

MERVIN A. AHRENS, TRUSTEE UNDER THE REVOCABLE TRUST AGREEMENT OF MERVIN A. AHRENS MARJORIE R. AHRENS, TRUSTEE UNDER THE REVOCABLE TRUST AGREEMENT OF MARJORIE R. AHRENS DEED RECORD 216, PAGE 113 TAX ID NUMBER 07-100009-01 JANUARY 28, 2000 (20.53 1/4 CHAINS OR 1355.145' REC. IN HIST. P.B. 1, PG. 481) S 89°51'03" E 1323.70'

LEONARD E. & CATHERINE MARY ECKSTEIN DEED RECORD 139, PAGE 111 ANTHONY G. & ANNA K. ECKSTEIN (LAND CONTRACT) TAX ID NUMBER 07-100129-00 APRIL 24, 1961 (20.53 1/4 CHAINS OR 1355.145' REC. IN HIST. P.B. 1, PG. 481) S 89°51'03" E 1366.47'

RETRACEMENT SURVEY FOR KIM NILES KINERK
PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH,
RANGE 12 EAST OF THE SECOND PRINCIPAL MERIDIAN LOCATED IN
RANGE 12 DELAWARE TOWNSHIP, RIPLEY COUNTY, INDIANA
SURVEYORS CERTIFICATE

I, Andrew P. Scholtz, do hereby certify that this plat was prepared from a field survey in accordance with the rules of 865 IAC Rule 12 for Land Surveyors. Assumed bearings were used and measurements are shown in feet. The location, size, type, and material of said monuments are accurately shown. I hereby certify that I am a Land Surveyor holding Indiana Registration 20400051 this _____ day of _____, 2007.

Andrew P. Scholtz, I.S.
Scholtz's Land Surveying
1303 South Adams Street
Vermillion, Indiana 47402
Telephone: 812-685-5810

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security number in the document unless required by law.
Andrew P. Scholtz

AGRICULTURAL RESTRICTIVE COVENANT

The Owner of the herein described real estate and all future owners and occupants of said real estate, or any parcel or subdivision thereof, for and in consideration of the rights to develop the real estate for purposes other than agricultural uses, hereby:

First, acknowledge and agree that this subdivision is in or adjacent to an area zoned for agricultural uses, which uses include, but are not limited to production of crops, animal husbandry, land application of animal waste, the raising, breeding, and sale of livestock and poultry, including confinement feeding operations, use of farm machinery, and sale of farm products.

Second, agree not and oblige to any such agricultural uses on any real estate zoned for such uses within 2 miles of any boundary of this subdivision, whether said uses currently exist, are enlarged or changed in use in the future to another agricultural use.

Third, agree that such uses, whether currently existing, or hereafter established, enlarged, or changed do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily injury to their parties, or directly endanger human health; and

Fourth, agree that this covenant is for the benefit of the Ripley County Plan Commission and all persons engaged in agricultural uses within 2 miles of any such boundary of this subdivision and is enforceable by any of the fore going, together with such other covenants as may be required by Chapter 81 of the Area Subdivision Control Code.

SURVEYORS REPORT

In accordance with Title 865, Article 1, Rule 12, Section 1 through 29 of the Indiana Administrative Code (commonly called "Rule 12"), the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:
• VARIANCES IN BENCHMARK MONUMENTS
• DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS
• INCONSISTENCIES IN LINES OF OCCUPATION
There may be unwritten rights associated with these uncertainties.

The intent of this survey is to reduce the perimeter boundary lines of the property owned by Kim Niles Kinerk as recorded in Instrument 2006-01-80.
Basis of Bearings for this survey is the West line of the Northwest Quarter of Section 29 as previously surveyed by Dennis Kraus, recorded in Plat Cabinet 2, Sleeve 379A.

The West line of this surveyed tract is the West line of the Northwest Quarter of Section 29. An old abandoned road is on the West side of the Quarter section line.

The North line of this surveyed tract is the North line of said Quarter. Stones were found at each relative end of said line. A stone was also found near the Northeast corner of the Northwest Quarter of said Quarter. This stone is 0.98 feet South of the Quarter section line. This stone is called for in Historical Plat Book 1, Page 40. The North-South continuation of the Northwest Quarter was established by holding the midpoint on the South line of said Quarter and the found stone. This line was extended Northward 978 feet to the intersection of the North line of said Quarter. An iron pin was set at this point, being the Northeast corner of the Northwest Quarter of said Quarter. This calculated point is located 20.88 feet West of the proportional split of the North line of said Quarter. Since the stone is 0.98 feet South of the North line of said Quarter, the above mentioned point is 21.86 feet North of the Northeast corner of the Northwest Quarter of said Quarter. The distance from the Northeast corner of said Quarter to the stone measure is 10.33 feet longer than the record distance. The distance from the Northwest corner of said Quarter to the stone measure is 31.45 feet shorter than the record distance. There is 31.45 feet of uncertainty in the East-West direction in the North line of the Northwest Quarter due to the variances between the record distances and the found monuments. There is 5.47 feet of uncertainty in this line due to the variances between the calculated line and an existing fence line.

