

LEGAL DESCRIPTION: PART OF TRACT NUMBER 6 IN THE RESERVE OF 10 SECTIONS, TOWNSHIP 28 NORTH, RANGE 9 EAST, HUNTINGTON TOWNSHIP, HUNTINGTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

STARTING AT P.K. NAIL MARKING THE LOCATION OF STONE 13 AS SHOWN IN SURVEY RECORD "H", PAGE 272; THENCE EASTERLY, 3365.07 FEET ALONG THE CENTERLINE OF FLAXMILL ROAD; THENCE NORTHERLY, DEFLECTING LEFT 90 DEGREES 00 MINUTES 00 SECONDS, 215.76 FEET TO A 5/8" REBAR STAKE ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #24 BYPASS AT STATION 248+50, 100 FEET RIGHT OF THE CENTERLINE AS SHOWN ON PROJECT NO. F-888(10) DATED 1963, WHICH SHALL BE THE PLACE OF BEGINNING; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 520.04 FEET ALONG A CURVE TO THE RIGHT, NOT TANGENT TO THE LAST DESCRIBED LINE, WHOSE RADIUS IS 7062.03 FEET AND LIES SOUTHEASTERLY, WHOSE CHORD IS 519.92 FEET AND DEFLECTS RIGHT 43 DEGREES 49 MINUTES 12 SECONDS, FROM THE LAST DESCRIBED LINE TO A 5/8" REBAR STAKE; THENCE SOUTHERLY, DEFLECTING RIGHT 132 DEGREES 48 MINUTES 43 SECONDS FROM SAID CHORD, 529.19 FEET TO A 5/8" REBAR STAKE ON THE NORTH RIGHT-OF-WAY LINE OF FLAXMILL ROAD; THENCE WESTERLY, DEFLECTING RIGHT 89 DEGREES 55 MINUTES 12 SECONDS, 50.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A 5/8" REBAR STAKE; THENCE NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE 346.13 FEET ALONG A CURVE TO THE RIGHT NOT TANGENT TO THE LAST DESCRIBED LINE, WHOSE RADIUS IS 914.93 FEET AND LIES NORTHWESTERLY, WHOSE CHORD IS 344.07 FEET AND DEFLECTS RIGHT 10 DEGREES 53 MINUTES 17 SECONDS FROM THE LAST DESCRIBED LINE TO A 5/8" REBAR STAKE ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY #24; THENCE NORTHERLY, DEFLECTING RIGHT 82 DEGREES 33 MINUTES 34 SECONDS FROM SAID CHORD, 111.60 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE PLACE OF BEGINNING. CONTAINING 2.98 ACRES

SUBJECT TO: RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ALL AS SHOWN BY STOODY ASSOCIATES, PROFESSIONAL LAND SURVEYORS, ON PLAT OF SURVEY NUMBER 9813.

SURVEY REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SEC. 1-29 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATION OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- a) VARIANCES IN THE REFERENCE MONUMENTS: SEE LEGEND.
- b) DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS: SEE SURVEY PLAT.
- c) INCONSISTENCIES IN LINES OF OCCUPATION: SEE SURVEY PLAT.
- d) RANDOM ERRORS IN MEASUREMENT (THEORETICAL UNCERTAINTY):

THE THEORETICAL UNCERTAINTY OF THE CORNERS OF THE DESCRIBED REAL ESTATE IS WITHIN THE SPECIFICATIONS FOR A CLASS "A" SURVEY (0.10 FEET) AS DEFINED BY TITLE 865.

