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William M. Owens
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January 30, 2017
AMENDED TITLE OPINION

Attn: Dave Kaufman
KAUFMAN REALTY & AUCTIONS
1047 West Main Street
Sugar creek, Ohio 44681

Re: John T. Guinther and Crystal M. Guinther
Parcel Nos. 014-00000351-00, 014-00000350-00, and 026-00000645-00

Dear Mr. Kaufman:

The Guinthers state that the real estate is not under production.

This is to certify that the undersigned has examined the indices to all the public records relative to real estate titles of Coshocton County, Ohio, covering a period of sixty-five (65) years prior to January 10, 2017, at 8:00 A.M. with reference to the real estate located in the Townships of Jefferson and Monroe, County of Coshocton, and State of Ohio, and bounded and described as follows:

PARCEL ONE:

Situated in the Township of Jefferson, Coshocton County, Ohio and being described as follows:

Being forty (40) acres off the north end of the Northwest quarter, Section 3, Township 6, Range 8. Also a strip 20 feet in width from near the west end of the above described tract along the east side of a spring run to Spring Mountain – Warsaw public highway, the same being a private road. Both of the above tracts being the same premises heretofore conveyed to Lorenzo D. McCoy by A. J. McCoy and wife by deed dated July 19, 1897, of record in Volume 86, Page 621.

Also a tract of land containing fifty-eight (58) acres being part of the Northwest quarter, Section 3, Township 6, Range 8 and being 58 acres

lying directly South of and adjoining the forty (40) acre tract of the same quarter section above described in this deed, said tract being of equal width and being the same premises heretofore conveyed to Martha J. McCoy by Louisa McCoy and husband by deed dated September 13, 1901, of record in Volume 91, Page 495 of the Deed Records of Coshocton County, Ohio.

Also the following in the State, County and Township aforesaid, bounded and described as follows: Being forty acres off of the South end of that part of the Northwest quarter of Section 3, Township 6, Range 8, which lies west of the county road through said quarter, the part hereby conveyed extending entirely across said tract and of an equal width throughout.

Excepting from the last mentioned tract 213 ½ rods, heretofore conveyed by Lorenzo D. McCoy, et ux, to Rebecca McCoy by deed dated July 11, 1903, and recorded in Volume 97, Pages 302 and 303, to which deed reference is hereby made for a more particular description of said excepted part. Leaving in said parcel to be conveyed, a total of 136.37 acres, more or less.

Parcel No. 014-00000351-00

PARCEL TWO:

Tract One:

Beginning for a point at a fence post at the northeast corner of Section 4, Range 8 and Township 6, which point is also on the north line of Jefferson Township, thence N. 83° 50' W. along the north line of Section 4, a distance of one thousand four hundred eleven and thirty-five hundredths (1,411.35) feet to a point in the center line of the County Road known as No. 22b; thence following the center line of County Road No. 22b with the following six courses: First, S. 36° 21' E. a distance of ninety-nine and eleven hundredths (99.11) feet; second, S. 17° 05' E. a distance of nine hundred thirty-three and seventy-eight hundredths (933.78) feet; third, S. 42° 56' E. a distance of two hundred ninety-nine and forty-three hundredths (299.43) feet; fourth, S. 41° 39' E. a distance of three hundred forty-two and five hundredths (342.05) feet; Fifth, S. 71° 47' E. a distance of three hundred eighty-five and sixty-five hundredths (385.65) feet; sixth, S. 50° 01' E. a distance of one hundred fifty-seven and forty-eight hundredths (157.48) feet to the center of a private lane; thence N. 51° 21' E. along the center of

the said private lane, a distance of eighty-four and thirty-seven hundredths (84.37) feet to a point on the east line of Section 4; thence N. 5° 51' E. along the east line of Section 4 a distance of one thousand five hundred twenty-three and two tenths (1,523.2) feet, more or less, to the point of beginning.

The above described tract is known to contain thirty-five and twenty-nine hundredths (35.29) acres more or less.

