The East half (1/2) of the South fraction of the North East quarter (1/4) of Section four (4), Township twenty-three (23) North, Range five (5) West, containing forty (40) acres, more or less. Located in Wabash Township, Tippecanoe County, Indiana.

Subject to all restrictions, easements and rights of way of record.

SCOTT LODS PROPERTY:

Document Number: 07003032
Grantor: Candlelight Development Corporation
Grantee: Scott Lods
Tax Key Number: 132-01300-0702

A part of the Northeast Quarter of Section Four (4), Township Twenty-Three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being part of the Candlelight Development Corp. real estate as described in Deed Record 70, Page 1953, recorded in the Office of the Tippecanoe County Recorder, and being depicted as Tract 1 on TBIRD Design Services Corporation Plat of Survey, Project Number 040905, more completely described as follows:

Commencing at a Berntsen Monument marking the location of the East Quarter corner of said Section 4; thence North 00°-31'-58" West, along the east line of said Section 4, a distance of 748.98 feet to the POINT OF BEGINNING, marked by a mag nail with stainless steel washer stamped "TBIRD SURVEYING FIRM #0052" hereinafter referred to as a TBIRD mag nail; thence continuing North 00°-31'-58" West, along said east line, 576.73 feet to a TBIRD mag nail marking the location of the North Sixteenth corner common to said Section 4 and Section 3-23-5; thence North 88°-00'-10" West, along the north line of the Southeast Quarter of said Northeast Quarter Section, 1299.60 feet to the Northeast Sixteenth corner of said Section 4; thence South 00°-16'-05" West, along the west line of the Southeast Quarter of said Northeast Quarter Section, 657.45 feet to a 5/8" diameter rebar with yellow plastic cap stamped "TBIRD FIRM #0052" hereinafter referred to as a TBIRD capped rebar; thence South 89- 18- 12" East, a distance of 878.33 feet to a TBIRD capped rebar; thence North 00°-08'-02" East, a distance of 54.08 feet to a TBIRD capped rebar; thence South 88°-56'-14" East, a distance of 428.93 feet to the POINT OF BEGINNING, containing 18.71 acres, more or less.

The above legal description has been provided to correct the legal description for the Scott Lods real estate as described in Instrument Number 05-008503.

ACCESS CONTROL DOCUMENT(S):

Document Number: 87-16115
Grantor: Candlelight Development
Grantee: State of Indiana
Parent Tax Key Number: 132-01300-0031

Commencing at the southeast corner of the Northeast Quarter of Section 4, Township 23 North, Range 5 West, Tippecanoe County, Indiana; thence North 1 degree 06 minutes 00 seconds West 236.61 feet along the east line of said section; thence South degrees 54 minutes 00 seconds West 20.00 feet to the point of beginning of this description, which point is where the west boundary of County Road 400 W meets the northwestern boundary of the intersection of said County Road 400 W and U.S.R. 52; thence South 33 degrees 01 minutes 58 seconds West 109.32 feet along the boundary of the intersection of said County Road 400 W and said U.S.R. 52 to the north boundary of U.S.R. 52; thence North 89 degrees 21 minutes 00 seconds West 534.50 feet along the boundary of said U.S.R. 52; thence South 89 degrees 22 minutes 47 seconds West 225.56 feet along said boundary; thence North 89 degrees 21 minutes 00 seconds West 246.11 feet along said boundary; thence along said boundary Westerly 177.81 feet along an arc to the right and having a radius of 111,208.94 feet and subtended by a long chord having a bearing of North 89 degrees 18 minutes 15 seconds West and a length of 177.81 feet and to the terminus. The above described access control line restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

Document Number: 00-012005
Grantor: Candlelight Development
Grantee: Board of Commissioners of County of Tippecanoe
Parent Tax Key Number: 132-01300-0031

