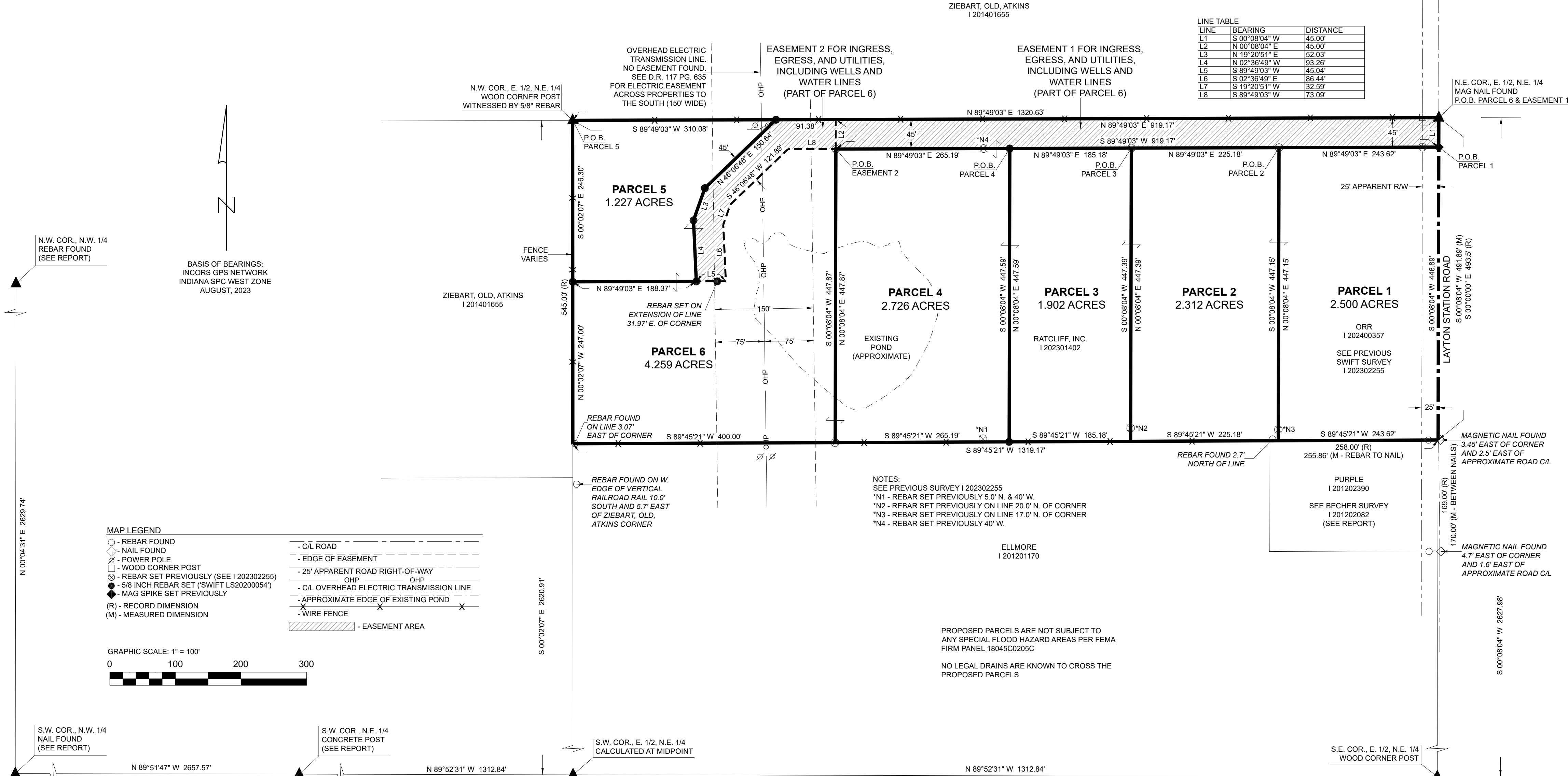


RATCLIFF INC. PROPERTY
PART E. 1/2, N.E. 1/4, SECTION 28, T19N, R8W
FOUNTAIN COUNTY, INDIANA

BOUNDARY RETRACEMENT AND ORIGINAL SURVEY



SURVEYOR'S REPORT

- The purpose of this survey is to create the descriptions and establish the original monumentation for the six parcels described herein. The new boundary lines proposed herein were established per instructions of owner Jim Ratcliff and our client, Roger Azar, DES Engineering. This survey represents the revision of a previous survey recorded as Instrument 202302255 in the Office of the Fountain County Recorder. The revisions to the previous survey include the addition of another proposed parcel and the alteration of several of the parcels described in that survey. We also added another easement for access to the southwesterly most parcel and slightly altered the wording of the easement in the original survey. The remainder of this report is verbatim from the report in the original survey.
- In accordance with Title 865 IAC 1-12-12, the following observations and professional opinions are offered regarding the cause and the amount of uncertainty in the lines and corners found or established by this survey with respect to the following:
 - Availability and Condition of Reference Monuments:**

A Mag Nail was found and held as marking the northeast corner of Section 28. This monument is located in the approximate center of Layton Station Road at the easterly prolongation of an ancient fence to the west. The origin of this monument is not known, but this position is known to have been held as marking the corner on previous surveys, including the original survey of the Purple property by Charles Becher LS No. S0094, adjoining the subject property to the southeast, as recorded in Instrument 201202082 in the Office of the Fountain County Recorder.

An ancient wood corner post was found and held as marking the southeast corner of the northeast quarter of Section 28. This post has been held as marking the corner on previous surveys, including the aforementioned Becher survey and also surveys by J. Reese Harpel, LS No. 20000203 recorded as Instrument 200802215 and 201000569.

A concrete post was found and held as marking the southwest corner of the northeast quarter. This monument is shown as the corner on the two Harpel surveys. A nail was found and held as marking the southwest corner of the northwest quarter of Section 28. This monument is located at the approximate intersection of county roads to the north, south, east and west, being in line with the roads to the north, south and east. The nail is shown as the corner on the two Harpel surveys. A rebar was found and held as marking the northwest corner of Section 28. This rebar is shown as being set on a survey by William J. Hudson, recorded as Instrument 2002046.