The Northeast most line of this surveyed tract is the Quarter-Quarter section line as established by the methods mentioned above. There is 9.06 feet of uncertainty at the South end of this line due to the variances between the calculated line and an existing fence line. The 403.92 foot line was established on the East-West Quarter-Quarter line. Said line starts at the center of the Northwest Quarter and runs East. There is 8.95 feet of uncertainty in this line due to the variances between the calculated line and an existing fence line. The Southeast most line of this survey was established by using the record deed call. The Southeast corner of said line is 106 rods or 1749.00 feet East of the West Quarter corner of Section 29. The line then runs North parallel with the West line of said Section 80 rods more or less to the Quarter-Quarter line. A fence line was found along the edge of a field to the East of the calculated property line. At the North end of said line the fence is located 12.76 feet East of the corner and the fence is located 144.24 feet East of the corner on the South end. The South line of this surveyed tract is the South line of the Quarter section. There is no fence line along this line, which is located in a power line easement. A few random posts were found along the line. There is 10.66 feet of uncertainty in this line due to the variances between the calculated line and the found wood posts. A few random posts were found around the property owned by Mark and Ann Johnson as recorded in Instrument 2003-2776. Wood posts were set around the boundary of this surveyed tract. The distances between said iron pins are shown on this plat.

Part of this surveyed tract is located within Flood Zone "X" as shown on FEMA Map 180221 0002 B with an effective date of September 1, 1987. All iron pins are 5/8" rebar (24 inches in length) with yellow identification caps marked "A.P. Scholtz 20400051". The top of said iron pins are within 0.3' of adjacent ground grade. A method of random traverse was used to survey the subject tract using a Nikon NPL 552 Total Station. Andrew P. Scholtz, I.S. and Shane Hailer performed this survey from March 9 through 13, 2007. Every document of record reviewed and considered as a part of this plat is noted hereon. No abstract of title, nor title commitment, nor results of title searches were furnished to the surveyor. There may exist other documents of record, which would affect this parcel.

REVISED LEGAL DESCRIPTION

Part of the Northwest Quarter of Section 29, Township 9 North, Range 12 East of the Second Principal Meridian located in Delaware Township, Ripley County, Indiana described as follows:

Commencing at a found iron pin at the Southeast corner of said Quarter; thence North 02 degrees 02 minutes 58 seconds East along the West line of said Quarter a distance of 262.59 feet to a found iron pin at the POINT OF BEGINNING; thence South 02 degrees 02 minutes 58 seconds East along the West line of said Quarter a distance of 1323.70 feet to a set iron pin at the Northeast corner of the Northwest Quarter of said Quarter; thence South 01 degrees 11 minutes 52 seconds West along the Quarter-Quarter line passing through a found stone at 0.98 feet, a total distance of 1316.57 feet to a set iron pin at the Southeast corner of the Northwest Quarter of said Quarter; thence South 89 degrees 50 minutes 28 seconds East along the Quarter-Quarter line a distance of 403.92 feet to a set iron pin; thence South 02 degrees 02 minutes 58 seconds West parallel with the West line of said Quarter a distance of 1310.16 feet to a set iron pin at the South line of the Quarter section; thence South 89 degrees 10 minutes 59 seconds West along the South line of said Quarter a distance of 568.18 feet to a found iron pin at the Southeast corner of Mark W. and Ann Johnson's property (Instrument 2003-2776); thence following Johnson's boundary line the following five (5) courses:
1) North 37 degrees 10 minutes 16 seconds West a distance of 417.62 feet to a found iron pin; thence
2) North 35 degrees 06 minutes 51 seconds West a distance of 305.79 feet to a found iron pin; thence
3) South 57 degrees 10 minutes 10 seconds West a distance of 401.71 feet to a found iron pin; thence
4) South 15 degrees 02 minutes 13 seconds West a distance of 195.22 feet to a found iron pin; thence
5) North 87 degrees 35 minutes 47 seconds West passing through a found iron pin at 219.85 feet, a total distance of 236.32 feet to the POINT OF BEGINNING.

This tract contains 81.6387 acres from the land of Kim Niles Kinerk, recorded in Instrument 2006-01-80 and is subject to the Right-of-Way of County Road 200 East, a Right-of-Way Easement to the Indiana Statewide Rural Electric Cooperative, Inc., recorded in Miscellaneous Book 16, Pages 240-241 and all easements and Right-of-Ways of record.

