


FILED-COMMON PLEAS  
2023 JAN 27 AM 11:33  
CLINTON COUNTY  
COURT CLERK

IN THE COURT OF COMMON PLEAS  
CLINTON COUNTY, OHIO

Beverly Kyle Haines, :  
aka Kyle Haines :  
  
Plaintiff, : CASE NO. CVH 20220021  
  
vs. :  
  
Donel Haines, et. al., :  
  
Defendants. : **NOTICE OF FILING OF  
SECOND SUPPLEMENTAL  
ATTORNEY'S TITLE  
CERTIFICATE**

The undersigned hereby submits the attached Second  
Supplemental Attorney's Title Certificate.

  
\_\_\_\_\_  
William T. Junk  
Attorney for Plaintiff

**PROOF OF SERVICE**

I hereby certify that I have served a copy of this *Notice* upon the  
following parties on the 27th day of January, 2023.

Justin Dickman  
Assistant Prosecutor  
Attorney for Clinton County Treasurer  
103 E. Main Street  
Wilmington, Ohio 45177

Barry Haines  
117 Sugarberry Drive  
Riverside, Ohio 45431

Donel Haines  
c/o Barbara Dace  
4320 Figwood Way  
Sacramento, CA 95864

Fabiana Maria Batista Haines  
117 Sugarberry Drive  
Riverside, Ohio 45431

**Junk and Junk**  
Attorneys at Law  
213 N. Main Street  
Washington C.H., Ohio  
43160  
Telephone  
740-335-3231

Mary Moyer  
Peelle McCoy Law Office, Co. L.P.A.  
Attorney for Richard T. Thompson  
Dba Thompson Farms  
P.O. Box 950  
Wilmington, Ohio 45177

Matthew J. Horwitz  
United States Department of  
Justice  
Attorney for United States  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

*William T. Junk*

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William T. Junk-001227  
Junk and Junk Law Offices  
Attorney for Beverly Kyle Haines

**Junk and Junk**  
Attorneys at Law  
213 N. Main Street  
Washington C.H., Ohio  
43160  
Telephone  
740-335-3231

**SECOND  
SUPPLEMENTAL  
ATTORNEY'S TITLE CERTIFICATE**

From: January 23, 2023 at 7:59 a.m.

**TO: William T. Junk, Attorney at Law**

**RE: Donel Haines, Barry Haines, and Beverly Kyle Haines aka Kyle Haines**

**106.89 acres (per Auditor) on State Route 134, Union Township, Clinton County, OH  
and 183 acres (per Auditor) on Center & Smith Roads, Chester Township, Clinton  
County, OH**

The undersigned hereby certifies that after a search of the records of Clinton County, Ohio, in relation to the above-referenced properties, I find from said records and as a result of said search (no search has been made in the United States District Court, Circuit Court of Appeals, or any subdivision thereof) that the title to said real estate is vested in fee simple in **Beverly Kyle Haines aka Kyle Haines (11/27), Donel Haines (11/27), and Barry Haines (5/27)**, by a Certificate of Transfer recorded February 4, 1994 at 3:27 p.m., in Official Records Volume 143, Page 467, and by a Certificate of Transfer recorded December 22, 2021 at 3:20 p.m., as Instrument No. 2021-00007807, in the Clinton County Recorder's Office, and subject to the following:

1. Property taxes on Parcel # 030040519000000 (Tract 1 Parcel I) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$561.48 per half, which includes special assessments of \$42.75 per half. No homestead exemption. Property in CAUV.
2. Property taxes on Parcel # 270020405000000 (Tract 1 Parcel II) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$120.40 per half. No homestead or special assessments. Property in CAUV.
3. Property taxes on Parcel # 270020306000000 (Tract 1 Parcel III) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$50.42 per half. No homestead or special assessments. Property in CAUV.

