

**CLARK & WARNECKE LAW LLC**  
**228 North Main Street**  
**Delphos, Ohio 45833**

**PRELIMINARY CERTIFICATE OF TITLE OPINION**

Prepared for: Dye Real Estate

Property Owner: Gerald L Fleece and Jerrold L Fleece and all successors in interest in the subject premises.

We [I] agree to indemnify you and your successors in interest in the [Mortgage] [deed of trust] opined hereto, to the full extent of any loss attributable to a breach of our duty to exercise reasonable care and skill in the examination of the title and the giving of this opinion.

This certifies that the undersigned, Ryan J. Warnecke, attorney-at-law, has performed an examination and search of all the public records and public indexes of Hardin County, Ohio, relative to the real estate described in Schedule A hereof, said examination and search extending back over a period of not less than Forty (40) years. After performance of such examination, it is the opinion of the undersigned that, subject to the mortgage(s), lien(s), and other matters disclosed and shown under Schedule B hereof, that the fee simple marketable title to the real property described in Schedule A hereof was, as of the date of this certificate, indefeasible vested in:

**Gerald L Fleece and Jerrold L Fleece**, who claim title by Quit-Claim Deed dated August 4, 2004 and recorded August 5, 2004 at 3:23 PM in OR 440, Page 1605 in the records of the Hardin County, Ohio Recording Office.

This certificate does not purport to cover the following: (a) Matters not of record, (b) Rights of persons in possession, (c) Rights to file mechanic's liens, (d) Special taxes and assessments not shown by the County Treasurer's Records, (e) Zoning and other governmental regulations, (f) Liens asserted by the United States and the State of Ohio, their agencies and Officers under the Ohio Solid and Hazardous Waste and Disposal Act and Federal Super Fund Amendments and under Racketeering Influence and Corrupt Organization acts and receivership liens, unless the lien is filed in the public records of the County in which the property is located, (g) Matters which might be disclosed by a search of Federal Court Records, (h) Future special assessments on the tax duplicate occasioned by past due water bills, sewer bills, weed cutting charges, property clean-up and building maintenance charges assessed by any governmental entities located in Hardin County.

## SCHEDULE A

### ACCURATE DESCRIPTION OF PROPERTY

Situated in the Township of McDonald, County of Hardin and State of Ohio, to-wit:

The following described parcel of land is situated in VMS 11068 - 12198, McDonald Township, Hardin County, Ohio being all of a 62.963 acre tract as described in O.R 559, Page 4586 and is more particularly described as follows:

Commencing at a monument box marking the intersection of the centerline of County Road 190 with the centerline of Township Road 55;

thence with the centerline of Township Road 55, N 06° 05' 51" W, a distance of 1,740.65 feet to a railroad spike found);

thence continuing with said centerline, N 10° 24' 22" W, a distance of 176.80 feet to a PK nail (found);

thence continuing with the centerline of Township Road 55, N 09° 13' 19" W, a distance of 366.89 feet to a PK nail (found) at the POINT OF BEGINNING for the parcel to be described;

thence with the south line of VMS 11068 - 12198, S 83° 00' 08" W, a distance of 2,647.99 feet to a 5/8 inch rebar (set) passing at 30.00 feet, 310.76 feet and 719.49 feet 5/8 inch rebars (found);

thence N 06° 37' 22" W, a distance of 1,294.17 feet to a rock pile (found); thence N 83° 00' 08" E, a distance of 640.00 feet to a 5/8 inch rebar (set);

thence N 08° 00' 00" W, a distance of 94.00 feet to a 5/8 inch rebar (set); thence N 83° 29' 05" E, a distance of 2,022.87 feet to a mag nail (set) in the centerline of Township Road 55 passing at 1,992.87 feet a 5/8 inch rebar (set);

thence with the centerline of Township Road 55, S 05° 49' 22" E, a distance of 359.01 feet to a mag nail (found);

thence S 83° 34' 13" W, a distance of 356.25 feet to a 5/8 inch rebar (found) passing at 30.00 feet a 5/8 inch rebar (found);

thence S 06° 59' 08" E, a distance of 259.83 feet to a 5/8 inch rebar (found); thence N 83° 26' 48" E, a distance of 352.12 feet to a mag nail (found) in the centerline of Township Road 55 passing at 322.12 feet a 5/8 inch rebar (found);

thence with the centerline of Township Road 55, S 06° 13' 48" E, a distance of 753.19 feet to the POINT OF BEGINNING containing 80.672 acres, more or less, subject to all legal highways and easements of record. This description is based on a field survey performed in May, 2023 and was

prepared by Leland D. Yoakam LS. No. 7676. All bearings refer to line of YMS 11068 - 12198 as being S 83° 00' 08" W.

Auditor's Parcel Number: 45-290009.0000

## SCHEDULE B

1. RECORDED MORTGAGES OR DEEDS OF TRUST:

None.

2. MECHANICS OR MATERIALMEN'S LIENS:

None.

3. JUDGMENTS, FOREIGN EXECUTIONS OR CERTIFICATES OF JUDGMENT:

None.

4. LAND CONTRACTS OR RECORDED LEASES:

None.

5. SUITS PENDING OR LIS PENDENS AFFECTING TITLE:

None.

6. PARTY WALL AGREEMENTS AND EASEMENTS:

The Memorandum of Wind Energy Lease Agreement from Jerrold Fleece and Carol Fleece, husband and wife and Gerald Fleece and Patricia Fleece, husband and wife to Hardin Wind, LLC dated March 10, 2016, and recorded August 29, 2016, at 1:36 PM in OR 538, Page 2019 in the records of the Hardin County, Ohio Recording Office.

7. ENFORCEABLE RESTRICTIONS:

None.

8. OTHER CONDITIONS AFFECTING TITLE:


None.

9. TAXES:

Real estate taxes in the Amount of \$405.41 for the first half of tax year 2022 are paid. A special assessment in the amount of \$14.55 for Killough – Scioto River for the first half of tax year 2021 is paid. A special assessment in the amount of \$21.33 for Harpster – Scioto River for the first half of tax year 2022 is paid. A special assessment in the amount of \$23.01 for Main District Conservancy for the first half of tax year 2022 is paid. Real estate taxes in the amount of \$405.41 for the second half of tax year 2022 are paid. A special assessment in the amount of \$14.55 for Killough – Scioto River for the second half of tax

year 2021 is paid. A special assessment in the amount of \$21.33 for Harpster – Scioto River for the second half of tax year 2022 is paid. Real estate taxes and assessments for the tax year 2022 are not yet due and payable but are a lien on the property.

**TITLE EXAMINED TO, AND THIS CERTIFICATE DATED THIS 21<sup>st</sup> DAY OF JUNE 2023, AT 8:00 A.M.**



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RYAN J. WARNECKE  
Attorney at Law