

# EXHIBIT "A"

## "35.931 Acres - New Legal Description"

(Reflecting the results of a NEW OVERALL PROPERTY SURVEY)

"PLAT OF SURVEY" (Exhibit "B") is attached to, and made a part of, this description.

- 1) Being the **COMBINED OUTER BOUNDARY** of all of the real estate owned by: Donald P. & Suzanne E. Kincaid (Auditor's Parcel No. H0100100201.04, alleged to contain **20 acres** as per Auditor's records) presently being recorded in Official Record 361 at page 633, **AND**, Donald P. Kincaid (Auditor's Parcel No. H0100100201.05, alleged to contain **10.43 acres** as per Auditor's records) presently being recorded in Official Record 380 at page 113, both recorded in the Athens County Recorder's Office, Athens County, Ohio, and, both being situate in FR.17 (Section 22), Town-10-North, Range-15-West, Lee Township, Athens County, State of Ohio, USA, and being more particularly described as follows:
- 2) **COMMENCING** at an "x" notched stone found in the Northeast corner of FR.17 (Section 22), the Grantors' Northeast property corner (OR.361/Pg.633), the Southeast property corner of a 57.99 acre (by deed) tract owned by Ralph & Catherine Keffer (OR.359/Pg.277), the Northeast property corner of an 18.90 acre (by deed) tract owned by John M. & Cheri L. Brannon (OR.321/Pg.1091), and, the West line of Section 16, said "x" notched stone found also being the real **POINT OF BEGINNING** of the **"35.931 Acre - New Legal Description"** herein described:
- 3) Thence the following four (4) courses along Grantors' Easterly property lines and Westerly property lines of said J.M. & C.L. Brannon 18.90 acre (by deed) tract (OR.321/Pg.1091);
- 1) **S 47°11'51" W - 1,441.24 feet** (survey)(adjoin.deed = 1441.74') to a point in the centerline of Parker Road (Twp.Rd.No.9), passing through 3/4" ID x 5' long white PVC posts set at: 215.0', 429.7', 524.3', 643.6', 754.8', 931.4', 1080.8' & 1250.7', and, an iron pin w/cap stamped "B.H.G.-OH - S-8096" found for reference at 1,423.59 feet:
  - 2) **S 18°22'09" E** along the centerline of Parker Road (Twp.Rd.No.9), **84.66 feet** to a point:
  - 3) **S 17°52'48" E** along the centerline of Parker Road (Twp.Rd.No.9), **61.57 feet** to a point, and:
  - 4) **S 15°28'21" E** along the centerline of Parker Road (Twp.Rd.No.9), **75.68 feet** to a point in the Northeast property corner of a 2.666 acre (by deed) parcel owned by Charles G. Morton, Jr. (OR.392/Pg.1796):
- 4) Thence the following three (3) courses along other of the Grantors' Easterly property lines and the North and Westerly property lines of said C.G. Morton, Jr. 2.666 acre (by deed) parcel (OR.392/Pg.1796);
- 1) **N 87°18'01" W - 211.17 feet** (survey)(deeds = 210.90') to an iron pin found, passing through an iron pin found for reference at 17.10 feet (survey & deed):
  - 2) **S 02°38'32" W - 216.44 feet** (survey)(deeds = 216.29') to an iron pin found, passing through a 3/4" ID x 5' long white PVC post set at 81.6', and:
  - 3) **S 48°48'42" E - 478.71 feet** (survey)(deeds = 478.98') to a point in the Southeast property corner of said C.G. Morton, Jr. 2.666 acre (by deed) parcel (OR.392/Pg.1796) and also being in the West property line of a 185.16 acre (by deed) tract owned by Sarah Guthrie (OR.103/Pg.35 & 37), said point being witnessed by an iron pin w/cap stamped "L.F. Swoyer - P.S.6765" found that bears: N 10°22'26" E, 20.00 feet FROM said point:
- 5) Thence the following two (2) courses along other of the Grantors' Easterly property lines and the Westerly property lines of said S. Guthrie 185.16 acres (by deed) tract (OR.103/Pg.35 & 37);
- 1) **S 10°22'26" W - 160.42 feet** (survey & adjoin.deed) to an iron pin w/cap set, passing through a 3/4" ID x 5' long white PVC post set at 69.5', and:
  - 2) **S 01°34'03" W - 327.46 feet** (survey)(adjoin.deed = 326.70') to a 5/8" iron pin found at the probable location of where the center of the dislodged "x" notched stone would have been, said iron pin found also being in the Grantor's Southeast property corner, the South line of said FR.17 (Section 22), the North line of FR.18 (Sections 21 & 22), and, the Northeast property corner of a 26.645 acre (by deed) tract owned by Roger Akers, etal (OR.271/Pg.929):
- 6) Thence **S 89°20'28" W** along the Grantor's South property line, the said South line of said FR.17 (Section 22), the said North line of FR.18 (Sections 21 & 22), and, the North property line of said R.Akers, etal, 26.645 acres