Commencing at a Berntsen AINB monument found at the Southeast corner of the Northeast Quarter of Section 4, Township 23 North, Range 5 West, thence North 00 degrees 31 minutes 46 seconds West (basis of bearing - Tippecanoe County Section Corner Program) along the East line of said Northeast Quarter and the approximate centerline of County Road 400 West 106.29 feet to the point of beginning of this description; thence South 89 degrees 28 minutes 14 seconds West 20.00 feet to a point on the apparent right-of-way line of said County Road 400 West; thence South 89 degrees 28 minutes 14 seconds West 10.00 feet along the South line of Grantor's land; thence North 00 degrees 31 minutes 46 seconds West 1220.11 feet; thence North 89 degrees 09 minutes 44 seconds East along the North Line of Grantor's land 10.00 feet to a point on the apparent right-of-way line of said County Road; thence North 89 degrees 09 minutes 44 seconds East 20.00 feet to a point on the East line of said Northeast Quarter and the East line of grantor's land, which is located South 00 degrees 31 minutes 46 seconds East 1686.88 feet from a Berntsen AINB monument found at the Northeast corner of the Northeast Quarter of said Section 4; thence South 00 degrees 31 minutes 46 seconds East 1219.35 feet along said East line to the point of beginning and containing 0.845 acres, more or less. The portion of the above described real estate which is not already embraced within the apparent public right-of-way contains 0.280 acres, more or less.

GAS LINE EASEMENT

Document Number: 88-10482
Grantor: Candlelight Development
Grantee: Indiana Gas Company
Parent Tax Key Number: 132-01300-0031

Along the entire south side of the Grantors 40 acre tract of land as described by deed to the grantor herein dated on August 31, 1970 and entered for record at Deed Record 70, Page 1953, office of the Recorder, Tippecanoe County, Indiana; said strip lies north of and adjacent to the north right of way line of United States #52; commencing on the grantors west property line and running thence east for a distance of 1233.02 feet to the northwest boundary of the intersection of said U.S, 52 and County Road 400 West; thence northeasterly along said boundary a distance of 93.06 feet, more or less, to the point of terminus.

Grantee covenants and agrees to indemnify and forever hold harmless the Grantor against each claim, demand or cause of action that may be made or come against him by reason or in any way arising out of any defect, imperfection, operation, maintenance or construction of said pipeline.

Grantor has the right to construct access roads as required across above described easement strip insofar as such access roads do not interfere with the Grantor's operation or maintenance of said pipeline installed in said easement strip.

AMERITECH NON-EXCLUSIVE EASEMENT:

Document Number: 00-014315
Grantor: Candlelight Development
Grantee: Ameritech Indiana
Parent Tax Key Number: 132-01300-0031

That portion of the east half of the south fraction of the northeast quarter of Section 4, Township 23 North, Range 5 West, in Wabash Township, Tippecanoe County Indiana, described as follows:

Beginning at the intersection of the North right of way line of U.S. Highway 52 and the West line of the East half of said South fraction of the Northeast quarter of said section 4; thence North, along said West line, a distance of 25.00 feet; thence East, parallel to the North right of way line of said highway, a distance of 30.00 feet; thence South, parallel to the aforementioned West line, a distance of 25.00 feet, to a point in the North right of way line of said highway; thence West, along said North right of way line, a distance of 30.00 feet to the point of beginning.

### SURVEYOR'S REPORT

The record descriptions used in this survey were provided by research at the office of the Tippecanoe County Auditor and Recorder. The purpose of this survey is to retrace the boundary of the Candlelight Development Corporation property and the Scott Lods property as described in Deed Record Book 70, Page 1953 and Document Number 05008503, respectively. The subject property lies in the East half of the Northeast Quarter of Section 04, Township 23 North, Range 05 West, Wabash Township, Tippecanoe County, Indiana.

There may be differences of deed dimensions versus measured dimensions along the boundary lines shown hereon and, similarly, there may be found survey markers near, but not precisely at, some title corners. In cases where the magnitude of these differences are less than the Relative Positional Accuracy stated below, and less than the uncertainty identified for the reference monumentation (discussed below), the differences may be considered insignificant and are shown only for purposes of mathematical closure. Such differences that are greater than said uncertainties should be considered worthy of notice and are therefore discussed further below.

When fences or other lines of occupation are shown on the plat, they have been located only at the ends or specific locations noted; therefore, for the purposes of this survey, such lines are assumed to run straight between said locations, but in actuality may vary slightly from a straight line.