- 4, Property taxes on Parcel # 270030301000000 (Tract 2 Parcel I) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$803.33 per half. No homestead or special assessments. Property in CAUV. Overpayment for tax year 2021 results in reduction of first half 2022 taxes due by \$23.15 (\$780.18 due for first half 2022, full amount due for second half 2022).
5. Property taxes on Parcel # 270030202000000 (Tract 2 Parcel II) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$283.84 per half. No homestead or special assessments. Property in CAUV.
6. Property taxes on Parcel # 030040713000000 (Tract 3 Parcel I) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$726.19 per half, which includes a special assessment of \$73.64 per half. No homestead exemption. Property in CAUV.
7. Property taxes on Parcel # 030040501000000 (Tract 3 Parcel II) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$212.57 per half. No homestead or special assessments. Property in CAUV.
8. Property taxes on Parcel # 030040520000000 (Tract 3 Parcel III) from January 1, 2023, and thereafter are a lien amount not yet determined. Property taxes for tax year 2022 in the amount of \$241.85 per half, which includes a special assessment of \$3.47 per half. No homestead exemption. Property in CAUV.
9. Subject to an IRS Lien to Barry R. Haines in the amount of \$101,944.90 recorded May 8, 2015 at 12:27 p.m., in Volume 920, Page 106, Clinton County, Ohio.
10. 106.89 acres on SR 134, Union Township: Subject to an Easement to Clinton County Rural Water Co., Inc., recorded November 1, 1988, in Volume 43, Page 545, Clinton County, Ohio.
11. Partition action, Clinton County Court of Common Pleas Case No. CVH 20220021

All proper parties have been named and served as follows:

Plaintiff, Beverly Kyle Haines, aka, Kyle Haines

Defendant, Donel Haines

-- Served by UPS 3-31-22

Defendant, Clinton County Treasurer  
-- Served at Clerk's Office 1-28-2022

Defendant, Richard T. Thompson, dba Thompson Farms  
-- Served by Certified Mail 1-31-2022

Defendant, Barry Haines  
-- Waiver of Service filed 5-9-2022

Defendant, Fabiana Maria Batista Haines  
-- Waiver of Service filed 5-9-2022

Defendant, U.S. Department of Justice, Tax Division  
-- Served by UPS 5-25-2022

12. Pending Complaint for Declaratory Judgment, Injunctive Relief, and Damages, filed August 17, 2022, Clinton County Court of Common Pleas Case No. CVH20220289.

There have been no additional liens or mortgages filed since the date of the Preliminary Certificate of Title

This Report does not cover the following:

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 purchaser acquires for value of record the estate or interest or mortgage thereon covered by this Certificate.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title, including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete survey of the land, and that are not shown in the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown in the public records.
5. Rights of parties in possession.

6. Easements, claims of easements or encumbrances that are not shown in the public records.
7. The lien of real estate taxes or assessments imposed on the title by a government authority that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the public records.
8. Coal, oil, natural gas, or other mineral interests and all rights incident thereto now or previously conveyed, transferred, leased, excepted or reserved.
9. Notwithstanding the reference to acreage or square footage in the description set forth herein, this Certificate will not insure the quantity of land contained within the premises described herein.
10. The lien of all general taxes for the year 2023 and thereafter.
11. Zoning.
12. Possible future lien resulting from CAUV recoupment in the event agricultural use ceases in the future. Said property currently carried by the County Auditor in CAUV.

  
**D. BRENT MARSHALL # 0068543**  
**BUTLER & MARSHALL**  
**WASHINGTON TITLE AGENCY**  
Attorney at Law  
108 N. Hinde Street  
Washington C.H., Ohio 43160  
Phone: (740) 335-4381  
Fax: (740) 335-5846  
e-mail: [brentmarshall@butlermarshall.com](mailto:brentmarshall@butlermarshall.com)

Fee Calculation (Local Rule 20)

<u>Parcel No.</u>	<u>Auditor Value</u>
030040519000000.....	\$313,720.00
270020405000000.....	\$78,360.00
270020306000000.....	\$32,260.00
270030301000000.....	\$361,550.00
270030202000000.....	\$236,130.00
030040713000000.....	\$415,160.00
030040501000000.....	\$164,620.00
030040520000000.....	\$212,690.00
Total .....	\$1,814,490.00
Preliminary Certificate .....	\$60.00
\$4.00 per \$1,000.00.....	\$7,260.00
Supplemental Certificate .....	\$75.00
Retainer advanced by Junk & Junk .....	(\$500.00)
Total fee due and owing .....	\$6,895.00

