

*Cover page for:*

# **Copies of documents creating 45' wide access easement from Doty Road to west side of Tract 1**

*Contents:*

- **Easement for Ingress and Egress recorded in the office of the Recorder of Allen County, Indiana on April 24, 2017 as document number 2017020519; and**
- **Amendment of Easement for Ingress and Egress recorded in the office of the Recorder of Allen County, Indiana on April 22, 2020 as document number 2020021782.**

**(The length of the easement corridor was extended pursuant to the Amendment recorded on April 22, 2020. The extended easement corridor is 45 feet x 775 feet.)**

*Re. auction to be conducted on May 9, 2020 by:*

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

*On behalf of:*

**Steven D. Graber and Debra R. Graber**

**EASEMENT FOR INGRESS AND EGRESS**

**THIS INDENTUREE WITNESSETH, THAT MARTIN H. BRANDENBERGER and ANNA H. BRANDENBERGER** (hereinafter referred to as "Grantor"), the owners of the real estate in Allen County Indiana, more fully described as follows:

Part of the West Half of the Northeast Quarter of the Southwest Quarter of Section 14, Township 31 North, Range 14 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of the West Half of the Northeast Quarter of the Southwest Quarter of Section 14, Township 31 North, Range 14 East; thence West along the North line of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 14-31-14 a distance of 50 feet; thence South with a deflection angle to the left of 90 degree 05 min. a distance of 697.69 feet; thence West with a deflection angle to the right of 89 degr. 24 min. 20 sec. a distance of 611.71 feet to a point on the West line of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 14-31-14; thence South with a deflection angle to the left of 88 degr. 48 min. 30 sec. along the West line of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 14-31-14 a distance of 603.00 feet to the Southwest corner of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 14-31-14; thence East with a deflection angle to the left of 91 degr. 11 min. 30 sec. along the South line of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 14-31-14 a distance of 668.0 feet to the Southeast corner of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 14-31-14; thence North with a deflection angle to the left of 89 degr. 24 min. 20 sec. along the East line of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 14-31-14 a distance of 1300.0 feet to the point of beginning, containing 10.0 acres, subject to road rights of way and easements.

Deed Ref.: 2011056985

for valuable consideration, the receipt of which is hereby acknowledged, **DO HEREBY GRANT AND CONVEY** to STEVEN D. GRABER and DEBRA R. GRABER (hereinafter referred to as "Grantee"), and its successors and assigns, the owners of the real estate located in Allen County Indiana and more fully described as follows:

The East half, North half, East half of the Southwest Quarter, Section Numbered 14, Township 31 North, Range 14 East, containing 20 acres of land, more or less, Allen County, Indiana.

**EXCEPT THEREFROM:**

Part of the Southwest Quarter of Section 14, Township 31 North, Range 14 East, Allen County, Indiana, more particularly described as follows:

Beginning at a P.K. nail found monumenting the Northeast corner of said Southwest Quarter; thence South 00 degrees 39 minutes 47 seconds West (assumed bearing of North 90 degrees 00 minutes 00 seconds East for the North line of said Southwest Quarter is utilized as the basis of all bearings relative this description) along the East line of said Southwest Quarter, being established by a partial line fence, a distance of 435.60 feet to a point, said point being monument by a rebar set 2.6 feet north; thence South 90 degrees 00 minutes 00 second West and parallel with the North line of said Southwest Quarter, a distance of 200.00 feet to a rebar set; thence North 00 degrees 39 minutes 47 seconds East and parallel with the East line of said Southwest Quarter, a distance of 435.60 feet to a mag nail set on the North line of said Southwest Quarter; thence North 90 degrees 00 minutes 00 seconds East along said North line, being within the right-of-way of Doty Road, a distance of 200.00 feet to the point of beginning, containing 2.00 acres of land, more or less.