Information regarding record easements, and other documents recovered during the course of this survey is shown hereon; however, this survey does not represent a title search by the surveyor and was prepared without benefit of a title commitment, abstract of title or a title search by a title company. Easements, restrictions and rights-of-way of record on this property may exist that are not shown hereon. Every survey, plat or document of record reviewed and considered as a part of this survey is noted below or on the attached plat.

I. Tippecanoe County Offices:

a. County Surveyor's Office:

b. Ancient County Survey Records and Surveyor's Record Books A-F:

1. B-248 (1864 & 1865) 2. B-606 (1870)

3. C-240 (1876) 4. E-443 (1951)

5. F-81c. Section Corner Perpetuation Project Dossiers (noted herein as [SCD XX-XX]):

d. County Section Corner Ties (prior to 1991)e. Available aerial photos (1939)

f. State Road Right-of-way plans

6. State of Indiana State Highway Commission Right of Way Plans for U.S. No. 52, Lafayette - Kentland Road, Project No. 75(6) Part "A"

g. Railroad Right-of-way and track maps

h. Auditor's Office: Survey, parcelization, and subdivision plat files

i. Recorder's Office: Recorded surveys, parcelizations, and subdivision platsj. Management Information Technology Services: digital aerial photographs (2005)

II. Vester & Associates, Inc. Plat of Survey, Job No. E-83123, Certified by Patrick N. Cunningham on February 15, 1984 and on file in the Office of the Tippecanoe County Surveyor.

III. Vester & Associates, Inc. Parcelization, Job No. B-86024, Recorded in Miscellaneous Record 86, Page 229 on June 27, 1986 in the Office of the Tippecanoe County Recorder.

IV. Vester & Associates, Inc. Plat of Survey, Job No. E-89057, Recorded as Document Number 8912430 on September 7, 1989

in the Office of the Tippecanoe County Recorder.

V. Vester & Associates, Inc. Plat of Survey, Job No. E-92148, Recorded as Document Number 9409469 on May 10, 1994 in the

Office of the Tippecanoe County Recorder.

VI. Vester & Associates, Inc. Plat of Survey, Job No. 99134, Recorded as Document Number 00007492 on April 12, 2000 in the

Office of the Tippecanoe County Recorder.

VII. Starr Associates Plat of Survey, Job No. 92-138, Recorded as Document Number 9301804 on January 26, 1993 in the Office of the Tippecanoe County Recorder.

VIII. Various plats of Capilano by the Lake Subdivision as prepared by Vester & Associates, Inc., including:

a. Phase One Final Plat, Recorded as Document Number 8906022 on May 11, 1989 in the Office of the Tippecanoe

County Recorder.

b. Phase Two Part Two Final Plat, Recorded as Document Number 9302765 on February 8, 1993 in the Office of the

Tippecanoe County Recorder.

c. Phase Three Final Plat, Recorded as Document Number 9721478 on October 10, 1997 in the Office of the Tippecanoe County Recorder.

d. Phase Two Part Two Final Plat (Replat of Lots 35 and 36), Recorded as Document Number 9811615 on May 12, 1998 in the Office of the Tippecanoe County Recorder.

IX. Plat of Lot 1 of Stolz Minor Subdivision, prepared by Robert L. Martin, Recorded as Document Number 9018022 on December 21, 1990 in the Office of the Tippecanoe County Recorder.

X. Final Plat of Stolz Second Minor Subdivision, prepared by C & S Engineering, Recorded as Document Number 04021141 on July 23, 2004 in the Office of the Tippecanoe County Recorder.

XI. Stolz Parcelization, prepared by C & S Engineering, Recorder as Document Number 04021140 on July 23, 2004 in the Office

of the Tippecanoe County Recorder.

XII. Plat of Survey of the Lyman Lands, Certified by E.B. Vawter on September 28, 1932 and on file in the Office of the

Tippecanoe County Surveyor.