## EXHIBIT A

### **TRACT 1:**

#### **Parcel I:**

The following real estate in Clinton County, Chester Township, Ohio, surveyed for William H. Birdsall by David Wickersham, County Surveyor, on April 1, 1982, and described as a tract of land being part of Survey No. 2266, H.G. Bates survey, beginning at a stone in John Q. Smith's line and corner of Hannah Hazard's land; thence north seventeen one-half degrees west fourteen and 88/100 poles to a stake in a county road and corner of John O. Smith's land and in the westerly line of the original survey; thence along the road north twenty-six degrees thirty six minutes east one hundred twenty-two and 11/100 poles to a stone in the road and in the original line and corner of Hannah Hazard's land; thence with Hazard's line sixty-one degrees twenty minutes east crossing a branch at forty-seven 9/10 poles seventy-six and 6/10 poles to a stone in Hazard's line and corner of Jeremiah Jefferies land, thence with Jefferies line south twenty-six degrees west seventy-six and 68/100 poles to a stake corner of said Jefferies land; thence with another of Jeffries line north sixty-four degrees seven minutes west thirty-nine and 22/100 poles to a stone corner of Jeffries land; thence with another of Jefferies lines south twenty-five and 3/4 degrees west thirty-seven poles to a stone corner of Jeffries land and in Hazard's line; thence with Hazard's line south eighty-seven degrees fifty-two minutes west thirty-two and 46/100 poles to the place of beginning, containing forty-eight acres, three rods and 25 square poles of land, more or less.

Parcel No.: 030040519000000

Property Address: 48.91 acres on Center Rd.; MS 2232

#### **Parcel II:**

Situate in the County of Clinton, State of Ohio and Union Township, a part of Survey No. 1057. Beginning at an iron pin corner to Abel Walkers land and in the center of the Wilmington and Port William Pike; thence with the center thereof N. 15 degrees 30' E. 3.52 chains to an iron pin; thence N. 89 degrees W. 24.40 chains to an iron pin; thence S.3 degrees 45' W. 6.42 chains to a stone; thence N. 80 degrees 30' E. 24.27 chains to the place of beginning, containing 12.81 acres of land, more or less.

#### **Excepting from Parcel II:**

Situated in Union Township, Clinton County, State of Ohio, and being part of Virginia Military Survey 1057, being part of an 12.810 acre tract conveyed to Beverly C. Haines, et al, by instrument of record in Deed Book 188, Page 373, and is bounded and described as follows;

BEGINNING for reference at a rebar found at the northwest corner of Lot 1 of Wright-Good Acres (on file with the Clinton County Engineer's Office), and on the existing easterly Right-of-Way line of State Route 134, said point being 161.78 feet right of centerline Station 478+30.61;

Thence N 87° 37' 18" W, 36.15 feet along the southerly line of the Grantor's 0.500 acre tract, to a railroad spike set in the center of existing State Route 134, 172.32 feet right of centerline Station 477+96.03;



Thence N 16° 52' 24" E, 12.34 feet along the center of existing State Route 134, and the easterly line of the Grantor's 12.810 acre tract, to a railroad spike set on the southerly proposed Limited Access Right-of-Way line of State Route 73, 160.00 feet right of centerline Station 477+95.50 and the TRUE POINT OF BEGINNING;

Thence N 70° 48' 38" W, 342.59 feet along said proposed Limited Access Right-of-Way line, to an iron pin set on the northerly line of the Grantor's 12.810 acre tract, 160.00 feet right of centerline Station 474+50.47;

Thence N 88° 44' 59" E, 360.17 feet along the Grantor's northerly line, to the Grantor's northeasterly corner, 34.23 feet right of centerline Station 477+90.09;

Thence S. 16° 52' 24" W, 125.88 feet along the Grantor's easterly line, and the center of existing State Route 134, TRUE POINT OF BEGINNING.

The above described are contains 0.495 acres, more or less, of which the present road occupies 0.095 acres, more or less which is part of the Clinton County Auditor's Parcel number 2700100007.

This description was prepared on March 28, 2006 by Darius D. Hensley, Professional Surveyor Number 7916.

This description is based on a survey made under the direction and supervision of Paul Feie, Professional Surveyor Number 6723 in 2004 and 2005.

The Grantor claims title by instrument of record in Deed Book 188, Page 373, Recorder's Office, Clinton County, Ohio.

The basic of bearings in this description are based upon the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (1995) utilizing NGS monuments stamped "GPS 19 2000", "GPS 18 2000" and "GPS 22 2000".

