

ATTORNEY'S CERTIFICATE OF TITLE

To: Halderman Real Estate & Farm Management

The undersigned hereby certifies that she has made a thorough examination of the records of Preble County, Ohio, since April 23, 1963 at 2:47 p.m. for Tract 1 - 181.674 acres located in the Southwest and Southeast Quarters of Section 20, Jackson Township, Preble County, Ohio; since April 23, 1963 at 2:47 p.m. for Tract 2 – 1.071 acres located in the Southwest Quarter of Section 20, Jackson Township, Preble County, Ohio; and since February 21, 1974 at 11:30 a.m. for Tract 3 – 107.398 acres located in the Northeast and Southeast Quarters of Section 21, Jackson Township, Preble County, Ohio, as disclosed by the public indexes in accordance with the Ohio Marketable Title Act, relating to premises hereinafter described.

This certificate does not purport to cover matters not of record in said County, including right of persons in possession, questions which a correct survey or inspection would disclose, rights to file mechanic's liens, special taxes and assessments not shown by the County Treasurer's records, Federal bankruptcy records, or zoning and other governmental regulations, including flood zone determination, or liens asserted by the United States or State of Ohio, their agencies and officers under the Ohio Solid Hazardous Waste Disposal Act, Federal Super Fund Amendments, and under Racketeering Influence Corrupt Organization Acts and Receivership Liens, unless the lien is filed in the public records of the county in which the property is located.

The undersigned further certifies that, in her opinion, based upon said records, the fee simple title to said premises known as Tract 1 (181.674 acres) is vested of record in **Phyllis Ann Marling, Successor Trustee under the David Eldon Marling Amended Second Restatement of Trust u/a/ dated July 29, 1998**, by a Successor Memorandum of Trust from Phyllis Ann Marling, Successor Trustee under the David Eldon Marling Amended Second Restatement of Trust u/a/ dated July 29, 1998, dated 6/8/2024, filed 8/23/2024 at 11:36 a.m., and recorded in Official Records Volume 458, Page 1200, Recorder's Office, Preble County, Ohio; and that as appears from said records, the title is marketable and free from encumbrances except and subject to the matters set forth herein below, exclusive.

The undersigned further certifies that, in her opinion, based upon said records, the fee simple title to said premises known as Tract 2 (1.071 acres) is vested of record in **Phyllis A. Marling**, by a Survivorship Affidavit Deed stating the death of David E. Marling, dated 6/8/2024, filed 8/23/2024 at 11:36 a.m., and recorded in Official Records Volume 458, Page 2457, Recorder's Office, Preble County, Ohio; and that as appears from said records, the title is marketable and free from encumbrances except and subject to the matters set forth herein below, exclusive.

The undersigned further certifies that, in her opinion, based upon said records, the fee simple title to said premises known as Tract 3 (107.398 acres) is vested of record in **Phyllis A. Marling, Trustee UA dated July 29, 1998**, by a Quit Claim Deed from David E. Marling and Phyllis A. Marling, husband and wife, dated 7/29/1998, filed 8/4/1998 at 10:35 a.m., and recorded in Deed Record Book 404, Page 623, Recorder's Office, Preble County, Ohio; and that as appears from said records, the title is marketable and free from encumbrances except and subject to the matters set forth herein below, exclusive.

1. Taxes and assessments are carried under parcel number(s):

F21-8120-300-00-001-000 (181.674 acres) and are **PAID** for the first half of the 2024 taxes, in the amount of \$3,281.86, which includes \$2.50 for 911 assessment number 17-911-00. Second half taxes for the 2024 tax year are **PAID** in the amount of \$3,281.86, which includes \$2.50 for 911 assessment number 17-911-00.

F21-8120-300-00-002-000 (1.071 acres) and are **PAID** for the first half of the 2024 taxes, in the amount of \$ 1,133.65, which includes \$2.50 for 911 assessment number 17-911-00, and \$47.17 for Landfill assessment number 33-002-00. Second half taxes for the 2024 tax year are **PAID** in the amount of \$ 1,133.65, which includes \$2.50 for 911 assessment number 17-911-00, and \$47.17 for Landfill assessment number 33-002-00.

F21-8121-200-00-004-000 (107.398 acres) and are **PAID** for the first half of the 2024 taxes, in the amount of \$1,867.03, which includes \$2.50 for 911 assessment number 17-911-00. Second half taxes for the 2024 tax year are **PAID** in the amount of \$1,867.03, which includes \$2.50 for 911 assessment number 17-911-00.