**"35.931 Acre - New Legal Description" Cont'd.**

(by deed) tract (OR.271/Pg.929), **492.66 feet** (survey)(adjoin.deed = 491.04) to an iron pin found in the Grantor's most Southerly Southwest property corner, the Northwest property corner of said R.Akers, etal, 26.645 acres (by deed) tract (OR.271/Pg.929), the Northeast property corner of a 62.25 acre (by deed) tract owned by Michael & Lindy Douglas (First Tract-OR.288/Pg.1755), and, the most Southerly Southeast property corner of a 110.69 acre (by deed) tract owned by Gladys Marie & William S. Stanley (OR.58/Pg.485):

7) Thence the following eight (8) courses along Grantors' Westerly property lines and Easterly property lines of said G.M. & W.S. Stanley 110.69 acre (by deed) tract (OR.58/Pg.485);

- 1) **N 13°48'51" E - 352.11 feet** (survey)(deeds = 394.64') to an iron pipe found, passing through 3/4" ID x 5' long white PVC posts set at 102.0' and 189.3':
- 2) **N 65°00'21" W - 76.93 feet** (survey & deeds) to an iron pin w/cap set:
- 3) **N 67°38'21" W - 303.20 feet** (survey)(deeds = 331.70') to an iron pipe found, passing through a 3/4" ID x 5' long white PVC post set at 153.2':
- 4) **N 51°05'36" W - 116.05 feet** (survey)(deeds = 116.34') to a 3/4" square iron bar found:
- 5) **N 10°29'06" E - 124.38 feet** (survey)(deeds = 124.08') to an iron pipe found:
- 6) **N 17°37'51" E - 98.80 feet** (survey & deeds) to an iron pin w/cap set:
- 7) **N 13°50'20" E - 187.20 feet** (survey)(deeds = 185.80') to an iron pin w/cap set, passing through a 3/4" ID x 5' long white PVC post set at 83.3', and:
- 8) **N 16°35'13" E - 277.32 feet** (survey)(deeds = 275.25') to an iron pin w/cap stamped "B.H.G.-OH - S-8096" found one of the Grantors' Westerly property corners, one of the Easterly property corners of said G.M. & W.S. Stanley 110.69 acre (by deed) tract (OR.58/Pg.485), and, the most Southerly Southwest property corner of a 5.029 acre (by deed) tract also owned by Gladys Marie & William S. Stanley (OR.317/Pg.21), passing through a 3/4" ID x 5' long white PVC post set at 140.0':

8) Thence the following nine (9) courses along other of the Grantors' Westerly property lines and Southerly and Easterly property lines of said G.M. & W.S. Stanley 5.029 acre (by deed) tract (OR.317/Pg.21);

