

# INDOT

Acquisition  
Document

## 9DSE9

Scan Key	<b>5377259</b>
LA Code	5377
Parcel No.	259
Owner	Ferguson, Donald Et Ux

Form WL-1  
8/98

**WARRANTY DEED  
WITH LIMITATION OF ACCESS**

14-01-06-100-005 000-005  
14-01-06-100-004,  
000-005

Project: 0500445  
Code: 5377  
Parcel: 259, 259A & 259B  
Page: 1 of 2

**THIS INDENTURE WITNESSETH**, That, Donald L. Ferguson and Shirley J. Ferguson, husband and wife, the Grantors, of Daviess County, State of Indiana Convey and Warrant to the **STATE OF INDIANA**, the Grantee, for and in consideration of the sum of One Hundred Thirty Four Thousand Two Hundred Eight-Eight Dollars (\$134,288.00) (of which said sum \$ 134,288.00 represents land and improvements acquired and \$0.00 represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Daviess , State of Indiana, and which is more particularly described in the legal description(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the highway facility known as I-69 and as Project 0500445 to and from the Grantor(s) remaining lands where they abut the Real Estate. This restriction is a covenant running with the land and shall be binding on the Grantor(s) and on all successors in title to the said abutting lands.

This conveyance is subject to any and all easements, conditions and restrictions of record. Grantor(s) hereby reserve(s) unto themselves the right to any and all royalties paid pursuant to that certain Oil and Gas Lease (the "Lease") by and between Donald L. Ferguson and Shirley J. Ferguson, individually and as husband and wife and Exterra Resources, LLC dated October 19, 2006, and recorded on March 12, 2007, as Instrument No. 07-1397 with the Daviess County Recorder's Office. It is understood by the parties hereto that upon termination or expiration of the Lease, this reservation shall also expire and be of no further force or effect.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

As an inducement for the State to close this real estate transaction, the grantor(s) assume(s) and agree(s) to pay the 2009 payable 2010 real estate taxes and assessments on the above described real estate. This obligation to pay shall survive the said closing and shall be enforceable by the State in the event of any non-payment.

Interests in land acquired by the Indiana Department of Transportation  
Grantee mailing address:  
100 North Senate Avenue  
Indianapolis, IN 46204-2219

This Instrument Prepared by \_\_\_\_\_ Attorney at Law

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

I.C. 8-23-7-31

**DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER  
AUG 31 2010**

*Paul Doades*  
AUDITOR, DAVIESS COUNTY

Project: 0500445  
Code: 5377  
Parcel: 259, 259A & 259B  
Page: 2 of 2

IN WITNESS WHEREOF, the said Grantors have executed this instrument this 13<sup>th</sup> day of May, 2010.

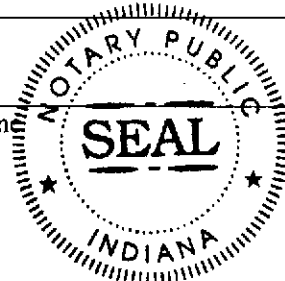
Donald L. Ferguson (Seal) \_\_\_\_\_ (Seal)  
Signature \_\_\_\_\_ Signature \_\_\_\_\_

Donald L. Ferguson, husband  
Printed Name \_\_\_\_\_ Printed Name \_\_\_\_\_

Shirley J. Ferguson (Seal) \_\_\_\_\_ (Seal)  
Signature \_\_\_\_\_ Signature \_\_\_\_\_

Shirley J. Ferguson, wife  
Printed Name \_\_\_\_\_ Printed Name \_\_\_\_\_

STATE OF Indiana :  
COUNTY OF Daviess : SS:



Before me, a Notary Public in and for said State and County, personally appeared Donald L. Ferguson & Shirley J. Ferguson, H/W  
the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to 9  
voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 13<sup>th</sup> day of May, 2010

Steven Middleton  
Signature \_\_\_\_\_

Steven Middleton  
Printed Name \_\_\_\_\_

My Commission expires 5/3/2015

I am a resident of Marion County.