The stations referred to herein are from the centerline of Right-of-Way of proposed State Route 73, as found on the Ohio Department of Transportation Right-of-Way Centerline Plat CLI-73-8.34 to be recorded in the Clinton County Recorder's Office.

Monuments referred to as iron pins set are 3/4 inch diameter, 30 inch long iron bars with a 2 inch diameter aluminum cap marked "WOOLPERT ODOT R/W D-8".

Parcel No.: 270020405000000

Property Address: 12.315 acres on SR 134; MS 1057

**Parcel III:**

Situate in Union Township, Clinton County, Ohio and being part of Survey No. 1057 described as follows: Beginning at an iron pipe in the center of the Wilmington and Port William Pike corner to I.Q. and Mary Jordan; thence with their line N. 82°W. 24.44 chains to an iron pin; thence 3 degrees and 45' W. 5.58 chains to an iron pin; thence S. 89 degrees E. 24.40 chains to an iron pin in the center of the

aforesaid Wilmington and Port William Pike; thence with the center thereon N. 15 degrees 30' E. 2.62 chains to the place of beginning, containing 10 acres more or less.

**Excepting from Parcel III:**

Situated in Union Township, Clinton County, State of Ohio, and being part of Virginia Military Survey 1057, and being part of an 10.000 acre tract conveyed to Beverly C. Haines, et al, by instrument of record in Deed Book 188, Page 373, and is bounded and described as follows;

BEGINNING for reference at a rebar found at the northwest corner of Lot 1 of Wright-Good Acres (on file with the Clinton County Engineer's Office), and on the existing easterly Right-of-Way line of State Route 134, said point being 161.78 feet right of centerline Station 478+30.61;

Thence N 87° 37' 18" W. 36.15 feet along the southerly line of the Grantor's 0.500 acre tract, to a railroad spike set in the center of existing State Route 134, 172.32 feet right of centerline Station 477+96.03;

Thence N 16° 52' 24" E, 138.22 feet along the centerline of existing State Route 134, and the easterly line of the Grantor's 10.000 acre tract, to a point 34.23 feet right of centerline Station 477+90.09 and the TRUE POINT OF BEGINNING;

Thence S 88° 44' 59" W, 360.17 feet along the southerly line of the Grantor's 10.000 acre tract, to an iron pin set on the southerly proposed Limited Access Right-of-Way line of State Route 73, 160.00 feet right of centerline Station 474+50.47;

Thence N 71° 33' 01" W, 2.37 feet along said southerly proposed Limited Access Right-of-Way line, to a point 160.00 feet right of centerline Station 474+48.03;

Thence westerly; 1247.72 feet along said southerly proposed Limited Access Right-of-Way line, along the arc of a curve deflecting to the left, having a radius of 5569.58 feet, a chord bearing of N 77° 58' 49" W and a chord length of 1245.11 feet to an iron pin set on the Grantor's westerly line, 160.00 right of Station 461+64.46;

Thence N 05° 36' 15" E, 76.85 feet along the Grantor's westerly line, to a point 83.15 feet right of centerline Station 461+64.46;

Thence S 83° 57' 05" E, 1629.34 feet along the Grantor's northerly line, to the northeasterly corner of the Grantor's 10.000 acre tract, and the center of existing State Route 134, 129.66 feet left of centerline Station 477+83.04;

Thence S 16° 52' 24" W, 164.04 feet along the center of existing State Route 134, and the easterly line of the Grantor's 10.000 acre tract, to the TRUE POINT OF BEGINNING.

The above described are contains 4.938 acres, more or less, of which the present road occupies 0.133 acres, more or less which is part of the Clinton County Auditor's Parcel number 2700222487.

This description was prepared on May 9, 2006 by Darius D. Hensley, Professional Surveyor Number 7916.

This description is based on a survey made under the direction and supervision of Paul Feie, Professional Surveyor Number 6723 in 2004 and 2005.

The Grantor claims title by instrument of record in Deed Book 188, Page 373, Recorder's Office, Clinton County, Ohio.

The basis of bearing in this description are based upon the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (1995) utilizing NGS monuments stamped "GPS 19 2000", GPS 18 2000" and GPS 22 2000".

The stations referred to herein are from the centerline of Right-of-Way of proposed State Route 73, as found on the Ohio Department of Transportation Right-of-Way Centerline Plat CLI-73-8.34 to be recorded in the Clinton County Recorder's Office.