No monument was found marking the northwest corner of the northeast quarter. This corner is shown as being a calculated, non-monumented position on the Hudson survey.

A wood corner post with fence to the east, west and south and witnessed by a 5/8-inch diameter rebar with the cap of Charles Becher on the south side was found and accepted as marking the northeast corner of the east half of the northeast quarter. Given the uncertain position of the northeast corner of the northeast quarter, the evidence of the post, fences and rebar was accepted as the best available evidence of this corner. The relative position of the corner with respect to the corners to the south and east fits reasonably well with federal dimensions. The rebar may have been set as part of a survey by Mr. Becher recorded as Instrument 201401434, though that survey does not specifically state that.

The southwest corner of the east half of the northeast quarter was established at the midpoint of the line connecting the southwest and southeast corners of the northeast quarter. This approach matches that of the two Harpel surveys. Variations in distance between the quarter section corners as reported on the Harpel survey and reported in the current survey is most likely due to the large size of the concrete post marking the southwest corner of the northeast quarter. A mag nail, which may have been set by Becher as part of the survey recorded as Instrument 201401434 was found 8.8 feet south and 6.8 feet east of the calculated position. The nail is in the approximate center of the east-west road. It is noted that this road is not straight along the south side of Section 28. A line connecting the post at the southeast corner of the northeast quarter and the found nail falls south of an existing fence to the east of where the county road bends to the north, whereas the straight line approach held by Harpel agrees with the location of this fence.

A rebar with no cap and of unknown origin was found at the westerly end of an ancient fence to the east. The fence appears to mark the best evidence of the location of the south line of the parent tract, as held for a very long time, given the age of the fence. Another rebar with the cap of Becher was found approximately 62 feet south of the rebar at the end of the fence. A vertical section of railroad rail painted yellow is adjacent to this rebar. It is not clear what purpose that rebar serves, as it does not match the deed distances for either the subject property or a property to the west (Ziebart, Old and Atkins, Instrument 201401655).