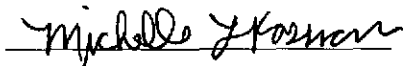
INST. NO. 10-3813  
RECEIVED FOR RECORD  
This 31 day of August, 2010  
at 1501 Fee N/C

Marcella A. Flint  
RECORDER DAVIESS COUNTY

Code: 5377

Parcel: 259, 259A & 259B

This instrument prepared by and I affirm under the penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



Michelle L. Kossmann

Deputy Attorney General

Attorney No. 22898-49A

Office of the Attorney General

302 W. Washington St., 5th Floor

Indianapolis, IN 46204-2770

**Grantee's Mailing Address:**

100 North Senate Avenue

Indianapolis, IN 46204-2219

I.C. 8-23-7-31

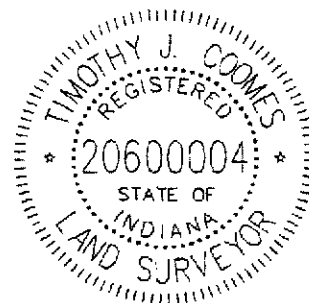
## EXHIBIT "A"

Project: 0500445  
Code: 5377  
Form: WL-1  
Key No.: 14-01-06-100-004.000-005  
Parcel: 259 Fee with Full Limitation of Access

A part of the East Half of the Northeast Quarter of Section 6, Township 5 North, Range 5 West, Daviess County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northeast corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southeast corner of Section 31, Township 6 North, Range 5 West, designated as point "343" on said plat; thence South 0 degrees 10 minutes 02 seconds East 1,564.13 feet along the east line of said section; thence South 79 degrees 39 minutes 53 seconds West 347.68 feet to point "4013" designated on said plat; thence South 81 degrees 39 minutes 46 seconds West 255.69 feet to the east line of the 46 1/2-acre tract described in Deed Record 128, page 586 in the Office of the Recorder of Daviess County, Indiana and the point of beginning of this description: thence South 0 degrees 18 minutes 51 seconds East 448.09 feet along said east line; thence South 83 degrees 24 minutes 40 seconds West 724.58 feet to the west line of said half-quarter section; thence North 0 degrees 18 minutes 51 seconds West 447.21 feet along said west line; thence North 84 degrees 15 minutes 11 seconds East 469.79 feet to point "4012" designated on said plat; thence North 81 degrees 39 minutes 46 seconds East 255.06 feet to the point of beginning and containing 7.340 acres, more or less.

This description was prepared for the Indiana Department of Transportation by  
Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

22<sup>nd</sup> day of April, 2010.



## EXHIBIT "A"

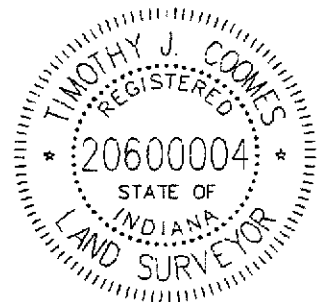
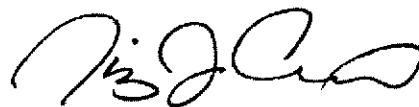
Project: 0500445  
Code: 5377  
Form: WL-1  
Key No.: 14-01-06-100-005.000-005  
Parcel: 259A Fee with Full Limitation of Access

A part of the East Half of the Northeast Quarter of Section 6. Township 5 North, Range 5 West, Daviess County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northeast corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southeast corner of Section 31, Township 6 North, Range 5 West, designated as point "343" on said plat; thence South 0 degrees 10 minutes 02 seconds East 1,564.13 feet along the east line of said section; thence South 79 degrees 39 minutes 53 seconds West 25.40 feet to the west boundary of County Road 900 East and the point of beginning of this description, designated as point "4015" on said plat; thence South 0 degrees 10 minutes 02 seconds East 420.74 feet along the boundary of said County Road 900 East to point "4022" designated on said plat; thence South 77 degrees 42 minutes 34 seconds West 565.37 feet to point "4020" designated on said plat; thence South 83 degrees 24 minutes 40 seconds West 16.50 feet to the east line of the 46 1/2-acre tract described in Deed Record 128, page 586 in the Office of the Recorder of Daviess County, Indiana; thence North 0 degrees 18 minutes 51 seconds West 448.09 feet along said east line; thence North 81 degrees 39 minutes 46 seconds East 255.69 feet to point "4013" designated on said plat; thence North 79 degrees 39 minutes 53 seconds East 322.28 feet to the point of beginning and containing 5.661 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

22<sup>nd</sup> day of April, 2010.