Monuments referred to as iron pins set are 3/4 inch diameter, 30 inch long iron bars with a 2 inch diameter aluminum cap marked "WOOLPERT ODOT R/W D-8".

Parcel No.: 270020306000000

Property Address: 5.062 acres on SR 134; MS 1057

### **TRACT 2:**

#### **Parcel I:**

Situated in the County of Clinton, in the State of Ohio and in the Township of Union, and bounded and described as follows;

Beginning at an iron pin in the center of Wilmington and Port William Pike, corner to Lafayette Records; thence with the line of said Record S. 71 degrees E. 27.95 chains, corner to said Record and in the line of Isaac Wall; thence with the line of said Wall S. 22 1/2 degrees W. 18.55 chains to an iron pin in the line of said Wall and corner to D.M. Fife; thence with the line of said Fife N. 71 degrees W. 26.11 chains to an iron pin in the center of said pike; thence with the center of said pike, passing iron pin between Cornelius Sprague and C.A. Rannells at 13.55 chains, 18.55 chains to the place of beginning, containing Fifty acres of land more or less, of which 19.75 acres are in Survey 1057 and 30.25 acres are in Survey No. 2692.

Parcel No.: 270030301000000

Property Address: 1752 SR 134; MS 1057 TR5

#### **Parcel II:**

Situated in the County of Clinton in the State of Ohio and in the Township of Union, and bounded and described as follows:

Situated in Surveys No. 1057 and 2692, beginning at an iron pin in the center of Wilmington and Port William Pike, corner to Abel Walker's land; thence with the center of said pike N. 16 1/4 degrees E. 21.54

chains to an iron pin corner to D.M. Fife; thence with line of said Fife S. 71° E. 26.11 chains to an iron pin, corner to said Fife and in the line of Isaac Wall; thence with the line of said Wall S. 22 ¼ degrees W. 13.32 chains to a stone, corner to said Wall; thence with the lines of said Wall and Walker N. 81 degrees 20' W. 9.42 chains, W. 9.48 chains, N. 3 ½ degrees E. 1.40 chains, S. 81 degrees W. 7.21 chains to the place of beginning, containing forty-two and 60/100 (42.60) acres of land, more or less, of which 24.93 acres are in Survey #1057 and 17.67 acres are in Survey #2692.

**Excepting from Tract 2, Parcel II:**

Situated in Union Township, Clinton County, State of Ohio, and being part of Virginia Military Survey 1057, 2692 and 2690, being part of an 42.600 acre tract conveyed to Beverly C. Haines, et al, by instrument of record in Deed Book 188, Page 373, and is bounded and described as follows;

BEGINNING for reference at a rebar found at the northwest corner of Lot 1 of Wright-Good Acres (on file with the Clinton County Engineer's Office), and on the existing easterly Right-of-Way line of State Route 134, said point being 161.78 feet right of centerline Station 478+30.61;

Thence N 87° 37' 18" W, 36.15 feet along the southerly line of the Grantor's 0.500 acre tract, to a railroad spike set in the center of existing State Route 134, 172.32 feet right of centerline Station 477+96.03 and the TRUE POINT OF BEGINNING;

Thence N 16° 52' 24" E, 327.63 feet along the center of existing State Route 134, and the westerly line of the Grantor's 42.600 acre tract, to a railroad spike set on the northerly proposed Limited Access Right-of-Way line of State Route 73, 155.00 feet left of centerline Station 477+81.95;

Thence S 71° 00' 15" E, 838.69 feet along said proposed Limited Access Right-of-Way line, to an iron pin set on the Grantor's southeasterly line, 160.00 feet left of centerline Station 486+20.62;

Thence S 81° 58' 51" W, 428.56 feet along the Grantor's southeasterly line to the northeasterly corner of said Lot 1 of Wright-Good acres, 36.94 feet right of centerline Station 482+39.99;

Thence N 87° 37' 18" W, 9.70 feet along the northerly line of said Lot 1 of Wright-Good acres, to the southeasterly corner of the Grantor's 0.500 acre tract, 39.77 feet right of centerline Station 482+30.71;

Thence N. 10° 11' 03" E, 92.35 feet along the easterly line of the Grantor's 0.500 acre tract, to the northerly corner of said 0.500 acre tract, 51.41 feet left of centerline Station 482+16.02;

Thence S 81° 17' 34" W, 475.86 feet along the northerly line of said 0.500 acre tract, and the southerly line of the Grantor's 42.600 acre tract, to the TRUE POINT OF BEGINNING.

