorder in Miscellaneous Record 11, page 537; Right of Way Assigned to Kentucky Natural Gas Corporation dated March 1, 1947, filed for record on April 1, 1947 in the office of the Owen County Recorder in Miscellaneous Record 20, page 555; Right of Way Assigned to Texas Gas Transmission Corporation dated April 5, 1948, filed for record on April 21, 1948 in the office of the Owen County Recorder in Deed Record 109, page 454; Assigned to Indiana Gas Company dated November 5, 1992, filed for record on November 15, 1993 in the office of the Owen County Recorder in Miscellaneous Record 116, page 102.
24. All Lots
An easement to Morgan County REMC dated November 9, 1945, filed for record on September 30, 1947 in the office of the Owen County Recorder in Miscellaneous Record 21, page 252.
25. All Lots
Right of Way Easement to Morgan County REMC dated September 8, 1988, filed for record on February 28, 1989 in the office of the Owen County Recorder in Miscellaneous Record 92, page 543.
26. All Lots
Restrictive Covenants, Conditions and Reservations as shown in the plat of Cataract Highlands Phase V dated March 30, 1988, filed for record on April 18, 1989 in the office of the Owen County Recorder in Plat Book 2, page C-12.
27. All Lots
Right of Way Easement to Cataract Lake Water Corporation dated April 13, 1989, filed for record on April 18, 1989 in the office of the Owen County Recorder in Miscellaneous Record 93, page 424.
- Right of Way Easement to Cataract Lake Water Corporation dated May 25, 1989, filed for record on June 5, 1989 in the office of the Owen County Recorder in Miscellaneous Record 94, page 196.
- Right of Way Easement to Cataract Lake Water Corporation dated June 12, 1989, filed for record on June 12, 1989 in the office of the Owen County Recorder in Miscellaneous Record 94, page 269.
- Right of Way Easement to Morgan County REMC dated September 14, 1989, filed for record on February 14, 1990 in the office of the Owen County Recorder in Miscellaneous Record 97, page 195.
- Right of Way Easement to Morgan County REMC dated April 8, 1989, filed for record on March 20, 1990 in the office of the Owen County Recorder in Miscellaneous Record 97, page 617.

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SCHEDULE B
(Continued)

Right of Way Easement to Cataract Lake Water Corporation dated June 11, 1994, filed for record on June 20, 1994 in the office of the Owen County Recorder in Miscellaneous Record 119, page 42.

Right of Way Easement to Cataract Lake Water Corporation dated August 11, 1998, filed for record on August 17, 1998 in the office of the Owen County Recorder in Miscellaneous Record 142, page 372.

28. Court Order filed under Cause No: 11C01-0110-CP-344 by the Clay Circuit Court here by ordered, adjudged and decreed that the Partnership shall be dissolved, between The Estate of Hilton H. Smith, Plaintiff, and Fred B. Keuthan and Charles McNeal Burpee, Defendants, order signed December 6, 2011.
29. 24 Month Chain of Title:
- Lot 10, 11, and 12
The Estate of Hilton H. Smith by Receiver's Deed dated May 31, 2017, filed for record on June 22, 2017 in the office of the Owen County Recorder as Instrument Number 209296.
- Lot 67, 68, 69, 70, and 71
The Estate of Hilton H. Smith by Receiver's Deed dated February 2, 2012, filed for record on June 22, 2017 in the office of the Owen County Recorder as Instrument Number 209277.
- Fred B. Keuthan and Hilton H. Smith, as tenants in common and not as joint tenants, by Warranty Deed dated April 29, 1988, filed for record in the office of the Owen County Recorder on May 10, 1988 in Deed Record 155, page 175, as Instrument Number 77354.
30. Rights of way for drainage tiles, feeders and laterals, if any.
- Rights of the public, State of Indiana, County of Owen and the municipality in and to that part of the premises taken or used for road purposed.
- PLEASE NOTE: The acreage in the legal description is shown for convenience only and should not be construed as insuring the quantity of land set forth in said description.
31. "IC 27-7-3.7 requires funds deposited into an escrow account of a closing agent in amounts of \$10,000.00 or more to be in the form of wired funds. Funds in amounts less than \$10,000.00 may be deposited in the form of cash, wired funds, cashier's check, certified check, check on the account of another closing agent, or check drawn on the account of a licensed real estate broker. Personal checks in excess of \$500.00 will not be accepted."
32. * By virtue of I.C. 27-7-3.6, a fee of \$5 will be collected from the purchaser of the policy for each policy issued in conjunction with a closing occurring on or after July 1, 2006. The fee should be designated in the 1100 series of the HUD form as a TIEFF (Title Insurance Enforcement Fund Fee) charge.
33. NOTE: Indiana Code 8-1-26 provides for the recordation of a Notice of Underground Facilities. The proposed insured is invited to make inquiry of all operators of such facilities is of concern to the proposed insured. No search has been

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SCHEDULE B
(Continued)

made for Notice Of Underground Facilities which may have been recorded.

NOTE: Notice of claim shall be made to the Company as provided in the policy. Complaints about the handling of any claim should be directed to the Company and also may be made to the Indiana Department of Insurance by writing or calling:

Public Information/Market Conduct
Indiana Department of Insurance;
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204-2787

Consumer Hotline: 1-800-622-4461
In the Indianapolis Area: 1-317-232-2395

34. NOTE: Privacy Policy Attached.
35. NOTE: AN OWNER'S POLICY IN CONNECTION WITH THIS COMMITMENT WILL CONTAIN THE FOLLOWING PRE-PRINTED EXCEPTIONS:
1. Rights or claims of parties other than Insured in actual possession of any or all of the property.
 2. Unrecorded easements, discrepancies or conflicts in boundary lines, shortage in area and encroachments which an accurate and complete survey would disclose.
 3. Unfiled mechanic's or materialmen's liens.

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COMMONWEALTH LAND TITLE INSURANCE COMPANY

Commitment Number: 2017020396

EXHIBIT A
PROPERTY DESCRIPTION

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

Lot Number Ten (10), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Also,

Lot Number Eleven (11), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Also,

Lot Number Twelve (12), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Also,

Lot Number Sixty-seven (67), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Also,

Lot Number Sixty-eight (68), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Also,

Lot Number Sixty-nine (69), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Also,

Lot Number Seventy (70), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Also,

Lot Number Seventy-one (71), Phase V Cataract Highland Subdivision, in Section 21, Township 12 North, Range 4 West, as per recorded plat thereof dated March 30, 1988, recorded April 18, 1989 in Plat Book 2, pages C-12 and C-13, in the office of the Recorder of Owen County, Indiana.

Remit Payment To:
LANGUELL ABSTRACT & TITLE CORP.
51 S. MAIN ST. P.O. BOX 24
SPENCER, INDIANA 47460

INVOICE

Billed To:
Susan Adinamis
250 E 96th St. Suite 150
Indianapolis, IN 46240

Invoice No.:
Invoice Date: August 9, 2017
Please Pay Before: August 9, 2017
Our File Number: 2017020396
Your Reference Number: HILTON SMITH

Property:
Cataract Highland V
Cloverdale, IN 46120
Owen County

Brief Legal: Cataract Highland V Lots 10; 11; 12;
67; 68; 69; 70; 71

DESCRIPTION	AMOUNT
Title Search and Examination Update	200.00
Invoice Total Amount Due	\$ 200.00

THANK YOU !!!