THE CENTERLINE OF FLAXMILL ROAD WAS ESTABLISHED FROM MONUMENTS FOUND IN THE PAVEMENT TO THE EAST AND WEST OF THIS TRACT ALONG WITH MONUMENTS FOUND ON THE EAST LINE OF THE PARENT TRACT DEED RECORD 237, PAGE 176. THE RIGHT-OF-WAY OF U.S. #24 WAS ESTABLISHED FROM STRUCTURES FOUND IN THE MEDIAN USED TO ESTABLISH STATIONING AND BY SPLITTING THE EXISTING DRIVING LANES TO ESTABLISH THE CENTERLINE. THE STATE HIGHWAY PLANS F-888(10), 1963 WERE USED AS A REFERENCE FOR THIS RIGHT-OF-WAY. THE EAST LINE OF THIS TRACT IS 20 FEET WEST OF THE EXISTING BUILDING. CORNERS WERE SET ON THIS LINE ON THE RIGHT-OF-WAY LINE OF FLAXMILL ROAD AND U.S. #24. THIS TRACT IS BOUNDED ON THE NORTH AND WEST BY THE RIGHT-OF-WAY LINES OF FLAXMILL ROAD AND U.S. #24.

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STARTING AT P.K. NAIL MARKING THE LOCATION OF STONE 13 AS SHOWN IN SURVEY RECORD "H", PAGE 272; THENCE EASTERLY, 3365.07 FEET ALONG THE CENTERLINE OF FLAXMILL ROAD; THENCE NORTHERLY, DEFLECTING LEFT 90 DEGREES 00 MINUTES 00 SECONDS, 215.76 FEET TO A 5/8" REBAR STAKE ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #24 BYPASS AT STATION 248+50, 100 FEET RIGHT OF THE CENTERLINE AS SHOWN ON PROJECT NO. F-888(10) DATED 1963; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 520.04 FEET ALONG A CURVE TO THE RIGHT, NOT TANGENT TO THE LAST DESCRIBED LINE, WHOSE RADIUS IS 7062.03 FEET AND LIES SOUTHEASTERLY, WHOSE CHORD IS 519.92 FEET AND DEFLECTS RIGHT 43 DEGREES 49 MINUTES 12 SECONDS, FROM THE LAST DESCRIBED LINE TO A 5/8" REBAR STAKE WHICH SHALL BE THE PLACE OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR(4) COURSES; THENCE CONTINUING NORTHEASTERLY 277.67 ALONG SAID CURVE, WHOSE CHORD IS 277.65 FEET AND DEFLECTS RIGHT 03 DEGREES 14 MINUTES 09 SECONDS FROM THE LAST DESCRIBED CHORD TO A 5/8" REBAR STAKE AT STATION 256+59, 100 FEET RIGHT; THENCE NORTHEASTERLY, DEFLECTING RIGHT 01 DEGREES 07 MINUTES 35 SECONDS, 41.00 FEET TO A 5/8" REBAR STAKE AT STATION 257+00, 100 FEET RIGHT; THENCE NORTHEASTERLY, DEFLECTING LEFT 03 DEGREES 43 MINUTES 08 SECONDS, 200.42 FEET TO A 5/8" REBAR STAKE AT STATION 259+00, 87 FEET RIGHT; THENCE NORTHEASTERLY, DEFLECTING RIGHT 03 DEGREES 43 MINUTES 08 SECONDS, 62.63 FEET TO A 5/8" REBAR STAKE AT THE NORTHWEST CORNER OF MISSAUKEE VILLAGE ADDITION; THENCE SOUTHEASTERLY, DEFLECTING RIGHT 89 DEGREES 56 MINUTES 44 SECONDS, 446.76 FEET ALONG THE WEST LINE OF SAID MISSAUKEE VILLAGE ADDITION AND NORTHWAY MANOR ADDITION SECTION "B" TO A 3/4" PIPE STAKE; THENCE SOUTHERLY, DEFLECTING RIGHT 38 DEGREES 27 MINUTES 28 SECONDS, 554.50 FEET ALONG THE WEST LINE OF SAID NORTHWAY MANOR ADDITION SECTION "B" TO A 3/4" PIPE STAKE ON THE NORTH RIGHT-OF-WAY LINE OF FLAXMILL ROAD; THENCE WESTERLY, DEFLECTING RIGHT 89 DEGREES 58 MINUTES 00 SECONDS, 722.30 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A 5/8" REBAR STAKE; THENCE NORTHERLY, DEFLECTING RIGHT 90 DEGREES 04 MINUTES 45 SECONDS, 529.19 FEET TO THE PLACE OF BEGINNING. CONTAINING 11.95 ACRES

SUBJECT TO: RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ALL AS SHOWN BY STOODY ASSOCIATES, PROFESSIONAL LAND SURVEYORS, ON PLAT OF SURVEY NUMBER 9813.

