

**198<sup>±</sup>**  
**ACRES**  
*In 4 Tracts*

**EATON, OH (Preble Co.)**

*Jackson Township  
6 miles west of Eaton*

- 182<sup>±</sup> FSA Tillable Acres
- Large Fields for ease of farming operation
- Country Farmstead w/ 5<sup>±</sup> acres
- Quality Soils in Top Agricultural Area
- Great Location! Only 3 miles to I-70 Interchange
- 2 miles east of the Indiana/Ohio state line

Great opportunity for  
the Investor, Farmer or  
Rural Home Buyer.  
Come examine the possibilities  
this farm has to offer!

**TRACTS RANGING  
FROM 5<sup>±</sup> - 82<sup>±</sup> ACRES**

*Prime*

# OHIO FARM AUCTION

Tuesday, February 27 • 11 am

**INFORMATION  
BOOKLET**

800-451-2709 | [SchraderAuction.com](http://SchraderAuction.com)

**SCHRADER**  
Real Estate and Auction Company, Inc.

## **DISCLAIMER:**

This information booklet includes information obtained or derived from third-party sources. Although believed to be accurate and from reliable sources, such information is subject to verification and is not intended as a substitute for a prospective buyer's independent review and investigation of the property. Prospective buyers are responsible for completing their own due diligence.

THIS PROPERTY IS OFFERED "AS IS, WHERE IS". NO WARRANTY OR REPRESENTATION, STATED OR IMPLIED, IS MADE CONCERNING THE PROPERTY. Without limiting the foregoing, Owner and Auction Company and their respective agents and representatives, assume no liability for (and disclaim any and all promises, representations and warranties with respect to) the information and reports contained herein.

OWNERS: Roger Larsh, Amy Larsh, Ronald Kutter & Patricia Kutter  
Auction Company: Schrader Real Estate and Auction Company, Inc.



**SCHRADER REAL ESTATE & AUCTION CO., INC.**

950 N. Liberty Dr., Columbia City, IN 46725

**260-244-7606 or 800-451-2709**

**SchraderAuction.com**

# BOOKLET INDEX

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# REGISTRATION FORMS

# **BIDDER PRE-REGISTRATION FORM**

**TUESDAY, FEBRUARY 27, 2018**

**198 ACRES – EATON, OHIO**

For pre-registration, this form must be received at Schrader Real Estate and Auction Company, Inc.,

P.O. Box 508, Columbia City, IN, 46725,

Fax # 260-244-4431, no later than Tuesday, February 20, 2018.

Otherwise, registration available onsite prior to the auction.

## **BIDDER INFORMATION**

(FOR OFFICE USE ONLY)

Name \_\_\_\_\_

Bidder # \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone: (Res) \_\_\_\_\_ (Office) \_\_\_\_\_

My Interest is in Tract or Tracts # \_\_\_\_\_

## **BANKING INFORMATION**

Check to be drawn on: (Bank Name) \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone No: \_\_\_\_\_

## **HOW DID YOU HEAR ABOUT THIS AUCTION?**

☐ Brochure ☐ Newspaper ☐ Signs ☐ Internet ☐ Radio ☐ TV ☐ Friend

☐ Other \_\_\_\_\_

## **WOULD YOU LIKE TO BE NOTIFIED OF FUTURE AUCTIONS?**

☐ Regular Mail ☐ E-Mail E-Mail address: \_\_\_\_\_

☐ Tillable ☐ Pasture ☐ Ranch ☐ Timber ☐ Recreational ☐ Building Sites

What states are you interested in? \_\_\_\_\_

*Note: If you will be bidding for a partnership, corporation or other entity, you must bring documentation with you to the auction which authorizes you to bid and sign a Purchase Agreement on behalf of that entity.*

I hereby agree to comply with terms of this sale including, but not limited to, paying all applicable buyer's premiums, and signing and performing in accordance with the contract if I am the successful bidder. Schrader Real Estate and Auction Company, Inc. represents the Seller in this transaction.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Online Auction Bidder Registration**  
**198± Acres • Eaton, Ohio**  
**Tuesday, February 27, 2018**

This form and deposit are only  
required if you cannot attend  
the auction and wish to bid  
remotely through our online  
bidding system.

This registration form is for the auction listed above only. The person signing this form is personally responsible for any bids placed on the auction site, whether bidding on behalf of their personal account or on behalf of a corporation or other third party. If you are bidding on behalf of a third party, you are responsible for obtaining the necessary documentation authorizing you to bid on behalf of the third party. Schrader Real Estate and Auction Co., Inc. will look to the herein registered bidder for performance on any bid placed on this auction if you are the successful high bidder.

As the registered bidder, I hereby agree to the following statements:

1. My name and physical address is as follows:

\_\_\_\_\_

\_\_\_\_\_

My phone number is: \_\_\_\_\_

2. I have received the Real Estate Bidder's Package for the auction being held on Tuesday, February 27, 2018 at 11:00 AM.
3. I have read the information contained in the Real Estate Bidder's Package as mailed to me or by reading the documents on the website ([www.schraderauction.com](http://www.schraderauction.com)) and understand what I have read.
4. I hereby agree to comply with all terms of this sale, including paying all applicable buyer's premiums, and signing and performing in accordance with the Real Estate Purchase Agreement if I am the successful bidder.
5. I understand that Schrader Real Estate and Auction Co., Inc. represent the Seller in this transaction.
6. I am placing a deposit with Schrader Real Estate and Auction Co., Inc. Escrow in the amount of \$\_\_\_\_\_. I understand that the maximum bid or combination of bids I place may not exceed an amount equal to ten times the amount of my deposit. My deposit is being conveyed herewith in the form of a cashier's check payable to Schrader Real Estate and Auction, Co., Inc. Escrow or via wire transfer to the escrow account of Schrader Real Estate and Auction, Co., Inc. per the instructions below. I understand that my deposit money will be returned in full via wire transfer on the next business day if I am not the successful high bidder on any tract or combination of tracts.

Schrader Real Estate & Auction Company, Inc.  
950 North Liberty Drive / P.O. Box 508, Columbia City, IN 46725  
Phone 260-244-7606; Fax 260-244-4431

For wire instructions please call 1-800-451-2709.

7. My bank routing number is \_\_\_\_\_ and bank account number is \_\_\_\_\_.  
(This for return of your deposit money). My bank name, address and phone number is:

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8. **TECHNOLOGY DISCLAIMER:** Schrader Real Estate and Auction Co., Inc., its affiliates, partners and vendors, make no warranty or guarantee that the online bidding system will function as designed on the day of sale. Technical problems can and sometimes do occur. If a technical problem occurs and you are not able to place your bid during the live auction, Schrader Real Estate and Auction Co., Inc., its affiliates, partners and vendors will not be held liable or responsible for any claim of loss, whether actual or potential, as a result of the technical failure. I acknowledge that I am accepting this offer to place bids during a live outcry auction over the Internet *in lieu of actually attending the auction* as a personal convenience to me.
9. This document and your deposit money must be received in the office of Schrader Real Estate & Auction Co., Inc. by **4:00 PM, Tuesday, February 20, 2018**. Send your deposit and return this form via fax to: **260-244-4431**.

I understand and agree to the above statements.

\_\_\_\_\_  
Registered Bidder's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

***This document must be completed in full.***

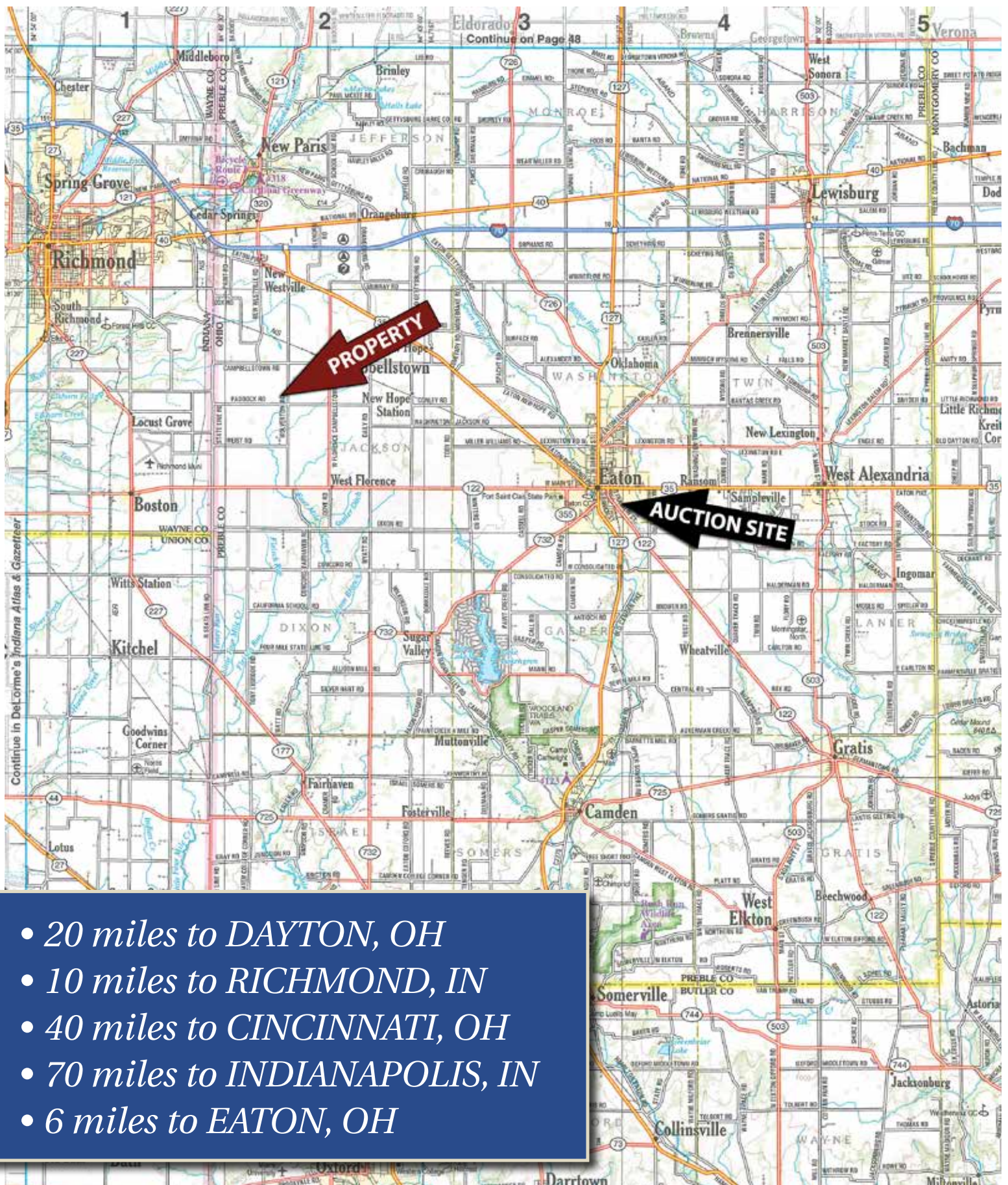
**Upon receipt of this completed form and your deposit money, you will be sent a bidder number and password via e-mail. Please confirm your e-mail address below:**

E-mail address of registered bidder: \_\_\_\_\_

Thank you for your cooperation. We hope your online bidding experience is satisfying and convenient. If you have any comments or suggestions, please send them to:  
kevin@schraderauction.com or call Kevin Jordan at 260-229-1904.

