

Book 6 Page 440

ROLLING HILLS ESTATES GREEN TOWNSHIP MORGAN COUNTY

ROLLING HILLS TRACTS SHALL BE EXCLUSIVELY RESIDENTIAL WITH ONE BUILDING SITE FOR ONE SINGLE FAMILY DWELLING, WITH ACCESSORY BUILDINGS, PER TRACT, AND, NO TRACT SHALL BE SUBSEQUENTLY DIVIDED INTO SMALLER PARCELS OR SUBDIVIDED INTO PLATTED LOTS SO AS TO CREATE ANOTHER BUILDING SITE. COMMERCIAL ACTIVITIES, INCLUDING "HOME OCCUPATIONS" OR PROFESSIONAL OFFICES, ARE NOT PERMITTED. NO COMMERCIAL AGRICULTURE IS PERMITTED. AUTO MECHANICS OR BODY WORK OR WELDING FOR HIRE WHATSOEVER SHALL NOT BE PERMITTED, EXCEPT FOR PERSONAL HOBBY OR REPAIR ON MOTOR VEHICLES LICENSED TO THE TRACT OWNER (OR FAMILY MEMBER) FOR PERSONAL USE ONLY, AND NOT FOR RESALE OR HIRE.

TYPE/SIZE CONSTRUCTION

(A) PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE PROPOSED BUILDER OR CONTRACTOR AND ALL CONSTRUCTION PLANS, INCLUDING THE PLACEMENT OF SUCH IMPROVEMENTS ON SITE FOR ALL IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE RESIDENCE, ACCESSORY OR OUT BUILDING (INCLUDING ANY PERMANENT STRUCTURE AS A MINI BARN OR STABLE), AND FENCING, SHALL BE APPROVED IN WRITING BY THE DIRECTOR AS WELL AS BY THE PERMIT OR APPROVAL OF THE APPROPRIATE GOVERNMENTAL AGENCY OF JURISDICTION. IN NO EVENT SHALL ANY ACCESSORY BUILDING BE ERRECTED PRIOR TO ERECTION OF RESIDENCE. ANY EXTERNAL ALTERATION SUBSEQUENT TO COMPLETION OF CONSTRUCTION MUST BE APPROVED IN WRITING BY THE BOARD.

(B) ALL DWELLING SHALL CONTAIN AT LEAST 1,600 SQUARE FEET, EXCLUSIVE OF PORCHES, DECKS, PATIOS, GARAGES, WALK-OUT BASEMENTS AND SUCH. ALL DWELLINGS SHALL INCLUDE AT LEAST A TWO-CAR GARAGE. NO CARPORTS SHALL BE PERMITTED. NO MANUFACTURED HOUSING, MOBILE HOME, GARAGE, BASEMENT OR TEMPORARY STRUCTURE MAY BE A RESIDENCE EITHER TEMPORARILY OR PERMANENTLY. SET BACK REQUIREMENTS SHALL BE SET FORTH IN THE PLAT.

(C) ALL CONSTRUCTION OF DWELLINGS SHALL BE NEW AND IN COMPLIANCE WITH REQUIRED BUILDING CODES. ALL RESIDENTIAL DWELLINGS SHALL BE CONSTRUCTED UPON CONCRETE FOOTERS. SECONDARY SUPPORT BUILDINGS SHALL CONFORM TO STATE BUILDING CODE. THE LOT SHALL BE LANDSCAPED WITHIN 60 DAYS FOLLOWING COMPLETION OF THE DWELLING. NO ALUMINUM SIDING MAY BE USED.

(D) ALL DWELLINGS SHALL BE SERVED BY APPROVED (MORGAN COUNTY BOARD OF HEALTH) SEPTIC OR PRIVATE SEWAGE SYSTEMS.

(E) ALL DWELLINGS SHALL BE SERVED BY APPROVED (MORGAN COUNTY BOARD OF HEALTH) WELL SYSTEMS OR PUBLIC WATER AS MAY BECOME AVAILABLE.