## EXHIBIT "A"

Project: 0500445  
Code: 5377  
Form: WL-1  
Key No.: 14-01-05-200-007.000-005  
Parcel: 259B Fee with Full Limitation of Access

A part of the Southwest Quarter of the Northwest Quarter of Section 5, Township 5 North, Range 5 West, Daviess County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northwest corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southwest corner of Section 32, Township 6 North, Range 5 West, designated as point "343" on said plat; thence South 0 degrees 10 minutes 02 seconds East 1,564.13 feet along the west line of said section; thence North 78 degrees 52 minutes 25 seconds East 25.46 feet to the east boundary of County Road 900 East and the point of beginning of this description, designated as point "4046" on said plat; thence continuing North 78 degrees 52 minutes 25 seconds East 817.19 feet to point "4043" designated on said plat; thence North 73 degrees 56 minutes 27 seconds East 61.65 feet to the north line of said quarter-quarter section; thence North 88 degrees 43 minutes 40 seconds East 428.49 feet along said north line to the northeast corner of said quarter-quarter section; thence South 0 degrees 25 minutes 50 seconds East 278.01 feet along the east line of said quarter-quarter section; thence South 73 degrees 52 minutes 59 seconds West 698.46 feet to point "4041" designated on said plat; thence South 77 degrees 59 minutes 03 seconds West 633.19 feet to the east boundary of said County Road 900 East, designated as point "4045" on said plat; thence North 0 degrees 10 minutes 02 seconds West 419.45 feet along the boundary of said County Road 900 East to the point of beginning and containing 11.415 acres, more or less.

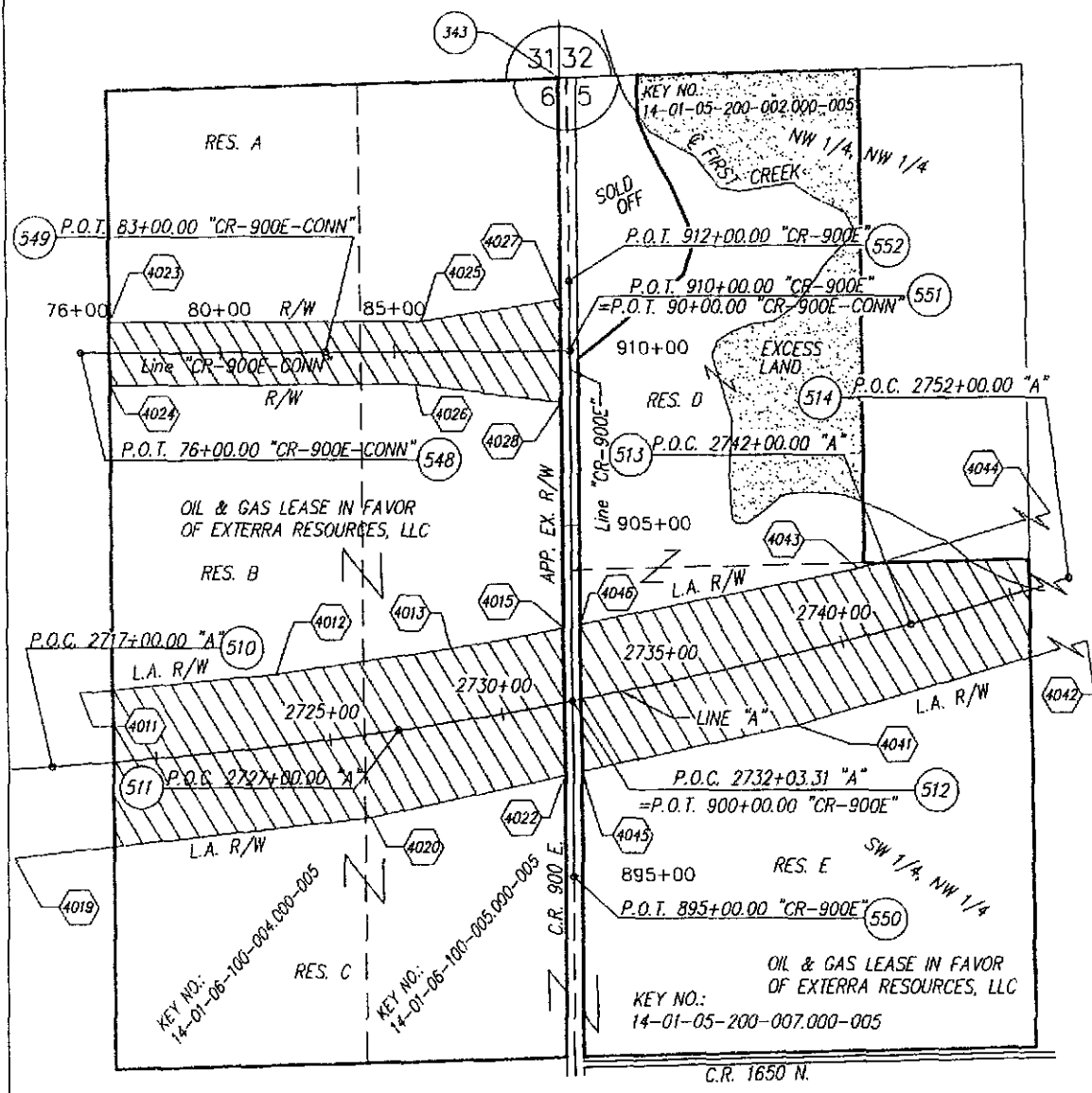
This description was prepared for the Indiana Department of Transportation by  
Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

