

### DESCRIPTION OF PARCEL NO. 3

Situated in the State of Ohio, County of Athens, Township of Bern, being in Fraction 30, Section 21, Range 12 West, Township 7 North, of "The Ohio Company First Purchase", and being bounded and described as follows:

Commencing for Reference at a 5/8" iron pin found capped "R.L.S. 7224" in the east line of Section 21 at the southeast corner of Fraction 18 (Note: Reference bearing on the north line of Fractions 30 and 36 and the south line of Fraction 18 used as South 88°52'04" East as described in Official Records Volume 236, Page 419 of the Athens County Recorder's Office.);

Thence, with east line of Section 21, South 00°00'53" East a distance of 141.82 feet to a 5/8" iron pin found capped "R.L.S. 7224" in the centerline of a gas line right-of-way;

Thence, with the centerline of said gas line right-of-way and the north line of a 266.96 acres tract as conveyed to Mark J. Howdyshell by Official Records Volume 203, Page 629 of the Athens County Recorder's Office, South 42°16'42" West a distance of 1,570.27 feet to an iron pin set, being **THE TRUE POINT OF BEGINNING** for this description;

Thence, from said Point of Beginning and continuing with the centerline of said gas line right-of-way and the north line of said Howdyshell property, South 42°16'42" West a distance of 1,283.75 feet to a 5/8" iron pin found capped "R.L.S. 7224" in the centerline of 60.00 feet wide easement, passing through an iron pin set at a distance of plus 1,253.75 feet;

Thence, leaving the gas line right-of-way and running with the centerline of said 60 feet wide easement which is the north line of a 109.66 acres tract as conveyed to Mark J. Howdyshell by Official Records Volume 203, Page 629 of the Athens County Recorder's Office, the following fifteen courses:

- (1) North 52°21'15" West a distance of 75.76 feet to a point;
- (2) Thence North 71°49'59" West a distance of 206.81 feet to a point;
- (3) Thence North 70°36'34" West a distance of 242.92 feet to a 5/8" iron pin found capped "R.L.S. 7224";
- (4) Thence North 58°10'11" West a distance of 88.36 feet to a point;
- (5) Thence North 37°30'27" West a distance of 95.05 feet to a point;
- (6) Thence North 24°01'43" West a distance of 208.59 feet to a 5/8" iron pin found capped "R.L.S. 7224";
- (7) Thence North 47°58'17" West a distance of 337.49 feet to a 5/8" iron pin found capped "R.L.S. 7224";
- (8) Thence North 87°32'39" West a distance of 278.80 feet to a point;
- (9) Thence North 73°06'37" West a distance of 137.29 feet to a point;
- (10) Thence North 60°13'47" West a distance of 148.37 feet to a 5/8" iron pin found capped "R.L.S. 7224";
- (11) Thence North 61°41'30" West a distance of 124.02 feet to a point;

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- (12) Thence North  $79^{\circ}10'57''$  West a distance of 223.59 feet to a  $5/8''$  iron pin found capped "R.L.S. 7224";
- (13) Thence North  $46^{\circ}59'52''$  West a distance of 352.77 feet to a  $5/8''$  iron pin found capped "R.L.S. 7224";
- (14) Thence North  $58^{\circ}08'48''$  West a distance of 235.59 feet to a  $5/8''$  iron pin found capped "R.L.S. 7224";
- (15) Thence North  $87^{\circ}32'57''$  West a distance of 208.79 feet to a  $5/8''$  iron pin found un-capped in the centerline of Township Road No. 201;

Thence, with the centerline of Township Road No. 201 and the east line of a 14.95 acres tract as conveyed to Kenneth L. Hardee by Official Records Volume 263, Page 690 of the Athens County Recorder's Office, the following two courses:

- (1) North  $07^{\circ}17'24''$  East a distance of 180.93 feet to a point;
- (2) Thence North  $00^{\circ}14'35''$  West a distance of 88.31 feet to a point at the southeast line of a 20.99 acres tract as conveyed to Michael P. and Gina R. Whalen by Official Records Volume 239, Page 99 of the Athens County Recorder's Office;

Thence, continuing with the centerline of Township Road No. 201 and the east line of said Whalen property, North  $15^{\circ}23'44''$  West a distance of 73.76 feet to a point;

Thence, leaving the road, South  $77^{\circ}52'55''$  East a distance of 3,425.35 feet to The Point of Beginning, passing through four iron pins set at distances of plus 30.00 feet, plus 130.00 feet, and plus 230.00 feet, respectively;

Containing 50.127 acres, more or less.