WILLIAM H. GEAR III & VIOLET F. GEAR,
TRUSTEES OF THE WILLIAM H. GEAR III
LIVING TRUST AGREEMENT
INSTRUMENT 2001-0044
TAX ID NUMBER 07-100024-00
JANUARY 3, 2001

1" x 12" STONE FOUND
1" ABOVE GROUND
NW CORNER, NW 1/4,
SECTION 29, TWP. 9
NORTH, RGE. 12 EAST
PREVIOUSLY REFERENCED BY
D.A. KRAUS IN P.C. 2, SLV. 379A

81.6387 ACRES
THIS TRACT IS CURRENTLY UNIMPROVED AND DOES NOT HAVE A SEPARATE MAILING ADDRESS.

KIM NILES KINERK
INSTRUMENT 2006-0180
TAX ID NUMBER 07-100195-00
JANUARY 17, 2006

APPROXIMATE FLOOD LINES
AS SCALED FROM FEMA MAP
180221 0002 B, DATED
SEPTEMBER 1, 1987

5/8" IRON PIN SET
SE CORNER, NW 1/4,
NW 1/4, SECTION 29,
TWP. 9N-RGE. 12E

MARK W. & ANN JOHNSON
INSTRUMENT 2003-2776
PLAT CABINET 2, SLEEVE 379A
SURVEY BY D.A. KRAUS
TAX ID NUMBER 07-100195-01
SEPTEMBER 19, 2003

RIGHT-OF-WAY EASEMENT
INDIANA STATEWIDE RURAL ELECTRIC COOPERATIVE, INC.
(THE HOOSIER ENERGY DIVISION)
MISCELLANEOUS BOOK 16, PAGES 240-241

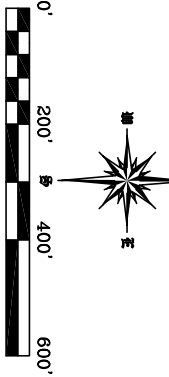
CENTRIQUE OF POWER LINES
S 89°10'59" W 1190.82'
(1180.81' RECORD)

5/8" IRON PIN FOUND
5" BELOW GRAVEL
SW CORNER, NW 1/4,
SECTION 29, TWP. 9
NORTH, RGE. 12 EAST
PREVIOUSLY REFERENCED BY
D.A. KRAUS IN P.C. 2, SLV. 379A

LOOKOUT, INC.
DEED RECORD 163, PAGE 295
TAX ID NUMBER 07-100286-00
JANUARY 5, 1979

LEONARD E. & CATHERINE MARY ECKSTEIN
DEED RECORD 137, PAGE 288
TAX ID NUMBER 07-100127-01
JUNE 22, 1959

1" x 10" STONE FOUND
1" ABOVE GROUND
NE CORNER, NW 1/4,
SECTION 29, TWP. 9
NORTH, RGE. 12 EAST
PREVIOUSLY REFERENCED BY
E.K. FARROW IN P.B. 7, PG. 183



THIS TRACT IS PART OF
THE A-2 ZONE DISTRICT.

TAX MAILING ADDRESS:
7602 HILLTOP LANE
GULFORD, INDIANA 47022

SE CORNER, NE 1/4,
NW 1/4, SECTION 29,
TWP. 9N-RGE. 12E
NO MONUMENT SET

LEGEND

- = 5/8" IRON PIN SET WITH SURVEYORS CAP "A.P. SCHOLTZ 20400051"
 - = 5/8" IRON PIN FOUND WITH A D.A. KRAUS CAP FLUSH WITH GROUND
 - = WOOD POST FOUND
 - x— = EXISTING FENCE LINE
- FILE: KINERK.DWG./CSD 09-13-07

LEONARD E. & CATHERINE MARY ECKSTEIN
DEED RECORD 137, PAGE 288
TAX ID NUMBER 07-100127-01
JUNE 22, 1959

12" HEDGE POST FOUND
SE CORNER, NW 1/4,
SECTION 29, TWP. 9
NORTH, RGE. 12 EAST
PREVIOUSLY REFERENCED BY
D.A. KRAUS IN P.C. 2, SLV. 379A

RECORD LEGAL DESCRIPTION
The Record legal description for this tract is recorded in Instrument 2006-01-80 in the Office of the Ripley County Recorder.

COUNTY ROAD
200 EAST

(REC. & CALC.)
N 02°02'58" E 365.93'

POINT OF BEGINNING
N 87°53'47" W 236.32'
(REC. & CALC.)

END OF GRAVEL
N 15°02'13" W 195.22'
(REC. & CALC.)

N 40'15.1" RECORD
S 51°10'16" W 407.71'

N 35°06'51" W 505.78'
(505.86 RECORD)

N 37°10'16" W 477.62'
(477.56 RECORD)

SE CORNER, SW 1/4,
NW 1/4, SECTION 29,
TWP. 9N-RGE. 12E
NO MONUMENT FOUND

S 89°10'59" W 108.43'

S 01°11'52" W 1316.21'

S 02°02'58" W 1310.16'

S 89°10'59" W 568.18'

S 89°10'59" W 979.78'

S 01°14'25" W 1292.99'

S 89°50'28" E 403.92'

S 89°50'28" E 960.82'

S 01°11'52" W 1316.57'

S 89°50'28" E 1343.95'

N 02°02'58" E 2313.99'

N 02°02'58" E 365.93'

300.00'

300.00'

300.00'

300.00'

300.00'

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