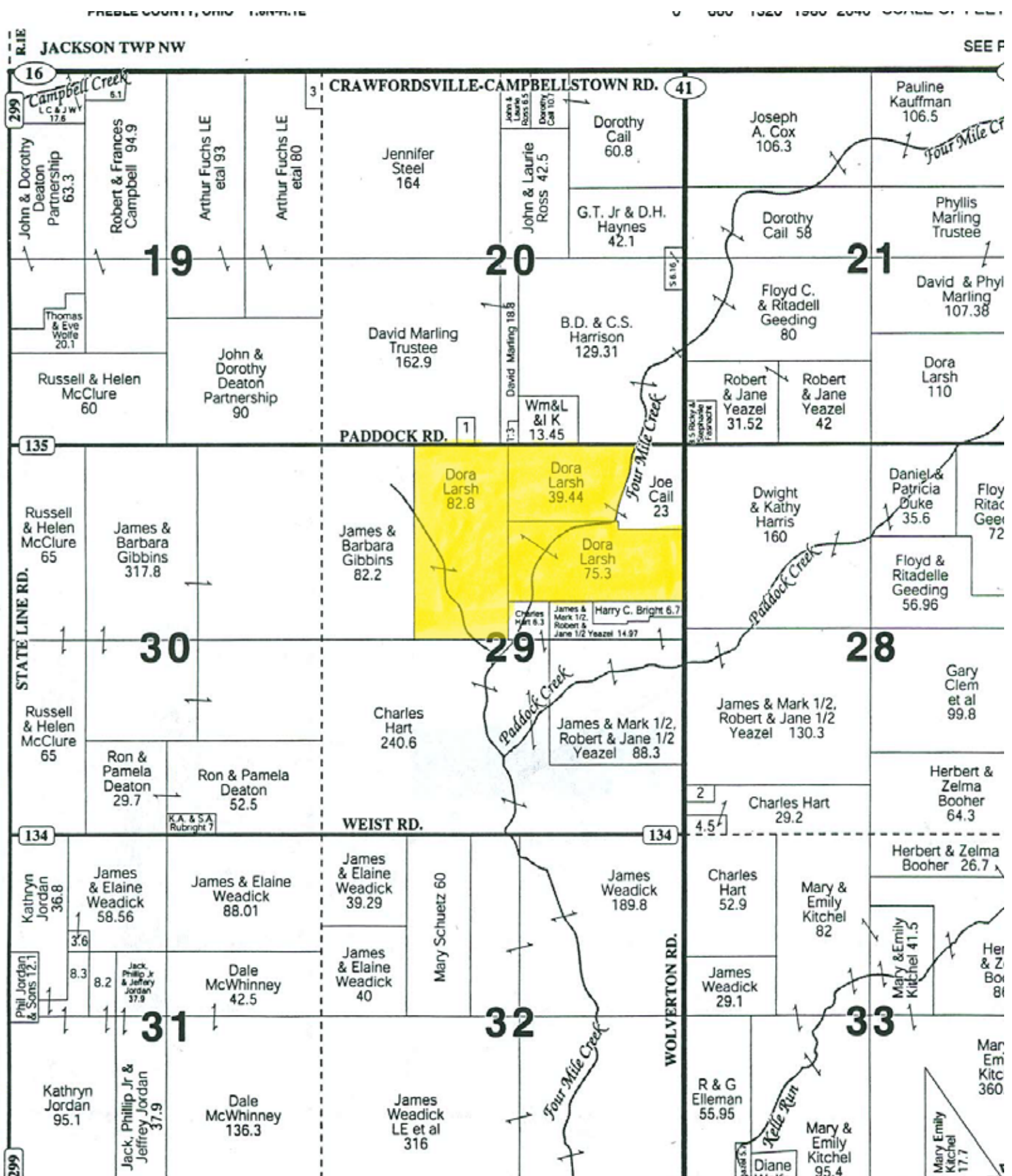
**MAPS**

# LOCATION MAP



- 20 miles to DAYTON, OH
- 10 miles to RICHMOND, IN
- 40 miles to CINCINNATI, OH
- 70 miles to INDIANAPOLIS, IN
- 6 miles to EATON, OH

# PLAT MAP

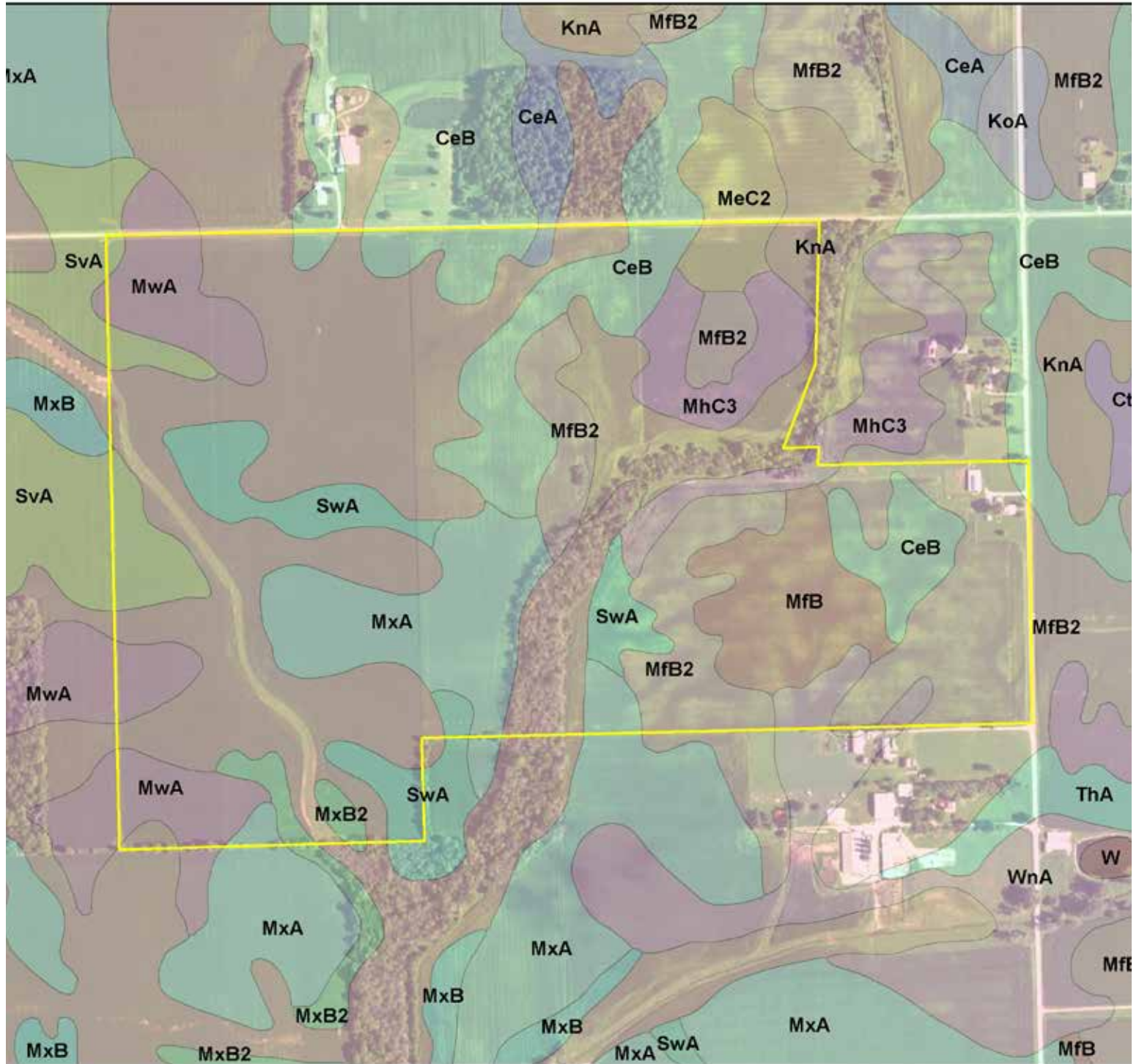


# AERIAL MAPS

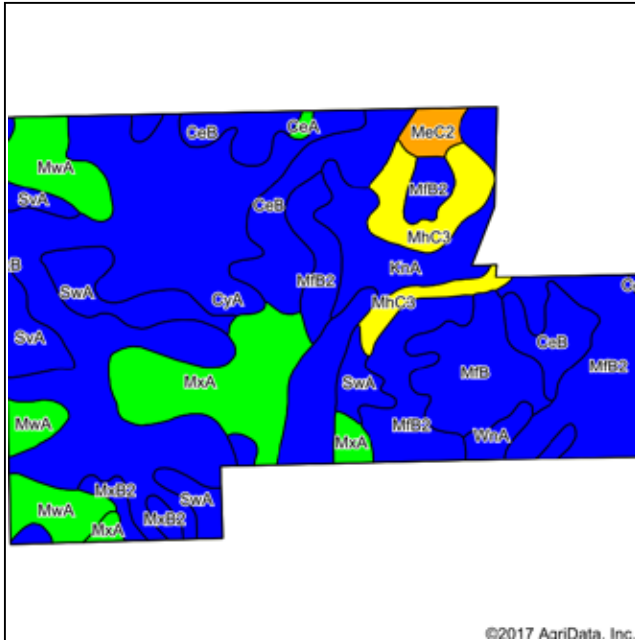


# **SOIL INFORMATION**

# SOIL MAP

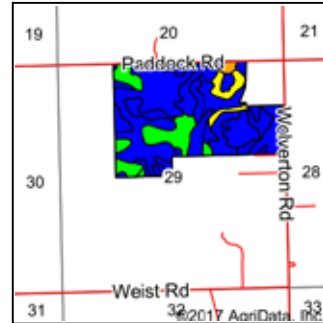


# SOIL MAP



Soils data provided by USDA and NRCS.

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State: **Ohio**  
 County: **Preble**  
 Location: **29-8N-1E**  
 Township: **Jackson**  
 Acres: **197.62**  
 Date: **12/22/2017**

**SCHRADER**  
 Real Estate and Auction Company, Inc.

Maps Provided By  
**surety**  
 CUSTOMER ONLINE MAPPING  
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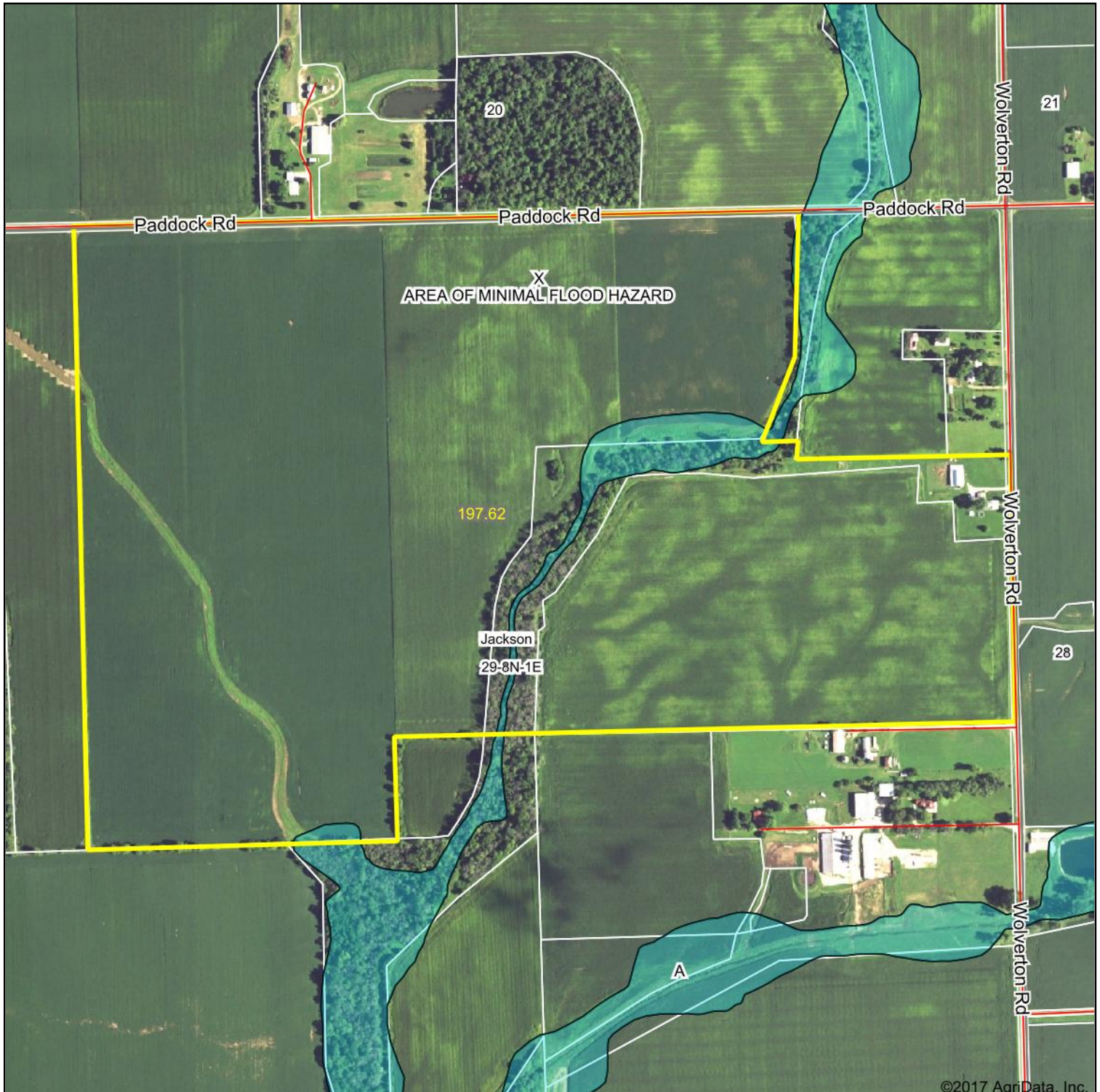
Area Symbol: OH135, Soil Area Version: 16

Code	Soil Description	Acres	Percent of field	Non-Irr Class Legend	Non-Irr Class	Corn	Grass legume hay	Oats	Orchardgrass alfalfa hay	Orchardgrass red clover hay	Pasture	Soybeans	Tall fescue	Winter wheat	*eFOTG PI
CyA	Cyclone silt loam, 0 to 2 percent slopes	61.94	31.3%		Ilw	185	6.1				12.2	65		75	89
MFB2	Miamian-Celina silt loams, 2 to 6 percent slopes, eroded	30.83	15.6%		Ile	112				5	4	38	3.2	54	74
CeB	Celina silt loam, 2 to 6 percent slopes	19.92	10.1%		Ile	131	4.3	70			8.7	46		58	76
MxA	Morningsun-Xenia silt loams, 0 to 2 percent slopes	17.04	8.6%		I	148			5.8	6		52	4.5	68	80
MwA	Morningsun silt loam, 0 to 2 percent slopes	12.70	6.4%		I	148			5.8	6		52	4.5	68	82
SwA	Sugarvalley-Fincastle silt loams, 0 to 2 percent slopes	11.08	5.6%		Ilw	145			5.8	6		49	4.5	65	80
KnA	Kokomo silt loam, 0 to 1 percent slopes	11.04	5.6%		Ilw	155			5	5.8		52	4	65	88
MFB	Miamian-Celina silt loams, 2 to 6 percent slopes	10.99	5.6%		Ile	124			5	4		43	3.2	61	76
MhC3	Miamian-Losantville clay loams, 6 to 12 percent slopes, severely eroded	9.45	4.8%		IVe	83				4	3.5	29	2.8	41	50
SvA	Sugarvalley silt loam, 0 to 2 percent slopes	5.31	2.7%		Ilw	145			5.8	6		49	4.5	65	82
WnA	Westland silt loam, 0 to 2 percent slopes	2.40	1.2%		Ilw	155			5.4	5.8		58	4	68	86
MeC2	Miamian silt loam, 6 to 12 percent slopes, eroded	2.31	1.2%		Ille	104				4	3.5	41	5	46	70
MxB2	Morningsun-Xenia silt loams, 2 to 6 percent slopes, eroded	2.22	1.1%		Ile	135			5.8	6		44	4.5	65	75
CeA	Celina silt loam, 0 to 2 percent slopes	0.39	0.2%		Iw	121	4.6				8.1	42		53	79
Weighted Average						147.3	2.4	7.1	3.1	2.9	4.7	51.3	2.2	64.6	80.4

\*eFOTG PI: Obtained from the NRCS eFOTG (<http://efotg.sc.egov.usda.gov>)

Soils data provided by USDA and NRCS.