Tract Two:

Situated in the Township of Jefferson, Coshocton County, Ohio and being described as follows:

Beginning from a point where the west line of Section 3, Range 8 and Township 6 intersects the center line of a private lane which point is S. 5° 51' W. a distance of one thousand one hundred thirty-seven and in nine tenths (1,137.9) feet from the northeast corner of Section 3; thence N. 51° 21' E. along the center line of the said private lane, a distance of one hundred eighty and seventeen hundredths (180.17) feet to a point; thence, continuing along the center line of the private lane N. 37° 53' E. a distance of one hundred forty-seven and thirty-five hundredths (147.35) feet to a fence line; thence N. 52° 23' W. along the said fence line a distance of two hundred forty-three and one-tenth (243.1) feet, more or less, to a point on the west line of Section 3; thence S. 5° 51' W. along the west line of Section 3, a distance of three hundred eighty-five and three tenths (385.3) feet to the point of beginning.

The above described parcel of land is known to contain one and one hundredths (1.01) acres more or less.

Parcel No. 014-00000350-00

PARCEL THREE:

Situated in the State of Ohio, County of Coshocton and Township of Monroe and bounded and described as follows:

Being known as a part of Lot Number Sixteen (16) in the Southwest quarter of Township seven (7), in Range eight (8) United States Military Lands, said part described as follows:

Being all the land in said lot numbered sixteen (16) which lies north and east of the center line of the county road number 22, except one and one-eighth (1 1/8) acres out of the northwest corner of said lot and also excepting the school house lot, containing one-half (1/2) acre, heretofore deeded by Stephen Willis to the directors of district No. 1 of Monroe Township and the portion of said lot number sixteen (16) herein intended to be conveyed, containing seventy-two and three tenths (72.33) acres, more or less. EXCEPTING therefrom the following described tract:

Beginning for the survey of the exception at the southeast corner of lot 15 at a fence post, and running thence south two and one-quarter degrees west, five hundred thirty-seven and one-half (537 1/2) feet to a stake in the fence line, thence along a stone fence south eighty-seven and one-quarter degrees west, twelve hundred eighty-nine and three-quarters (1,289 3/4) feet to a stake, thence north nine degrees east, six hundred sixty-three and one-half (663 1/2) feet to a corner post supposed to be the southwest corner of the 27.7 acre tract, thence along the south line of the 27.7 acre tract, south eighty-seven and one-half (87 1/2) degrees east, twelve hundred (1,200) feet to the place of beginning, said exception containing seventeen (17) acres, be the same more or less.

Leaving a balance intended to be conveyed of fifty-five and three-tenths (55.3) acres, more or less. Subject to all legal highways and rights-of-way of record.

Also reserving to the Grantors, their heirs and assigns, a right-of-way over the conveyed tract, being an old road, or right-of-way extending from the main highway to said reserved seventeen (17) acres tract, and being approximately twelve (12) feet in width.

And further excepting real estate situated in the County of Coshocton, State of Ohio and Township of Monroe, bounded and described as follows:

Being in Township 7 North, Range 8 West, Lot Number Sixteen (16) of the United States Military Lands and part of a 55.3 acre tract devised by Last Will of Avery J. McCoy as recorded in Volume 287, Page 346, Coshocton County Deed Records, more particularly described as follows:

Commencing for reference at a post which marks the Northeast corner of the above mentioned lot; thence North 87° 00' 00" West 1,972.78 feet to an iron pin and the true place of beginning; thence continuing North 87° 00' 00", 354.95 feet to an iron pin; thence South 5° 36' 40" West, 64.87 feet to an iron pin; thence South 47° 06' 10" West, 129.31 feet to an iron pin located in the center line of County Road 22; thence South 12° 00' 30" East, 325.00 feet along said center line to an iron pin; thence South 87° 00' 00" East, 490.17 feet to an iron pin; thence North 12° 00' 30" West, 488.23 feet to the true place of beginning.

This tract of land as described above contains 5.000 acres, more or less, and is subject to all easements of records.

Survey made by Jim Shamp, Registered Surveyor No. S-00-6088, October 13, 1974.

Leaving in said parcel to be conveyed, 50.3 acres, more or less.