- Mag Nails and rebars with the cap of Charles Becher were found ostensibly marking or witnessing the easterly corners of the 1.00-acre Purple property, south of the easterly portion of the subject property. These monuments appear to be the original monuments as set by Becher as part of the original survey of the Purple property. See Instrument 201202082 for the Becher survey and Instrument 201202390 for the Purple deed. The description in the deed matches the description in the survey and the Ellmore to Purple deed represents the only conveyance of this particular property found in the county records. Several issues which create uncertainties were found with respect to the survey and description. Though the description does not call for any monuments, the survey clearly shows a Mag Nail at the northeast corner of the quarter section, a wood corner post at the southeast corner of the quarter section, and clearly shows nails and rebars with caps set at or witnessing the corners. The description calls for the south line of the north 15 acres of the east half of the northeast quarter (matching the existing deed calls). The monuments found in the field do not appear to have been disturbed and are accepted as being in the locations set by Becher. Significant uncertainties were found with respect to relative distances between the monuments. The nail at the northeast corner of the parcel is 1.6 feet closer to the nail at the northeast corner of the quarter section than called for by Becher (491.89 feet measured, 493.5 feet per survey). The nail at the southeast corner of the parcel is 170 feet from the nail at the northeast corner, whereas the deed and survey call for 169 feet. The witness rebars west of the nails bear the caps of Becher (red plastic cap stamped IPS 0094) and are in-line with and 18 feet from the nails (distance specified by Becher) and all of these monuments appear to be undisturbed. Furthermore, the nails are up to 4.6 feet east of the line connecting the nail at the northeast corner of the quarter section and the wood post at the southeast corner. No other nails or posts were found which may explain these discrepancies. How these monuments were set at such a gross variance from the distances reported on the survey is not known. We understand that Mr. Becher has passed away, so we are not able to contact him for further information.
- B) **Occupation and Possession Lines:**
The south line of the parent tract generally follows an existing fence, as discussed below. The north line of the parent tract generally aligns with an existing fence. An intermittent fence, being just a few steel t-posts with strands of wire was found to be up to 5 feet west of the west line of the parent tract. An overhead electric transmission line runs north-south across Proposed Parcel 5. No easement for this line is called out in the deed for the parent tract or preceding deeds and the record document for this easement was not found. However, an easement is specified for the property to the south (Ellmore) which calls for a 150-foot wide easement, 75 feet each side of the center of the transmission line. It is assumed that the same width of easement crosses the subject property, though, as noted, no written proof of this was found.
- C) **Clarity or Ambiguity of the record description used and/or adjoining descriptions:**
The deed for the parent tract calls for 15 acres of even width of the north end of the east half of the northeast quarter. The deed for the adjoining land to the south (Ellmore) calls for the half-quarter section except the north 15 acres. The deed for the Purple property calls for the north line to be along the south line of the north 15 acres. On the face of the deeds, these calls all agree with each other. However, such acreage calls are always subject to interpretations of the width of the half-quarter section. The monuments marking the Purple property, as set by Becher are north of a line computed as the south line of the 15 acres, per the dimensions of the half-quarter section, as held herein. It was observed, however, that the nail and rebar marking and witnessing the northeast corner of the Purple property as surveyed by Becher is in-line with an existing fence which exists along much of the south line of the parent tract. It was also observed that the uncapped rebar found ostensibly marking the southwest corner of the parent tract is in-line with the same fence. This fence appears to be quite old and is reasonably straight for approximately 1000 feet east of the southwest corner, up to the point where it crosses a small creek / drainage channel. The land between this monumented line, also marked by the fence, and the north line of the half-quarter section is 14.93 acres, not 15 acres. Theoretically, the line should be established further south than that, but given the inherent variations to which acreage calls are subject, and given the existing monuments and existing fence, the monumented line was accepted as representing the location of the north 15 acres as originally marked and as occupied to for a substantial period of time. This line was held as marking the south line of the 15 acres as previously acknowledged and was held as the line for purposes of the current survey. Technically, this may leave a very small gap between the parent parcel and the parcel to the south, which exceeds the 15 acres. Practically, as we are acknowledging the monumented and fenced line as the original location of the south line of the north 15 acres, no gap exists.
- D) **The relative positional accuracy of the measurements:**
The relative positional accuracy of the measurements is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million.

