

Transaction Identification Data for reference only:

Issuing Agent: Finley Miller Title Services, LLC
Issuing Office: Finley Miller Title Services, LLC
ALTA Universal ID: 1170271
Issuing Office File Number: 2005461
Property Address: 140th Street Horton, KS 66439

INFORMATIONAL REPORT

Issued by

FINLEY MILLER TITLE SERVICES, LLC

SCHEDULE A

1. Commitment Date: **August 20, 2020, 7:00 am**
2. Policy to be issued:
 - (a) 2006 ALTA® Owner's Policy

Proposed Insured:
Proposed Policy Amount:
 - (b) 2006 ALTA® Loan Policy

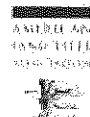
Proposed Insured:
Proposed Policy Amount:
3. The estate or interest in the land described or referred to in this Commitment is **Fee Simple**.
4. Title to the **Fee Simple** estate or interest in the land is at the Effective Date vested in: **Shirley Family Farms, LLC**
5. The land referred to in this Commitment is described as follows:

Tract I: The Northwest Quarter of the Northwest Quarter of Section 16, Township 4, Range 16, Brown County, Kansas; AND

Tract II: A parcel of land located in the East Half of the Northwest Quarter of Section 16, Township 4 South, Range 18 East of the 6th P.M., Brown County, Kansas, described as follows: Beginning at the Northwest corner of the East Half of said Northwest Quarter, thence North 89°57'06" East 210.72 feet; thence South 2°30'50" East 248.24 feet; thence South 29°54'59" West 442.08 feet to a point on the West line of the East Half of said Northwest Quarter; thence North 0°06'08" West 631.00 feet to the Point of Beginning, Brown County, Kansas.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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SCHEDULE B
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. **Real estate taxes for the year 2019 and prior years are shown paid in full. The tax identification number is 1-0699101.**
 2. **Furnish the insurer a current Certificate in Good Standing with the Secretary of State of the State of Kansas for Shirley Family Farms, LLC.**
 3. **Furnish the insurer a copy of the Articles of Organization and the Operating Agreement of Shirley Family Farms, LLC to determine who must sign the documents on behalf of the LLC.**
 4. **Record release of *UCC Financing Statement* in favor of SDS Capital SPC, Ltd., Old Greenwich, Connecticut. Said UCC Financing Statement, Number 16875 was filed in the Register of Deeds Office of Brown County, Kansas on July 17, 2006 at 11:20 a.m. in Book UCC at Page 16875. Said UCC Financing Statement shows that it covers a all assets, including, without limitation, as-extracted collateral, and proceeds thereof..**
 5. **Record properly executed Warranty Deed by authorized member(s) of Shirley Family Farms, LLC, vesting fee simple title in TBD , together with a Kansas Real Estate Sales Validation Questionnaire to accompany said deed.**

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**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.

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.
2. **Right or claims of parties in possession not shown by the Public Records.**
3. **General Taxes for the year 2019, and all subsequent years, and special assessments due or payable therewith.**
4. **Easements, or claims of easements, not shown by Public Records.**
5. **Any encroachment, encumbrance, violation, variation or adverse circumstances affecting Title that would be disclosed by an accurate and complete survey of the Land or that could be ascertained by an inspection of the Land.**
6. **Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
7. **Taxes, or special assessments, if any, not shown as existing liens by the Public Records.**
8. **The Company insures access only as long as the insured listed in Schedule A owns all of the land.**

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9. **Rights-of-Way and easements for roadways, streets, and highways.**
10. **The real estate described in Schedule A is within the boundaries of the Nemaha-Brown Watershed Joint District No. 7 of Nemaha, Brown and Jackson Counties, Kansas, and as a result of the same, may be subject to special assessment and taxation.**
11. **Order of Designation Pesticide Management Area limiting the input of Atrazine into surface water in the Delaware River Basin in Northeast Kansas filed August 11, 1992 at 8:10 A.M. and recorded in Book 345 at Pages 259-278 of the Register of Deeds Office of Brown County, Kansas.**
12. **Terms and conditions of a Right-of-Way Agreement in favor of the Rural Water District No 2, Brown County, Kansas, dated April 22, 1993, filed April 22, 1993 at 2:45 p.m., and recorded in Book 348, Page 1939 of the Register of Deeds Office of Brown County, Kansas.**
13. **Terms and conditions of a Right-of-Way Agreement in favor of the Rural Water District No 2, Brown County, Kansas, dated June 25, 1992, filed June 26, 1993 at 12:05 p.m., and recorded in Book 348, Page 548-549 of the Register of Deeds Office of Brown County, Kansas.**
14. **Oil and Gas Lease, dated July 18, 2002, executed by H. Wayne Shirley and Laura Lee J. Shirley, as Trustees of the H. Wayne Shirley and Laura Lee J. Shirley Revocable Trust Agreement, dated August 30, 2000, in favor of Contex Energy Company. Said oil and gas lease is recorded in Book 393 at Pages 655-656 of the Register of Deeds Office of Brown County, Kansas. This oil and gas lease has a primary term of five years from the date of the lease or as long thereafter as oil or gas of whatsoever nature or kind is produced from the leased premises with an option to the lessee to renew and extend the lease for an additional term of three years upon payment of a certain amount of money listed in said easement. There is an Assignment of Overriding Royalty Interest, recorded January 21, 2003, in Book 396 at Page 971-982; There is an *Assignment of Oil and Gas Lease* assigned by Contex Energy Company in favor of Heartland Oil and Gas Corp. This assignment was filed April 18, 2005 and recorded in Book 414 at Page 43 of the Register of Deeds Office of Brown County, Kansas. An additional Assignment of Overriding Royalty Interest was recorded May 9, 2005 in Book 414 at Page 386-401 in the office of the Register of Deeds of Brown County, Kansas.**
15. **There is a UCC Financing Statement filed in the Register of Deeds Office of Brown County, Kansas recorded in Book UCC at Page 16875 wherein Heartland Oil & Gas Corp as debtor gives a security interest in said oil and gas lease to SDS Capital**

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SPC, Ltd on all assets, including, without limitation, as-extracted collateral, and proceeds thereof.

16. The land described in Schedule A is or may be within the exterior boundaries of the Kickapoo Tribal Reservation. Therefore, the Policy is amended to include the following defined term:

"Governmental" as the term appears in the Policy shall mean any tribal, federal or state government (including any of their political subdivisions, agencies or instrumentalities) claiming authority or jurisdiction over the insured land or any persons have an estate or interest in it.

Tract II Only:

17. Terms and Conditions of Plat of Survey dated November 8, 2012, filed on December 4, 2012 at 8:10 a.m. in Book SUR3 at Page 880 in the Office of the Register of Deeds, Brown County, Kansas
18. Terms and Conditions of Plat of Survey dated July 25, 2020, filed on August 17, 2020 at 8:45 a.m. in Book SUR4 at Page 207 in the Office of the Register of Deeds, Brown County, Kansas

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