

Report of Survey

Jay D. Poe L.S.  
7510 North 200 West  
Huntington, IN 46750  
260-344-3476

July 27, 2006  
Job #06068

In accordance with Title 865, Article 1, Chapter 12, Section 1 through 30 of the Indiana Administrative Code, 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:

- a) Variances in the reference monuments
  - b) Discrepancies in record descriptions and plats;
  - c) Inconsistencies in lines of occupation and
  - d) Random Errors in Measurement (Relative Positional Accuracy)
- The acceptable relative positional accuracy (due to random errors in

measurement) of the corners of the subject tract established during this survey are within the specifications for a suburban survey, being 0.13 feet plus 100 parts per million, as defined in IAC 865.

We found a lot of monumentation in the area of this retracement survey. The monuments found are of unknown origin, except as may be noted on the plat.

Our deed commences at the southeast corner of Tract 5. We did not locate a monument at this location. Our deed then calls for west, 894.00 feet to the intersection of the southerly prolongation of the west right-of-way line of Theater Avenue with the south line of Tract 5. We did not find nor set a monument at this location. This location is within a newly rebuilt and resurfaced road. The old road bed was completely destroyed along with all monumentation within it when it was "stabilized". Note: The deeds for the five tracts along Theater Avenue call for 834.00 feet from the southeast corner of Tract 5. The east lines of these tracts could be along the east line of Theater Avenue. Our deed then calls for

North 00°03'25" East, 214.33 feet along the southerly prolongation of Theater Avenue to the south line of the Dizler tract. Note: We did not find nor set a monument at this location. Our deed then calls for West, 185.40 feet to the point of beginning. We found a 5/8 rebar with a Sexton Cap at this location. We also found these same monuments at our southwest, northwest and northeast corners. Also at the southwest corner of our northerly most adjoiner to the east, on the north line of the northerly most adjoiner to the east at what is believed to be the west line of Theater Avenue, at the southwest corner of the adjoiner to the north, and on the east line of the adjoiner to the north.

Along the south line of our tract, our measured dimension between found monuments varied from the deed dimension by 0.01 feet.

Along the west line of our tract, our measured dimension between found monuments varied from the deed dimension by 0.03 feet.

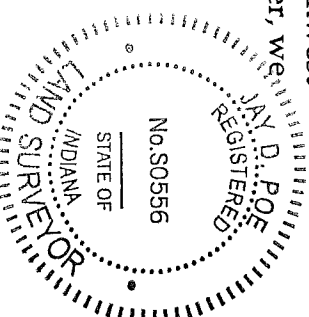
Along the east line of our tract, our measured dimension between found adjacent "monuments" varied from the deed dimension by 0.03 feet. We measured 58.97 feet (58.67 feet, deed) to the found monument at the southwest corner of the northerly most adjoiner to the east. Note: This monument is 0.06 feet east of our east line. From our northeast corner, we measured 195.82 feet (195.88 feet, deed) to a found monument at the northeast corner of the adjoiner to the north. This is a 0.06 foot variance.

Along the north line of our tract, our measured dimension between found adjacent "monuments" varied from the deed dimension by 0.04 feet. For the south line of the adjoiner to the north, the deed dimension is 253.92 feet. We measured 253.92 feet between the monument at our northeast corner and the monument at the southwest corner of the adjoiner to the north. From the monument at our northeast corner, we

*QDR*

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measured 185.65 feet to a found monument on the north line of the northerly most adjoiner to the east and on what is believed to be the west R/W line of Theater Avenue.

The calculated dimension for this line could be 185.61 feet (245.61 feet, deed minus 60 feet for the Theater Avenue R/W). This is a possible variance of 0.04 feet.

Our deed calls for a 20 foot wide easement along the south line of our tract and the southernmost adjoiner to the east, from our west line to what is believed to be the west line of Theater Avenue. The asphalt for this easement is approximately 3 1/2 feet over the south line of the easement at our southeast corner. The asphalt is approximately 1 1/2 feet over the north line of the easement and approximately 4 feet over the south line of the easement along what is believed to be the west line of Theater Avenue.

Also, along our north property line there is asphalt which connects our parking lot with the parking lot to the north. This seems to be the case with the other tracts in the area having access between the parking areas. We did not, however, find any recorded easement for this access point, nor were any descriptions of record provided to us.