Deed Ref.: 2015058484

an easement which is more fully described as follows:

The Easternmost 45 feet of the Northernmost 690 feet of the West Half of the Northeast Quarter of the Southwest Quarter of Section 14, Township 31 North, Range 14 East, Allen County, Indiana.

for ingress and egress and for the purposes set out below under the following terms, conditions, and agreements:

1. GRANTOR has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto GRANTEE, a perpetual, free, continuous and uninterrupted use, liberty, privilege and easement to use and enjoy the above described Easement.
2. Neither GRANTOR nor GRANTEE shall erect any improvements or other facilities upon the Easement which may impair the flow of traffic over and across same.
3. GRANTOR hereby grants to GRANTEE the right to permit the GRANTEE, GRANTEE'S invitees, guests, and others of the general public coming on the premises to utilize the Easement, it being the intention of the parties hereto that such persons shall have free access to, upon, and over the Easement for ingress and egress purposes.
4. This Easement shall be ONLY for the limited purpose of access, ingress, egress and maintenance to and from GRANTEE'S property.
5. The land hereby conveyed shall be used as a common driveway for the benefit of said properties. GRANTOR shall continue to use
6. Said driveway shall be crushed stone or gravel.
7. Each of the Parties shall contribute equally to the maintenance of said driveway necessary to keep the same in a reasonable state of repair.
8. Said driveway shall never be paved or covered with a hard surface without the mutual consent in writing of both Grantor and Grantee, or their successors in interest.
9. Said Easement shall bind and inure to the respective benefit of GRANTOR and GRANTEE. As used herein the terms GRANTOR and GRANTEE shall include the present and future owner or owners and mortgagees, their heirs, personal representatives, successors and assigns of GRANTOR'S property and GRANTEE'S property, respectively.
10. This is an easement, not a license. The Easement and right-of-way granted hereby is for the benefit of the GRANTEE'S property and shall be appurtenant to and run with the GRANTEE'S property and shall be deemed to be a part of every contract or transaction for the sale of the Real Estate.
11. Grantor certifies under oath that no Indiana Gross Income Tax is due or payable respect to the transfer made by this Grant of Easement.

TO HAVE AND TO HOLD the above described Easement forever for the uses, benefits, purposes and burdens herein set forth, the GRANTOR does hereby bind themselves, their heirs, personal representatives, successors and assigns to Warrant and Forever Defend all and singular the said Easement and right-of-way against every person whomsoever lawfully claiming or to claim the same or any part thereof.

GRANTOR and GRANTEE have duly executed this Ingress and Egress Easement and Maintenance Agreement effective as of the 22 day of April, 2017.

GRANTORS:

Martin H. Brandenberger  
Martin H. Brandenberger  
Anna H. Brandenberger  
Anna H. Brandenberger

GRANTEES:

Steven D. Graber  
Steven D. Graber  
Debra R. Graber  
Debra R. Graber

STATE OF INDIANA )

COUNTY OF ALLEN )

ACKNOWLEDGEMENT

Before me, a Notary Public in and for said County and State, personally appeared Martin H. Brandenberger and Anna H. Bradenberger, who each acknowledged the execution of the foregoing Easement, and stated that the representations therein are true and accurate. In witness whereof, I have hereunto subscribed my name and affixed my official seal this 22 day of April, 2017.

My commission expires:  
October 27, 2018

Signature: Mitchel Thompson

Mitchel Thompson

Resident of: Allen County, Indiana



STATE OF INDIANA )

COUNTY OF ALLEN )

ACKNOWLEDGEMENT

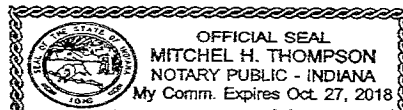
Before me, a Notary Public in and for said County and State, personally appeared Steven D. Graber and Debra R. Graber, who each acknowledged the execution of the foregoing Easement, and stated that the representations therein are true and accurate. In witness whereof, I have hereunto subscribed my name and affixed my official seal this 22 day of April, 2017.

My commission expires:  
October 27, 2018

Signature: Mitchel Thompson

Mitchel Thompson

Resident of: Allen County, Indiana



I affirm under the penalties for perjury, that I ~~have taken reasonable care to~~ redact each Social Security Number in this document, unless otherwise required by law. Mitchel Thompson.