PROPOSED EASEMENT 1:

An easement for ingress, egress and utilities, including wells, water lines and access thereto, being part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, described as follows:

Beginning at the northeast corner of said northeast quarter, marked by a Mag Nail; thence South 00 degrees 08 minutes 04 seconds West (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the east line of said northeast quarter for a distance of 45.00 feet to a Mag Spike; thence South 89 degrees 49 minutes 03 seconds West for a distance of 653.98 feet to a 5/8-inch diameter rebar marking the true POINT OF BEGINNING of the parcel described herein; thence South 00 degrees 08 minutes 04 seconds West for a distance of 447.39 feet to a point witnessed by a 5/8-inch diameter rebar located North 00 degrees 08 minutes 04 seconds East, 20.00 feet; thence South 89 degrees 45 minutes 21 seconds West for a distance of 185.18 feet to a 5/8-inch diameter rebar; thence North 00 degrees 08 minutes 04 seconds East for a distance of 447.59 feet to a 5/8-inch diameter rebar; thence North 89 degrees 49 minutes 03 seconds East for a distance of 225.18 feet to a point witnessed by a 5/8-inch diameter rebar; thence North 00 degrees 08 minutes 04 seconds East for a distance of 185.18 feet to the point of beginning, containing 1.902 acres, more or less.

PROPOSED EASEMENT 2:

An easement for ingress, egress and utilities, including wells, water lines and access thereto, being part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, described as follows:

Beginning at the northeast corner of said northeast quarter, marked by a Mag Nail; thence South 00 degrees 08 minutes 04 seconds West (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the east line of said northeast quarter for a distance of 45.00 feet to a Mag Spike; thence South 89 degrees 49 minutes 03 seconds West for a distance of 919.17 feet to a 5/8-inch diameter rebar marking the true POINT OF BEGINNING of this easement area, said point being the southwest corner of a 0.950-acre easement; thence South 89 degrees 49 minutes 03 seconds West for a distance of 73.09 feet; thence South 46 degrees 06 minutes 48 seconds West for a distance of 121.89 feet; thence South 19 degrees 20 minutes 51 seconds West for a distance of 32.59 feet; thence South 02 degrees 36 minutes 49 seconds East for a distance of 86.44 feet; thence South 89 degrees 49 minutes 03 seconds West for a distance of 45.04 feet to a 5/8-inch diameter rebar; thence North 02 degrees 36 minutes 49 seconds West for a distance of 93.26 feet to a 5/8-inch diameter rebar; thence North 19 degrees 20 minutes 51 seconds East for a distance of 52.03 feet to a 5/8-inch diameter rebar; thence North 46 degrees 06 minutes 48 seconds East for a distance of 150.64 feet to the north line of said east half-quarter section; thence North 89 degrees 49 minutes 03 seconds East for a distance of 91.38 feet to the northwest corner of the aforementioned 0.950-acre easement; thence South 00 degrees 08 minutes 04 seconds West along the west line of said easement for a distance of 45.00 feet to the point of beginning, containing 0.362 of an acre.

PROPOSED DESCRIPTIONS

PARCEL 1 (CONVEYED TO ORR I 202400357 PER DESCRIPTION FROM PREVIOUS SURVEY I 202302255):

Part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, in Fountain County, Indiana, being that 2.500-acre parcel surveyed by James S. Swift, LS No. 20200054, as part of a survey certified August 24, 2023, described as follows:

Commencing at the northeast corner of said northeast quarter, marked by a Mag Nail; thence South 00 degrees 08 minutes 04 seconds West (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the east line of said northeast quarter for a distance of 45.00 feet to a Mag Spike marking the true POINT OF BEGINNING of the parcel described herein; thence South 00 degrees 08 minutes 04 seconds West along said east line for a distance of 446.89 feet to a point witnessed by a Mag Nail located North 89 degrees 45 minutes 21 seconds East, 3.45 feet, said nail representing the northeast corner of the Purple property, described in Instrument 201202390, Office of the Fountain County Recorder, per the original survey of said property, recorded as Instrument 201202082 in said Recorder's Office; thence South 89 degrees 45 minutes 21 seconds West for a distance of 243.62 feet to a point witnessed by a 5/8-inch diameter rebar located North 00 degrees 08 minutes 04 seconds East, 17.0 feet; thence North 00 degrees 08 minutes 04 seconds East for a distance of 447.15 feet to a 5/8-inch diameter rebar; thence North 89 degrees 49 minutes 03 seconds East for a distance of 243.62 feet to the point of beginning, containing 2.500 acres, more or less.

Subject to the right-of-way of Layton Station Road along the entire east side of the above-described parcel.

Subject to all other rights-of-way, easements, covenants and restrictions of record.