22<sup>nd</sup> day of April, 2010.



EXHIBIT "B"  
 RIGHT-OF-WAY PARCEL PLAT  
 Prepared for the Indiana Department of Transportation  
 by United Consulting

SHEET 1 OF 2  
 0 100 200 400  
 SCALE: 1" = 400'



REVD 4-22-10 R.P.K.

OWNER : FERGUSON, DONALD ET UX.  
 PARCEL : 259  
 CODE : 5377  
 PROJECT : 0500445  
 ROAD : I-69  
 COUNTY : DAVIESS  
 SECTION : 5 & 6  
 TOWNSHIP : 5N.  
 RANGE : 5W.

 HATCHED AREA IS THE APPROXIMATE TAKING

DRAWN BY: D.J. EULER 11-10-09  
 CHECKED BY: T.J. COOMES 11-11-09  
 DES: 0500445

DEED RECORD 115, PAGE 524, DATED 6-15-76  
 DEED RECORD 115, PAGE 525, DATED 6-16-76  
 DEED RECORD 118, PAGE 676, DATED 11-28-77  
 DEED RECORD 128, PAGE 586, DATED 12-23-83  
 DEED RECORD 142, PAGE 379, DATED 1-31-90

Dimensions shown are from the above listed Record Documents.



PARCEL COORDINATE CHART

Point	Line	Station	Offset	NORTH	EAST
*343	N/A	----	----	----	----
*510	N/A	----	----	----	----
*511	N/A	----	----	----	----
*512	N/A	----	----	----	----
*513	N/A	----	----	----	----
*514	N/A	----	----	----	----
*548	N/A	----	----	----	----
*549	N/A	----	----	----	----
*550	N/A	----	----	----	----
*551	N/A	----	----	----	----
*552	N/A	----	----	----	----
4011	"A"	2717+97.00	203.00' LT.	432829.3188	714004.7968
4012	"A"	2723+70.00	204.50' LT.	432885.7912	714565.9380
4013	"A"	2728+89.00	207.50' LT.	432959.8507	715071.2908
4015	"A"	+E(2732+16.54)	210.14' LT.	433017.6695	715388.3391
4019	"A"	2715+77.00	254.00' RT.	432358.5760	713815.5241
4020	"A"	2725+86.50	236.00' RT.	432476.5814	714837.1556
4022	"A"	+E(2731+41.61)	203.88' RT.	432596.9312	715389.5676
4023	"CR-900E-COON"	+E(76+81.96)	88.00' LT.	433892.8334	714092.7343
4024	"CR-900E-COON"	+E(76+82.42)	92.00' RT.	433712.8355	714093.7211
4025	"CR-900E-COON"	85+78.50	88.00' LT.	433895.4511	714989.2745
4026	"CR-900E-COON"	85+58.00	92.00' RT.	433715.3920	714969.3002
4027	"CR-900E-COON"	+E(89+75.00)	148.00' LT.	433956.6085	715385.5977
4028	"CR-900E-COON"	+E(89+75.00)	147.00' RT.	433661.6098	715386.4580
4041	"A"	2738+15.50	200.50' RT.	432739.5106	716058.8535
4042	"A"	2748+02.00	188.00' RT.	433017.4076	717020.5868
4043	"A"	2740+98.00	188.50' LT.	433184.8351	716240.1432
4044	"A"	2751+54.50	175.00' LT.	433472.9545	717241.0288
4045	"A"	+E(2731+91.91)	202.29' RT.	432607.6922	715439.5364
4046	"A"	+E(2732+68.23)	210.16' LT.	433027.1401	715438.3117