XIII. Plat of Survey of the Lyman Lands, Certified by E.B. Vawter on April 7, 1934 and on file in the Office of the Tippecanoe

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code, which establishes minimum standards for the competent practice of Land Surveying, the following observations and opinions are submitted with reference to the uncertainties in the locations of the lines and corners established on this survey as a result of:

# 1) Availability and condition of reference monuments;

County Surveyor.

A)The west [K-14], east [M-14], and north [L-13c] quarter corners of Section 4-23-5 were found as depicted on the respective dossiers on file in the Tippecanoe County Surveyor's Office. The south [L-13] quarter corner and the southeast [M-13] corner of Section 33-24-5 were found as depicted on the respective dossiers on file in the Tippecanoe

County Surveyor's Office. Refer to said dossiers for further information regarding these monuments.

B) The **south [L-15] quarter corner of Section 4-23-5** was established at the calculated position as depicted on the respective dossier on file in the Tippecanoe County Surveyor's Office. Various surveys in the area, including the above survey

reference Items II, V, VI, & XI appear to have utilized a similar, calculated position due to obstructions over the corner.

C)The **northeast [M-13c] corner of Section 4-23-5** was found and held as depicted on the respective dossier on file in the Tippecanoe County Surveyor's Office. The north line of the northeast quarter of said Section 4-23-5, as depicted on the attached plat, agrees with a stone found at the base of a wood corner post with remnants of ancient barbed wire fence. Said stone was found 16.84 feet west and 1.18 feet north of M-13c, as depicted on Detail "A" on the attached plat. It appears that, based on survey evidence (including lath remnants and a railroad spike), said stone has been recovered by previous surveyors; however no surveys referencing this stone or corner post were found. A second stone was also found on the east line of said Section 4-23-5, a distance of 8.84 feet south of M-13c as depicted on said dossier and the above survey reference items II & VII. The location of said second stone agrees with the physical centerline of County Road 400 West to the south and east. Survey reference item VII utilized the location of the second stone as being at the position of the northeast corner of said Section 4-23-5. Various other monuments were found in the vincinty of M-13c as shown in Detail A on the attached plat. The origins and intents of said stones and other monuments are unknown. Based on the physical location of the centerline of County Road 400 W, existing occupation along the north line of said northeast quarter, various local monuments, and a lack of a clear chain of history in support of said monuments; there may be large uncertainties (discussed below) in the locations of the north lines of Sections 3-23-5 & 4-23-5. There is approximately 8.8 feet of uncertainty in the position of this corner due to the location of said second stone.

D) The **center [L-14] of Section 4-23-5** was established at its theoretical location (at the intersection of lines between opposing quarter corners). Ancient county surveyor record B-248 and the Right-of-Way Track Maps for the Kankakee, Beaverville and Southern Railroad indicate a stone at this location, however, improvements to U.S. Highway 52, most likely, have obliterated this corner. Various surveys in the area, including the above survey reference items II, V, VII, X, XI, XII, & XIII have depicted a theoretical location for this corner; however, various discrepancies in survey measurements along the quarter quarter lines to the center of Section 4-23-5 do exist. (\*Discrepancies with respect to the above survey reference item II have been omitted from all discussions of uncertainties due to availability and condition of monuments, however, they are discussed in detail below - See Item 2 L.\*) The calculated dimensions along the quarter quarter lines as shown on the attached plat are within 6.7 feet (east-west) and 15.4 feet (north-south) of the record dimensions depicted on Record B-248; therefore there is an equivalent amount of uncertainty associated with this corner.

an equivalent amount of uncertainty associated with this corner.

E) The **northerly right of way of U.S. Highway No. 52** was established along a best fit alignment solution through monumentation found as depicted on the record right of way plans (item I. a. v. 1. above). In the worst case, monumentation agreed with the best fit alignment solution to within approximately 1.3 feet; therefore there is an equivalent amount of uncertainty associated with the alignment of said highway.