- 1) **N 67°50'59" E - 471.27 feet** (survey)(deeds = 471.30') to a point in the Southeast property corner of said G.M. & W.S. Stanley 5.029 acre (by deed) tract (OR.317/Pg.21) and the said centerline of Parker Road (Twp.Rd.No.9), passing through: iron pins w/caps stamped "B.H.G.- OH - S-8096" found at 106.15 feet and 273.20 feet, a railroad tie post at 403.5', and, an additional iron pin w/cap stamped "B.H.G.- OH - S-8096" found for reference at 458.40 feet:
- 2) **N 22°50'19" W** along the centerline of Parker Road (Twp.Rd.No.9), **59.62 feet** to a point:
- 3) **N 19°23'20" W** along the centerline of Parker Road (Twp.Rd.No.9), **75.20 feet** to a point:
- 4) **N 18°08'54" W** along the centerline of Parker Road (Twp.Rd.No.9), **204.70 feet** to a point:
- 5) **N 22°58'46" W** along the centerline of Parker Road (Twp.Rd.No.9), **62.17 feet** to a point:
- 6) **N 27°55'27" W** along the centerline of Parker Road (Twp.Rd.No.9), **12.57 feet** to a point, said point being witnessed by an iron pin w/cap set, that bears: N 52°14'28" E, 20.71 feet FROM said point:
- 7) Thence continuing **N 27°55'27" W** along the centerline of Parker Road (Twp.Rd.No.9), **67.10 feet** to a point:
- 8) **N 32°32'27" W** along the centerline of Parker Road (Twp.Rd.No.9), **81.89 feet** to a point, and:
- 9) **N 38°18'25" W** along Parker Road (Twp.Rd.No.9), **174.15 feet** to a point in the most Northerly Northeast property corner of said G.M. & W.S. Stanley 5.029 acre (by deed) tract (OR.317/Pg.21), one of the Northeasterly property corners of said G.M. & W.S. Stanley 110.69 acre (by deed) tract (OR.58/Pg.485), said point being witnessed by an iron pin w/cap stamped "B.H.G.- OH - S-8096" found that bears: S 43°41'09" W - 8.38 feet FROM said point:

9) Thence the following ten (10) courses along Grantors' Westerly property lines and Easterly and Northerly property lines of said G.M. & W.S. Stanley 110.69 acre (by deed) tract (OR.58/Pg.485);

- 1) **N 36°10'26" W** along Parker Road (Twp.Rd.No.9), **25.33 feet** to a point:
- 2) Thence leaving Parker Road, **S 43°42'04" W - 198.18 feet** (survey)(deeds = 198.50') to an iron pin w/cap set on the Southwesterly side of Onion Creek, passing through an iron pin found at 11.20 feet (survey & deeds):
- 3) **N 75°44'00" W** on the Southerly side of Onion Creek, **215.63 feet** (survey)(deeds = 215.90') to an iron pipe found:

**"35.931 Acre - New Legal Description" Cont'd.**

- 4) **N 62°56'15" W** on the Southerly side of Onion Creek, **190.94 feet** (survey)(deeds due to scrivener's error = 150.40')(original 1970 F.A.Dixon survey distance = 190.98') to an iron pin found:
- 5) **S 66°59'32" W** on the Southerly side of Onion Creek, **150.68 feet** (survey)(deeds = 150.40') to an iron pin w/cap set:
- 6) **N 64°44'00" W** on the Southerly side of Onion Creek, **258.30 feet** (survey & deeds) to an iron pin w/cap set in Onion Creek:
- 7) **N 82°09'00" W** on the Southerly side of Onion Creek, **243.40 feet** (survey & deeds) to an iron pin w/cap set, passing through a 3/4" ID x 5' long white PVC post set at 121.1':
- 8) **S 40°18'00" W** on the Southerly side of Onion Creek, **177.65 feet** (survey & deeds) to an iron pin w/cap set:
- 9) **N 68°48'00" W** on the Southerly side of Onion Creek, **408.00 feet** (survey & deeds) to an iron pin w/cap set, and:
- 10) **N 82°23'01" W** on the Southerly side of Onion Creek, **343.97 feet** (survey) (deeds = 355.40') to an iron pin w/cap set in the Grantor's most Westerly Northwest property corner, in the North line of FR.17 (Section 22), the South line of FR.23 (Section 22), the South property line of a 40.115 acre (by deed) tract owned by Karen Lankamer (DB.379/Pg.387), said iron pin w/cap set bearing: N 89°57'15" E, 288.64 feet (survey)(deeds = 297.72') FROM a 3/4" bolt w/hex head found in the Northwest property corner of said G.M. & W.S. Stanley 110.69 acre (by deed) tract (OR.58/Pg.485):