There is a discrepancy in the Description of Record for the easement. The deed calls for the first line to be North 00 degrees 03 minutes 25 seconds east 20.00 feet from the point of beginning. The deed then calls for West, 345.40 feet to the southeast corner of our tract. We believe this should be southwest corner of our tract.

As a result of my observations, it is my opinion that the uncertainties in locations of the lines and corners established on this survey are as follows:

- Due to **Variations:** 0.30 feet in width  
0.04 feet in depth
- Due to **Discrepancies:** easement description - southwest corner (see above)

Due to **Inconsistencies:** asphalt for easement see above

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DESCRIPTION OF RECORD  
(Record Document 2006003765)

A tract of land located in Tract No. 5 in the reserve of ten sections granted to John B. Richardville at the Forks of the Wabash River in Township 28 North, Range 9 East, in Huntington County, the State of Indiana, more fully described as follows: Commencing at the Southeast corner of said Tract No. 5 marked by a PK nail; thence West (record), along the South line of said Tract No. 5, for 894.00 feet to the intersection of the Southerly prolongation of the West right-of-way line of Theater Avenue and the South line of said Tract No. 5; thence North 00 degrees 03 minutes 25 seconds East, along the West right-of-way line of Theater Avenue, for 234.33 feet to a rebar; thence West along the South line of a tract of land conveyed to James R. Ditzler and Regena M. Ditzler per Huntington County Record Book 262, page 419, for 185.40 feet to the point of beginning marked by a rebar, thence continuing West for 160.00 feet to a rebar, thence North, for 211.67 feet to a rebar; thence East, along the South line of a Tract of land conveyed to Roger W. Speicher et al. per Huntington County Deed Record 265, page 773, for 160.00 feet to a rebar; thence South for 211.67 feet to the point of beginning, said tract containing 0.78 acres, more or less, and being subject to all public road right-of-way and all easements of record.

The above described tract of land is to be benefitted by the following ingress-egress and utility easement: Commencing at the Southeast corner of said Tract No. 5 marked by a PK nail; thence West (record), along the South line of said Tract No. 5, for 894.00 feet to the intersection of the Southerly prolongation of the West right-of-way line of Theater Avenue and the South line of said Tract No. 5; thence North 00 degrees 03 minutes 25 seconds East, along the West right-of-way line of Theater Avenue and the Southerly prolongation of the West right-of-way of said Theater Avenue for 214.33 feet to the point of beginning; thence continuing North 00 degrees 03 minutes 25 seconds East, along the Westerly right-of-way line of Theater Avenue for 20.00 feet to a rebar; thence West 345.40 feet to the Southeast corner of the above described tract of land; thence South for 20.00 feet; thence East for 345.38 feet to the point of beginning, said easement containing 0.16 acres, more or less, and being subject to all public road right-of-ways and all easements of record.