F) The west line of the east half of the northeast quarter of Section 4-23-5 was established along a best fit line through (from north to south) a square bolt in concrete (See 1H below) at the base of a wood post depicted on ancient county surveyor record E-443, old woven wire fence along the east line of the State of Indiana (Purdue Trustees) property, and an iron pipe near the northeast 1/16th corner of Section 4-23-5. The monuments and occupation agree with said best fit line to within the allowable relative positional accuracy for this survey (as discussed below). Record E-443 states that its purpose was to survey a county road (now abandoned) "between" the east and west halves of said northeast quarter. Record E-443, the 1939 aerial photograph of the area, and above survey reference item XII each depict a public road meandering and crossing said west line. Scott Lods, the subject property title holder, claims that his elder relatives recall the dirt road being fenced on each side. The right of way plans for U.S. Highway No. 52 also depict two fences on each side of the public road near center-east 1/16th corner of Section 4-23-5. Ancient county record B-248 depicts stones set at the east 1/16th of the northeast quarter of Section 4-23-5, said northeast 1/16th corner, and said center-east 1/16th corner. Based on this evidence, it is my opinion that: (1) the (now abandoned) county road represented the best available evidence of the original locations of said stones along said west line; (2) that the intent of record E-443 was to establish and monument the west line of the east half of the northeast quarter of Section 4-23-5; (3) that current occupational evidence represents the current status quo and supports this theory of location; and (4) the best fit line solution discussed above represents the best available evidence of the retracement as depicted on record E-443. The position of said west line differs by as much as 37.7 feet (east-west) from its theoretical, prorated location; therefore there is an equivalent amount of uncertainty associated with

G)The **north line of the southeast quarter of the northeast quarter of Section 4-23-5** was established along a best fit line through (from west to east) an iron pipe near the northeast 1/16th corner of Section 4-23-5, a 2' x 2' square concrete post as depicted on ancient county surveyor record E-443, and ancient woven wire fence as depicted on the attached plat. The monuments and occupation agree with said best fit line to within the allowable relative positional accuracy for this survey (discussed below). Ancient county surveyor record B-248 depicts stones set at the northeast 1/16th corner of Section 4-23-5 and the north 1/16th corner common to Sections 3-23-5 & 4-23-5. It is my opinion that the monuments and occupation along said north line represent the best available evidence of the original locations of said stones. The position of said north line differs by as much as 5.9 feet (north-south) from its theoretical, prorated location; therefore there is an equivalent amount of uncertainty associated with this line.

H) The east 1/16th corner of the northeast quarter of Section 4-23-5 was established at the intersection of the north line of said northeast quarter ([L-13] to [M-13]) and the west line of the east half of said northeast quarter. Ancient county surveyor record B-248 depicts a stone at this location. A square bolt in concrete, depicted as a concrete monument on ancient county surveyor record E-443, was found 1.2 feet north of said east 1/16th. Various dimensions along the north line of said northeast quarter to said east 1/16th corner are depicted among the above survey reference items XII & XIII and record B-248. In the worst case, the position of said east 1/16th corner agrees to within 48.5 (east-west) feet of the published survey dimensions depicted on survey reference item XII; therefore there is an equivalent amount of uncertainty associated with this corner.

The **northeast 1/16th corner of Section 4-23-5** was established at the intersection of the west and north lines of the southeast quarter of the northeast quarter of Section 4-23-5. Ancient county surveyor record B-248 depicts a stone and record E-443 depicts a stake at this location. A stone and ancient fence remnant was found beneath a wood post at the old woven wire fence intersection as depicted on the attached plat. Although it is possible that the found stone is the original stone, the condition of the found stone indicates that it has been disturbed, most likely due to the construction of the old woven wire fence and road construction and abandonment. Various dimensions along the 16th lines of said northeast quarter to said northeast 16th corner are depicted among the above survey reference items XII & XIII and record B-248. In the worst case, the position of said northeast 1/16th corner agrees to within 5.4 feet (east-west) and 3 feet (north-south) of the published survey dimensions depicted on record B-248 and items XII & XIII, respectively; therefore there is an equivalent amount of uncertainty associated with this corner.