# FLOOD MAP



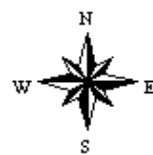
**SCHRADER**  
Real Estate and Auction Company, Inc.

map center: 39° 46' 8.87, -84° 47' 12.17

0ft 676ft 1352ft

Maps Provided By  
**surety**  
CUSTOMIZED ONLINE MAPPING  
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**29-8N-1E**  
**Preble County**  
**Ohio**



12/22/2017

# FSA MAP

# FSA INFORMATION



Preble/Montgomery County FSA Office  
1655 N Barron St  
Eaton, OH 45320  
Ph (937)456-4211  
Fax (855)835-5408

**PREBLE COUNTY**  
**Crop Year 2017**

Farm: 2955  
Tract: 1188

Print Date: 3/17/2017



1 inch = 584 feet

All of the below are true  
unless otherwise indicated:

All crops-Non-Irrigated  
All crops used for grain  
Wheat-SRW  
Corn-Yellow  
Soybeans-COM

## Legend

CLU Boundary

### Wetland Determination Identifiers

- Restricted Use
- ▼ Limited Restrictions
- Exempt from Conservation Compliance Provisions

HEL Highly Erodible Land Determination

NHEL Not Highly Erodible Land Determination

UHEL Undetermined Highly Erodible Land Determination

CRP Conservation Reserve Program

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2013 ortho rectified imagery for Ohio. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs. Wetland Identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations contact NRCS.

**TITLE COMMITMENT**

# TITLE COMMITMENT

## ATTORNEY'S CERTIFICATE OF TITLE

**To: Schrader Real Estate & Auction Company**

The undersigned hereby certifies that she has made a thorough examination of the records of Preble County, Ohio, since March 1, 1919 at 12:05 p.m. for 158.17 acres and 39.449 acres located in the Northeast Quarter, Section 2, 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 is vested of record in **Roger T. Larsh and Amy J. Larsh, husband and wife, for their joint lives remainder to the survivor of them (an undivided ½ interest)**, by a Survivorship Deed from Roger T. Larsh, married, dated 12/23/2017, filed 12/29/2017 at 10:28 a.m., and recorded in Official Records Volume 378, Page 1119, Recorder's Office, Preble County, Ohio; also vested of record in **Patricia L. Kutter and Ronnie J. Kutter, husband and wife, for their joint lives remainder to the survivor of them (an undivided ½ interest)**, by a Survivorship Deed from Patricia L. Kutter, married, dated 9/22/2017, filed 10/31/2017 at 2:22 p.m. and recorded in Official Record Volume 376, Page 1469, 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 the following parcel numbers:

Tract 1: F21-8129-000-00-002-000 (158.17 acres) and are **due and payable 2/16/2018** for the first half of the 2017 tax year in the amount of \$3,287.63, which includes \$2.50 for 911 assessment number 17-911-00, and \$47.17 for landfill assessment number 33-002-00. Second half taxes are **due and payable 7/20/2018** in the amount of \$3,287.63, which includes \$2.50 for 911 assessment number 17-911-00, and \$47.17 for landfill assessment number 33-002-00.

Tract 2: F21-8129-000-00-001-000 (39.449 acres) and are **paid** for the first half of the 2017 tax year in the amount of \$537.18. Second half taxes are **paid** in the amount of \$537.18.

Subject to taxes and assessments for the year 2018, payable in 2019, 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 an 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 attorneys 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. Fiduciary Deed from Patricia Lynne Kutter, Successor Trustee of the Gordon K. Larsh Living Trust as amended on November 26, 2013, to Roger T. Larsh, Dennis L. Larsh, and Patricia L. Kutter, dated 9/22/2017, filed 10/31/2017 at 2:22 p.m. and recorded in

# TITLE COMMITMENT

Official Record Volume 376, Page 1459, Recorder's Office, Preble County, Ohio. An Affidavit of Facts will need to be executed and recorded stating that this conveyance or series of conveyances was done in distribution of the Gordon K. Larsh Living Trust as amended on November 26, 2013. Verification will need to be made to clarify that Patricia Lynne Kutter's role in the transaction is not considered self dealing as in a way to cause a cloud on the title.

3. Affidavit of Successor Trustee by Patricia Lynne Kutter, Successor Trustee of the Gordon K. Larsh Living Trust as amended on November 26, 2013, stating that by virtue of the Trust, after the death of Gordon K. Larsh, Nancy M. Ramsey and Patricia Lynn Kutter are appointed as Co-Successor Trustees, to serve individually and/or jointly, dated 9/22/2017, filed 10/31/2017 at 2:22 p.m. and recorded in Official Record Volume 376, Page 1456, Recorder's Office, Preble County, Ohio. This will Require an Affidavit of Facts by Nancy M. Ramsey, stating that she had knowledge of the transaction at the time and that she further consented to the transaction. Affidavit should state her role in the Trust and give reason as to why she did not join in the conveyance by signing as a Co-Successor Trustee.
4. Warranty Deed from William McWhinney ad Sophia McWhinney, his wife, to Marcus McWhinney, dated 12/23/1869, filed 4/25/1871, and recorded in Deed Record Volume 63, Page 355, Recorder's Office, Preble County, Ohio. This deed excepts out of its legal description the following: "also except a lot of land on the south side of said quarter being four rods square on which the Baptist Church now stands so long as it is used by said Baptist Society for a house of worship which said Wm McWhinney is to have when said Society ceases to use it for the purposes above named the tract of land hereby conveyed 4 square rods-tract used as Baptist Church for so long as it is used by the Baptist Church as a house of worship." There is no metes and bounds for this noted 4 square rod exception and is not carried forward in the conveyances. The undersigned is unable to verify its location or current use.
5. Tract 2: Right of Way from E. Elmer McWhinney and Emma McWhinney, to The Ohio Telephone and Telegraph Company, dated 1/24/1940, filed 3/9/1978 at 2:20 p.m. and recorded in Miscellaneous Book Volume 10, Page 219, Recorder's Office, Preble County, Ohio. This right of way was assigned to United Telephone Company of Ohio, dated 5/8/1978, filed 6/2/1978 at 1:45 p.m. and recorded in Certificate of Release Volume 16, Page 675, Recorder's Office, Preble County, Ohio.
6. 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.
7. 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 Four Mile Creek and Paddock 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 the creek/river passing through caption premises and the uninterrupted, natural, unpolluted flow thereof. Riparian rights are neither guaranteed nor insured.
8. 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.
9. Rights of the public in and to that portion of the land lying within the bounds of any legal highway, including Paddock Road, Wolverton Road, Wolverton Improved Road and Walkerton Road.

# TITLE COMMITMENT

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

## **Tract 1:**

Situate in Jackson Township, Preble County, Ohio, and being part of the northeast and northwest quarters of §29, T-8N, R-1E, commencing at the southeast corner of the northwest quarter of §29 and running, thence N1° 48' W 27.62 rods to an X on a boulder on the half section line; thence N 88° E 162.22 rods parallel with the south line of the quarter to a harrow tooth on the east line of the section and about 3 feet south of the sewer culvert in the Wolverton Improved Road; thence N 1° 59' W 70.61 rods on the east line of the section to a \_\_\_\_ on a stone 65.10 rods south of the northeast corner of said section, witnessed by a W on a stone S 53° E 35 2/3 links and a W on a boulder 49° 45' E 42 ½ links; thence, S 88° 50' W 55.58 rods to an X on a stone; thence N 1° W 5.74 rods to an X on a stone; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the northeast quarter of §29; thence, N 1° 48' E 59.49 rods to the northwest corner of the northeast quarter; thence, S 88° 26' W 81.35 rods with the north line of the northwest quarter to an iron stake; thence S 2° E 16.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' East 80.81 rods to the place of beginning, containing 158.17 acres, 82.84 acres being in the northwest quarter and 75 1/3 acres being in the northeast quarter of §29.

The foregoing real estate is also described as:

Situate in Jackson Township, Preble County, Ohio, and being a part of the Northeast and Northwest quarter of §29, T-8N, R-1E, commencing at the SE corner of the NW quarter of §29; thence N 1° 48' W 27.62 rods to an X on a boulder on half section line; thence, N 88° E 162.22 rods parallel with the south line of said quarter to a harrow tooth on the east line of said section and about 3 feet south of the sewer culvert in the Walkerton Road; thence N 1° 59' W 70.61 rods on east line of said section to a \_\_\_\_ on a stone 65.10 rods south of the NE corner of said section, witnessed by a W on a boulder S 53° E 35 2/3 links and a W on a boulder N 49 ¾° E 42 ½ links; thence, S 88° 50' W 55.88 rods to an X on a stone, witnessed by a W on a boulder N 1° W 23 7/8 links; thence, N 1° W 5.74 rods to an X on a stone, witnessed by a W on a boulder S 88° 5' W 25 links and a W on a boulder S 2 ½° E 21 ¾ links; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the NE quarter of said §29, which point is 59.49 rods south of the NW corner of said NE quarter, witnessed by a W on a boulder N 1° W 31 7/8 links and a W on a boulder S 88 ½° E 24 ½ links; thence, N 1° 48' E 59.49 rods to the NW corner of said quarter; thence, S 88° 26' W 81.35 rods with the north line of the NW quarter of said section 29 to an iron stake south of the south wheel track of the Paddock Road; thence, S 2° E 163.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' E 80.81 rods to the place of beginning, containing 158.17 acres of land, more or less, 82.84 acres being in the NW quarter and 75 1/3 acres being in the NE quarter of §29.

## **Tract 2:**

Situated in the Northeast Quarter of §29, T-8N, R-1E, Jackson Township, Preble County, Ohio, being part of an original 62.25 acre tract of land described in Deed Book Volume 362, page 749, Recorder's Office, Preble County, Ohio, and being more particularly described as follows:

Commencing at an iron pin found for the Northwest corner of said Northeast Quarter in the centerline of Paddock Road, said point being the Northwest corner of said tract;

Thence along the North line of said §29 and the North line of said tract N 86° 31' 11" E a distance of 1,786.02 feet to a railroad spike set, said spike is witnessed by a wooden fence corner post S 1° 37' 51" E a distance of 19.53 feet;

Thence along a new dividing line on an existing fence line S 1° 37' 51" E a distance of 622.60 feet to an iron pin set at an angle point in said line;

# TITLE COMMITMENT

Thence continuing along said new dividing line and said fence line S 14° 47' 53" W a distance of 178.71 feet to an iron pin set on the South line of said tract;

Thence along said South line along an existing fence line S 86° 31' 26" W a distance of 1,646.45 feet to a point at the Southwest corner of said tract on the West line of said Northeast quarter witnessed by a "W" on a stone found N 3° 56' 13" E a distance of 20.69 feet;

Thence along said line N 3° 31' 18" W a distance of 981.76 feet to the point of beginning, containing 39.449 acres of land, more or less and being subject to all legal easements and highways of record.

Dated this 17<sup>th</sup> day of January, 2018 at 7:59 a.m.

  
\_\_\_\_\_  
Jill E. Hittle, Attorney at Law  
112 N. Barron Street  
Eaton, OH 45320  
Telephone: 937-456-4104  
Fax: 937-456-3633

# TITLE COMMITMENT

DESCRIPTION ACCEPTED  
R. KYLE CROSS  
PREBLE COUNTY ENGINEER

DEC 29 2017

*R. Kyle Cross*

TRANSFERRED FEE \$ 1.00  
NO TRANSFER NECESSARY  
COUNTY STATE

DEC 29 2017

*Clara Wright Ke*  
PREBLE COUNTY AUDITOR

201700006013  
Filed for Record in  
PREBLE COUNTY, OHIO  
JEANNE A. CREECH, RECORDER  
12-29-2017 At 10:28 am.  
DEED 44.00  
OR Book 378 Page 1119 - 1122

## Warranty Deed Joint and Survivorship Ohio Revised Code §5302.17

KNOW ALL MEN BY THESE PRESENTS THAT ROGER T. LARSH, married, the Grantor, claiming title by or through instrument recorded in Volume 376, Page 1462, Preble County Recorder's Office, for valuable consideration thereunto paid, received to his full satisfaction of ROGER T. LARSH and AMY J. LARSH, husband and wife, the Grantees, whose tax mailing address is 2975 Fawn Lake Drive, Medina, Ohio 44256, does:

GIVE, GRANT, BARGAIN, SELL AND CONVEY unto said Grantees, for their joint lives, the remainder to the survivor of them, the following described premises, situated in the Township of Jackson, County of Preble, and State of Ohio:

See Exhibit A attached hereto

Prior deed reference: Official Record Vol. 376, page 1462, Recorder's Office, Preble County, Ohio.

