

# Schnelle Law Office, LLC

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## PRELIMINARY TITLE OPINION

(8715 Lower Valley Pike, New Carlisle, OH 45344)  
(Auction #3)

The undersigned hereby certifies that it has made a thorough examination of the records of Clark County, Ohio, as disclosed by the public indexes, in accordance with the Ohio Marketable Title Act, relating to the property described on Exhibit "A" attached (the "Property"):

The undersigned further certifies that, in its opinion, based upon said records, the fee simple title to said Property is vested in

Sunrise Cooperative, Inc, an Ohio corporation

(Sunrise Cooperative, Inc is the successor by consolidation of Trupointe Cooperative, Inc., and Sunrise Cooperative, Inc (See OR Volume 2100, Page 330, Clark County, Ohio); Trupointe Cooperative, Inc was the successor by consolidation of Southwest Landmark, Inc and Advanced Agri-Solutions Co-op, Inc. (See OR Volume 1921, Page 577 Clark County, Ohio), Southwest Landmark, Inc. was the successor by consolidation to Clark Landmark, Inc. (See OR Volume 1532, Page 2502, Clark County, Ohio))

pursuant to a quit claim deed recorded at Official Record Volume 2136, Page 354 of the records of Clark County, Ohio; that, as appears from said records, except as to those matters set forth below, that there are no liens, encumbrance or pending suits against the Property or the owner thereof affecting the title thereto.

Parcel I.D. No. 0100500014401005

This Preliminary Title Opinion does not purport to cover matters not of record in Clark County, Ohio, and further excepted are rights of persons in possession, questions which a correct survey or inspection would disclose, rights to file mechanic's liens against the Property, special taxes and assessments not shown by the County Treasurer's records, federal court or bankruptcy proceedings, zoning and other government regulations, or liens asserted by the United States of America or State of Ohio, their agencies and officers, under the Ohio Solid Hazardous Waste Disposal Act, Federal Superfund Amendment, Racketeering Influence Corrupt Organization Acts or receivership liens, unless the lien is filed in the public records of the county in which the Property is located.

Exceptions to and explanation of any of the above are:

1. This tract is a recent split out of a larger tract and separate real tax valuation and tax figures are not yet available. Real estate taxes and assessments for the larger tract are paid through the first half of calendar year 2017. Taxes and assessments for the second half of calendar year 2017 and calendar year 2018 are a lien, but not yet due and payable.

2. This Opinion does not purport to cover any inaccuracy in specific quantity of acreage contained on any survey, if any, or contained within the legal description of premises described herein.
3. Specifically excepted from this Opinion is title to that portion of the Property within the bounds of any roads or highways.

This Opinion is issued solely as a preliminary report of title in connection with a scheduled public auction of the Property and may not be quoted or relied upon, or used for any other purpose, without our prior written consent.

SCHNELLE LAW OFFICE, LLC

By: 

Keith M. Schelle

Dated: February 16, 2018 at 7:59 a.m.

**EXHIBIT "A"**  
**(AUCTION#3-Medway)**

BEING A PART OF A TRACT OF LAND OWNED BY TRUPOINTE COOPERATIVE, INC. AS DESCRIBED IN OFFICIAL RECORD 1921, PAGE 577 (MERGER) OF THE CLARK COUNTY DEED RECORDS, SITUATE IN SECTION 14, TOWN 3, RANGE 9, B.M.R.S., BETHEL TOWNSHIP, CLARK COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the northeast corner of the northeast quarter of Section 14; thence, South 05°-36'-19" West, 2230.12 feet, along the east line of said Section 14 to a point;

thence, South 74°-46'-20" West, 688.60 feet, to an iron pin found at the northeast corner of a tract of land owned by the Board of Clark County Commissioners, Clark County, Ohio as described in Official Record 2037, Page 1628;

thence, South 15°-13'-40" East, 25.00 feet, along the east line of said Board of Clark County Commissioners tract to a point on the southerly right-of-way line of County Road 316 (Lower Valley Pike) and being on the northerly line of a tract of land owned by The City of Dayton Ohio as described in Official Record 1, Page 188, witness an iron pin found North 60°-44'-10" East, 0.98 feet from said point;

thence, South 74°-46'-20" West, 496.77 feet, along the southerly right-of-way line of County Road 316 (Lower Valley Pike) and the southerly line of said Board of Clark County Commissioners tract to an iron pin with cap set at a new division line and being the principal place of beginning of the tract herein conveyed; thence, South 15°-05'-55" East, 193.89 feet, along a new division line to an iron pin with cap set; thence, South 73°-13'-17" East, 193.87 feet, along a new division line to an iron pin with cap set; thence, South 15°-13'-02" East, 155.10 feet, along a new division line to an iron pin with cap set;

thence, South 78°-39'-07" West, 327.91 feet, along a new division line to an iron pin with cap set on an easterly line of said City of Dayton Ohio tract;

thence, North 15°-13'-40" West, 429.56 feet, along an easterly line of said City of Dayton Ohio tract to a point on the southerly right-of-way line of County Road 316 (Lower Valley Pike) and being on the southerly line of said Board of Clark County Commissioners tract, witness an iron pin found South 15°-13'-35" East, 4.80 feet from said point;

thence, North 74°-46'-20" East, 163.23 feet, along the southerly right-of-way line of County Road 316 (Lower Valley Pike) to the principal place of beginning.

Containing 2.385 acres more or less and all being subject to any legal highways and easements of record. The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network. The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated August 29, 2017. All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254