J) The center-east 1/16th corner of Section 4-23-5 was established at the intersection of the west and south lines of the east half of the northeast quarter of Section 4-23-5. Ancient county surveyor record B-248 depicts a stone at this location; however, improvements to U.S. Highway 52, most likely, have obliterated this corner. The position of the center-east 1/16th corner agrees to within 1.5 feet of the physical centerline of the (now abandoned) public road as established from occupational fence lines depicted on the right of way plans for U.S. Highway No. 52. Various dimensions along said west and south lines to said center-east 1/16th corner are depicted among the above survey reference items XI, XII, & XIII. In the worst case, the position of said center-east 1/16th corner agrees to within 6.7 feet (east-west) and 1.5 feet (north-south) of the published survey dimensions depicted on items XII & XIII; therefore there is an equivalent amount of uncertainty associated with this corner.

K) The **north 1/16th corner common to Section 3-23-5 & Section 4-23-5** was established at the intersection of the east and north lines of the southeast quarter of the northeast quarter of Section 4-23-5. Ancient county surveyor record B-248 depicts a stone at this location. The position of said north 1/16th corner agreed well with the physical centerline of County Road 400 West. Various dimensions along said east and north lines to said north 1/16th corner are depicted among the above survey reference item XII, record B-248, and the original government field notes. In the worst case, the position of said north 1/16th corner agrees to within 5.4 feet (east-west) and 20.5 feet (north-south) of the published survey dimensions depicted on the original government field notes; therefore there is an equivalent amount of uncertainty associated with this corner.

L) The **above survey reference Item II** may be a source of large amounts of uncertainty. The survey appears to have prorated to determine the locations of the north quarter corner, center of section, and 1/16th lines of the northeast quarter of Section 4-23-5. An itemized discussion of identified discrepancies is as follows:

i. The location of the **north quarter corner**, as depicted thereon, claims to have been established by proportionate measurements used for acreage calculations on original government survey plat; however, the acreages depicted on said original plat indicate that the north line of said Section 4-23-5 was assumed to be 39.5 chains (identical to the south line of said Section) and that said quarter corner was assumed to be at the midpoint of said north line. Furthermore, it appears that the north line as depicted on item II was established through the closing corners of Section 4-23-5 in lieu of the conventional method of utilizing the standard corners of Section 33-24-5 as performed by the county surveyor and discussed on the respective section corner dossiers.

ii. Their appears to be an error in the published bearing along the south **line of said northeast quarter**, as the intent was apparently to establish said south line along a straight line between the east and west quarter corners of

Section 4-23-5.

iii. The **north line of the south half of said northeast quarter** appears to have been established by proportionate

measurement; however, it appears that the proportion calculations were performed incorrectly.

iv. Due to the above items i.,ii., and iii., it is my opinion that the above survey reference Item II may contain large

amounts of uncertainty along surveyed lines depicted on the plat thereof.

# 2) Occupation or possession lines;

A)Uncertainties in surveyed lines due to occupation or possession lines are equivalent to the respective relative locations as depicted on the attached plat.

3) Clarity or ambiguity of the record description used and of adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' lines;

A)The southerly bounds of the record descriptions of the northerly adjoining Wehr and Wang properties are described by conflicting controlling calls. The bounds are described as being along the north line of the northeast quarter of the northeast quarter of Section 4-23-5 and monumented as depicted on the above survey reference items II & III, which represent the original surveys of said Wehr and Wang properties. It appears that items II & III utilized a theoretical, prorated position for said north line, and item III established original monuments for the said Wehr and Wang properties as shown on the attached plat. Numerous original monuments associated with the above survey reference Item III, were used to establish the south line of said properties, which creates an area of uncertain title as depicted on the attached plat. It is my opinion that, although the subject and adjoining Wehr and Wang properties may have unwritten rights to the uncertain title area; the last title holder of the parent tract prior to parcelization, may retain actual clear title to this ambiguous area. There is from 5.8 to 10.9 feet of uncertainty (from west to east, respectively) associated with the north line of the subject property due to the record descriptions of the northerly adjoining Wehr and Wang properties..

B) Based on the language included in access control document along U.S. Highway No. 52 as shown on the attached plat, it does not appear that actual fee title was conveyed from the subject property to the State of Indiana. The subject document restricts access from the subject property to U.S. 52 at the locations depicted on the attached plat.