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantees, and to the survivor of them, his or her separate heirs and assigns forever.

AND THE SAID Grantor, for himself and his heirs, executors and administrators, hereby covenants with the said Grantees, their heirs and assigns, that said Grantor is the true and lawful owner of said premises, and is well seized of the same in fee simple, and has good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, except zoning ordinances, easements, reservations, conditions and restrictions of record, if any, and real estate taxes and assessments, general and special, which are a lien at the time of transfer, but which are not then due and payable, and further, that said Grantor will warrant and defend the same against all claims whatsoever except as provided herein.

AND FOR VALUABLE CONSIDERATION Amy J. Larsh does hereby remise, release and forever quit-claim unto the said Grantees, their heirs and assigns, all right and expectancy of Dower in the above-described premises.

IN WITNESS WHEREOF, the Grantors hereunto set their hands the 23 day of December, 2017.

# TITLE COMMITMENT

GRANTOR:

Roger T. Larsh  
ROGER T. LARSH

Amy J. Larsh  
AMY J. LARSH

STATE OF OHIO, COUNTY OF Medina SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Grantors and acknowledged that they did sign this instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 23 day of December, 2017.

(SEAL)



MARK HERGE  
Notary Public, State of Ohio  
My Comm. Expires 05/31/2022

[Signature]

This Instrument Prepared By:

Stephen R. Bruns, Atty. Reg. No. 0025582  
Attorney at Law  
123 West Main Street  
Eaton, Ohio 45320  
(937) 456-1776

# TITLE COMMITMENT

## EXHIBIT A

Being an undivided one-half of the following described tracts:

### Tract 1

Situate in Jackson Township, Preble County, Ohio, and being part of the northeast and northwest quarters of §29, T-8N, R-1E, commencing at the southeast corner of the northwest quarter of §29 and running, thence N 1° 48' W 27.62 rods to an X on a boulder on the half section line; thence N 88° E 162.22 rods parallel with the south line of the quarter to a harrow tooth on the east line of the section and about 3 feet south of the sewer culvert in the Wolverton Improved Road; thence N 1° 59' W 70.61 rods on the east line of the section to a \_\_\_ on a stone 65.10 rods south of the northeast corner of said section, witnessed by a W on a stone S 53° E 35 2/3 links and a W on a boulder 49° 45' E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone; thence N 1° W 5.74 rods to an X on a stone; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the northeast quarter of §29; thence, N 1° 48' E 59.49 rods to the northwest corner of the northeast quarter; thence, S 88° 26' W 81.35 rods with the north line of the northwest quarter to an iron stake; thence S 2° E 16.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' East 80.81 rods to the place of beginning, containing 158.17 acres, 82.84 acres being in the northwest quarter and 75 1/3 acres being in the northeast quarter of §29.

The foregoing real estate is also described as:

Situate in Jackson Township, Preble County, Ohio, and being a part of the Northeast and Northwest quarters of §29, T-8N, R-1E, commencing at the SE corner of the NW quarter of §29; thence N 1° 48' W 27.62 rods to an X on a boulder on half section line; thence, N 88° E 162.22 rods parallel with the south line of said quarter to a harrow tooth on the east line of said section and about 3 feet south of the sewer culvert in the Walkerton Road; thence, N 1° 59' W 70.61 rods on east line of said section to a \_\_\_ on a stone 65.10 rods south of the NE corner of said section, witnessed by a W on a boulder S 53° E 35 2/3 links and a W on a boulder N 49° 45' E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone, witnessed by a W on a boulder N 1° W 23 7/8 links; thence, N 1° W 5.74 rods to an X on a stone, witnessed by a W on a boulder S 88° 5' W 25 links and a W on a boulder S 2 1/2° E 21 3/4 links; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the NE quarter of said §29, which point is 59.49 rods south of the NW corner of said NE quarter, witnessed by a W on a boulder N 1° W 31 7/8 links and a W on a boulder S 88 1/2° E 24 1/2 links; thence, N 1° 48' E 59.49 rods to the NW corner of said quarter; thence, S 88° 26' W 81.35 rods with the north line of the NW quarter of said section 29 to an iron stake south of the south wheel track of the Paddock Road; thence, S 2° E 163.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' E 80.81 rods to the place of beginning, containing 158.17 acres of land, more or less, 82.84 acres being in the NW quarter and 75 1/3 acres being in the NE quarter of §29.

Parcel No.: F21-8129-000-00-002-000

# TITLE COMMITMENT

## EXHIBIT "A"

### Tract 2

Situated in the Northeast Quarter of §29, T-8N, R-1E, Jackson Township, Preble County, Ohio, being part of an original 62.25 acre tract of land described in Deed Book Volume 362, page 749, Recorder's Office, Preble County, Ohio, and being more particularly described as follows:

Commencing at an iron pin found for the Northwest corner of said Northeast Quarter in the centerline of Paddock Road, said point being the Northwest corner of said tract;

Thence along the North line of said §29 and the North line of said tract N 86° 31' 11" E a distance of 1,786.02 feet to a railroad spike set, said spike is witnessed by a wooden fence corner post S 1° 37' 51" E a distance of 19.53 feet;

Thence along a new dividing line on an existing fence line S 1° 37' 51" E a distance of 622.60 feet to an iron pin set at an angle point in said line;

Thence continuing along said new dividing line and said fence line S 14° 47' 53" W a distance of 178.71 feet to an iron pin set on the South line of said tract;

Thence along said South line along an existing fence line S 86° 31' 26" W a distance of 1,646.45 feet to a point at the Southwest corner of said tract on the West line of said Northeast quarter witnessed by a "W" on a stone found N 3° 56' 13" E a distance of 20.69 feet;

Thence along said line N 3° 31' 18" W a distance of 981.76 feet to the point of beginning, containing 39.449 acres of land, more or less and being subject to all legal easements and highways of record.

Parcel No.: F21-8129-000-00-001-000

DESCRIPTION ACCEPTED  
R. KYLE CROSS  
PREBLE COUNTY ENGINEER

DEC 29 2017

*RKC*

201700006013  
STEVE BRUNS  
BOX

# TITLE COMMITMENT

TRANSFERRED-FEE \$ 1.00  
NO TRANSFER NECESSARY  
\$ 00 COUNTY  
\$ 00 STATE

OCT 31 2017

*Steven Wright, Jr.*  
PREBLE COUNTY AUDITOR

201700005085  
Filed for Record in  
PREBLE COUNTY, OHIO  
JEANNE A. CREECH, RECORDER  
10-31-2017 At 02:22 PM.  
DEED 44.00  
OR Book 376 Page 1469 - 1472

## Warranty Deed

Joint and Survivorship  
Ohio Revised Code §5302.17

KNOW ALL MEN BY THESE PRESENTS THAT PATRICIA L. KUTTER, married, the Grantor, claiming title by or through instrument recorded in Volume 114, Page 114, Preble County Recorder's Office, for valuable consideration thereunto paid, received to her full satisfaction of PATRICIA L. KUTTER and RONNIE J. KUTTER, husband and wife, the Grantees, whose tax mailing address is 38 Whisper Way, Eaton, Ohio 45320, does:

GIVE, GRANT, BARGAIN, SELL AND CONVEY unto said Grantees, for their joint lives, the remainder to the survivor of them, the following described premises, situated in the Township of Jackson, County of Preble, and State of Ohio:

See Exhibit A attached hereto

Prior deed reference: Official Record Vol. \_\_\_\_\_, page \_\_\_\_\_, Recorder's Office, Preble County, Ohio.

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantees, and to the survivor of them, his or her separate heirs and assigns forever.

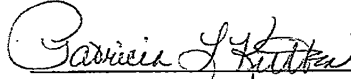
AND THE SAID Grantor, for herself and her heirs, executors and administrators, hereby covenants with the said Grantees, their heirs and assigns, that said Grantor is the true and lawful owner of said premises, and is well seized of the same in fee simple, and has good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, except zoning ordinances, easements, reservations, conditions and restrictions of record, if any, and real estate taxes and assessments, general and special, which are a lien at the time of transfer, but which are not then due and payable, and further, that said Grantor will warrant and defend the same against all claims whatsoever except as provided herein.

AND FOR VALUABLE CONSIDERATION Ronnie J. Kutter does hereby remise, release and forever quit-claim unto the said Grantees, their heirs and assigns, all right and expectancy of Dower in the above-described premises.

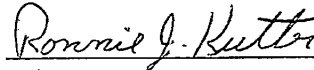
IN WITNESS WHEREOF, the Grantors hereunto set their hands the 22 day of September, 2017.

# TITLE COMMITMENT

GRANTOR:



PATRICIA L. KUTTER

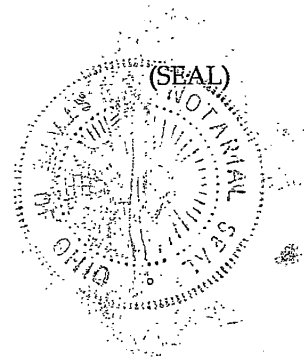


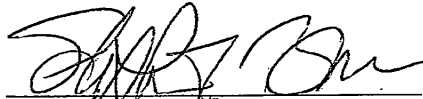
RONNIE J. KUTTER

STATE OF OHIO, COUNTY OF PREBLE §§:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Grantors and acknowledged that they did sign this instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 22 day of September, 2017.



  
NOTARY PUBLIC

STEPHEN R. BRUNS, Notary Public  
In and for the State of Ohio  
My Commission Does Not Expire-ORC Sec. 147.03

This Instrument Prepared By:

Stephen R. Bruns, Atty. Reg. No. 0025582  
Attorney at Law  
123 West Main Street  
Eaton, Ohio 45320  
(937) 456-1776

# TITLE COMMITMENT

## EXHIBIT A

Being an undivided one-half of the following described real property:

### Tract 1

Situate in Jackson Township, Preble County, Ohio, and being part of the northeast and northwest quarters of §29, T-8N, R-1E, commencing at the southeast corner of the northwest quarter of §29 and running, thence N 1° 48' W 27.62 rods to an X on a boulder on the half section line; thence N 88° E 162.22 rods parallel with the south line of the quarter to a harrow tooth on the east line of the section and about 3 feet south of the sewer culvert in the Wolverton Improved Road; thence N 1° 59' W 70.61 rods on the east line of the section to a 1 on a stone 65.10 rods south of the northeast corner of said section, witnessed by a W on a stone S 53° E 35 2/3 links and a W on a boulder 49° 45' E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone; thence N 1° W 5.74 rods to an X on a stone; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the northeast quarter of §29; thence, N 1° 48' E 59.49 rods to the northwest corner of the northeast quarter; thence, S 88° 26' W 81.35 rods with the north line of the northwest quarter to an iron stake; thence S 2° E 16.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' East 8081 rods to the place of beginning, containing 158.17 acres, 82.84 acres being in the northwest quarter and 75 1/3 acres being in the northeast quarter of §29.

**The foregoing real estate is also described as:**

Situate in Jackson Township, Preble County, Ohio, and being a part of the Northeast and Northwest quarters of §29, T-8N, R-1E, commencing at the SE corner of the NW quarter of §29; thence N 1° 48' W 27.62 rods to an X on a boulder on half section line; thence, N 88° E 162.22 rods parallel with the south line of said quarter to a harrow tooth on the east line of said section and about 3 feet south of the sewer culvert in the Walkerton Improved road; thence, N 1° 59' W 70.61 rods on east line of said section to a 1 on a stone 65.10 rods south of the NE corner of said section, witnessed by a W on a boulder S 53° E 35 2/3 links and a W on a boulder N 49 3/4° E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone, witnessed by a W on a boulder N 1° W 23 7/8 links; thence, N 1° W 5.74 rods to an X on a stone, witnessed by a W on a boulder S 88° 5' W 25 links and a W on a boulder S 2 1/2° E 21 3/4 links; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the NE quarter of said §29, which point is 59.49 rods south of the NW corner of said NE quarter, witnessed by a W on a boulder N 1° W 31 7/8 links and a W on a boulder S 88 1/2° E 24 1/2 links; thence, N 1° 48' E 59.49 rods to the NW corner of said quarter; thence, S

# TITLE COMMITMENT

88° 26' W 81.35 rods with the north line of the NW quarter of said section 29 to an iron stake south of the south wheel track of the Paddock Road; thence, S 2° E 163.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' E 80.81 rods to the place of beginning, containing 158.17 acres of land, more or less, 82.84 acres being in the NW quarter and 75 1/3 acres being in the NE quarter of §29.

