

***Transaction Identification Data for reference only:***

Issuing Agent: Finley Miller Title Services, LLC

Issuing Office: Finley Miller Title Services, LLC

ALTA Universal ID:

Loan ID Number:

Commitment Number:

Issuing Office File Number: 2005454

Property Address: 150th & Horned Owl Road Horton, KS 66439

Revision Number: \_\_\_\_\_

**INFORMATIONAL TITLE REPORT**

Issued by

**FINLEY MILLER TITLE SERVICES, LLC**

**SCHEDULE A**

1. Commitment Date: **September 24, 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:  
  
**SEE ATTACHED EXHIBIT "A"**

*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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**EXHIBIT "A"**

**Southeast Quarter of Section 10, Township 4, Range 16, less railroad right of way, and LESS a tract described as beginning at the Southeast Corner of the Southeast Quarter of Section 10, Township 4, Range 16, in Brown County, Kansas, thence West 396 feet, thence North 330 feet, thence East 396 feet, thence South 330 feet, to point of beginning.**

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## INFORMATIONAL TITLE REPORT

Issued by

***Finley Miller Title Services, LLC***

### **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 1-06820.**
  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 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 2020, 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.**
9. **Rights-of-Way and easements for roadways, streets, and highways.**
10. **Terms and conditions of a reservation of right of way contained in a Warranty**

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Deed, recorded in Book S at Page 249 in the office of the Register of Deeds of Brown County, Kansas.

11. Terms and conditions of a reservation of right of way contained in a Warranty Deed, recorded in Book S at Page 278 in the office of the Register of Deeds of Brown County, Kansas.
12. The real estate described in Schedule A is within the boundaries of the Little Delaware-Mission Creek Watershed Joint District No. Five of Brown County, Kansas, and as a result of the same, may be subject to special assessment and taxation.
13. Terms and conditions of a Certificate of Abandonment filed by Chicago, Rock Island and Pacific Railroad Company on June 18, 1969 in Book 270 at Page 528 in the office of the Register of Deeds of Brown County, Kansas.
14. Terms and conditions of a Right of Way in favor of United Telephone Company of Kansas, Inc., recorded March 15, 1972 in Book 381 at Page 20 in the office of the Register of Deeds of Brown County, Kansas.
15. Terms and conditions contained in a Quit Claim Deed in favor of Dirt and Gravel, Inc., which Quit Claim Deed reserves a perpetual easement for transportation and transmissions systems of Grantor, and acknowledges Grantor's prior conveyance of its interests in all mineral rights to a separate party, recorded April 7, 1986 in Book 322 at Page 348-353 in the office of the Register of Deeds of Brown County, Kansas.
16. Oil and Gas Lease in favor of Presley Petroleum, Co., dated September 25, 1990, for a period of 3 years or as long thereafter as oil or gas of whatsoever nature or kind is produced from the premises or any acreage pooled or unitized therewith. This Oil and Gas Lease is recorded in Book 329, Page 646-648 of the Register of Deeds Office of Brown County, Kansas.
17. Terms and conditions of a Right of Way Easement, in favor of Rural Water District No. 2, Brown County, Kansas, recorded January 26, 1993 in Book 348 at Page 548-549 in the office of the Register of Deeds of Brown County, Kansas.
18. Terms and conditions of a Right of Way Easement, in favor of Rural Water District No. 2, Brown County, Kansas, recorded April 22, 1993 in Book 348 at Page 1938 in the office of the Register of Deeds of Brown County, Kansas.
19. Order of Designation Pesticide Management Area limiting the input of Atrazine into surface water in the Delaware River Basin in Northeast Kansas filed August

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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.

20. **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.
21. **Paid Up Oil and Gas Lease**, in favor of H. Huffman and Co., dated March 7, 2013 and recorded in Book 463 at Page 653-654 in the office of the Register of Deeds of Brown County, Kansas. Said lease was assigned by an Assignment of Oil and Gas Leases, to Saenger Mineral Trust and the Dennis E. Hedke & Annette B. Hedke Revocable Trust, UTA, recorded in Book 471 at Page 622-626 in the office of the Register of Deeds of Brown County, Kansas.

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