Subject to taxes and assessments for the year 2025, payable in 2026, which are undetermined and not yet payable, but a lien against the premises. Subject to taxes or assessments approved, levied or enacted by the State, County, Municipality, Township or similar taxing authority, but not yet certified to the tax duplicate of the County in which the land is situated, including any retroactive increases in taxes or assessments resulting from a retroactive increase in the valuation of the land by the State, County, Municipality, Township or other taxing authority. Taxes are figured at CAUV rates and if the land is taken out of agricultural use there arises a charge levied upon said land in an amount equal to the tax savings for the three preceding tax years. The undersigned does not certify against loss or damage nor will it pay attorney's fees or costs for recoupment of taxes pursuant to RC Chapter 5713 et seq. if said land or any part thereof is or has been converted to non-agricultural use.

2. Tract 1 (181.674 acres) - Mortgage from David E. Marling and Phyllis A. Marling, husband and wife, to Carrolle A. Markle, dated 12/31/1990, filed 12/31/1990 at 3:07 p.m. and recorded in Mortgage Record Book 295, Page 18, in the Recorder's Office, Preble County, Ohio. Face Amount: \$168,000.00. Note: This mortgage does not contain a maturity date and therefore, could be considered expired by time. Due diligence in obtaining a release is recommended. Further, title insurance may insure over the matter.
3. Tract 2 (1.071 acres) - Mortgage from Phyllis A. Marling, Trustee, to Heritage Community Bank, dated 3/23/2005, filed 4/18/2005 at 2:38 p.m. and recorded in Official Record Volume 230, Page 1709, in the Recorder's Office, Preble County, Ohio. Face Amount: \$50,000.00. Open End.
4. Tract 1 (181.674 acres), Tract 2 (1.071 acres), Tract 3 (107.398 acres) - Preble County Commission Resolution #320-24-207 designating the entirety of the unincorporated area of Jackson Township as a "Restricted Area" against economically significant wind farms, large wind farms and large solar facilities. Said Resolution dated 6/26/2024, filed 7/5/2024 at 1:44 p.m. and recorded in Official Record Volume 456, Page 2458, Recorder's Office, Preble County, Ohio.
5. An Estate will need to be opened for Phyllis Anne Marling, as she passed away on July 25, 2024, being the fee simple owner in Tract 2.
6. This certificate does not insure the following: (a) Riparian rights, or (b) Title to that portion of land lying beneath the high water mark of any creek/river passing through caption premises (c) Rights of all upper and lower riparian owners and the public in general in and to the waters of Whitewater Creek passing through caption premises and the uninterrupted, natural, unpolluted flow thereof.
7. Tract 1 (181.674 acres) - The legal description for the examined tract is stamped "Does not meet Preble County Engineering Standards. A new survey is recommended." This stamp does not mandate a new survey. The property can continue to be transferred using the current description.
8. Tract 3 (107.398 acres) - The legal description for the examined tract is stamped "Does not meet Preble County Engineering Standards. A new survey is required. The property cannot continue to be transferred using the current description, as it contains too many exceptions.
9. Notwithstanding the reference to acreage or square footage in the description set forth below, this certificate does not insure nor guarantee the acreage or quantity of land set forth herein.
10. Rights of the public in and to that portion of the land lying within the bounds of any legal highway, including West Florence Campbellstown Road and Paddock Road.

Said property is situated in the County of Preble, State of Ohio, and is described as follows:

TRACT 1:

The following described real estate, situate in the County of Preble, in the State of Ohio and in the Township of Jackson, and bounded and described as follows: Being in the Southwest Quarter of Section No. Twenty (20) in Township No. Eight (8) Range One (1) East. Also twenty Acres of land off the West side of the Southeast Quarter of said section, containing in the aggregate One Hundred Eighty- four (184) acres more or less. (And being the same premises Conveyed to Millard S. Markle and Nellie H. Markle, husband and wife, of Richmond, Indian as recorded February 7, 1950, in Volume 188 at Page 683 of the Records of Deeds of Preble County, Ohio.) Excepting therefrom the following described real estate conveyed by Grantor herein to Earlham College by Deed Recorded in Preble County; Ohio Deed Records, Volume 265 at Page 344, to wit: Being a part of the Southeast Quarter of Section Twenty (20), Township Eight (8) North, Range One (1) East in Jackson Township, Preble County, Ohio, and being more particularly described as follows: Beginning at an iron rod in the south line of the Southeast quarter of said Section Twenty (20), said point being two hundred nine (209.00) feet east of an iron rod at the southwest corner of said Southeast Quarter, and running thence, from said beginning point, north zero (0) degrees and six (06) minutes east, (assuming that the south line of said Southeast Quarter runs east and west), parallel to the west line of said Southeast Quarter, four hundred fifty and ten hundredths (450.10) feet to an iron pipe in the fence line; thence north eighty-nine (89) degrees and three (03) minutes east, along said fence, one-hundred twenty-one (121.00) feet to an iron pipe; thence south zero (0) degrees and six (06) minutes west, parallel to the west line of said Southeast Quarter; four hundred fifty-two and one tenth (452.10) feet to an iron rod in the south line of said Southeast Quarter; thence west, along said south line, one hundred twenty-one (121.00) feet to the place of beginning; containing an area of one and two hundred fifty-five thousandths (1.255) acres.