Parcel No.: F21-8129-000-00-002-000

## Tract 2

Situated in the Northeast Quarter of §29, T-8N, R-1E, Jackson Township, Preble County, Ohio, being part of an original 62.25 acre tract of land described in Deed Book Volume 362, page 749, Recorder's Office, Preble County, Ohio, and being more particularly described as follows:

Commencing at an iron pin found for the Northwest corner of said Northeast Quarter in the centerline of Paddock Road, said point being the Northwest corner of said tract;

Thence along the North line of said §29 and the North line of said tract N 86° 31' 11" E a distance of 1,786.02 feet to a railroad spike set, said spike is witnessed by a wooden fence corner post S 1° 37' 51" E a distance of 19.53 feet;

Thence along a new dividing line on an existing fence line S 1° 37' 51" E a distance of 622.60 feet to an iron pin set at an angle point in said line;

Thence continuing along said new dividing line and said fence line S 14° 47' 53" W a distance of 178.71 feet to an iron pin set on the South line of said tract;

Thence along said South line along an existing fence line S 86° 31' 26" W a distance of 1,646.45 feet to a point at the Southwest corner of said tract on the West line of said Northeast quarter witnessed by a "W" on a stone found N 3° 56' 13" E a distance of 20.69 feet;

Thence along said line N 3° 31' 18" W a distance of 981.76 feet to the point of beginning, containing 39.449 acres of land, more or less and being subject to all legal easements and highways of record.

Parcel No.: F21-8129-000-00-001-000

DESCRIPTION ACCEPTED  
R. KYLE CROSS  
PREBLE COUNTY ENGINEER

OCT 31 2017



# TITLE COMMITMENT

TRANSFERRED-FEE \$ 1.50  
NO TRANSFER NECESSARY  
COUNTY PREBLE  
STATE OHIO

OCT 31 2017

*Deann Wright*  
PREBLE COUNTY AUDITOR

201700005082  
Filed for Record in  
PREBLE COUNTY, OHIO  
JEANNE A. CREECH, RECORDER  
10-31-2017 At 02:22 PM.  
DEED 36.00  
OR Book 376 Page 1459 - 1461

## FIDUCIARY'S DEED

Statutory Form Ohio Revised Code §5302.09

Know All Men By These Presents That PATRICIA LYNNE KUTTER, Grantor, by the power conferred by the LIVING TRUST OF GORDON K. LARSH as amended on November 26, 2013, and every other power, grants with fiduciary covenants to ROGER T. LARSH, DENNIS L. LARSH, and PATRICIA L. KUTTER, whose tax mailing address is 38 Whisper Way, Eaton, Ohio 45320, the following real property: situated in the Township of Jackson, County of Preble, State of Ohio:

See Exhibit A attached hereto.

Prior Instrument Reference: Official Record Volume \_\_, Page \_\_, Recorder's Office, Preble County, Ohio.

IN WITNESS WHEREOF, the Grantor hereunto set her hand the 22 day of September, 2017.

GRANTOR:

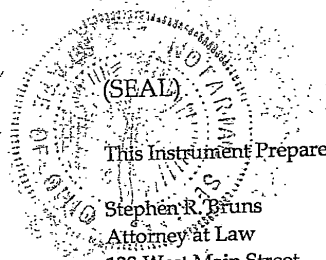
*Patricia L. Kutter*

Patricia Lynne Kutter, Successor Trustee

STATE OF OHIO, COUNTY OF PREBLE §§:

BEFORE ME, a Notary Public in and for said County and State, personally appeared Patricia Lynne Kutter and acknowledged that she did sign this instrument and the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 22 day of September, 2017.



This Instrument Prepared By:

Stephen R. Bruns  
Attorney at Law  
123 West Main Street  
Eaton, Ohio 45320  
(937) 456-1776

*Stephen R. Bruns*  
NOTARY PUBLIC

STEPHEN R. BRUNS, Notary Public  
In and for the State of Ohio  
My Commission Does Not Expire-ORC Sec. 147.03

# TITLE COMMITMENT

## EXHIBIT A

### Tract 1

Situate in Jackson Township, Preble County, Ohio, and being part of the northeast and northwest quarters of §29, T-8N, R-1E, commencing at the southeast corner of the northwest quarter of §29 and running, thence N 1° 48' W 27.62 rods to an X on a boulder on the half section line; thence N 88° E 162.22 rods parallel with the south line of the quarter to a harrow tooth on the east line of the section and about 3 feet south of the sewer culvert in the Wolverton Improved Road; thence N 1° 59' W 70.61 rods on the east line of the section to a — on a stone 65.10 rods south of the northeast corner of said section, witnessed by a W on a stone S 53° E 35 2/3 links and a W on a boulder 49° 45' E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone; thence N 1° W 5.74 rods to an X on a stone; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the northeast quarter of §29; thence, N 1° 48' E 59.49 rods to the northwest corner of the northeast quarter; thence, S 88° 26' W 81.35 rods with the north line of the northwest quarter to an iron stake; thence S 2° E 16.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' East 80.81 rods to the place of beginning, containing 158.17 acres, 82.84 acres being in the northwest quarter and 75 1/3 acres being in the northeast quarter of §29.

The foregoing real estate is also described as:

Situate in Jackson Township, Preble County, Ohio, and being a part of the Northeast and Northwest quarters of §29, T-8N, R-1E, commencing at the SE corner of the NW quarter of §29; thence N 1° 48' W 27.62 rods to an X on a boulder on half section line; thence, N 88° E 162.22 rods parallel with the south line of said quarter to a harrow tooth on the east line of said section and about 3 feet south of the sewer culvert in the Walkerton Improved road; thence, N 1° 59' W 70.61 rods on east line of said section to a — on a stone 65.10 rods south of the NE corner of said section, witnessed by a W on a boulder S 53° E 35 2/3 links and a W on a boulder N 49 3/4° E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone, witnessed by a W on a boulder N 1° W 23 7/8 links; thence, N 1° W 5.74 rods to an X on a stone, witnessed by a W on a boulder S 88° 5' W 25 links and a W on a boulder S 2 1/2° E 21 1/4 links; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the NE quarter of said §29, which point is 59.49 rods south of the NW corner of said NE quarter, witnessed by a W on a boulder N 1° W 31 7/8 links and a W on a boulder S 88 1/2° E 24 1/2 links; thence, N 1° 48' E 59.49 rods to the NW corner of said quarter; thence, S 88° 26' W 81.35 rods with the north line of the NW quarter of said section 29 to an iron stake south of the south wheel track of the Paddock Road; thence, S 2° E 163.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' E 80.81 rods to the place of beginning, containing 158.17 acres of land, more or less, 82.84 acres being in the NW quarter and 75 1/3 acres being in the NE quarter of §29.

Parcel No.: F21-8129-000-00-002-000

### Tract 2

Being 110 acres of land off of the South side of the Southeast Quarter of Section 21, Township 8, Range 1 East, in Jackson Township, Preble County, Ohio, and being the

# TITLE COMMITMENT

same land deed to Lewis Paddock by deeds recorded in Volume 57, page 308, and Volume 61, page 256, of the Deed Records of Preble County, Ohio.

Parcel No.: F21-8121-400-00-001-000

## Tract 3

Situated in the Northeast Quarter of §29, T-8N, R-1E, Jackson Township, Preble County, Ohio, being part of an original 62.25 acre tract of land described in Deed Book Volume 362, page 749, Recorder's Office, Preble County, Ohio, and being more particularly described as follows:

Commencing at an iron pin found for the Northwest corner of said Northeast Quarter in the centerline of Paddock Road, said point being the Northwest corner of said tract;

Thence along the North line of said §29 and the North line of said tract N 86° 31' 11" E a distance of 1,786.02 feet to a railroad spike set, said spike is witnessed by a wooden fence corner post S 1° 37' 51" E a distance of 19.53 feet;

Thence along a new dividing line on an existing fence line S 1° 37' 51" E a distance of 622.60 feet to an iron pin set at an angle point in said line;

Thence continuing along said new dividing line and said fence line S 14° 47' 53" W a distance of 178.71 feet to an iron pin set on the South line of said tract;


Thence along said South line along an existing fence line S 86° 31' 26" W a distance of 1,646.45 feet to a point at the Southwest corner of said tract on the West line of said Northeast quarter witnessed by a "W" on a stone found N 3° 56' 13" E a distance of 20.69 feet;

Thence along said line N 3° 31' 18" W a distance of 981.76 feet to the point of beginning, containing 39.449 acres of land, more or less and being subject to all legal easements and highways of record.

Parcel No.: F21-8129-000-00-001-000

DESCRIPTION ACCEPTED  
R. KYLE CROSS  
PREBLE COUNTY ENGINEER

OCT 31 2017



201700005082  
STEVE BRUNS  
BOX

# TITLE COMMITMENT

TRANSFERRED-FEE \$ 1.50  
NO TRANSFER NECESSARY CX COUNTY  
\$ STATE

Instrument 201700005081 OR Book Page 376 1456

OCT 30 2017

*Gerrit Wright*  
PREBLE COUNTY AUDITOR

201700005081  
Filed for Record in  
PREBLE COUNTY, OHIO  
JEANNE A. CREECH, RECORDER  
10-31-2017 At 02:22 pm.  
AFFIDAVIT 36.00  
OR Book 376 Page 1456 - 1458

## AFFIDAVIT OF SUCCESSOR TRUSTEE O.R.C. §5302.171

State of Ohio, County of Ohio, §§:

Now comes Patricia Lynne Kutter, (s/w Patricia Lynn Kutter), being duly sworn, who says as follows:

1. On December 21, 2000, my father, Gordon K. Larsh, established the Living Trust of Gordon K. Larsh, as amended on November 26, 2013, as shown by the Memorandum of Trust recorded in Preble County, Ohio, Official Records Volume 54, at page 192.
2. Under the terms of that trust, Gordon K. Larsh, who resided at 621 South 36<sup>th</sup> Street, Richmond, IN 47374, was the Original Trustee.
3. Paragraph 6.3(a) of the trust provides as follows: "In the event of the death or incapacity of the Original Trustee, Nancy M. Ramsey and Patricia Lynn Kutter are appointed Successor Co-Trustees. In the event of said Co-Trustees fails or refuses to qualify, the so qualifying may act alone."
4. Gordon K. Larsh died on November 28, 2016.
5. As a result of the above, I am the sole Successor Trustee of the Living Trust of Gordon K. Larsh.
6. Paragraph 6.3(b) of the trust provides as follows: "Any Successor Trustee hereunder shall possess and exercise all powers and authority herein conferred on the Original Trustee."
7. The Trust is the owner of the real estate described in Exhibit A, attached hereto.

Further, affiant saith naught.

*Patricia Lynne Kutter*  
Patricia Lynne Kutter

Duly sworn and subscribed before me this 22 day of September, 2017.

*Stephen R. Bruns*  
Notary Public

Prepared by:  
Stephen R. Bruns, 0025582  
Attorney at Law  
123 West Main Street  
Eaton, Ohio 45320  
(937) 456-1776

STEPHEN R. BRUNS, Notary Public  
In and for the State of Ohio  
My Commission Does Not Expire ORC Sec. 147.03



# TITLE COMMITMENT

## EXHIBIT A

### Tract 1

Situate in Jackson Township, Preble County, Ohio, and being part of the northeast and northwest quarters of §29, T-8N, R-1E, commencing at the southeast corner of the northwest quarter of §29 and running, thence N 1° 48' W 27.62 rods to an X on a boulder on the half section line; thence N 88° E 162.22 rods parallel with the south line of the quarter to a harrow tooth on the east line of the section and about 3 feet south of the sewer culvert in the Wolverton Improved Road; thence N 1° 59' W 70.61 rods on the east line of the section to a — on a stone 65.10 rods south of the northeast corner of said section, witnessed by a W on a stone S 53° E 35 2/3 links and a W on a boulder 49° 45' E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone; thence N 1° W 5.74 rods to an X on a stone; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the northeast quarter of §29; thence, N 1° 48' E 59.49 rods to the northwest corner of the northeast quarter; thence, S 88° 26' W 81.35 rods with the north line of the northwest quarter to an iron stake; thence S 2° E 16.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' East 80.81 rods to the place of beginning, containing 158.17 acres, 82.84 acres being in the northwest quarter and 75 1/3 acres being in the northeast quarter of §29.

The foregoing real estate is also described as:

Situate in Jackson Township, Preble County, Ohio, and being a part of the Northeast and Northwest quarters of §29, T-8N, R-1E, commencing at the SE corner of the NW quarter of §29; thence N 1° 48' W 27.62 rods to an X on a boulder on half section line; thence, N 88° E 162.22 rods parallel with the south line of said quarter to a harrow tooth on the east line of said section and about 3 feet south of the sewer culvert in the Walkerton Improved road; thence, N 1° 59' W 70.61 rods on east line of said section to a — on a stone 65.10 rods south of the NE corner of said section, witnessed by a W on a boulder S 53° E 35 2/3 links and a W on a boulder N 49 1/4° E 42 1/2 links; thence, S 88° 50' W 55.58 rods to an X on a stone, witnessed by a W on a boulder N 1° W 23 7/8 links; thence, N 1° W 5.74 rods to an X on a stone, witnessed by a W on a boulder S 88° 5' W 25 links and a W on a boulder S 2 1/2° E 21 3/4 links; thence, S 88° 50' W 106.73 rods to an X on a stone on the west line of the NE quarter of said §29, which point is 59.49 rods south of the NW corner of said NE quarter, witnessed by a W on a boulder N 1° W 31 7/8 links and a W on a boulder S 88 1/2° E 24 1/2 links; thence, N 1° 48' E 59.49 rods to the NW corner of said quarter; thence, S 88° 26' W 81.35 rods with the north line of the NW quarter of said section 29 to an iron stake south of the south wheel track of the Paddock Road; thence, S 2° E 16.69 rods to an X on a boulder on the south line of said quarter; thence, N 88° 7' E 80.81 rods to the place of beginning, containing 158.17 acres of land, more or less, 82.84 acres being in the NW quarter and 75 1/3 acres being in the NE quarter of §29.