Subject to all legal right-of-ways, easement, restrictions, reservations, and zoning regulations of record.

Subject to the right-of-way of Township Road No. 201.

Subject to the 100-Year Flood Plain restrictions, if applicable.

Subject to a 50.00 feet wide easement being reserved unto the grantors, their heirs, and or assigns, forever. Said easement being for the purpose of running utilities to other parcels of land on or near Township Road No. 201. Said easement runs in a north-south direction across the west end of the above-described property with the west line of said easement being the centerline of Township Road No. 201. Containing 0.394 acres, more or less, of easement.

Subject to the above mentioned 60.00 feet wide easement as reserved in Official Records Volume 236, Page 419 of the Athens County Recorder's Office. Said easement is for the purposes of ingress and egress to adjoining parcels of land, which the previous parent landowner shall have the right to convey to others as a non-exclusive right-of-way to be shared in common between said previous grantor, his heirs, successors, and assigns and grantee herein. The centerline of said 60.00 feet wide easement shall be 30.00 feet each side of the above described fifteen courses of centerline of easement.

The above described premises being conveyed are subject to the rights, restrictions, reservations, exceptions, limitations, agreements, covenants, and conditions listed in **Attachment "A"**, which shall be made a part of, either by attachment or reference, all deed, conveyances, instruments, leases, transfers or assignments of said premises. Said restrictions are the same as previously described in Official Records Volume 236, Page 419 of the Athens County Recorder's Office.

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Subject to all of the existing leases of record from which the previous grantor (Ref: O.R. Vol. 236, Page 421) excepts and reserves all royalty income until December 31, 2011. The reservation of income from oil and gas described above shall terminate at 12.00 midnight December 31, 2011, at which time the rights to income from oil and gas leases in affect at that time shall automatically revert to the then present owner of the described premises, or any part thereof, without further action by the owner of this reservation or owner of the premises, or any part thereof.

All iron pins set are 1/2" x 30" rebar capped and labeled "Claus 6456".

The bearings in this description are for angle calculations only and are based on the north line of Fractions 30 and 36 and the south line of Fraction 18 used as South 88°52'04" East as described in Official Records Volume 236, Page 419 of the Athens County Recorder's Office.

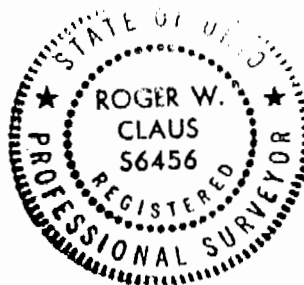
A plat of the above-described survey has been submitted for file at the County Engineer's Office.

The above description prepared by Roger W. Claus, Registered Surveyor No. 6456, based on an actual field survey of November 6, 1998; said survey being subject to any facts that may be disclosed in a full and accurate title search.

Prior deed: Official Records Volume \_\_\_\_\_, Page \_\_\_\_\_.

Reference deed: Official Records Volume 236, Page 419.

Surveyor: Roger W. Claus  
Date: 11-6-98



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27 21

22 16

21 15

# SURVEY PLAT FOR BRUNER LAND CO., INC.

FRAC. 36

FRAC. 18

FRAC. 30 36

SECTION 21 SECTION 15

0' 200' 400'  
SCALE 1" = 200'

THE BEARINGS ON THIS PLAT ARE FOR ANGLE CALCULATION ONLY AND ARE BASED ON AN ASSUMED BEARING ON THE SOUTH LINE OF FRACTION 18 AND THE NORTH LINE OF FRACTION 30 USED AS SOUTH 88°52'04" EAST AS DESCRIBED IN OFFICIAL RECORDS VOLUME 236, PAGE 419.