ALSO EXCEPTING THEREFROM the following described real estate conveyed by Grantor herein to David E. Marling and Phyllis A. Marling, husband and wife, by Deed Recorded in Preble County, Ohio Deed Records, Volume 347 Page 131, to-wit: Situated in the Southwest Quarter of Section Twenty (20), Township Eight (8) North, Range One (1) East, Jackson Township, Preble County, Ohio and being part of a 184 acre tract of land described in Deed Book 265, Page 281 in the Office of the Preble County Recorder and being more particularly described as follows: Commencing at an iron pin found set for the Southeast corner of said quarter section South 88 degrees 26 minutes 00 seconds West a distance of 317.95 feet to a R.R. spike to a feet for the TRUE POINT OF BEGINNING of the tract herein described; thence continuing along said line South 88 degrees 26 minutes 00 seconds West a distance of 186.42 feet to a R.R. spike set; thence North 1 degree 34 minutes 00 seconds West a distance of 250.17 feet to an iron pin set; thence parallel with said South section line North 88 degrees 26 minutes 00 seconds East a distance of 186.42 feet to an iron pin set; thence South 1 degree 34 minutes 00 seconds East a distance of 250.17 feet to the point of beginning, containing 1.701 acres of land, more or less.

Subject To: The right-of-way of all legal streets and roads. The real estate herein conveyed containing, after the above exceptions, a total of **181.674** acres.

TRACT 2:

Situated in the Southwest Quarter of Section Twenty (20), Township Eight (8) North, Range One (1) East, Jackson Township, Preble County, Ohio and being part of a 184 acre tract of land described in Deed Book 265, Page 281 in the Office of the Preble County Recorder and being more particularly described as follows:

Commencing at an iron pin found set for the Southeast corner of said Southwest Quarter in the centerline of Paddock Road; thence along said centerline and the South line of said quarter section South 88 degrees 26 minutes 00 seconds West a distance of 317.95 feet to a R.R. spike set for the TRUE POINT OF BEGINNING of tract herein described:

Thence continuing along said South 88 degrees 26 minutes 00 seconds West a distance of 186.42 feet to a R.R. spike set;

Thence North 1 degree 34 minutes 00 seconds West a distance of 250.17 feet to an iron pin set;

Thence parallel with said South section line North 88 degrees 26 minutes 00 seconds East a distance of 186.42 feet to an iron pin set;

Thence South 1 degree 34 minutes 00 seconds East a distance of 250.17 feet to the point of beginning, containing 1.071 acres of land more or less and being subject to all legal highways and other easements of record.

TRACT 3

Situate in the Township of Jackson in the County of Preble and State of Ohio, and bounded and described as follows: Being the middle one-third part of the east half of section 21, Township 8, range 1 east, to be set off and divided by a line drawn east and west on the north side and by a line drawn east and west on the south side and divided from the other two-thirds of said half section, the tract herein conveyed, containing 110 acres of land, more or less. Record Vol. 169, page 209, and Vol. 218, Page 326.

The following EXCEPTED TRACTS heretofore deeded by Grantor herein viz:

EXCEPT TRACT (1) Being a part of the Northeast and Southeast Quarters of Section Twenty-one (21), Township Eight (8) North, Range One (1) East, in Jackson Township, Preble County, Ohio, and being more particularly described as follows:

Beginning at the Southeast corner of said northeast quarter, and running thence, from said beginning point, south, along the east line of said southeast quarter, fifty-six (56) feet; thence west, parallel to the north line of said southeast quarter, one hundred nineteen and seventy hundredths (119.70) feet; thence north, parallel to the east lines of said southeast and northeast quarters, two hundred sixty-eight and eleven hundredths (268.11) feet; thence east, parallel to the south line of said northeast quarter, one hundred nineteen and seventy hundredths (119.70) feet to a point in the east line of said northeast quarter; thence south, along said east line, two hundred twelve and eleven hundredths (212.11) feet to the place of beginning, containing a total area of seventy-Three hundredths (0.73) acres, more or less, there being fifty-eight hundredths (0.58) acres, more or less, in the northeast quarter of said section twenty-one (21), and fifteen hundredths (0.15) acres, more or less, in the southeast quarter of said section. SUBJECT TO: The right-of-way of all legal highways. Record Vol. 238, page 177.