Book 6 Page 441

OTHER COVENANTS

FENCES: NO "BARBED" WIRE TYPE FENCES WHATSOEVER SHALL BE PERMITTED. ALL FENCING DESIRED BY AN OWNER SHALL BE THE OWNER'S RESPONSIBILITY, NOTWITHSTANDING STATUTORY FENCE LAW AND FENCE LAW REMEDIES.

RESOURCES: NO MINING, DRILLING OR EXCAVATION OF ANY OIL, GAS, LIQUID, AGGREGATE, MINERAL OR SOIL SHALL BE PERMITTED EXCEPT AS INCIDENTAL TO THE SITE PREPARATION AND CONSTRUCTION AUTHORIZED BY THESE COVENANTS AND RESTRICTIONS.

APPEARANCE: ALL TRACTS SHALL BE MAINTAINED AND GRASS AND WEEDS SEASONABLY CUT TO MAINTAIN A NEAT AND ORDERLY APPEARANCE AND ALL IMPROVEMENTS MAINTAINED SO AS TO AVOID THEIR BECOMING UNSIGHTLY. NO UNSHELTERED STORAGE OF MATERIALS, EQUIPMENT, JUNK, INOPERATIVE OR UNUSED MOTOR VEHICLE SHALL BE PERMITTED. NO JUNK DEBRIS, AS DEFINED BY THE COMMITTEE, SHALL BE PERMITTED TO ACCUMULATE. NO FUEL TANKS SHALL BE VISIBLE FROM FRONT OF ANY ROADWAY.

ANIMALS: NO ANIMALS WHATSOEVER, EXCEPT HOUSEHOLD PETS AND 4-H PROJECTS (EXCEPT PIGS) AND NOT MORE THAN FOUR (4) HORSES SHALL BE PERMITTED, EXCEPT AS PERMITTED BY THE DIRECTOR. THE BREEDING OF ANY ANIMAL FOR COMMERCIAL PURPOSES, INCLUDING DOG KENNELS, IS NOT PERMITTED. ALL ANIMALS WILL BE CONSIDERED BY THE BOARD ON A CASE BY CASE BASIS.

ACTIVITIES: NO NOXIOUS, OFFENSIVE OR ILLEGAL ACTIVITY OR ACTIVITY CONSTITUTING A NUISANCE SHALL BE PERMITTED.

GARDENS: NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT PERSONAL GARDENS, ARBORS OR FRUIT TREES.

DOCKS & PIERS: BECAUSE NO MOTORIZED, GAS OR DIESEL POWERED WATER CRAFT WILL BE PERMITTED, DOCKS, PIERS OVER TEN FEET WILL NOT BE PERMITTED. TROLLING MOTORS FOR FISHING IS PERMITTED.

HOMEOWNERS ASSOCIATION: DUES WILL BE DETERMINED BY THE OWNERS AFTER 70% OF THE LOTS ARE SOLD AND A HOMEOWNERS ASSOCIATION IS FORMED. DUES WILL NOT BE ASSESSED AGAINST THE DEVELOPER FOR A PERIOD OF 5 YEARS. LAKE MAINTENANCE IS TO BE SHARED BY THOSE THAT BENEFIT FROM THE LAKES.

ENFORCEMENT: ENFORCEMENT OF THESE COVENANTS AND RESTRICTIONS IS RESERVED TO ASSOCIATION AND TO THE OWNERS OF REAL ESTATE WITH ROLLING HILLS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE NON-COMFORMING OR NO APPROVED STRUCTURES TO BE REMOVED BY PROCESS OF LAW. VIOLATION OF ANY COVENANT OR RESTRICTION SHALL NOT RESULT IN FORFEITURE OR REVERSION OF TITLE. FAILURE TO ENFORCE A PARTICULAR PROVISION OF OR RESTRICTION SHALL NOT BE CONSTRUED AS A WAIVER OF THE RIGHT OF ENFORCEMENT. THE INVALIDITY OF A PARTICULAR COVENANT OR RESTRICTION SHALL NOT INVALIDATE ANY REMAINING COVENANT OR RESTRICTION.