TOTAL FARM = 148.957 ACRES  
NEW SURVEY FOR  
BRUNER LAND CO., INC.  
O.R. VOL. \_\_\_\_\_, PG. \_\_\_\_\_  
  
PRIOR OWNER:  
LITCO MANUFACTURING, INC.  
148.96 ACRES DEED  
O.R. VOL. 236, PG. 419

SITUATED IN THE STATE OF OHIO, COUNTY OF ATHENS, TOWNSHIP OF BERN, BEING PART IN SECTION 15 AND PART IN SECTION 21, RANGE 12 WEST, TOWNSHIP 7 NORTH, OF "THE OLD SEVEN RANGES SURVEY".

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS, RESERVATIONS, AND ZONING REGULATIONS OF RECORD. SUBJECT TO 100 YEAR FLOOD PLAIN RESTRICTIONS, IF APPLICABLE. SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH. SUBJECT TO THE TWELVE COVENANTS DESCRIBED IN O.R. VOL. 236, PG. 420 OF THE ATHENS COUNTY RECORDER'S OFFICE.

### PERTINENT DOCUMENTS

- (1) ALL DEEDS AS SHOWN.
- (2) COUNTY TAX MAPS.
- (3) U.S.G.S. QUAD. MAP "AMESVILLE"
- (4) ASCS AERIAL PHOTO
- (5) SURVEY PLAT BY ROBERT A. JANES
- (6) SURVEY PLAT BY KEVIN CANNON
- (7) SURVEY PLAT BY KEVIN CANNON O.R.V. 263, PG. 693
- (8) SURVEY PLAT BY KEVIN CANNON O.R.V. 263, PG. 694
- (9) SURVEY PLAT BY KEVIN CANNON O.R.V. 239, PG. 150
- (10) SURVEY PLAT BY KEVIN CANNON O.R.V. 236, PG. 422
- (11) SURVEY PLAT BY KEVIN CANNON O.R.V. 239, PG. 680

FRANCES M. SCHOENBECK  
35.00 ACRES  
O.R. VOL. 99, PG. 643

GRANT A. GILCHER  
17.34 ACRES  
O.R. VOL. 239, PG. 677

FREDERICK W. AND SANDRA L. MICKY  
15.0 ACRES  
O.R. VOL. 318, PG. 761

KENNY D. AND ELLEN L. FLOWERS  
15.12 ACRES  
O.R. VOL. 77, PG. 858

EARL LEE AND LUCY BELLE FLOWERS  
17.50 ACRES  
O.R. VOL. 223, PG. 327

ORVILLE AND HAZEL WEAVER  
35.0 ACRES  
O.R. VOL. 213, PG. 554

MICHAEL P. AND GINA R. WHALEN  
20.99 ACRES  
O.R. VOL. 239, PG. 99

KENNETH L. HARDEE  
14.95 ACRES  
O.R. VOL. 263, PG. 690

MARK J. HOWDYSHHELL  
109.66 ACRES  
O.R. VOL. 203, PG. 629

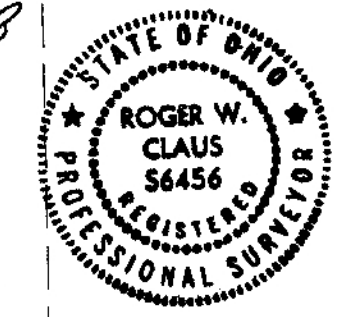
MARK J. HOWDYSHHELL  
266.96 ACRES  
O.R. VOL. 203, PG. 629

MARK J. HOWDYSHHELL  
109.66 ACRES  
O.R. VOL. 203, PG. 629

### SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT IT WAS PREPARED FROM AN ACTUAL FIELD SURVEY OF THE PREMISES.

*Roger W. Claus* 11-6-88  
ROGER W. CLAUS, REG. SURVEYOR 6456 DATE:  
33310 CHRISTMAN RIDGE ROAD  
LEWISVILLE, OHIO 43754  
1-740-567-3168  
1-740-567-3106 fax