PROPOSED PARCEL 2:

Part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, in Fountain County, Indiana, being that 2.312-acre parcel surveyed by James S. Swift, LS No. 20200054, as part of a survey certified March 4, 2024, described as follows:

Commencing at the northeast corner of said northeast quarter, marked by a Mag Nail; thence South 00 degrees 08 minutes 04 seconds West (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the east line of said northeast quarter for a distance of 45.00 feet to a Mag Spike; thence South 89 degrees 49 minutes 03 seconds West for a distance of 243.62 feet to a 5/8-inch diameter rebar marking the true POINT OF BEGINNING of the parcel described herein; thence South 00 degrees 08 minutes 04 seconds West for a distance of 447.15 feet to a point witnessed by a 5/8-inch diameter rebar located North 00 degrees 08 minutes 04 seconds East, 17.0 feet; thence South 89 degrees 45 minutes 21 seconds West for a distance of 225.18 feet to a point witnessed by a 5/8-inch diameter rebar located North 00 degrees 08 minutes 04 seconds East, 20.00 feet; thence North 00 degrees 08 minutes 04 seconds East for a distance of 447.39 feet to a 5/8-inch diameter rebar; thence North 89 degrees 49 minutes 03 seconds East for a distance of 225.18 feet to the point of beginning, containing 2.312 acres, more or less.

TOGETHER WITH an easement for ingress, egress and utilities, including wells, water lines and access thereto described as EASEMENT 1 below.

PROPOSED PARCEL 3:

Part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, in Fountain County, Indiana, being that 1.902-acre parcel surveyed by James S. Swift, LS No. 20200054 as part of a survey certified March 4, 2024, described as follows:

Commencing at the northeast corner of said northeast quarter, marked by a Mag Nail; thence South 00 degrees 08 minutes 04 seconds West (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the east line of said northeast quarter for a distance of 45.00 feet to a Mag Spike; thence South 89 degrees 49 minutes 03 seconds West for a distance of 468.80 feet to a 5/8-inch diameter rebar marking the true POINT OF BEGINNING of the parcel described herein; thence South 00 degrees 08 minutes 04 seconds West for a distance of 447.39 feet to a point witnessed by a 5/8-inch diameter rebar located North 00 degrees 08 minutes 04 seconds East, 20.00 feet; thence South 89 degrees 45 minutes 21 seconds West for a distance of 185.18 feet to a 5/8-inch diameter rebar; thence North 00 degrees 08 minutes 04 seconds East for a distance of 447.59 feet to a 5/8-inch diameter rebar; thence North 89 degrees 49 minutes 03 seconds East for a distance of 185.18 feet to the point of beginning, containing 1.902 acres, more or less.

TOGETHER WITH an easement for ingress, egress and utilities, including wells, water lines and access thereto described as EASEMENT 1 below.

PROPOSED PARCEL 4:

Part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, in Fountain County, Indiana, being that 2.726-acre parcel surveyed by James S. Swift, LS No. 20200054 as part of a survey certified March 4, 2024, described as follows:

Commencing at the northeast corner of said northeast quarter, marked by a Mag Nail; thence South 00 degrees 08 minutes 04 seconds West (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the east line of said northeast quarter for a distance of 45.00 feet to a Mag Spike; thence South 89 degrees 49 minutes 03 seconds West for a distance of 653.98 feet to a 5/8-inch diameter rebar marking the true POINT OF BEGINNING of the parcel described herein; thence South 00 degrees 08 minutes 04 seconds West for a distance of 447.59 feet to a 5/8-inch diameter rebar; thence South 89 degrees 45 minutes 21 seconds West for a distance of 265.19 feet to a 5/8-inch diameter rebar; thence North 00 degrees 08 minutes 04 seconds East for a distance of 447.87 feet to a 5/8-inch diameter rebar; thence North 89 degrees 49 minutes 03 seconds East for a distance of 265.19 feet to the point of beginning, containing 2.726 acres, more or less.

TOGETHER WITH an easement for ingress, egress and utilities, including wells, water lines and access thereto described as EASEMENT 1 below.