JULY 17, 1997

Oct. 7 1998
12:15 P.
Theresa Kivett

Book 6 Page 441

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JULY 17, 1997

Oct. 7 1998
12:15 P.
Theresa Kivett

3:23 P.
 Vickie Hivette
 Morgan County Recorder



HOLLOWAY ASSOCIATES
 Land Surveying and Engineering
 Mooresville, Indiana 46158

SURVEYOR'S REPORT

This report is for the retracement survey and division of 87.568 acres more or less described in Deed Record 385 Page 306 in the names of Steven V. Paris and Constance B. Paris.

THEORETICAL UNCERTAINTY OF MEASUREMENT "Tu": The "Tu" of the corners of this parcel(s) are within the requirements for a Class "C" (Tu = +/- 0.5 feet) survey per IAC Title 865. Theoretical uncertainty of measurement is the radius of a circle which circumscribes an area containing the probable true location of a specified point as determined by the precision of instruments and procedures employed in the performance of a survey.

Purpose of this survey is to locate or establish land boundaries, easements, right-of-way, setback/building lines, covenants, restrictions, utilities, flood plains, topographic features, zoning classification and etc. were intentionally excluded from this plat. If any of the preceding items are shown on the plat of survey it is the intent to show only that specific utility and no others.

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the "UNCERTAINTY" in the position of the lines and corners established on the survey as a result of uncertainties and/or ambiguities from:

- (a) Reference monuments of record
- (b) Title documents of record
- (c) Evidence of active lines of occupation

In regard to monuments, point (a) above, in many cases the original section corners were not perpetuated or have been obliterated with time and therefore existing topographical features and monuments of modern origin provide the only evidence of the corner's most PROBABLE and/or ACCEPTED POSITION. In the absence of CREDIBLE physical and/or record evidence then proportional measurement has been used to establish the points of division of the section.

Section corners found or established by topographical features, monuments of modern origin or proportional measurement will be labeled as "LOCAL CORNER" on the plat of survey and are subject to undiscovered evidence regarding the true location of said corners. Note that the uncertainty which surrounds a "Local Corner" is inherently passed to any parcel corner dependent upon the position of the section corner. "UNCERTAINTY" of "LOCAL CORNERS" is not readily determinable or unknown and therefore will not be addressed in this report.

In regard to "ACTIVE LINES OF OCCUPATION", point (b) above: ACTIVE refers to lines which are marked by visible, distinct, well defined and maintained, man-made or placed objects, such as, but not limited to, fences, hedges and retaining walls. The uncertainty cited for a line of occupation is general in nature and is NOT intended to be specific for every point along the line. Therefore portions of the occupation line may vary from the surveyed line by a distance greater than the uncertainty cited in this report.

Following are those items germane to the uncertainties of the lines and corners of the parcel(s):

1. Section corners and lines were established as shown on the plat.
2. The north, west and east lines of the parcel are also Half Section lines of the Southwest Quarter. The south lines of the parcel were established from monuments found and accepted from a previous survey by Griffin, for discussion of any "uncertainties" see the survey as it recorded in Survey Record 5 Page 401 in the Recorder's office Morgan County, Indiana.

SUMMARY: From the above observations it is the professional opinion of this surveyor that the "uncertainties" of the lines and corners of the parcel are as follows:

- (a) Due to reference monuments: 0.5 feet except for "Local Corner" which are subject to reservations as cited in the caption to this report.
- (b) Due to title documents of record: Negligible
- (c) Due to evidence of active lines of occupation: None

Lyle Shepard and Constance B. Paris OWNER(S) OF THE LAND
 SHOWY PERSON, AS RECORDED IN DEED RECORD 395, PAGE 398.

DO HEREBY DIVIDE SAID LAND IN TO 15 PARCELS AS SHOWN AND DESCRIBED ON THIS SURVEY.

DATED THIS 15th DAY OF August, 1997.

Stephen Paris SIGNED Constance B. Paris SIGNED
 STEPHEN PARIS PRINTED CONSTANCE B. PARIS PRINTED

CERTIFICATION

I, Ross G. Holloway, an Indiana Registered Land Surveyor, hereby certify that, to the best of my information, knowledge and belief, this plat represents a survey as completed under my direct supervision on May 1, 1997.