REVISIONS	DATE	INITIALS

SURVEY PLAT FILE: 981025

- = 2" PIPE FOUND
- = 1/2" IRON PIN SET CAPPED "CLAUS 6456"
- = 5/8" IRON PIN FOUND UNCAPPED.
- ◐ = 1/2" IRON PIN FOUND UNCAPPED.
- ◑ = 5/8" IRON PIN FOUND CAPPED "R.L.S. 7224"
- ◒ = 1/2" IRON PIN FOUND CAPPED "JANES 6029"
- ⊕ = PLASTIC PIPE 5' TALL SET NEAR EASEMENT ANGLE CORNER
- ⊞ = MARKED STONE FOUND
- ⊟ = UN-MARKED STONE FOUND
- ⊠ = SURVEY ANGLE POINT
- ⊡ = RAILROAD SPIKE SET
- ⊢ = RAILROAD SPIKE FOUND.
- ⊣ = TREE WITH WIRE FOUND
- ⊤ = EXISTING PROPERTY LINES
- X-X- = FENCE EVIDENCE FOUND
- = LINES OF THIS SURVEY

Subject to the above shown 60.00 foot wide easement as reserved in Official Records Volume 236, Page 419 of the Athens County Recorder's Office. Said easement is for the purposes of ingress and egress to adjoining parcels of land, which the previous parent landowner shall have the right to convey to others as a non-exclusive right-of-way to be shared in common between said previous grantor, his heirs, successors, and assigns and grantee herein. The centerline of said 60.00 foot wide easement shall be 30.00 feet each side of the centerline of easement.

The premises hereby surveyed are subject to the following rights, restrictions, reservations, exceptions, limitations, agreements, covenants, and conditions which shall be made a part of, either by attachment or reference, all deed, conveyances, instruments, leases, transfers or assignments of said premises. Said restrictions are the same as previously described in Official Records Volume 236, Page 419 of the Athens County Recorder's Office.

Subject to all of the existing leases of record from which the previous grantor (Ref. O.R. Vol. 236, Page 421) excepts and reserves all royalty income until December 31, 2011. The reservation of income from oil and gas described above shall terminate at 12.00 midnight December 31, 2011, at which time the rights to income from oil and gas leases in effect at that time shall automatically revert to the then present owner of the described premises, or any part thereof, without further action by the owner of this reservation or owner of the premises, or any part thereof.

Line	Bearing	Distance	23	24	25	26	27	28	29	30 A	30 B	31	32	33	34	35	36	37	38	39	40	41	42	43
1	S 51°12'41"E	95.61'	N 53°33'06"W	172.58'																				
2	N 52°21'15"W	75.76'	N 61°16'53"W	197.43'																				
3	N 71°49'59"W	206.81'	N 67°11'15"W	183.67'																				
4	N 70°58'34"W	242.92'	S 88°52'04"E	119.84'																				
5	N 58°10'11"W	88.36'	N 45°00'09"W	64.08'																				
6	N 37°30'27"W	95.05'	N 84°39'05"W	100.00'																				
7	N 24°01'43"W	208.59'	N 84°39'05"W	100.00'																				
8	N 47°58'17"W	337.49'	N 84°39'05"W	100.00'																				
9	N 87°32'39"W	278.80'	N 77°52'55"W	40.00'																				
10	N 73°06'37"W	137.29'	N 77°52'55"W	100.00'																				
11	N 60°13'47"W	148.37'	N 77°52'55"W	30.00'																				
12	N 61°41'30"W	124.02'	N 15°23'44"W	73.76'																				
13	N 79°10'57"W	223.59'	N 15°23'44"W	61.15'																				
14	N 46°59'52"W	352.77'	N 45°00'09"W	160.43'																				
15	N 58°08'48"W	235.39'	N 42°16'42"W	110.73'																				
16	N 87°32'57"W	208.79'	S 42°16'42"W	30.00'																				
17	N 71°72'4"E	180.93'	S 0°00'53"E	141.82'																				
18	N 01°43'57"W	88.31'	N 1°04'59"W	26.61'																				
19	N 15°23'44"W	134.91'	N 1°04'59"W	50.62'																				
20	N 28°37'58"W	139.64'	N 1°07'56"E	39.55'																				
21	N 37°36'07"W	98.78'	N 1°07'56"E	62.05'																				
22	N 45°00'09"W	224.51'																						

(40)

(2)

(3)

(44)

(41)

(42)

(45)

(46)