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

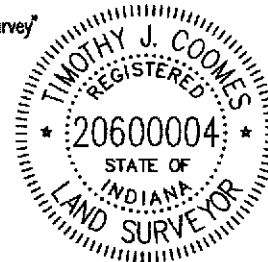
\* SEE LOCATION CONTROL ROUTE SURVEY PLAT.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded in Instrument No. 09-5139 in the Office of the Recorder of Daviess County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

Given under my hand and seal 4/22/10  
Date

*[Signature]*  
TIMOTHY J. COOMES  
Registered Land Surveyor No. 20600004  
State of Indiana



OWNER : FERGUSON, DONALD ET UX.	DRAWN BY: D.J. EULER 11-10-09
PARCEL : 259	CHECKED BY: T.J. COOMES 11-11-09
CODE : 5377	DES: 0500445
PROJECT : 0500445	
ROAD : I-69	
COUNTY : DAVIESS	
SECTION : 5 & 6	
TOWNSHIP : 5N.	
RANGE : 5W.	

ONLY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

AUG 31 2010

*Chel Doodles*  
AUDITOR, DAVIESS COUNTY.

Form WD-1  
8/98

## WARRANTY DEED

14-01-05-200  
-007.000-005  
14-01-05-200-002.  
000-005

Project: 0500445  
Code: 5377  
Parcel: 259C, 259D & 259K  
Page: 1 of 2

**THIS INDENTURE WITNESSETH**, That Donald L. Ferguson & Shirley J. Ferguson, Husband & Wife, the Grantor(s), of Daviess County, State of Indiana Convey(s) and Warrant(s) to the **STATE OF INDIANA**, the Grantee, for and in consideration of the sum of One Hundred Nineteen Thousand Two Hundred Seventy Dollars (\$119,270.00) (of which said sum \$102,006.00 represents land and improvements acquired and \$17,264.00 represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Daviess, State of Indiana, and being more particularly described in the legal description(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions and restrictions of record. **Grantor(s) hereby reserve(s) unto themselves the right to any and all royalties paid pursuant to that certain Oil and Gas Lease (the "Lease") by and between Donald L. Ferguson and Shirley J. Ferguson, individually and as husband and wife and Exterra Resources, LLC dated October 19, 2006, and recorded on March 12, 2007, as Instrument No. 07-1397 with the Daviess County Recorder's Office. It is understood by the parties hereto that upon termination or expiration of the Lease, this reservation shall also expire and be of no further force or effect.**

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

As an inducement for the State to close this real estate transaction, the grantor(s) assume(s) and agree(s) to pay the 2009 payable 2010 real estate taxes and assessments on the above described real estate. This obligation to pay shall survive the said closing and shall be enforceable by the State in the event of any non-payment.

Interests in land acquired by the Indiana  
Department of Transportation  
Grantee mailing address:  
100 North Senate Avenue  
Indianapolis, IN 46204-2219  
I.C. 8-23-7-31

This Instrument Prepared By

Attorney at Law

Project: 0500445  
Code: 5377  
Parcel: 259C, 259D & 259K  
Page: 2 of 2

IN WITNESS WHEREOF, the said Grantor(s) ha 5 executed this instrument this 13<sup>th</sup> day of May, 2010.

Donald L. Ferguson (Seal) \_\_\_\_\_ (Seal)  
Signature Signature

Donald L. Ferguson, husband  
Printed Name Printed Name

Shirley J. Ferguson (Seal) \_\_\_\_\_ (Seal)  
Signature Signature

SHIRLEY J. FERGUSON, wife  
Printed Name Printed Name

STATE OF Indiana :  
COUNTY OF Davess :

SS:



Before me, a Notary Public in and for said State and County, personally appeared

Donald L. Ferguson & Shirley J. Ferguson, H/W, the Grantor(s)  
in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be  
voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 13<sup>th</sup> day of May, 2010.

