

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
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(AUCTION TRACT 2)

SCHEDULE A

COMMITMENT No.	EFFECTIVE DATE:	Policy or Policies to be issued:	
		ALTA Owner's Policy (06-17-06)	ALTA Loan Policy (06-17-06)
22197.2	December 5, 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:

Jeffrey B. Wagner

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

PARCEL ONE:

Part of the Northwest Quarter of the Northeast Quarter of Section 5, Township 6 South, Range 9 West, in Warrick County, Indiana, and more particularly described as follows:

Commencing at the Southeast corner of said Quarter Quarter Section; thence South 89 degrees 54 minutes 30 seconds West, along the West line thereof, 280.0 feet to the point of beginning; thence North 02 degrees 26 minutes 25 seconds East 494.0 feet; thence South 86 degrees 08 minutes 05 seconds East 208.86 feet to the center of FEHD; thence along the center of said ditch North 30 degrees 45 minutes 39 seconds West 1007.02 feet to the North line of said Quarter Quarter Section; thence West, along said North line, 753.0 feet to the Northwest corner of said Quarter Quarter Section; thence South 00 degrees 03 minutes 29 seconds West, along the West line thereof, 1346.48 feet to the Southwest corner of said Quarter Quarter Section; thence North 89 degrees 54 minutes 30 seconds East, along the South line thereof, 1040 feet to the point of beginning.

The above-described real estate is also known as Parcel Two (2) in the West Minor Subdivision recorded on December 17, 1999 as Instrument No. 1999R-015468 in the Office of the Recorder of Warrick County, Indiana.

Schedule A Continued:

Commitment No.: 22197.2

PARCEL TWO:

Part of the Southwest Quarter of the Northeast Quarter of Section 5, Township 6 South, Range 9 West, in Warrick County, Indiana, and more particularly described as follows:

Beginning at the Southeast corner of said Quarter Quarter Section; thence running North to the Northeast corner of said Quarter Quarter Section; thence running West to the Northwest corner of said Quarter Quarter Section; thence running South Forty (40) rods; thence running East Seven Hundred Seventy-two (772) feet to an iron pin; thence running South to an iron pin which is Two Hundred Twenty-one (221) feet North of the South line of said Quarter Quarter Section; thence running East Two Hundred Eleven (211) feet; thence running South to the South line of said Quarter Quarter Section; thence running East to the place of beginning.

EXCEPT THEREFROM that certain real estate conveyed by Sallie E. Wagner to Dennis R. West and Rhonda Sue West, husband and wife, by Warranty Deed dated December 16, 1999 and recorded December 17, 1999 as Instrument No. 1999R-015473 in the Office of the Recorder of Warrick County, Indiana, and which said real estate is more particularly described as follows:

Part of the Southwest Quarter of the Northeast Quarter of Section 5, Township 6 South, Range 9 West, in Warrick County, Indiana, and more particularly described as follows:

Beginning at the Northeast corner of said Quarter Quarter Section; thence South 89 degrees 54 minutes 30 seconds West, along the North line thereof, 280.0 feet; thence South 00 degrees 09 minutes 28 seconds East 15.0 feet; thence North 89 degrees 54 minutes 30 seconds East 280.0 feet to the East line of said Quarter Quarter Section; thence North 00 degrees 09 minutes 28 seconds West, along said East line, 15.0 feet to the point of beginning.

--- End of Schedule A ---

Chicago Title Insurance Company
COMMITMENT

SCHEDULE B

Commitment No. 22197.2

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 Jeffrey B. 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. (This mortgage represents a lien against Parcels One and Two.)**

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.: 22197.2

3. Special Exceptions:

1. Real estate taxes for Parcel One are assessed under Tax Code No. 87-12-05-200-008.000-019, Ohio Township; assessed valuation of land - \$38,400.00, 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 \$291.34 for each installment are both paid; lien of 2008 real estate taxes, due and payable in 2009.

Real estate taxes for Parcel Two are assessed under Tax Code No. 87-12-05-201-002.000-019, Ohio Township; assessed valuation of land - \$39,300.00, 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 \$298.16 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 West Minor Subdivision recorded December 17, 1999 as Instrument No. 1999R-015468. (This exception applies to Parcel One only.)
4. Oil and gas lease granted by Edward S. Wagner and Clara D. Wagner, as lessor, to Karl Michel and Engelbert Michel, as lessee, dated June 30, 1948 and recorded July 19, 1948 in Oil and Gas Lease Record 7, page 482. (This exception applies to Parcel One only.)
5. Right-of-way easement granted to the Town of Chandler, Indiana dated September 11, 1987 and recorded September 21, 1987 in Deed File 3, Card 1401. (This exception applies to Parcel One only.)
6. Easement of right-of-way granted Southern Indiana Gas and Electric Company dated July 21, 1949 and recorded December 10, 1990 in Deed File 3, Card 10348. (This exception applies to Parcel One only.)
7. Easement for right-of-way granted Southern Indiana Gas and Electric Company dated March 23, 1956 and recorded September 5, 1956 in Miscellaneous Book 50, page 342. (This exception applies to Parcel Two only.)
8. Easement for right-of-way granted Southern Indiana Gas and Electric Company dated March 23, 1956 and recorded September 17, 1957 in Miscellaneous Book 53, page 137. (This exception applies to Parcel Two only.)
9. Any easements or servitudes appearing in the public records.
10. Rights-of-way for drainage tiles, legal drains, ditches, feeders and laterals, if any.
11. Rights of the Public, State of Indiana, County and municipality in and to that part of the premises taken or used for road purposes.

Schedule B Continued:

Commitment No.: 22197.2

12. 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.

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 ---