Parcel No.: F21-8129-000-00-002-000

### Tract 2

Being 110 acres of land off of the South side of the Southeast Quarter of Section 21, Township 8, Range 1 East, in Jackson Township, Preble County, Ohio, and being the

# TITLE COMMITMENT

same land deed to Lewis Paddock by deeds recorded in Volume 57, page 308, and Volume 61, page 256, of the Deed Records of Preble County, Ohio.

Parcel No.: F21-8121-400-00-001-000

## Tract 3

Situated in the Northeast Quarter of §29, T-8N, R-1E, Jackson Township, Preble County, Ohio, being part of an original 62.25 acre tract of land described in Deed Book Volume 362, page 749, Recorder's Office, Preble County, Ohio, and being more particularly described as follows:

Commencing at an iron pin found for the Northwest corner of said Northeast Quarter in the centerline of Paddock Road, said point being the Northwest corner of said tract;

Thence along the North line of said §29 and the North line of said tract N 86° 31' 11" E a distance of 1,786.02 feet to a railroad spike set, said spike is witnessed by a wooden fence corner post S 1° 37' 51" E a distance of 19.53 feet;

Thence along a new dividing line on an existing fence line S 1° 37' 51" E a distance of 622.60 feet to an iron pin set at an angle point in said line;

Thence continuing along said new dividing line and said fence line S 14° 47' 53" W a distance of 178.71 feet to an iron pin set on the South line of said tract;

Thence along said South line along an existing fence line S 86° 31' 26" W a distance of 1,646.45 feet to a point at the Southwest corner of said tract on the West line of said Northeast quarter witnessed by a "W" on a stone found N 3° 56' 13" E a distance of 20.69 feet;

Thence along said line N 3° 31' 18" W a distance of 981.76 feet to the point of beginning, containing 39.449 acres of land, more or less and being subject to all legal easements and highways of record.

Parcel No.: F21-8129-000-00-001-000

DESCRIPTION ACCEPTED  
R. KYLE CROSS  
PREBLE COUNTY ENGINEER

OCT 30 2017



201700005081  
STEVE BRUNS  
BOX

Dec 7/63 p 355

Mr. McWhinney by Info To Marcus McWhinney Received for Record April 26<sup>th</sup> 1871  
 Know all Men by these Presents: That Meliano McWhinney and  
 Sophia McWhinney his wife of the County of Pueblo <sup>the</sup> State of Ohio  
 in consideration of Seven Thousand Dollars to them  
 paid by Marcus McWhinney of the same Place  
 the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey, to the  
 said Marcus McWhinney his  
 heirs and assigns forever.

The following Real Estate Situate in the Township of Jackson in the County of Kelle-  
by State of Ohio, bounded as described as follows to wit: Being the North Part or End of the North  
East Quarter of Sec Twenty nine (29) in Township Eight by Range one (1) East Which said tract of land  
is divided apart from the remainder by residue of said Quarter by a line running East by then  
Across said said Quarter Parallel with the lines thereof. The lot or tract hereby conveyed  
Containing sixty Acres of Land Except two Acre out of said tract described as follows viz. Being  
a Part of the N.E. 1/4 of Sec 29, T. 8, R. 15 Beginning at a Stone on the West Side of the branch near the  
Cor of the Team Mill being sixty one Poles by 7/100 West of the Section line between Sections 28 by 29 Thence  
N. 65° 17' 5 Poles by 34/100 Thence N. 55° E 4 Poles Thence N 5° 19 4 Poles Thence N 85° E 20 Poles Thence S 5° E 6  
Poles by 55/100 Thence N 85° E 2 1/2 Poles by 7/100 to the Section line between Sec 28 by 29 Thence on said Section line  
S 55° E 2 Poles by 67/100 Thence S 85° 17' sixty one Poles by 7/100 to the Place of beginning Containing two Acres  
of Land. Also twenty Acres of Land more or less Being the South half of the following described  
Premises Situate in the Township of Jackson County of Kelle- by State of Ohio, bounded as  
described as follows to wit: The E.E. Quarter of Section number twenty (20) in Township 28 R. 15 of Range  
01 on (1) East with the Exceptions of twenty Acres of Land lying on the West side of said  
Quarter by Extending across the same from North to South by Which 20 Acres at is fully described  
in a deed of Conveyance made by David Robinson by his said and the said by dated 16<sup>th</sup> day of April, 1856.  
Also Except a lot of land on the South side of said Quarter being four rods square on Which the  
Robert Allen is now located so long as it is used by said Robert Allen for a house of Work this Which said 1/400<sup>th</sup> of  
the said Quarter is now owned by said Robert Allen to be 1/400<sup>th</sup> of the said Quarter above named the tract of land here by conveyed Containing about 1/400<sup>th</sup>  
of the said Quarter of the said more or less being all the above said 20 Sec 29 except the said 20 rods by four rods square on which the Robert Allen  
and all the Estate, Title and Interest, of the said

the said premises; Together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof: To Have and to Hold, the same to the only proper use of the said  
 heirs and assigns forever. And the said *Millican McWhinney* *his*  
*Millican McWhinney Esq* *Sophia McWhinney* *his*  
 the said premises; Together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof: To Have and to Hold, the same to the only proper use of the said  
 heirs and assigns forever. And the said *Millican McWhinney* *his*  
*Millican McWhinney Esq* *Sophia McWhinney* *his*

heirs and assigns forever. And the said William McWhinney <sup>husb</sup>  
for themselves and for their heirs, executors and administrators, do hereby **Covenant** with the said  
Marcus McWhinney his  
heirs and assigns, that they are the true and lawful owners of the said premises, and have full power to  
convey the same; and the title, so conveyed, is Clear, Free and Unincumbered: and further, that they  
will warrant and defend the same against all claims, or claims, of all persons whomsoever.

In Witness Whereof, the said William McWhinney <sup>his</sup> Sophia his wife was  
hereby release her right and expectancy of **DOWER** in the said premises, have hereunto set their  
hands and seals, this 23<sup>rd</sup> day of December, in the year of our Lord, one thousand, eight  
hundred and Sixty Nine

Signed, Sealed and acknowledged in Presence of us:  
Gavin K. Lake  
W. H. Lough

The State of Ohio  
COUNTY OF Preble

hundred and Sixty Nine before me, a Notary Public in and for said County personally came, William M Wherry My Dorinda M Wherry his wife the grantors in the foregoing Deed, and acknowledged the signing and sealing thereof to be their voluntary act and deed, for the uses and purposes therein mentioned. And the said Dorinda M Wherry wife of the said William M Wherry being examined by me separate and apart from her said husband, and the contents of said deed being by me made known and explained to her, as the Statute directs, declared that she did, voluntarily, sign, seal, and acknowledge the same, and that she is still satisfied therewith, as her act and deed, for the uses and purposes therein mentioned.

In Testimony Whereof, I have hereunto subscribed my name, and affixed my  
Notarial Seal, on the day and year aforesaid.

W. H. Lonsch Notary Public

REGISTER No. 297379

Form IX 230 C  
1-31

APPROVED, ALAN G. GRANT, DIV. ATTY.

By B. H. Kennedy

0242 18 AUGUST

Twenty Dollars, in consideration of which we hereby grant unto said Company, its associated and allied companies, their respective successors and assigns, the right to construct and maintain fresh drains at road

on the property which he own or in which he have any interest, in section 31 in the Town of Jackson County of Preble and State of Ohio, in connection with its lines of telephone and telegraph.

WITNESS our hand and seal this 24 day of JANUARY A. D. 1942, at P.T.O. 2, Laredo, Dlx.  
 (Post-office Address)  
Wm.

Witnesses: James M. Brown (Seal)

E. Elmer & Emma McWhinney.

MISC. Vol. 10 p. 219

A. T. & T. CO. REGISTER NO. 2976 (FORM 1105)  
L.L. DEPT.

LINE Dayton-Indianapolis Cable

ACCT. NO. 9C-624 ESTIMATE NO. 1649

NAME E Elmer & Emma McWhinney.

ADDRESS: R E D #2

Eaton, Ohio.

**ADDRESS OF WITNESSES**

Indianapolis, Indiana.

FIRST POLE ON OR ALONG PROPERTY NO. 1254

LAST POLE ON OR ALONG PROPERTY NO. 1275

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GIVE INB ANCHORS } HIGHWAY

PROPERTY.....PBL-1260

**TREES CUT DOWN.**

FILED OCT 20 1964

REMARKS Rights herein for PBL-1260 only

### DIAGRAM

E. Elmer & Emma  
McWhinney.

1275

RECEIVED 3-9-1978  
O. 448 FEE 5.00

TIME 2:20 P. M.  
RECORDED 3-10-1978  
NO 10 1978 219

H. RALPH BROWN

THE UNITED STATES OF AMERICA

**LETTER NUMBERS**

PHOTOSTAT COPY PREPARED

Assignment COR 16-675 The Ohio  
Telephone and Telegraph Company  
→ United Telephone Company  
of Ohio  
d: 5/8/78 y: 6/2/78 @ 1:45pm

Assignment Noted  
June - 2nd - 1978  
Cert of Rel Val 16-Page 675  
H. Ralph Brown  
Recorder



**AGENCY  
DISCLOSURE &  
CONSUMER GUIDE TO  
AGENCY RELATIONSHIP**

# AGENCY DISCLOSURE

## ADDENDUM A AGENCY DISCLOSURE STATEMENT



**AUCTION SALES:** Notwithstanding any other provision, Schrader Real Estate and Auction Company, Inc. and its agents and associates will represent only the seller in connection with the sale of real estate at an auction conducted by this firm.



The real estate agent who is providing you with this form is required to do so by Ohio law. You will not be bound to pay the agent or the agent's brokerage by merely signing this form. Instead, the purpose of this form is to confirm that you have been advised of the role of the agent(s) in the transaction proposed below. (For purposes of this form, the term "seller" includes a landlord and the term "buyer" includes a tenant.)

Property Address: 197.619(+/-) ac. in Jackson Township, Preble County, with residence at 1745 Wolverton Rd., Eaton, OH

Buyer(s): \_\_\_\_\_

Seller(s): Patricia L. Kutter, Ronnie J. Kutter, Amy J. Larsh and Roger T. Larsh

### I. TRANSACTION INVOLVING TWO AGENTS IN TWO DIFFERENT BROKERAGES

The buyer will be represented by \_\_\_\_\_, and \_\_\_\_\_.  
AGENT(S) BROKERAGE

The seller will be represented by \_\_\_\_\_, and \_\_\_\_\_.  
AGENT(S) BROKERAGE

### II. TRANSACTION INVOLVING TWO AGENTS IN THE SAME BROKERAGE

If two agents in the real estate brokerage \_\_\_\_\_ represent both the buyer and the seller, check the following relationship that will apply:

- ☐ Agent(s) \_\_\_\_\_ work(s) for the buyer and Agent(s) \_\_\_\_\_ work(s) for the seller. Unless personally involved in the transaction, the broker and managers will be "dual agents", which is further explained on the back of this form. As dual agents they will maintain a neutral position in the transaction and they will protect all parties' confidential information.
- ☐ Every agent in the brokerage represents every "client" of the brokerage. Therefore, agents \_\_\_\_\_ and \_\_\_\_\_ will be working for both the buyer and seller as "dual agents". Dual agency is explained on the back of this form. As dual agents they will maintain a neutral position in the transaction and they will protect all parties' confidential information. Unless indicated below, neither the agent(s) nor the brokerage acting as a dual agent in this transaction has a personal, family or business relationship with either the buyer or seller. If such a relationship does exist, explain: \_\_\_\_\_

### III. TRANSACTION INVOLVING ONLY ONE REAL ESTATE AGENT

Agent(s) RD Schrader and all licensed agents of SRE&AC, Inc. and real estate brokerage Schrader Real Estate & Auction Company, Inc. will

- ☐ be "dual agents" representing both parties in this transaction in a neutral capacity. Dual agency is further explained on the back of this form. As dual agents they will maintain a neutral position in the transaction and they will protect all parties' confidential information. Unless indicated below, neither the agent(s) nor the brokerage acting as a dual agent in this transaction has a personal, family or business relationship with either the buyer or seller. If such a relationship does exist, explain: \_\_\_\_\_
- ☒ represent only the (check one) ☒ seller or ☐ buyer in this transaction as a client. The other party is not represented and agrees to represent his/her own best interest. Any information provided the agent may be disclosed to the agent's client.

### CONSENT

I (we) consent to the above relationships as we enter into this real estate transaction. If there is a dual agency in this transaction, I (we) acknowledge reading the information regarding dual agency explained on the back of this form.