Signature [Signature]

Printed Name Steven Middleton

My Commission expires 5/3/2015

I am a resident of Marion County.

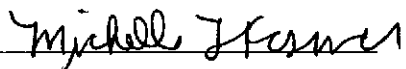
INST. NO. 10-3814  
RECEIVED FOR RECORD  
This 31 day of August 2010  
at 1502 Fee D/C

Marvella A. Grint  
RECORDER DAVIESS COUNTY

Code: 5377

Parcel: 259C, 259D & 259K

This instrument prepared by and I affirm under the penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



Michelle L. Kossmann

Deputy Attorney General

Attorney No. 22898-49A

Office of the Attorney General

302 W. Washington St., 5th Floor

Indianapolis, IN 46204-2770

**Grantee's Mailing Address:**

100 North Senate Avenue

Indianapolis, IN 46204-2219

I.C. 8-23-7-31

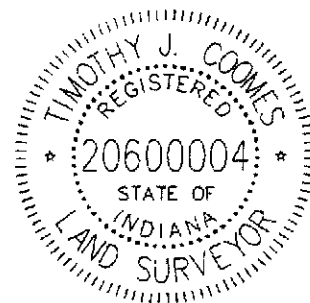
## EXHIBIT "A"

Project: 0500445  
Code: 5377  
Form: WD-1  
Key No.: 14-01-06-100-004.000-005  
Parcel: 259C Fee

A part of the East Half of the Northeast Quarter of Section 6, Township 5 North, Range 5 West, Daviess County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows:

Commencing at the northeast corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southeast corner of Section 31, Township 6 North, Range 5 West, designated as point "343" on said plat; thence South 0 degrees 10 minutes 02 seconds East 625.88 feet along the east line of said section; thence South 81 degrees 13 minutes 40 seconds West 426.30 feet to point "4025" designated on said plat; thence South 89 degrees 49 minutes 58 seconds West 176.30 feet to the east line of the 46 1/2-acre tract described in Deed Record 128, page 586 in the Office of the Recorder of Daviess County, Indiana and the point of beginning of this description; thence South 0 degrees 18 minutes 51 seconds East 180.00 feet along said east line; thence South 89 degrees 49 minutes 58 seconds West 720.24 feet to the west line of said half-quarter section, designated as point "4024" on said plat; thence North 0 degrees 18 minutes 51 seconds West 180.00 feet along said west line to point "4023" designated on said plat; thence North 89 degrees 49 minutes 58 seconds East 720.24 feet to the point of beginning and containing 2.976 acres, more or less.

This description was prepared for the Indiana Department of Transportation by  
Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the  
22<sup>nd</sup> day of April, 2010.



## EXHIBIT "A"

Project: 0500445  
Code: 5377  
Form: WD-1  
Key No.: 14-01-06-100-005.000-005  
Parcel: 259D Fee

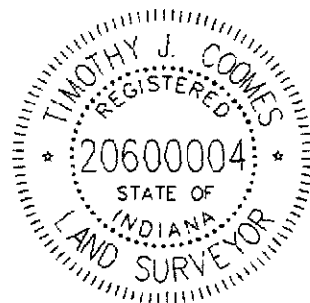
A part of the East Half of the Northeast Quarter of Section 6, Township 5 North, Range 5 West, Daviess County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows:

Commencing at the northeast corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southeast corner of Section 31, Township 6 North, Range 5 West, designated as point "343" on said plat; thence South 0 degrees 10 minutes 02 seconds East 625.88 feet along the east line of said section; thence South 81 degrees 13 minutes 40 seconds West 25.28 feet to the west boundary of County Road 900 East and the point of beginning of this description, designated as point "4027" on said plat; thence South 0 degrees 10 minutes 02 seconds East 295.00 feet along the boundary of said County Road 900 East to point "4028" designated on said plat; thence North 82 degrees 39 minutes 13 seconds West 420.61 feet to point "4026" designated on said plat; thence South 89 degrees 49 minutes 58 seconds West 155.34 feet to the east line of the 46 1/2-acre tract described in Deed Record 128, page 586 in the Office of the Recorder of Daviess County, Indiana; thence North 0 degrees 18 minutes 51 seconds West 180.00 feet along said east line; thence North 89 degrees 49 minutes 58 seconds East 176.30 feet to point "4025" designated on said plat; thence North 81 degrees 13 minutes 40 seconds East 401.01 feet to the point of beginning and containing 2.902 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

22<sup>nd</sup> day of April, 2010.