The above described area contains 3.087 acres, more or less, of which the present road occupies 0.261 acres, more or less which is part of the Clinton County Auditor's Parcel number 2700222494.

This description was prepared on March 28, 2006 by Darius D. Hensley, Professional Surveyor Number 7916.

This description is based on a survey made under the direction and supervision of Paul Feie, Professional Surveyor Number 6723 in 2004 and 2005.

The Grantor claims title by instrument of record in Deed Book 188, Page 373, Recorder's Office, Clinton County, Ohio.

The basis of bearings in this description are based upon the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (1995) utilizing NGS monuments stamped "GPS 19 2000", "GPS 18 2000" and "GPS 22 2000".

The stations referred to herein are from the centerline of Right-of-Way of proposed State Route 73, as found on the Ohio Department of Transportation Right-of-Way Centerline Plat CLI-73-8.34 to be recorded in the Clinton County Recorder's Office.

Monuments referred to as iron pins set are 3/4 inch diameter, 30 inch long iron bars with a 2 inch diameter aluminum cap marked "WOOLPERT ODOT R/W D-8".

Parcel No.: 270030202000000

Property Address: 39.513 acres on SR 134; MS 1057-2692

PARCEL 58-U  
CLI-73-8.34  
PERPETUAL EASEMENT FOR UTILITY PURPOSES IN THE NAME AND FOR THE USE OF  
VECTREN ENERGY

A perpetual easement to construct, operate maintain and replace a gas transmission line, on and across the following described property.

(Surveyor's description if the premises follows)

Situated in Union Township, Clinton County, State of Ohio, and being part of Virginia Military Survey 1057, and being part of an 42.600 acre tract conveyed to Beverly C. Haines, et al, by instrument of record in Deed Book 188, Page 373, and is bounded and described as follows;

BEGINNING for reference at a rebar found at the northwest corner of Lot 1 of Wright-Good Acres (on file with the Clinton County Engineer's Office), and on the existing easterly Right-of-Way line of State Route 134, and said point being 161.78 feet right of centerline Station 478+30.61;

Thence N 16° 52' 24" E, 317.28 feet along the existing easterly Right-of-Way line of State Route 134, to an iron pin set on the northerly proposed Limited Access Right-of-Way line of State Route 73, 155.21 feet left of centerline Station 478+16.97, and the TRUE POINT OF BEGINNING;

Thence No.  $16^{\circ} 52' 24''$  E, 34.82 feet continuing along the existing easterly Right-of-Way line of State Route 134, to an iron pin set 190.00 feet left of centerline Station 478+15.47;

Thence S  $70^{\circ} 39' 45''$  E, 863.13 feet to an iron pin set on the southeasterly line of the Grantor's 42.600 acre tract, 190.00 feet left of centerline Station 486+78.61;

Thence S  $81^{\circ} 58' 51''$  W, 65.28 feet along said southeasterly line, to an iron pin set on the northerly proposed Limited Access Right-of-Way line of State Route 73, 160.00 feet left of centerline Station 486+20.62.

Thence N  $71^{\circ} 00' 15''$  W, 803.67 feet along said northerly proposed Limited Access Right-of-Way line, to the TRUE POINT OF BEGINNING.

The above described area contains 0.618 acres, more or less, of which the present road occupies 0.000 acres, which is part of the Clinton County Auditor's Parcel number 2700222502.

This description was prepared on June 2, 2006 by Darius D. Hensley, Professional Surveyor Number 7916.

This description is based on a survey made under the direction and supervision of Paul Feie, Professional Surveyor Number 6723 in 2004 and 2005.

The Grantor claims title by instrument of record in Deed Book 188, Page 373, Recorder's Office, Clinton County, Ohio.

The basis of bearings in this description are based upon the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (1995) utilizing NGS monuments stamped "GPS 19 2000", "GPS 18 2000" and "GPS 22 2000".

The stations referred to herein are from the centerline centerline of Right-of-Way of proposed State Route 73, as found on the Ohio Department of Transportation Right-of-Way Centerline Plat CLI-73-8.34 to be recorded in the Clinton County Recorder's Office.