BUYER/TENANT \_\_\_\_\_ DATE \_\_\_\_\_

BUYER/TENANT \_\_\_\_\_ DATE \_\_\_\_\_

Roger T. Larsh Amy J. Larsh 1/29/18  
SELLER/LANDLORD DATE  
Patricia L. Kutter Ronnie J. Kutter 1/30/18  
SELLER/LANDLORD DATE

# AGENCY DISCLOSURE

## DUAL AGENCY

Ohio law permits a real estate agent and brokerage to represent both the seller and buyer in a real estate transaction as long as this is disclosed to both parties and they both agree. This is known as dual agency. As a dual agent, a real estate agent and brokerage represent two clients whose interests are, or at times could be, different or adverse. For this reason, the dual agent(s) may not be able to advocate on behalf of the client to the same extent the agent may have if the agent represented only one client.

**As a dual agent, the agent(s) and brokerage shall:**

- Treat both clients honestly;
- Disclose latent (not readily observable) material defects to the purchaser, if known by the agent(s) or brokerage;
- Provide information regarding lenders, inspectors and other professionals, if requested;
- Provide market information available from a property listing service or public records, if requested;
- Prepare and present all offers and counteroffers at the direction of the parties;
- Assist both parties in completing the steps necessary to fulfill the terms of any contract, if requested.

**As a dual agent, the agent(s) and brokerage shall not:**

- Disclose information that is confidential, or that would have an adverse effect on one party's position in the transaction, unless such disclosure is authorized by the client or required by law;
- Advocate or negotiate on behalf of either the buyer or seller;
- Suggest or recommend specific terms, including price, or disclose the terms or price a buyer is willing to offer or that a seller is willing to accept;
- Engage in conduct that is contrary to the instructions of either party and may not act in a biased manner on behalf of one party.

**Compensation:** Unless agreed otherwise, the brokerage will be compensated per the agency agreement.

**Management Level Licensees:** Generally the broker and managers in a brokerage also represent the interests of any buyer or seller represented by an agent affiliated with that brokerage. Therefore, if both buyer and seller are represented by agents in the same brokerage, the broker and manager are dual agents. There are two exceptions to this. The first is where the broker or manager is personally representing one of the parties. The second is where the broker or manager is selling or buying his own real estate. These exceptions only apply if there is another broker or manager to supervise the other agent involved in the transaction.

**Responsibilities of the Parties:** The duties of the agent and brokerage in a real estate transaction do not relieve the buyer and seller from the responsibility to protect their own interests. The buyer and seller are advised to carefully read all agreements to assure that they adequately express their understanding of the transaction. The agent and brokerage are qualified to advise on real estate matters. IF LEGAL OR TAX ADVICE IS DESIRED, YOU SHOULD CONSULT THE APPROPRIATE PROFESSIONAL.

**Consent:** By signing on the reverse side, you acknowledge that you have read and understand this form and are giving your voluntary, informed consent to the agency relationship disclosed. If you do not agree to the agent(s) and/or brokerage acting as a dual agent, you are not required to consent to this agreement and you may either request a separate agent in the brokerage to be appointed to represent your interests or you may terminate your agency relationship and obtain representation from another brokerage.

Any questions regarding the role or responsibilities of the brokerage or its agents should be directed to an attorney or to:

Ohio Department of Commerce  
Division of Real Estate & Professional Licensing  
77 S. High Street, 20<sup>th</sup> Floor  
Columbus, OH 43215-6133  
(614) 466-4100



# CONSUMER GUIDE TO AGENCY

*(Split Agency & Dual Agency – Model Policy)*

## CONSUMER GUIDE TO AGENCY RELATIONSHIPS

**Schrader Real Estate and Auction Company, Inc.**



We are pleased you have selected **Schrader Real Estate and Auction Company, Inc.** to help you with your real estate needs. Whether you are selling, buying or leasing real estate, **Schrader Real Estate and Auction Company, Inc.** can provide you with expertise and assistance. Because this may be the largest financial transaction you will enter into, it is important to understand the role of the agents and brokers with whom you are working. Below is some information that explains the various services that agents can offer and their options for working with you.

For more information on agency law in Ohio, contact the Ohio Division of Real Estate & Professional Licensing at (614) 466-4100, or online at [www.com.ohio.gov/real](http://www.com.ohio.gov/real).

### **Representing the Sellers**

Most sellers of real estate choose to list their home for sale with a real estate brokerage. When they do so, they sign a listing agreement that authorizes the brokerage and the listing agent to represent their interests. As the seller's agent, the brokerage and listing agent must: follow the seller's lawful instructions, be loyal to the seller, promote the seller's best interests, disclose material facts to the seller, maintain confidential information, act with reasonable skill and care, and account for any money they handle in the transaction. In rare circumstances, a listing broker may offer "subagency" to other brokerages, which would also represent the seller's interests and owe the seller these same duties.

**AUCTION SALES:** Notwithstanding any other provision, **Schrader Real Estate and Auction Company, Inc.** and its agents and associates will represent only the seller in connection with the sale of real estate at an auction conducted by this firm.

### **Representing Buyers**

When purchasing real estate, buyers usually choose to work with a real estate agent as well. Often the buyers want to be represented in the transaction. This is referred to as buyer's agency. A brokerage and agent that agree to represent a buyer's interest in a transaction must: follow the buyer's lawful instructions, be loyal to the buyer, promote the buyer's best interests, disclose material facts to the buyer, maintain confidential information, and account for any money they handle in the transaction.

### **Dual Agency**

Occasionally, the same agent and brokerage that represent the seller also represent the buyer. This is referred to as dual agency. When a brokerage and its agents become "dual agents," they must maintain a neutral position between the buyer and the seller. They may not advocate the position of one client over the best interests of the other client, or disclose any personal or confidential information to the other party without written consent.

# CONSUMER GUIDE TO AGENCY

## Representing Both the Buyer & Seller

On occasion, the buyer and seller will each be represented by two different agents from the same brokerage. In this case, the agents may each represent the best interest of their respective clients. Or, depending on company policy, the agents may both act as dual agents and remain neutral in the transaction. When either of the above occurs, the brokerage will be considered a dual agent. As a dual agent, the brokerage and its managers will maintain a neutral position and cannot advocate for the position of one client over another. The brokerage will also protect the confidentiality of all parties.

## Working With Schrader Real Estate and Auction Company, Inc.

**AUCTION SALES:** Notwithstanding any other provision, **Schrader Real Estate and Auction Company, Inc.** and its agents and associates will represent only the seller in connection with the sale of real estate at an auction conducted by this firm.

**Schrader Real Estate and Auction Company, Inc.** does offer representation to both buyers and sellers. Therefore, the potential exists for one agent to represent a buyer who wishes to purchase property listed with another agent in our company. If this occurs, each agent will represent their own client, but **Schrader Real Estate and Auction Company, Inc.** and its managers will act as a dual agent.

This means the brokerage and its managers will maintain a neutral position and not take any actions that will favor one side over the other. **Schrader Real Estate and Auction Company, Inc.** will still supervise both agents to assure that their respective clients are being fully represented and will protect the parties' confidential information.

In the event that both the buyer and seller are represented by the same agent, the agent and **Schrader Real Estate and Auction Company, Inc.** will act as a dual agent but only if both parties agree. As a dual agent, they will treat both parties honestly, prepare and present offers at the direction of the parties, and help the parties fulfill the terms of any contract. They will not, however, disclose any confidential information that would place one party at an advantage over the other or advocate or negotiate to the detriment of either party.

If dual agency occurs, you will be asked to consent to that in writing. If you do not agree to your agent acting as a dual agent, you can ask that another agent in our company be assigned to represent you or you can seek representation from another brokerage.

As a buyer, you may also choose to represent yourself on properties **Schrader Real Estate and Auction Company, Inc.** has listed. In that instance, **Schrader Real Estate and Auction Company, Inc.** will represent the seller and you would represent your own best interests. Because the listing agent has a duty of full disclosure to the seller, you should not share any information with the listing agent that you would not want the seller to know.

## Working With Other Brokerages

When **Schrader Real Estate and Auction Company, Inc.** lists property for sale, it also cooperates with, and offers compensation to, other brokerages that represent buyers. **Schrader Real Estate and Auction Company, Inc.** does reserve the right, in some instances, to vary the compensation it offers to other brokerages.

As a seller, you should understand that just because **Schrader Real Estate and Auction Company, Inc.** shares a fee with a brokerage representing the buyer, it does not mean that you will be represented by that

# CONSUMER GUIDE TO AGENCY

brokerage. Instead, that company will be looking out for the buyer and **Schrader Real Estate and Auction Company, Inc.** will be representing your interests.

When acting as a buyer's agent, **Schrader Real Estate and Auction Company, Inc.** also accepts compensation offered by the listing broker. If the property is not listed with any broker, or the listing broker does not offer compensation, we will attempt to negotiate for a seller-paid fee.

## Fair Housing Statement

It is illegal, pursuant to the Ohio Fair Housing Law, division (H) of Section 4112.02 of the Revised Code and the Federal Fair Housing Law, 42 U.S.C.A. 3601, as amended, to refuse to sell, transfer, assign, rent, lease, sublease or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, familial status as defined in Section 4112.01 of the Revised Code, ancestry, military status as defined in that section, disability as defined in that section, or national origin or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the provision of real estate brokerage services. It is also illegal, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons belonging to one of the protected classes. (Effective: 9/28/11)

We hope you find this information to be helpful to you as you begin your real estate transaction. When you are ready to enter into a transaction, you will be given an Agency Disclosure Statement that specifically identifies the role of the agents and brokerages. Please ask questions if there is anything you do not understand.

Because it is important that you have this information, Ohio law requires that we ask you to sign below to acknowledge receipt of this pamphlet. Your signature will not obligate you to work with our company if you do not choose to do so.

Patricia L. Kutter  
Patricia L. Kutter (Please Print)  
Patricia L. Kutter 1-30-18  
Signature (Date)

Roger T. Larsh  
Roger T. Larsh (Please Print)  
Roger T. Larsh 1/29/18  
Signature (Date)

RONNIE J. KUTTER  
Ronnie J. Kutter (Please Print)  
Ronnie J. Kutter 1-30-18  
Signature (Date)

Amy Larsh  
Amy Larsh (Please Print)  
Amy Larsh 1/29/18  
Signature (Date)

**LEAD BASED PAINT  
& RESIDENTIAL  
PROPERTY  
DISCLOSURES**

# LEAD BASED PAINT DISCLOSURE



## LEAD-BASED PAINT SELLER'S DISCLOSURE FORM



1745 Wolverton Road, Eaton, OH 45320

Street Address

City, Village, Township

State

### Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

### I. Seller's Disclosure (Initial)

\_\_\_\_ (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

☐ Known lead-based and/or lead-based paint hazards are present in the housing (explain):

or \_\_\_\_\_

☒ Seller has no knowledge of lead-based paint and/or lead-based hazards in the housing.

\_\_\_\_ (b) Records and reports available to the seller (check one below):

☐ Seller has provided purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below):

or \_\_\_\_\_

☒ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Seller certifies that to the best of his/her knowledge, the Seller's statement above are true and accurate.

Date: 1/29/18

Date: 1/30/18

*Robert J. Kunk*  
Seller  
*Madeline Kunk*  
Seller  
*Amy G. Kunk*  
Seller  
*Ronnie J. Kunk*  
Seller

### II. Agent's Acknowledgment (Initial)

*AK* Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852 d and is aware of his/her responsibility to ensure compliance.

Agent certifies that to the best of his/her knowledge, the Agent's statement above is true and accurate.

Date: 1/31/2018

*Andrew M. Webb*  
Agent

### III. Purchaser's Acknowledgment (Initial)

\_\_\_\_ (a) Purchaser has received copies of all information listed above.

\_\_\_\_ (b) Purchaser has received the federally approved pamphlet *Protect Your Family From Lead In Your Home*.

\_\_\_\_ (c) Purchaser has (check one below):

☐ Received a 10-day opportunity (or other mutually agreed upon period) to conduct a risk assessment or inspection of the presence of lead-based paint or lead-based hazards;

☒ Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Purchaser certifies to the best of his/her knowledge, the Purchaser's statements above are true and accurate.

Date: \_\_\_\_\_

Purchaser

Date: \_\_\_\_\_

Purchaser

# RESIDENTIAL PROPERTY DISCLOSURE



STATE OF OHIO  
DEPARTMENT OF COMMERCE

2013

## RESIDENTIAL PROPERTY DISCLOSURE FORM

**Purpose of Disclosure Form:** This is a statement of certain conditions and information concerning the property actually known by the owner. An owner may or may not have lived at the property and unless the potential purchaser is informed in writing, the owner has no more information about the property than could be obtained by a careful inspection of the property by a potential purchaser. Unless the potential purchaser is otherwise informed, the owner has not conducted any inspection of generally inaccessible areas of the property. This form is required by Ohio Revised Code Section 5302.30.

THIS FORM IS NOT A WARRANTY OF ANY KIND BY THE OWNER OR BY ANY AGENT OR SUBAGENT REPRESENTING THE OWNER. THIS FORM IS NOT A SUBSTITUTE FOR ANY INSPECTIONS. **POTENTIAL PURCHASERS ARE ENCOURAGED TO OBTAIN THEIR OWN PROFESSIONAL INSPECTION(S).**

**Owner's Statement:** The statements contained in this form are made by the owner and are not the statements of the owner's agent or subagent. The statements contained in this form are provided by the owner only to potential purchasers in a transfer made by the owner. The statements are not for purchasers in any subsequent transfers. The information contained in this disclosure form does not limit the obligation of the owner to disclose an item of information that is required by any other statute or law to be disclosed in the transfer of residential real estate.