Ross G. Holloway
 Ross G. Holloway
 Indiana Registered
 Surveyor No. 30630
 Dated: May 1, 1997

FILED FOR TAXATION
 Subject to final acct. for transfer

AUG 15 1997

Bonnie Adams
 Auditor Morgan County

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Rec'd for Record
Inst. # 200314813
Date 7/23 Time 2:40

AMENDED DECLARATION OF COVENANTS AND RESTRICTIONS
OF
ROLLING HILLS ESTATES
SECTION ONE AMENDED AND SECTION TWO

The Developer and Parcel Owners of Rolling Hills Estates, Section One Amended and Section Two, hereby establish and/or amend the covenants, conditions and restrictions which shall be binding upon and run with the Real Estate, and inure to the benefit of and be binding upon the owners and occupants thereof, for the purpose of:

a. Amending and clarifying the covenants, conditions and restrictions set out in Survey Book 6, pages 440-441 and Survey Book 6, pages 515-516. This document incorporates all previous covenants and restrictions set out therein unless specifically amended hereafter.

b. Modification of Restriction on Accessory Buildings. The following statement, "However, if two or more adjacent Parcels are purchased by the same owner(s), said owner may elect to place one accessory building on each Parcel even though he may build only one residence on only one of the parcels." is hereby added to the previous restriction "IN NO EVENT SHALL ANY ACCESSORY BUILDING BE ERECTED PRIOR TO ERECTION OF RESIDENCE". Said statement is added to further clarify the intent of the prior restriction. However, the accessory buildings must be erected after the erection of the residence.

c. Modification of Homeowners Association: The developer is responsible for the cost of the initial pavement of the roadways set out on the plats in Survey Book 6, pages 440-441 and Survey Book 6, pages 515-516. Thereafter, the Association set out in the prior restrictions shall pay all maintenance and repair costs of the roadways and determine the corresponding dues owed by each parcel owner(s).

Owners of Parcel 34

Harvard A. Vine, Jr.
Harvard A. Vine, Jr.

Teresa K. Vine
Teresa K. Vine

Prepared by:
Lorie R. Bright

State of Indiana
County of Morgan

Subscribed and sworn before me, Aug 12, this ___ day of _____, 2002.

Darlene K. Robinson
DARLENE K. ROBINSON
NOTARY PUBLIC INDIANA
MORGAN COUNTY
My Commission Expires
July 20, 2006



VALID ONLY IF SCHEDULES A & B ARE
ATTACHED TO ALTA OWNER'S POLICY

POLICY NO: 74106-137728

CASE NO.: 059600324

SCHEDULE A

DATE OF POLICY: April 13, 2005

AMOUNT OF POLICY: \$ 20,000.00

NAME OF INSURED: Gregory K. Hillan and Jayne L. Hillan, husband and
wife

1. The estate or interest in the land which is covered by this
policy is:

FEE SIMPLE

2. Title to the estate or interest in the land is vested in:

Gregory K. Hillan and Jayne L. Hillan, husband and wife

3. The land referred to in this policy is described as follows:

"SEE EXHIBIT A"

CASE NO. 059600324

EXHIBIT A - LEGAL DESCRIPTION

PARCEL I

A part of the Southeast Quarter of the Southwest Quarter of Section 33, Township 12 North, Range 2 East, Morgan County, Indiana, described as follows:

Commencing at an iron pin with cap marked "Holloway -- S0530," found in place, which marks the accepted Northeast corner of

above captioned Southeast Quarter of the Southwest Quarter; thence South 88 degrees 40 minutes 37 seconds West (assumed bearing), with the North line of said quarter-quarter, 1310.60 feet to an iron pin with cap marked "Griffin -- LS2930008," which marks the accepted Northwest corner of the Southeast Quarter of the Southwest Quarter; thence with the West line of said quarter-quarter, South no degrees 58 minutes no seconds West 307.98 feet to an iron pin and the POINT OF BEGINNING of the parcel herein described; thence continuing with said west line, South no degrees 58 minutes no seconds West 353.98 feet to an iron pin; thence North 88 degrees 40 minutes 37 seconds East 238.23 feet to an iron pin; thence North 07 degrees 34 minutes 12 seconds West 173.78 feet to an iron pin; thence North 15 degrees 09 minutes 39 seconds East 188.92 feet to an iron pin; thence South 88 degrees 40 minutes 37 seconds West 265.42 feet to the Point of Beginning, containing 1.900 acres, more or less. AKA PARCEL #27 ROLLING HILLS, SECTION II