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- a) VARIANCES IN THE REFERENCE MONUMENTS: SEE LEGEND.
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FLOOD STATEMENT: THE "FLOOD RATE INSURANCE RATE MAP" FOR THE CITY OF HUNTINGTON COMMUNITY-PANEL NUMBER 180094 0001B, JULY 18, 1983, INDICATES THE ABOVE DESCRIBED REAL ESTATE LIES IN ZONE C.

THE UNDERSIGNED OF STOODY ASSOCIATES, PROFESSIONAL LAND SURVEYORS, 121 E. MARKET STREET, BLUFFTON, INDIANA, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA, HEREBY CERTIFIES, REPRESENTS, AND WARRANTS TO HEICO OHMITE, L.L.C. AND COMMONWEALTH LAND TITLE INSURANCE COMPANY (THE "TITLE COMPANY") AS FOLLOWS:

1. THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (i) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1992, INCLUDES ITEMS 1,3,6,7(a, b, and c), 8,9,10,11 AND 13 OF TABLE A THEREOF, AND (ii) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) OF A "SUBURBAN" SURVEY (THE "SURVEY").
2. THE SURVEY ACCURATELY REPRESENTS AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION ON JULY 22, 1998, FIELD, AND AUGUST 17, 1998, OFFICE OF THE SUBJECT REAL ESTATE (THE "PROJECT") AND WAS PERFORMED IN ACCORDANCE WITH TITLE 865, ARTICLE 1, RULE 12 OF THE INDIANA ADMINISTRATIVE CODE.
3. THE PROJECT SHOWN ON THIS SURVEY IS THE SAME AS THE REAL ESTATE DESCRIBED IN COMMITMENTS FOR TITLE INSURANCE ISSUED BY THE TITLE COMPANY UNDER COMMITMENT NO. 863-035565 (REFERENCE NO. J-98-389) AND COMMITMENT NO. 863-035583 (REFERENCE NO. J-98-468) (COLLECTIVELY, THE "TITLE COMMITMENT") AND THE LEGAL DESCRIPTIONS IN THE SURVEY DESCRIBING THE PROJECT ARE THE SAME AS DESCRIBED IN SCHEDULE A OF THE TITLE COMMITMENT.
4. ALL EASEMENTS, RIGHT OF WAY, AND OTHER MATTERS SHOWN AS EXCEPTIONS IN SCHEDULE B OF THE TITLE COMMITMENT ARE AS SHOWN ON THE SURVEY BY SPECIFIC LEGAL DESCRIPTION AND IDENTIFIED BY RECORDING REFERENCES.
5. ALL UTILITIES AND DRAINAGE SERVING EACH PARCEL OF REAL ESTATE COMPRISING THE PROJECT ACCESS EACH PARCEL OF REAL ESTATE DIRECTLY THROUGH PUBLIC RIGHTS OF WAY PUBLICLY DEDICATED EASEMENTS (AS SHOWN IN SAID "TITLE COMMITMENT") WITHOUT RELIANCE ON ANY RECORDED PRIVATE EASEMENT AGREEMENTS OR ACCESS THROUGH THE OTHER PARCEL OF REAL ESTATE OR OTHER PRIVATE PROPERTY.
6. EACH PARCEL OF REAL ESTATE COMPRISING THE PROJECT HAS DIRECT VEHICULAR ACCESS TO AND FROM A PUBLICLY DEDICATED STREET OR THOROUGHFARE AS SHOWN ON THE SURVEY.
7. EACH PARCEL OF REAL ESTATE COMPRISING THE PROJECT, STANDING ALONE AS A SEPARATE PARCEL OF LAND, DOES NOT VIOLATE ANY LOCAL LAW REGARDING THE SUBDIVISION OF LAND.

Joel A. Hoehn