Prepared by: Mitchel Thompson of Thompson & Thompson, Attorneys at Law, P.C., 18214 State Road 37, Harlan, Indiana 46743, (260) 657-4003

Return easement to: Thompson & Thompson, Attorneys at Law, P.C., 18214 SR 37 Harlan, IN 46743

FWN 113284

**2020021782**  
**RECORDED: 04/22/2020 08:39:15 AM**  
**ANITA MATHER**  
**ALLEN COUNTY RECORDER**  
**FORT WAYNE, IN**

**AMENDMENT OF EASEMENT FOR INGRESS AND EGRESS**

This Amendment of Easement for Ingress and Egress (this "Amendment") is intended to supplement and amend the provisions of an Easement for Ingress and Egress recorded in the office of the Recorder of Allen County, Indiana on April 24, 2017 as document number 2017020519 (the "Original Easement Document").

This Amendment is executed by **Martin H. Brandenberger and Anna H. Brandenberger**, as the owners of the servient estate with respect to the easement granted pursuant to the Original Easement Document, being part of the real estate described in a deed recorded in the office of the Recorder of Allen County, Indiana as document number 2011046683, and by **Steven D. Graber and Debra R. Graber**, as the owners of the dominant estate with respect to said easement, being part of the real estate described in a deed recorded in the office of the Recorder of Allen County, Indiana as document number 2015058484.

The parties hereby agree that the 45-foot wide easement corridor described in the Original Easement Document shall be and hereby is extended an additional 85 feet at the south end thereof. The extended easement corridor is described as follows:

The Easternmost 45 feet of the Northernmost 775 feet of the West Half of the Northeast Quarter of the Southwest Quarter of Section 14, Township 31 North, Range 14 East, Allen County, Indiana.

Henceforth, the extended easement corridor described above shall be subject to the easement rights and servitudes granted pursuant to the terms of the Original Easement Document. The Original Easement Document is hereby amended accordingly. Except for the description of the easement corridor, all terms of the Original Easement Document are ratified and confirmed.

This Amendment may be executed in multiple counterparts, all of which together shall constitute one and the same instrument. If this Amendment is executed in counterparts, the signature page from one counterpart may be combined with and attached to the other counterpart for purposes of recording this Amendment. This Amendment may be executed, acknowledged and/or recorded electronically in accordance with the Uniform Real Property Electronic Recording Act (Ind. Code 32-21-2.5-1, et seq.).

IN WITNESS WHEREOF, this Amendment of Easement for Ingress and Egress is executed  
on this 18<sup>th</sup> day of April, 2020.

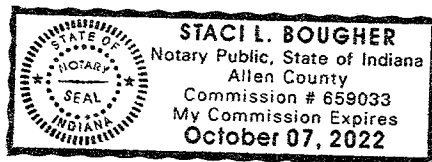
Martin H. Brandenberger  
(Martin H. Brandenberger)

Anna H. Brandenberger  
(Anna H. Brandenberger)

STATE OF INDIANA )  
COUNTY OF Allen ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this  
18<sup>th</sup> day of April, 2020 personally appeared **Martin H. Brandenberger**  
and **Anna H. Brandenberger** and acknowledged the execution of this Amendment of Easement for  
Ingress and Egress. In witness whereof, I have hereunto subscribed my name and affixed my official  
seal.

My commission expires: Oct. 7, 2022 Signature: Staci L Bougher  
County of Residence: Allen Print: Staci L Bougher



IN WITNESS WHEREOF, this Amendment of Easement for Ingress and Egress is executed on this 18<sup>th</sup> day of April, 2020.

[Signature]  
(Steven D. Graber)

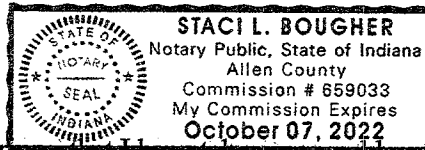
[Signature]  
(Debra R. Graber)

STATE OF INDIANA )  
COUNTY OF Allen ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 18<sup>th</sup> day of April, 2020 personally appeared **Steven D. Graber and Debra R. Graber** and acknowledged the execution of this Amendment of Easement for Ingress and Egress. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 10-7-2022 Signature: [Signature]

County of Residence: Allen Print: Staci L Bougher



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. [Name:] J. Earl Tison

This instrument was prepared by Attorney J. Earl Tison, Columbia City, Indiana. This instrument is intended to facilitate the sale of real estate at public auction and was prepared by an attorney who represents only the auction company. All parties are responsible for consulting with their own respective attorneys regarding the legal effect of this instrument.