EXCEPT TRACT (2) Situate in part of the Northeast and Southeast Quarter of Section 21, town 8 North, Range 1 East of Jackson Township, Preble County, Ohio and being a part of the Mary Larsh properly as described in Deed Book 225, Page 558 of the deed records of Preble County, Ohio and being more particularly described as follows:

Beginning at a railroad spike at the Southeast corner of the Northeast Quarter of Section 21 in the centerline of West Florence-Campbellstown Road; thence South 0° 20' West with the East line of Section 21 in the centerline of West Florence-Campbellstown Road a distance of 56.00 feet to a railroad spike at the place of beginning of this description; thence continuing with the aforesaid line South 0° 20' West a distance of 49.59 feet to a railroad spike; thence North 88° 57' West a distance of 152.00 feet to an iron pin; thence North 0° 20' East a distance of 317.70 feet to an iron pin; thence South 88° 57' East distance of 32.30 feet to the Northwest corner of a 0.73 acre tract as described in Deed Book 238, Page 177 of the deed records of Preble County, Ohio; thence South 0° 20' West with the said 0.73 acre tract & distance of 268.11 feet to the Southwest corner thereof; thence South 88° 57' East with the South line of the said 0.73 acre tract a distance of 119.70 feet to the place of beginning, containing 0.372 acres of land, more or less, and being subject to all legal highways and easements of record.

EXCEPT TRACT (3) Situated in the Northeast Quarter, Section 21, T-8N, R-1E, Jackson Township, Preble County, Ohio and being more particularly described as follows:

Beginning at a railroad spike on the east line of said Section 21, 654.00 feet north of the southeast corner of said northeast quarter and in the West Florence-Campbellstown Road; thence N. 89° 46' West for 119.00 feet to an iron pin; thence Due North for 268.92 feet to an iron pin on the grantors north property line; thence with said property line, S. 89° 46' E. for 119.00 feet to a railroad spike on the east line of said Section 21 and in said Road; thence with said east line and said Road, due South for 268.92 feet to the point of beginning. Containing 0.73 acres more or less.

Subject however to all legal rights of way and easements of record. Record Vol. 260, Page 456.

EXCEPT TRACT (4) Situate in part of the Northeast Quarter of Section 21, Town 8 North, Range 1 East of Jackson Township, Preble County, Ohio and being a part of the Mary Larsh properly as described in Deed Book 225, Page 558 of the deed of records of Preble County, Ohio and being more particularly described as follows:

Beginning at a railroad spike at the Southeast corner of the Northeast Quarter of Section 21 in the centerline of West Florence-Campbellstown Road; thence North 0° 20' East with the East line of Section 21 in the centerline of West Florence-Campbellstown Road a distance of 604.99 feet to an iron pin at the place of beginning of this description, said iron pin being at the Northeast corner of a 0.41 acre tract as described in Deed Book 274, Page 301 of the deed records of Preble County, Ohio; thence North 88° 54' West with the North line of the said 0.41 acre tract a distance of 152.00 feet to an iron pin; thence North 0° 20' East a distance of 315.67 feet to an iron pin on the North line of the said Mary Larsh properly; thence South 89° 26' East with the North line of the said Mary Larsh properly a distance of 33.00 feet to an iron pin at the Northwest corner of a 0.73 acre tract as described in Deed Book 260, page 456 of the deed record of Preble County, Ohio; thence South 0° 20' West with the West line of the said 0.73 acre tract a distance of 268.92 feet to an iron pin at the Southwest corner thereof; thence South 89° 26' East with the South line of the said 0.73 acre tract a distance of 119.00 feet to a railroad spike on the East line of Section 21; thence South 0° 20' West with the East line of Section 21 and the centerline of West Florence-Campbellstown Road a distance of 48.78 feet to the place of beginning, containing 0.370 acres of land, more or less, and being subject to all legal highways and easements of record.

EXCEPT TRACT (5) Being a part of the Northeast Quarter of Section 21, Township 8 North, Range 1 East, in Jackson Township, Preble County, Ohio, and being more particularly described as follows:

Beginning at an iron rod on the east line of the Northeast Quarter of said Section 21, said point being 517.22 feet north of the Southeast corner of said Northeast Quarter, and running thence, from said beginning point, North 89 degrees and 15 minutes West 203.00 feet to an iron pipe, thence North, parallel with the East line of said Northeast Quarter, 88.00 feet to an iron pipe; thence South 89 degrees and 15 minutes East 203.00 feet to an iron rod on the East line of said Northeast Quarter, said rod being 317.70 feet South of a railroad spike at the Northeast corner of a 110 acre tract formerly owned by Herbert and Mary Larsh, as recorded in Deed Record 179, Page 209 in the office of the Preble County Recorder, Preble County, Ohio; thence South, along the East line of said Northeast Quarter, 88.00 feet to the place of beginning, containing an area of 0.410 acres. Subject to all legal highways and rights-of-way. Surveyed by: John E. Beals, Reg. Surveyor No. 7956, State of Indiana. Record Vol. 274, Page 301.

Dated this 8th day of October, 2025 at 7:59 a.m.

Jill E. Hittle

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