Parcel No. 026-00000645-00

Unless otherwise specifically stated herein, this Certificate does not purport to cover matters not of record in said County, including rights 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 Coshocton County Treasurer's records, zoning and other governmental regulations, matters indexed with the Clerk of the United States District Court for said jurisdiction, nor dower rights.

The undersigned further certifies that as appears from said County Records, the title is free from encumbrances except and subject to the matters set forth hereinbefore and as follows:

1. **SOURCE OF TITLE:** John T. Guinther and Crystal Guinther aka Crystal M. Guinther (JWRS) are the owners of this real estate by virtue of the following:

SURVIVORSHIP DEED from John T. Guinther and Crystal Guinther aka Crystal M. Guinther, husband and wife, to John T. Guinther and

Crystal M. Guinther, husband and wife, dated December 21, 2016, and recorded on December 28, 2016, in Volume 721, Page 789, Coshocton County Official Records; and

WARRANTY DEED from Dollie W. McCoy aka Dolly W. McCoy, single, to Crystal M. Guinther and John T. Guinther, husband and wife, dated July 11, 1989, and recorded on July 13, 1989, in Volume 368, Page 606, Coshocton County Deed Records.

2. **REAL ESTATE TAXES:**

Parcel No. 014-00000351-00 Taxes are \$504.36 per half.
Taxes for 2015 have been paid. Taxes for 2016 and thereafter are a lien but not yet due and payable. NOTE: The property has qualified for the current agricultural use valuation exemption. If the property does not continue to so qualify, it will be subject to a recoupment charge equal to the tax savings.

Parcel No. 014-00000350-00 Taxes are \$138.27 per half.
Taxes for 2015 have been paid. Taxes for 2016 and thereafter are a lien but not yet due and payable. NOTE: The property has qualified for the current agricultural use valuation exemption. If the property does not continue to so qualify, it will be subject to a recoupment charge equal to the tax savings.

Parcel No. 026-00000645-00 Taxes are \$101.05 per half.
Taxes for 2015 have been paid. Taxes for 2016 and thereafter are a lien but not yet due and payable. NOTE: The property has qualified for the current agricultural use valuation exemption. If the property does not continue to so qualify, it will be subject to a recoupment charge equal to the tax savings.

3. **RIGHT OF WAY** from Delmer Bechtol, single, and Ava Chadwick, single, to A.J. McCoy and Dollie W. McCoy, granting a reservation of a 12 foot right of way for ingress and egress over 53 acres which was original tract #6 and most recently described as tract #2 parcel #4 of the description in the Guthrie deed, dated April 1, 1954, and recorded on April 2, 1954, in Volume 211, Page 593, Coshocton County Deed Records. REQUIREMENT: Observe if this right of way is still used. It

should be a driveway to a tract of land and extending from the highway to this land.

4. **RIGHT OF WAY** from Crystal M. Guinther and John Guinther, husband and wife, to Frontier Power Co., granting a pole and line easement, forty foot maintenance width, with 20 feet on each side of lines, dated February 16, 1999, and recorded on March 11, 1999, in Volume 154, Page 142, Coshocton County Official Records. REQUIREMENT: Avoid above and underground lines and poles. For information contact Frontier Power Company, 770 South 2nd Street, Coshocton, Ohio 43812, 740-622-6755. Construction is prohibited in easement area.
5. **RIGHT OF WAY** from Crystal M. Guinther and John Guinther, husband and wife, to Frontier Power Co., granting a pole and line easement located 11.5 feet along County Road 26, dated May 6, 1993, and recorded on May 8, 1993, in Volume 46, Page 98, Coshocton County Official Records. REQUIREMENT: Avoid above and underground lines and poles. For information contact Frontier Power Company, 770 South 2nd Street, Coshocton, Ohio 43812, 740-622-6755. Construction is prohibited in easement area. Owner of land states this right of way does not pertain to property being sold at auction.
6. **OIL AND GAS LEASE** from Crystal M. Guinther and John Guinther, husband and wife, to Delta Petroleum Corporation, with a primary term of 5 years, area of lease being 223 acres, more or less, dated March 19, 2011, and recorded on March 19, 2011, in Volume 541, Page 927, Coshocton County Official Records. NOTE: Not released or assigned on record. REQUIREMENT: Owner of land claims no wells have been drilled and no appurtenances have been placed above ground. Owners claim the lease is expired by its terms but they have not pursued legal forfeiture. Take care to make sure no pipelines have been placed underground without knowledge of landowner. *Released at Volume 726, Page 422, Coshocton County Official Records.*
7. **OIL AND GAS LEASE** from Crystal M. Guinther and John Guinther, husband and wife, to Delta Petroleum Corporation, with a primary term of 2 years, dated March 20, 1996, and recorded on March 21, 1996, in Volume 94, Page 650, Coshocton County Official Records. NOTE: Not released or assigned on record. REQUIREMENT: Owner of land claims