**10)** Thence **N 89°57'15" E** along one of the Grantor's North property lines, the said North line of FR.17 (Section 22), the said South line of FR.23 (Section 22), the said South property line of said K. Lankamer 40.115 acre (by deed) tract (DB.379/Pg.387), and, the South property line of a 13.06 acre (by deed) tract owned by Jimmy L. Morris (OR.276/Pg.1814), **1,882.50 feet** (survey & deeds) to an iron pin w/cap set one of the Grantor's Northerly property corners, the Southeast property corner of said J.L. Morris 13.06 acre (by deed) tract (OR.276/Pg.1814), the most Southerly Southwest property corner of a 15.012 acre (by deed) tract owned by Pamela M. Stansberry, etal (OR.404/Pg.1030 - 2<sup>nd</sup> Tract), and, the Northwest property corner of a 3.198 acre (by deed)(3.160 acres by this survey) also owned by Pamela M. Stansberry, etal (OR.404/Pg.1030 - 1<sup>st</sup> Tract), passing through 3/4" ID x 5' long white PVC posts set at: 103.2', 239.0', 415.5', 610.3', 773.9', 892.1', 1064.2', 1241.9' and 1495.7', also passing through an iron pin w/cap set on the Southwest side of Parker Road (Twp.Rd.No.9) for reference at 1,762.35 feet and another iron pin w/cap set on the Northeast side of Parker Road (Twp.Rd.No.9) for reference at 1,825.35 feet:

**11)** Thence leaving the said North line of FR.17 (Section 22), the said South line of FR.23 (Section 22), the following three (3) courses along other of the Grantor's Northerly property lines and Southwesterly and Southeasterly property lines of said P.M. Stansberry, etal 3.198 acre (by deed)(3.160 acres by this survey)(OR.404/Pg.1030 - 1<sup>st</sup> Tract);


- 1) **S 35°46'45" E - 509.35 feet** (survey & deeds) to an iron pin w/cap set, passing through 3/4" ID x 5' long white PVC posts set at 106.5' and 220.5':
- 2) **N 52°14'28" E - 268.39 feet** (survey & deeds) to an iron pin w/cap set, passing through a 3/4" ID x 5' long white PVC post set at 130.0', and:
- 3) **N 11°32'36" E - 250.57 feet** (survey & deeds) to an iron pin w/cap set, in another of the Grantor's Northerly property corners, in said North line of FR.17 (Section 22), the said South line of FR.23 (Section 22), the Northeast property corner of said P.M. Stansberry, etal 3.198 acre (by deed)(3.160 acres by this survey)(OR.404/Pg.1030 - 1<sup>st</sup> Tract), and the South property line of a 57.99 acre (by deed) tract owned by Ralph & Catherine Keffer (OR.359/Pg.277), passing through a 3/4" ID x 5' long white PVC post set at 144.6':

**12)** Thence **S 89°17'45" E** along another of the Grantor's North property lines, the said North line of FR.17 (Section 22), the said South line of FR.23 (Section 22), the said South property line of said R.& C. Keffer 57.99 acre (by deed) tract (OR.359/Pg.277), **989.56 feet** (survey & deeds) to the **point of beginning**, passing through 3/4" ID x 5' long white PVC posts set at: 190.1', 267.5', 420.0', 528.8' and 706.8', and, **containing a total of 35.931 acres.**

**13)** The above described "**35.931 Acre - New Legal Description**" totally encompasses the existing **Auditor's Parcel No. H0100100201.04** and **Auditor's Parcel No. H0100100201.05** and is intended to combine them into one (1) parcel to reflect the results of a new Property Survey to more accurately describe the subject premises and eliminate various inaccuracies and inadequacies that are present in the existing legal descriptions.