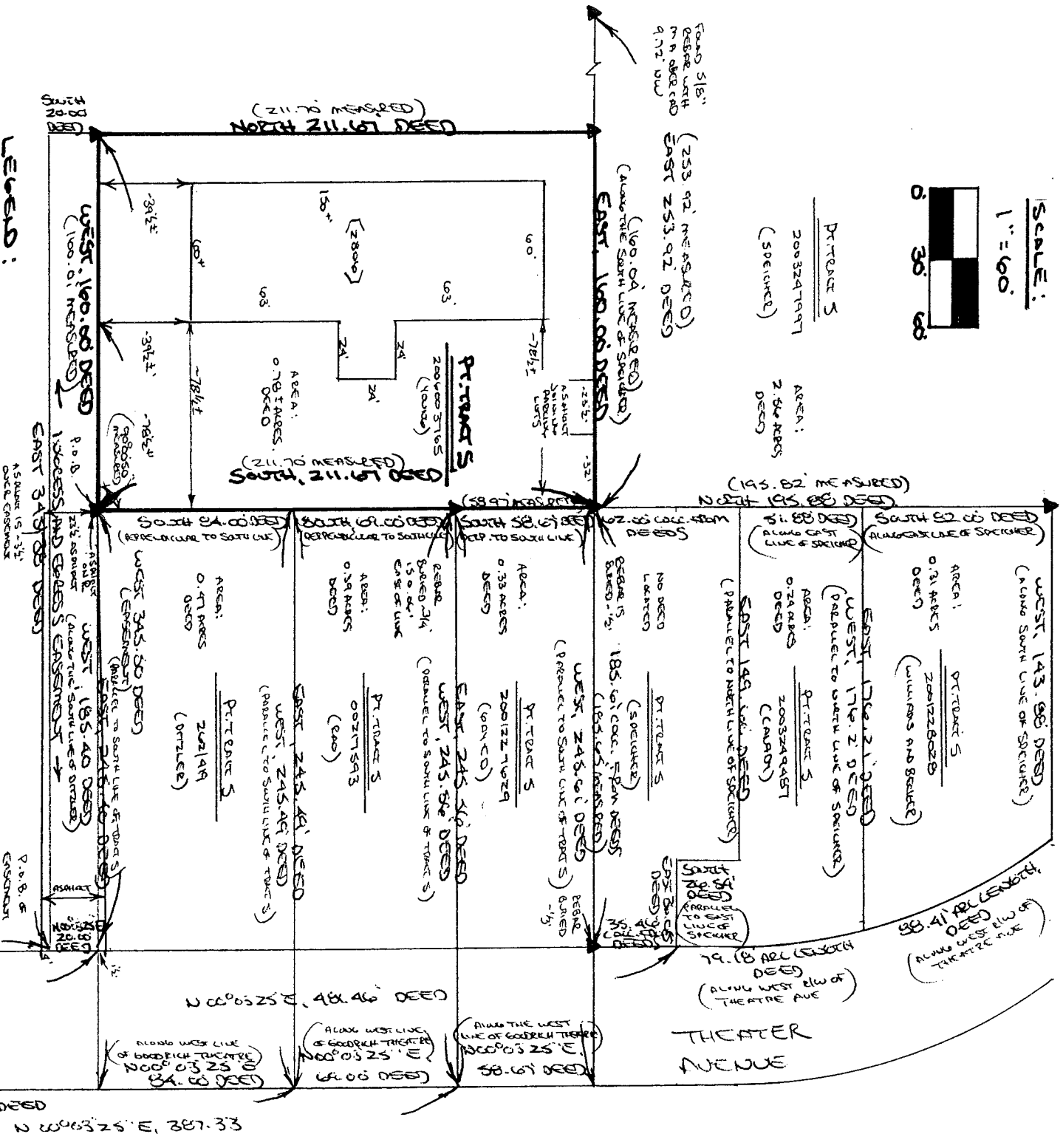
THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON JAN 18, 2006.



SCALE:  
1" = 60'

TRACT 5  
2003247997  
(SOURCED)  
  
AREA:  
2.54 ACRES  
(DEED)

Found 5/16" brass with N.P. above and 9.172" W.U.  
(253.92' MEASURED)  
EAST 253.92' DEED



▲ Found 5/16" BRASS WITH SECTION CABS NEAR SERVICE

**LEGEND:**

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY LINE, REFERENCED ACCORDING TO RECORD REMAINS OF LAC DESS, AND WAS DETERMINED BY ME, DAN D. POE, A LICENSED SURVEYOR IN THE STATE OF INDIANA.

NOTE: BY SECTION, THIS TRACT APPEARS TO BE IN ZONE C OF THE TUDOR USABLE ZONE AND # 180435 0015 DATED: JAN 18, 1963

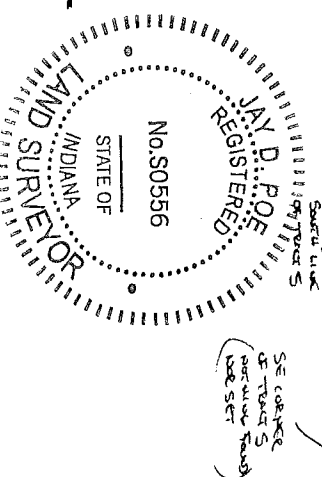
FO: SCANNER 10030

TRAO: FIRST INDIANA BOOK

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*[Signature]*  
DAN D. POE

288 # 00000



NOTED: FOUND NO SET AT THE INTERSECTION OF THE SURVEYED PERIMETER OF THE WEST PLU USE OF THEATRE AVENUE WITH THE SOUTH LINE OF TRACT 5.

SEE CAPTION OF TRACT S (REVERSE SIDE)