no wells have been drilled and no appurtenances have been placed above ground. Owners claim the lease is expired by its terms but they have not pursued legal forfeiture. Take care to make sure no pipelines have been placed underground without knowledge of landowner. *Released at Volume 726, Page 422, Coshocton County Official Records.*

8. **AFFIDAVIT OF NONPRODUCTION** from Crystal M. Guinther and John Guinther, husband and wife, to Delta Petroleum Corporation, General Affidavit of Nonproduction, dated March 19, 2011, and recorded on April 11, 2011, in Volume 541, Page 926, Coshocton County Official Records. REQUIREMENT: None, but note affidavit of nonproduction does not meet forfeiture requirements for leases under Ohio law.
9. **LEASES AND AFFIDAVITS OF NONPRODUCTION:** Found at the following Volumes and Pages: 49/184, 84/470, 87/701, 89/134, 99/442, 104/651, 104/247, 105/368. There are various old leases and affidavits regarding them in Lease Records. The affidavits may not comply with Ohio law pertaining to forfeiture of leases at this time. REQUIREMENT: None, except avoid all wells and drilling appurtenances.
10. **OUTSALES:** There are several outsales of real estate within the search period but all appear to be prior to the current deed. The real estate is being resurveyed and the final acreage and boundaries will be established. REQUIREMENT: None, but interested parties may review Volume 300, Page 667; Volume 305, Page 907; Volume 337, Page 976; and Volume 337, Page 979, Coshocton County Deed Records.
11. **BANKRUPTCY PROCEEDINGS.**
No search was made of bankruptcy records.

Note: This search and certificate are for marketable title and potential mortgage purposes. It is issued to Kaufman Realty to assist with its auction. Buyers should engage their own services to assist them with legal matters involving purchase.

The search and certificate is not a mineral search and do not purport to certify that minerals such as oil, gas, and coal are not encumbered beyond a lease. Such a

search would involve much more cost and would be conducted to at least 1865 since outsales of minerals have been known in Coshocton County to this period of time.

Ownership of minerals will not be excepted in the seller's warranty deed and the real estate has been under lease released at Volume 726, Page 422, Coshocton County Official Records. Landowners state they are receiving no shut in royalty, no delinquent rental, no production royalty, and their land has not been placed in a consolidated lease with adjoining properties. The landowners state the real estate is not currently being produced for oil and gas production or exploration. There was an old Jerry Moore lease for this property. According to the landowners a well was drilled and plugged and a dry hole was drilled. The lease is alleged to have expired by its terms prior to the now released Delta lease.

The undersigned is not aware of any title company willing to provide an owner's policy of title insurance insuring minerals because of the high risk. The undersigned has searched lease records and outsales during the search period from 1949 and has discovered only those recorded leases noted and no outsales of minerals. No search was performed for any period prior to 1949 and none was requested.

The premises should qualify for a mortgage and title is marketable.

I will prepare my final title opinion to Kaufman Realty after the new deed and mortgage have been recorded. Prospective buyers may contact Owens & Manning Law Firm for information about obtaining a title opinion certified to buyer and fee.

If you have any questions, please feel free to contact me.

Yours truly,

OWENS & MANNING
ATTORNEYS AT LAW

by s/ *William M. Owens*
William M. Owens

WMO/adc