**"35.931 Acre - New Legal Description" Cont'd.**

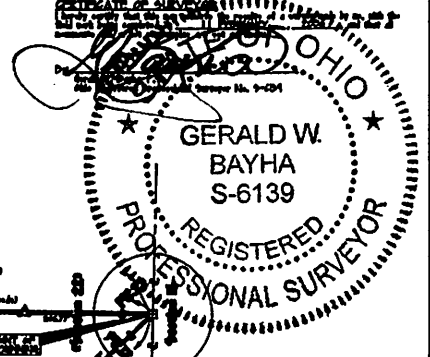
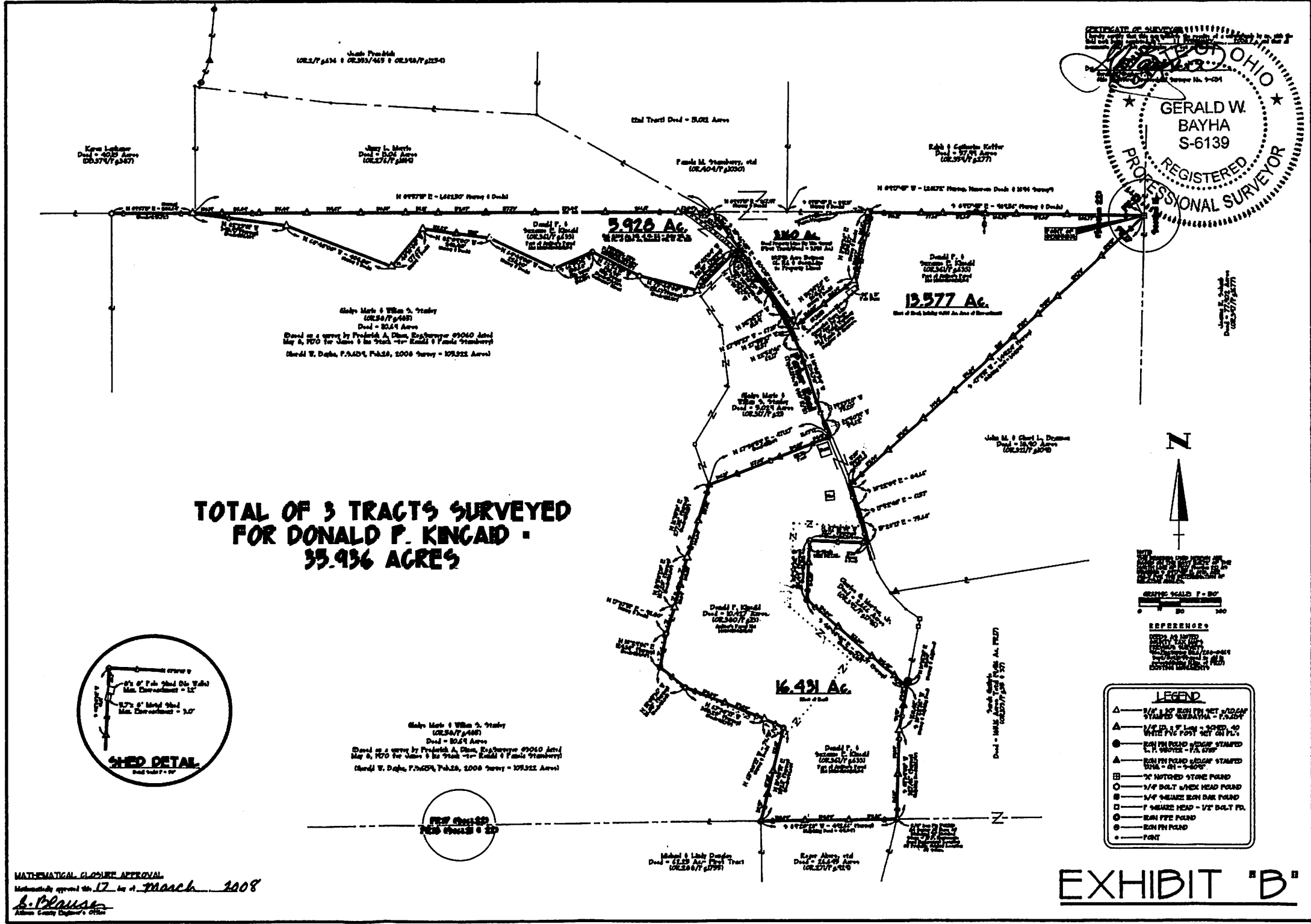
- 14) The bearings used in the above description are based on the East - 1,281.72 feet of the North line of FR.17 (Section 22) as bearing: S 89°17'45" E and are only for the determination of angles.
- 15) Subject to all legal highways and easements.
- 16) All iron pins w/cap set referred to in the description above are 5/8" x 30" iron pins with plastic I.D. caps stamped "G. W. BAYHA - P.S.6139 - 740-593-5686".
- 17) The above described **"35.931 Acre - New Legal Description"** was surveyed by Gerald W. Bayha, P.S., Ohio Registered Professional Surveyor No. S-6139 (*Job No. 1207-03*), with the field work being completed on February 11, 2008, the "Plat of Survey" (Exhibit "B") initially being completed on February 15, 2008, and being last revised on March 10, 2008, and, the "Legal Description" (Exhibit "A") being completed on March 10, 2008.