Monuments referred to as iron pins set are  $\frac{3}{4}$  inch diameter, 30 inch long iron bars with a 2 inch diameter aluminum cap marked "WOOLPERT ODOT R/W D-8".

**TRACT 3:**

**Parcel I:**

The following described real estate laying in Chester Township, Clinton County, Ohio, and being part of Horatio Gates Survey No. 2231 and further bounded and described as follows, viz: Beginning at a stone in the original survey line between said (said corrected) Survey No. 2231 and Survey No. 2266 and at the intersection of the center pike with the Chester dirt road where a stone most easterly corner of Latham and Downward Survey No. 15240 bears N. 26 degrees 16' E. 26 and 27/100 chains; thence with said original line and center of said Chester road and line of Lucy A. Wall and Hannah Hazzard S. 26 degrees 16' W. 22 and 56/100 chains to a stake in the line of said Hazzard and corner to Alfred VanTress where a stone in said original survey line and corner to said Hannah Hazard and W. H. Birdsall bears S. 26 degrees 16' W. 2 91/100 chains; thence with the line of said Alfred VanTress N 61 degrees 50' W. passing a stone where a maple and elm growing together bears S. 39 degrees E. 13 links corner to said VanTress and Wilson Bailey at 25 12/100 chains 28 49/100 chains to a stake in the line of said Wilson Bailey and corner to J.Q. Smith where a burr oak bears N. 21 degrees E. 29 ½ links; thence with the line of said Smith N. 27 degrees 40' E. 95/100 chains to a stone corner to said Smith and R.D. Wall and at the bend in said Center pike; thence with said R.D. Walls line and the center of said Center pike S. 62 degrees 35' E. passing the center of a small stone culvert at 14 60/100 chains to a stake at an angle in said pike another of corner to said Wall; thence again with his line and line of said pike S. 53 degree 34' E. 11 92/100 chains to a place of beginning, containing sixty-seven acres of land.

Parcel No.: 030040713000000

Property Address: 5319 Center Rd.; MS 2231 TR6

**Parcel II:**

Situated in Clinton County, Township of Chester, State of Ohio, and being part of Military Survey No. 2232, known as Gates Survey.

Beginning at a stone in the center of the Turkey Run Pike and the center of the Burney road where they cross, running thence with the center of said Burney road S. 26 ½ degrees W. 44 92/100 poles to a stone in said road and corner to H. Hazzard; thence with the line of said Hazzard S. 61 ¾ degrees E. 103 28/100 poles to the stake in said Hazzards line and corner to Newton McMillan; thence with the line of said McMillan N. 44 ½ degrees – 13 ½ poles to a stake corner to said McMillan; thence N. 61 ¼ degrees E. 28 64/100 poles to a stake, corner to said McMillan; thence with his line S. 63 degrees E. 2 32/100 poles to a stake on the east bank of the run and corner to said McMillan; thence N. 61 ¼ degrees E. 4 poles to a point in the center of said Turkey run pike; thence with said pike N. 62 degrees W. 94 96/100 poles to a point in the center of said pike; thence with said pike N. 53 ¾ degrees W. 34 poles to the place of beginning, containing by Survey Feb. 29<sup>th</sup>, 1884, twenty-eight and 95/100 acres of land.

Parcel No.: 030040501000000

28.95 acres on Center Rd.; MS 2232

**Parcel III:**

Situate in the county of Clinton, in the State of Ohio, and in the Township of Chester, and bounded and described as follows:

Part of Horatio Gates Survey No. 2266, in the Virginia Military District, beginning at a stone in the Burney Road, and in the line of Mahlon Wall at the west corner Newton McMillan's land; thence with his line S. 60 degrees E. 2688 links to a stake in the road corner to Jeremiah Jefferies; thence with his line S. 30 degrees 1' W. 1438 links to a stake, another corner of said Jeremiah Jefferies; thence with another of his lines, passing a stone, his corner and the corner of Rachel Horton, at 720 links, the following Rachel Horton's lines the rest of the way, N. 59' W. 2645 links to a stake or stone corner to said Horton, in the Burney road aforesaid, and the line of VanTress heirs; thence with said road to the beginning, part of the way with VanTress line and afterwards with the line of Mahlon Wall N. 28 degrees E. 1423 links, containing thirty-eight and 1/10 acres (38.14 A) of land, being the same more or less.

Parcel No.: 030040520000000

38.14 acres on Center Rd.; MS 2266