C)Based on the language included in **Grant of Right of Way document along County Road 400 West** as shown on the attached plat, it does not appear that actual fee title was conveyed from the subject property to the State of Indiana. The subject document has been interpreted to have created a 30 foot wide easement for the purpose of public right of way, drainage, and erosion control as depicted on the attached plat.

D) The record description for the **subject Scott Lods property** was executed to correct the previous legal description recorded as Document Number 05008503. Said previous legal description did not contain references for controlling calls along the north and west lines of the southeast quarter of the northeast quarter of Section 4-23-5. After discsussions with Scott Lods, he stated that the intent of the record description was to convey to said north and west lines. Therefore, per the direction of the client, a modernized legal description for said Scott Lods property was prepared for the execution of a corrective deed prior to the completion of this survey.

E) The record description for the **subject Candlelight Development property** is described an aliquot sixteenth section [t he East half (1/2) of the South fraction of the North East quarter (1/4) of Section four (4), Township twenty-three (23) North, Range five (5) West]. The current title lines of said Candlelight Development property are therefore along the bounds of said sixteenth section excepting the Scott Lods property, as shown on the attached plat. The phrasing, "South fraction of the North East quarter ..." is somewhat misleading, as the south half of said northeast quarter measured a full 20 chains (north-south) according to the original government survey plat. This ambiguity is, most likely, insignificant as various surveys and adjoining record descriptions support the theory that the intent of the subject property description was to convey the east half of the south half of said northeast quarter. Therefore, there is little or no uncerntainty due to the record description of the subject Candlelight Development property.

# 4) Relative positional accuracy of measurements;

A)The allowable Relative Positional Accuracy for this survey is 0.26 feet plus 200 parts per million for a Rural Survey as defined in 865 IAC 1-12-7.

### NOTES

1) Survey data shown hereon is a local ground coordinate system based on the North American Datum of 1983 (NAD83 (1986)), with further reference made to the Indiana State Plane Coordinate System, West Zone; the basis of bearings being grid North. Ground coordinates were calculated using a local scale point of:

Northing: 1901470.626
Easting: 2981264.297
Elevation: 689.69
Combined Scale Factor: 1.000060056

 Subsurface and environmental conditions were not examined or considered as a part of this survey. No statement is made concerning the existence of overhead or underground containers or facilities that may affect the use or development of this tract.

 No attempt was made as part of this survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility, public service facility, or utility service lines to the property.

4) Since the date of this survey conditions may have occurred that are beyond the knowledge or control of the undersigned surveyor and may have altered the validity and circumstances shown or noted hereon.

### LAND SURVEYOR'S CERTIFICATE

The undersigned, a Registered Land Surveyor of the State of Indiana does hereby certify that the attached plat and above legal description were prepared under his direct supervision, and to the best of his knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

CERTIFIED BY:

John C. Nagy, PLS

Date

CURRENT TITLE

Title Holder: Candlelight Development Corporation Instrument Number: Deed Record Book 70, Page 1953 Key Number: 132-01300-0031

Title Holder: Scott Lods Instrument Number: 07003032 Key Number: 132-01300-0702

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. John C. NAG

Prepared By: John C. Nagy, PLS

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

MAR 0 6 2007

GRANIJUR WENTON

AUDITOR OF TIPPECANDE CO.

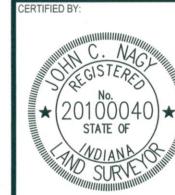
07004658 03/06/2007 10:30am ONETA TOLLE, TIPPECANOE COUNTY RECORDER

Design Services Corporation

Engineering & Surveying
105 NORTH 10TH STREET - LAFAYETTE, INDIANA
phone: (765) 742-1900 - fax: (765) 742-1905
www.tbirddesign.com

A PART OF THE NORTHEAST QUARTER OF SECTION 04, TOWNSHIP 23 NORTH, RANGE 05 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA

CERTIFIED BY:



47906

3350 W COUNTY ROAD 3 WEST LAFAYETTE, IN 4

PROJECT: DATE:

040905 1/5/2007

DRAWING FILE:

RULE 12 CANDLELIGHT - R.DWG

CHECKED BY: DRAWN BY:

PEW/JCN PEW/JCN

TITLE:

1