PARCEL II

TOGETHER WITH an easement for the purpose of ingress and egress, which is created herein for the benefit of the above described parcel as set forth in a Stake Survey of "ROLLING HILLS ESTATES, SECTION I" recorded July 16, 1997, in Survey Record 6, page 92, amended August 15, 1997, in Survey Record 6, page 122, and further amended October 7, 1998, in Survey Record 6, page 439, over and across the following described real estate in Morgan County, Indiana:

An access and utility easement, fifty (50) feet in width, lying in the Northeast Quarter of the Southwest Quarter of Section 33, Township 12 North, Range 2 East, Morgan County, Indiana, said easement lying along and east of the following described line:

EXHIBIT A - CONT'D

Commencing at an iron pin in the county road which marks the Northwest corner of the above captioned quarter quarter; thence North 88 degrees 41 minutes 50 seconds East (assumed bearing) with the North line of the quarter quarter, 25.01 feet to an iron pin; thence South no degrees 06 minutes 28 seconds East, 1332.61 feet to an iron pin on the South line of the quarter-quarter and the terminus of the easement. (EASEMENT #2)

The sides of the easement shall be shortened or lengthened to intersect the South line of the Northeast Quarter of the Southwest Quarter.

POLICY NO.: 74106-137728

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes for the year 2004, payable 2005, and taxes for the year 2005, payable 2006, a lien not yet extended.
2. Possible easements for ditches and/or tile drains.
3. Terms, provisions, and the rights of others in and to that part of the premises used for ingress, egress, and utilities as described as Parcel II of Schedule A.
4. Covenants, conditions, and restrictions for "ROLLING HILLS ESTATES, SECTION I - AMENDED," recorded October 7, 1998, in Survey Record 6, pages 439-441, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenants (a) is exempt under Chapter 42, Section 3607 of the United States Code (b) relates to handicap but does not discriminate against handicapped persons. Violation thereof will not result in the forfeiture nor the reversion of title.
5. Assessments for Homeowners Association as set out in the covenants, conditions, and restrictions for "ROLLING HILLS ESTATES, SECTION I - AMENDED," recorded October 7, 1998, in Survey Record 6, pages 439-441.
6. Matters disclosed in a Stake Survey dated April 17, 1996 recorded April 18, 1996, by Registered Land Surveyor, Robert C. Griffin, #LS293000008 in Survey Record 5, page 401. Matters as disclosed in a Stake Survey by Registered Land Surveyor, Ross O. Holloway, #S0530, dated May 1, 1997 recorded July 16, 1997, in Survey Record 6, page 92, amended August 15, 1997, in Survey Record 6, page 122, and further amended October 7, 1998, in Survey Record 6, page 439.
7. The acreage indicated in the legal description, and /or the address shown on Schedule A, are solely for the purposes of identifying said tract and should not be construed as insuring the quantity of land, and/or the address as set forth in the

Continued on next page

POLICY NO.: 74106-137728

SCHEDULE B CONTINUED

description of the property.

8. Right of way (electric line) easement granted from F. E. Paris and Eva Paris, husband and wife, to Morgan County Rural Electric Membership Corporation, , recorded February 25, 1947, in Miscellaneous Record 22, pages 239-240.
9. Right of way (electric line) easement granted from Eva M. Paris and Mary E. Paris to Indiana Statewide Rural Electric Cooperative, Inc. (THE HOOSIER ENERGY DIVISION), recorded September 29, 1967, in Deed Record 203, pages 136-137.