  
Gerald W. Bayha, P.S. 6139 \* GERALD W. BAYHA S-6139 REGISTERED PROFESSIONAL SURVEYOR  
Date Signed: 03.10.08

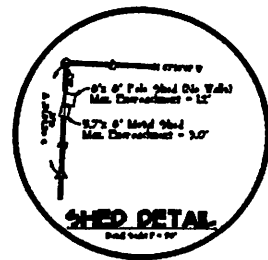
Description Checked for  
Mathematical Accuracy  
Athens County  
ENGINEER'S OFFICE  
BY: S. Blause  
DATE: 3-17-08

EXHIBIT 'B'

EXHIBIT 'B'



**Gerald W. Bayha, P.S.**  
 Registered Professional Surveyor No. 9489  
 State of Ohio  
 12000 Grand W. Drive, P.O. Box 1470  
 Columbus, OH 43261  
 (614) 499-1111



**LEGEND**

- ▲ 1/4" IRON NAIL SET (100#)
- ▲ 1/4" IRON NAIL SET (500#)
- IRON PIN FOUND (WOOD STAMPED 1" x 1" NUMBER - PA. 100#)
- ▲ IRON PIN FOUND (WOOD STAMPED 1" x 1" NUMBER - PA. 100#)
- 1/2" NOTCHED STONE FOUND
- 1/4" DULT W/HEX HEAD FOUND
- 1/4" SQUARE IRON NAIL FOUND
- 1" SQUARE HEAD - 1/2" DULT PD.
- IRON PIN FOUND
- IRON PIN FOUND
- POINT

**MATHEMATICAL CLOSE APPROVAL**  
 Mathematically approved this 17 day of March 2008  
*L. Blouse*  
 Athens County Engineer's Office

**PLAT OF SURVEY**  
 Being part of FR 17 (Section 22)  
 Township 10-North, Range 15-West  
 Lee Township, Athens County, State of Ohio, U.S.A.  
 © 2008 Gerald W. Bayha, P.S.

EXHIBIT 'B'