## OWNER INSTRUCTIONS

**Instructions to Owner:** (1) Answer ALL questions. (2) Report known conditions affecting the property. (3) Attach additional pages with your signature if additional space is needed. (4) Complete this form yourself. (5) If some items do not apply to your property, write NA (not applicable). If the item to be disclosed is not within your actual knowledge, indicate Unknown.

Owner's Initials RL/10 Date 1/29/18  
Owner's Initials RL/10 Date 1/30/18

Purchaser's Initials \_\_\_\_\_ Date \_\_\_\_\_  
Purchaser's Initials \_\_\_\_\_ Date \_\_\_\_\_

# RESIDENTIAL PROPERTY DISCLOSURE



2013

## STATE OF OHIO DEPARTMENT OF COMMERCE

### RESIDENTIAL PROPERTY DISCLOSURE FORM

Pursuant to section 5302.30 of the Revised Code and rule 1301:5-6-10 of the Administrative Code.

#### TO BE COMPLETED BY OWNER (Please Print)

Property Address:

1745 Wolverton Road, Eaton, Ohio 45320

Owners Name(s):

Patricia L. Kutter, Ronnie J. Kutter, Roger T. Larsh and Amy J. Larsh

Date: January 27, 2018

Owner ☐ is ☒ is not occupying the property. If owner is occupying the property, since what date: \_\_\_\_\_

If owner is not occupying the property, since what date: never occupied

#### THE FOLLOWING STATEMENTS OF THE OWNER ARE BASED ON OWNER'S ACTUAL KNOWLEDGE

##### A) WATER SUPPLY: The source of water supply to the property is (check appropriate boxes):

- |  |                                       |                                      |
|--|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Public Water Service    | <input type="checkbox"/> Holding Tank | <input type="checkbox"/> Unknown     |
| <input type="checkbox"/> Private Water Service   | <input type="checkbox"/> Cistern      | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Private Well | <input type="checkbox"/> Spring       | _____                                |
| <input type="checkbox"/> Shared Well             | <input type="checkbox"/> Pond         | _____                                |

Do you know of any current leaks, backups or other material problems with the water supply system or quality of the water? ☐ Yes  
No ☒ If "Yes", please describe and indicate any repairs completed (but not longer than the past 5 years): \_\_\_\_\_

Is the quantity of water sufficient for your household use? (NOTE: water usage will vary from household to household) ☐ Yes ☐ No

##### B) SEWER SYSTEM: The nature of the sanitary sewer system servicing the property is (check appropriate boxes):

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> Public Sewer | <input type="checkbox"/> Private Sewer | <input checked="" type="checkbox"/> Septic Tank |
| <input type="checkbox"/> Leach Field  | <input type="checkbox"/> Aeration Tank | <input type="checkbox"/> Filtration Bed         |
| <input type="checkbox"/> Unknown      | <input type="checkbox"/> Other _____   |   |

If not a public or private sewer, date of last inspection: unknown Inspected By: unknown

Do you know of any previous or current leaks, backups or other material problems with the sewer system servicing the property?

Yes ☐ No ☒ If "Yes", please describe and indicate any repairs completed (but not longer than the past 5 years): \_\_\_\_\_

Information on the operation and maintenance of the type of sewage system serving the property is available from the department of health or the board of health of the health district in which the property is located.

C) ROOF: Do you know of any previous or current leaks or other material problems with the roof or rain gutters? ☐ Yes ☒ No  
If "Yes", please describe and indicate any repairs completed (but not longer than the past 5 years): \_\_\_\_\_

D) WATER INTRUSION: Do you know of any previous or current water leakage, water accumulation, excess moisture or other defects to the property, including but not limited to any area below grade, basement or crawl space? ☐ Yes ☒ No

If "Yes", please describe and indicate any repairs completed: \_\_\_\_\_

Owner's Initials PKA Date 1/29/18  
Owner's Initials PKA Date 1/30/18

Purchaser's Initials \_\_\_\_\_ Date 1/27  
Purchaser's Initials \_\_\_\_\_ Date 1/27

# RESIDENTIAL PROPERTY DISCLOSURE

Property Address 1745 Wolverton Road, Eaton, Ohio 45320

Do you know of any water or moisture related damage to floors, walls or ceilings as a result of flooding; moisture seepage; moisture condensation; ice damming; sewer overflow/backlog; or leaking pipes, plumbing fixtures, or appliances? ☐ Yes ☒ No

If "Yes", please describe and indicate any repairs completed: \_\_\_\_\_

Have you ever had the property inspected for mold by a qualified inspector? ☐ Yes ☒ No

If "Yes", please describe and indicate whether you have an inspection report and any remediation undertaken: \_\_\_\_\_

**Purchaser is advised that every home contains mold. Some people are more sensitive to mold than others. If concerned about this issue, purchaser is encouraged to have a mold inspection done by a qualified inspector.**

**E) STRUCTURAL COMPONENTS (FOUNDATION, BASEMENT/CRAWL SPACE, FLOORS, INTERIOR AND EXTERIOR WALLS):** Do you know of any previous or current movement, shifting, deterioration, material cracks/settling (other than visible minor cracks or blemishes) or other material problems with the foundation, basement/crawl space, floors, or interior/exterior walls?

☒ Yes ☐ No If "Yes", please describe and indicate any repairs, alterations or modifications to control the cause or effect of any problem identified (but not longer than the past 5 years): 1st floor floors are not level as natural logs with support posts/jacks serve as structural support the floor; to our knowledge there is no evidence of structural shifting

Do you know of any previous or current fire or smoke damage to the property? ☐ Yes ☒ No

If "Yes", please describe and indicate any repairs completed: \_\_\_\_\_

**F) WOOD DESTROYING INSECTS/TERMITES:** Do you know of any previous/current presence of any wood destroying insects/termites in or on the property or any existing damage to the property caused by wood destroying insects/termites? ☐ Yes ☒ No  
If "Yes", please describe and indicate any inspection or treatment (but not longer than the past 5 years): \_\_\_\_\_

**G) MECHANICAL SYSTEMS:** Do you know of any previous or current problems or defects with the following existing mechanical systems? If your property does not have the mechanical system, mark N/A (Not Applicable).

	YES	NO	N/A		YES	NO	N/A
1) Electrical	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8) Water softener	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Plumbing (pipes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Is water softener leased?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Central heating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9) Security System	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Central Air conditioning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Is security system leased?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Sump pump	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10) Central vacuum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Fireplace/chimney	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11) Built in appliances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) Lawn sprinkler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12) Other mechanical systems	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer to any of the above questions is "Yes", please describe and indicate any repairs to the mechanical system (but not longer than the past 5 years): \_\_\_\_\_

**H) PRESENCE OF HAZARDOUS MATERIALS:** Do you know of the previous or current presence of any of the below identified hazardous materials on the property?

	Yes	No	Unknown
1) Lead-Based Paint	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Urea-Formaldehyde Foam Insulation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Radon Gas	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. If "Yes", indicate level of gas if known	_____		
5) Other toxic or hazardous substances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer to any of the above questions is "Yes", please describe and indicate any repairs, remediation or mitigation to the property: \_\_\_\_\_

Owner's Initials PKK Date 1/29/18  
Owner's Initials PKK Date 1/30/18

Purchaser's Initials \_\_\_\_\_ Date 1/27  
Purchaser's Initials \_\_\_\_\_ Date 1/27

# RESIDENTIAL PROPERTY DISCLOSURE

Property Address 1745 Wolverton Road, Eaton, Ohio 45320

**I) UNDERGROUND STORAGE TANKS/WELLS:** Do you know of any underground storage tanks (existing or removed), oil or natural gas wells (plugged or unplugged), or abandoned water wells on the property? ☐ Yes ☒ No

If "Yes", please describe: \_\_\_\_\_

Do you know of any oil, gas, or other mineral right leases on the property? ☐ Yes ☒ No

**Purchaser should exercise whatever due diligence purchaser deems necessary with respect to oil, gas, and other mineral rights. Information may be obtained from records contained within the recorder's office in the county where the property is located.**

**J) FLOOD PLAIN/LAKE ERIE COASTAL EROSION AREA:**

Is the property located in a designated flood plain?

Is the property or any portion of the property included in a Lake Erie Coastal Erosion Area?

Yes	No	Unknown
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**K) DRAINAGE/EROSION:** Do you know of any previous or current flooding, drainage, settling or grading or erosion problems affecting the property? ☐ Yes ☒ No

If "Yes", please describe and indicate any repairs, modifications or alterations to the property or other attempts to control any problems (but not longer than the past 5 years): \_\_\_\_\_

**L) ZONING/CODE VIOLATIONS/ASSESSMENTS/HOMEOWNERS' ASSOCIATION:** Do you know of any violations of building or housing codes, zoning ordinances affecting the property or any nonconforming uses of the property? ☐ Yes ☒ No

If "Yes", please describe: \_\_\_\_\_

Is the structure on the property designated by any governmental authority as a historic building or as being located in an historic district? (NOTE: such designation may limit changes or improvements that may be made to the property). ☐ Yes ☒ No

If "Yes", please describe: \_\_\_\_\_

Do you know of any recent or proposed assessments, fees or abatements, which could affect the property? ☐ Yes ☒ No

If "Yes", please describe: \_\_\_\_\_

List any assessments paid in full (date/amount) \_\_\_\_\_

List any current assessments: \_\_\_\_\_ monthly fee \_\_\_\_\_ Length of payment (years \_\_\_\_\_ months \_\_\_\_\_)

Do you know of any recent or proposed rules or regulations of, or the payment of any fees or charges associated with this property, including but not limited to a Community Association, SID, CID, LID, etc. ☐ Yes ☒ No

If "Yes", please describe (amount) \_\_\_\_\_

**M) BOUNDARY LINES/ENCROACHMENTS/SHARED DRIVEWAY/PARTY WALLS:** Do you know of any of the following conditions affecting the property?

	Yes	No		Yes	No
1) Boundary Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4) Shared Driveway	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Boundary Dispute	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5) Party Walls	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Recent Boundary Change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6) Encroachments From or on Adjacent Property	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer to any of the above questions is "Yes", please describe: \_\_\_\_\_

**N) OTHER KNOWN MATERIAL DEFECTS:** The following are other known material defects in or on the property:

For purposes of this section, material defects would include any non-observable physical condition existing on the property that could be dangerous to anyone occupying the property or any non-observable physical condition that could inhibit a person's use of the property.

Owner's Initials AKG Date 1/27/18  
Owner's Initials AKG Date 1/30/18

Purchaser's Initials \_\_\_\_\_ Date 1/27  
Purchaser's Initials \_\_\_\_\_ Date 1/27

# RESIDENTIAL PROPERTY DISCLOSURE

Property Address 1745 Wolverton Road, Eaton, Ohio 45320

## CERTIFICATION OF OWNER

Owner certifies that the statements contained in this form are made in good faith and based on his/her actual knowledge as of the date signed by the Owner. Owner is advised that the information contained in this disclosure form does not limit the obligation of the owner to disclose an item of information that is required by any other statute or law or that may exist to preclude fraud, either by misrepresentation, concealment or nondisclosure in a transaction involving the transfer of residential real estate.

OWNER: Rogan J. Lash Amy J. Lash DATE: 1/27/2018

OWNER: Barbara J. Kutter Bonnie J. Kutter DATE: 1/27/2018

## RECEIPT AND ACKNOWLEDGEMENT OF POTENTIAL PURCHASERS

Potential purchasers are advised that the owner has no obligation to update this form but may do so according to Revised Code Section 5302.30(G). Pursuant to Ohio Revised Code Section 5302.30(K), if this form is not provided to you prior to the time you enter into a purchase contract for the property, you may rescind the purchase contract by delivering a signed and dated document of rescission to Owner or Owner's agent, provided the document of rescission is delivered prior to all three of the following dates: 1) the date of closing; 2) 30 days after the Owner accepted your offer; and 3) within 3 business days following your receipt or your agent's receipt of this form or an amendment of this form.

Owner makes no representations with respect to any offsite conditions. Purchaser should exercise whatever due diligence purchaser deems necessary with respect to offsite issues that may affect purchaser's decision to purchase the property.

Purchaser should exercise whatever due diligence purchaser deems necessary with respect to Ohio's Sex Offender Registration and Notification Law (commonly referred to as "Megan's Law"). This law requires the local Sheriff to provide written notice to neighbors if a sex offender resides or intends to reside in the area. The notice provided by the Sheriff is a public record and is open to inspection under Ohio's Public Records Law. If concerned about this issue, purchaser assumes responsibility to obtain information from the Sheriff's office regarding the notices they have provided pursuant to Megan's Law.

Purchaser should exercise whatever due diligence purchaser deems necessary with respect to abandoned underground mines. If concerned about this issue, purchaser assumes responsibility to obtain information from the Ohio Department of Natural Resources. The Department maintains an online map of known abandoned underground mines on their website at [www.dnr.state.oh.us](http://www.dnr.state.oh.us).

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS DISCLOSURE FORM AND UNDERSTAND THAT THE STATEMENTS ARE MADE BASED ON THE OWNERS ACTUAL KNOWLEDGE AS OF THE DATE SIGNED BY THE OWNER.

My/Our Signature below does not constitute approval of any disclosed condition as represented herein by the owner.

PURCHASER: \_\_\_\_\_ DATE: \_\_\_\_\_

PURCHASER: \_\_\_\_\_ DATE: \_\_\_\_\_



**PHOTOS**

# PHOTOS



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