PROPOSED PARCEL 5:

Part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, in Fountain County, Indiana, being that 1.227-acre parcel surveyed by James S. Swift, LS No. 20200054 as part of a survey certified March 4, 2024, described as follows:

Beginning at the northwest corner of said east half of said northeast quarter, marked by a wood corner post; thence South 00 degrees 02 minutes 07 seconds East (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the west line of said half-quarter section for a distance of 246.30 feet to a 5/8-inch diameter rebar; thence North 89 degrees 49 minutes 03 seconds East for a distance of 188.37 feet to a 5/8-inch diameter rebar; thence North 02 degrees 36 minutes 49 seconds West for a distance of 93.26 feet to a 5/8-inch diameter rebar; thence North 19 degrees 20 minutes 51 seconds East for a distance of 52.03 feet to a 5/8-inch diameter rebar; thence North 46 degrees 06 minutes 48 seconds East for a distance of 150.64 feet to the north line of said east half-quarter section (said point located South 89 degrees 49 minutes 03 seconds West, 1010.55 feet from a Mag Nail marking the northeast corner of said northeast quarter section); thence South 89 degrees 49 minutes 03 seconds West along said north line for a distance of 310.08 feet to the point of beginning, containing 1.227 acres, more or less.

TOGETHER WITH an easement for ingress, egress and utilities, including wells, water lines and access thereto described as EASEMENT 1 below.

TOGETHER WITH an easement for ingress, egress and utilities, including wells, water lines and access thereto described as EASEMENT 2 below.

SUBJECT TO an easement for an existing electric transmission line crossing this parcel.

PROPOSED PARCEL 6:

Part of the east half of the northeast quarter of Section 28, Township 19 North, Range 8 West, in Fountain County, Indiana, being that 4.295-acre parcel surveyed by James S. Swift, LS No. 20200054 as part of a survey certified March 4, 2024, described as follows:

Beginning at the northeast corner of said northeast quarter, marked by a Mag Nail; thence South 00 degrees 08 minutes 04 seconds West (bearings based on Indiana State Plane Coordinates West Zone, NAD 83, 2011) along the east line of said northeast quarter for a distance of 45.00 feet to a Mag Spike; thence South 89 degrees 49 minutes 03 seconds West for a distance of 919.17 feet to a 5/8-inch diameter rebar; thence South 00 degrees 08 minutes 04 seconds West for a distance of 447.87 feet to a 5/8-inch diameter rebar; thence South 89 degrees 45 minutes 21 seconds West for a distance of 400.00 feet to the west line of said east half-quarter section, said point witnessed by a 5/8-inch diameter rebar located North 89 degrees 45 minutes 21 seconds East, 3.07 feet; thence North 00 degrees 02 minutes 07 seconds West along said west line for a distance of 247.00 feet to a 5/8-inch diameter rebar; thence North 89 degrees 49 minutes 03 seconds East for a distance of 188.37 feet to a 5/8-inch diameter rebar; thence North 02 degrees 36 minutes 49 seconds West for a distance of 93.26 feet to a 5/8-inch diameter rebar; thence North 19 degrees 20 minutes 51 seconds East for a distance of 52.03 feet to a 5/8-inch diameter rebar; thence North 46 degrees 06 minutes 48 seconds East for a distance of 150.64 feet to the north line of said east half-quarter section; thence North 89 degrees 49 minutes 03 seconds East for a distance of 1010.55 feet to the point of beginning, containing 4.259 acres, more or less.

SUBJECT TO the right-of-way of Layton Station Road along the easterly most side of the above-described parcel.

SUBJECT TO an easement for ingress, egress and utilities, including wells, water lines and access thereto described as EASEMENT 1 below.

SUBJECT TO an easement for ingress, egress and utilities, including wells, water lines and access thereto described as EASEMENT 2 below.

SUBJECT TO an easement for an existing electric transmission line crossing this parcel.

SWIFT JAMES S. SWIFT IN RLS #20200054
SWIFT LAND CONSULTING LLC
130 W. MAIN STREET, CRAWFORDSVILLE IN 47933
765-366-7816 email: swiftjs@zoho.com

CLIENT: DES ENGINEERING / RATCLIFF INC.
PROJECT: RETRACEMENT AND ORIGINAL SURVEY
PROJECT FILE NUMBER: 19N89W-28-2402-REV
CERTIFICATION DATE: MARCH 4, 2024
FIELD WORK COMPLETED: MARCH 1, 2024
Sheet 1 of 1 (FORMATTED TO 24" X 36" SHEET)

I, James S. Swift, LS #20200054, do hereby certify that this survey was executed by me and under my direct supervision and that to the best of my professional opinion, knowledge and belief, this survey is correct and in accordance with 865-IAC-1-12.