## EXHIBIT "A"

Project: 0500445  
Code: 5377  
Form: WD-1  
Key No.: 14-01-05-200-002.000-005  
Parcel: 259K Fee (Excess Land)

Sheet 1 of 2

A part of the Northwest Quarter of the Northwest Quarter of Section 5, Township 5 North, Range 5 West, Daviess County, Indiana, described as follows: Commencing at the northwest corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southwest corner of Section 32, Township 6 North, Range 5 West; thence North 88 degrees 42 minutes 35 seconds East 201.20 feet along the north line of said section to the northeast corner of the 4.5356-acre tract of land described in Deed Record 142, page 379 in the Office of the Daviess County Recorder and the point of beginning of this description: thence continuing North 88 degrees 42 minutes 35 seconds East 621.89 feet along said north line to the northeast corner of the grantors' land; thence South 0 degrees 04 minutes 56 seconds East 1,223.35 feet along the east line of the grantors' land to the centerline of First Creek; thence along the centerline of said First Creek the following twenty-nine courses; (1) North 68 degrees 57 minutes 20 seconds West 35.92 feet; (2) North 83 degrees 48 minutes 55 seconds West 71.84 feet; (3) North 89 degrees 36 minutes 30 seconds West 62.82 feet; (4) South 76 degrees 21 minutes 07 seconds West 47.38 feet; (5) South 49 degrees 37 minutes 41 seconds West 67.76 feet; (6) South 56 degrees 08 minutes 51 seconds West 59.48 feet; (7) South 87 degrees 01 minute 41 seconds West 26.09 feet; (8) North 46 degrees 23 minutes 00 seconds West 20.09 feet; (9) North 3 degrees 03 minutes 49 seconds West 145.83 feet; (10) North 4 degrees 20 minutes 34 seconds East 135.14 feet; (11) North 17 degrees 14 minutes 12 seconds West 194.67 feet; (12) North 22 degrees 57 minutes 41 seconds East 45.01 feet; (13) North 55 degrees 15 minutes 12 seconds East 43.07 feet; (14) North 68 degrees 58 minutes 32 seconds East 63.79 feet; (15) North 82 degrees 55 minutes 26 seconds East 65.71 feet; (16) North 55 degrees 35 minutes 43 seconds East 71.38 feet; (17) North 37 degrees 41 minutes 16 seconds East 100.38 feet; (18) North 33 degrees 07 minutes 48 seconds East 53.63 feet; (19) North 45 degrees 11 minutes 35

**EXHIBIT "A"**

Project: 0500445  
Code: 5377  
Form: WD-1  
Key No.: 14-01-05-200-002.000-005  
Parcel: 259K Fee (Excess Land)

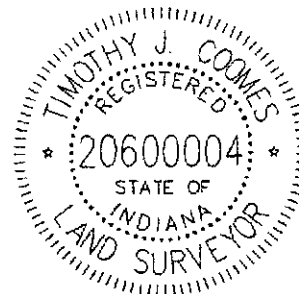
Sheet 2 of 2

seconds East 84.98 feet; (20) North 28 degrees 26 minutes 34 seconds East 45.00 feet; (21) North 27 degrees 48 minutes 20 seconds West 51.34 feet; (22) North 62 degrees 55 minutes 28 seconds West 100.68 feet; (23) North 56 degrees 34 minutes 56 seconds West 70.74 feet; (24) South 81 degrees 42 minutes 00 seconds West 156.45 feet; (25) North 78 degrees 52 minutes 58 seconds West 57.91 feet; (26) North 38 degrees 30 minutes 09 seconds West 111.25 feet; (27) North 62 degrees 31 minutes 53 seconds West 61.11 feet; (28) North 60 degrees 53 minutes 32 seconds West 89.47 feet; (29) North 35 degrees 08 minutes 17 seconds West 61.83 feet to the east line of said 4.5356-acre tract of land described in Deed Record 142, page 379; thence North 0 degrees 10 minutes 02 seconds West 108.46 feet along said east line to the point of beginning and containing 9.208 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

22<sup>nd</sup> day of April, 2010.



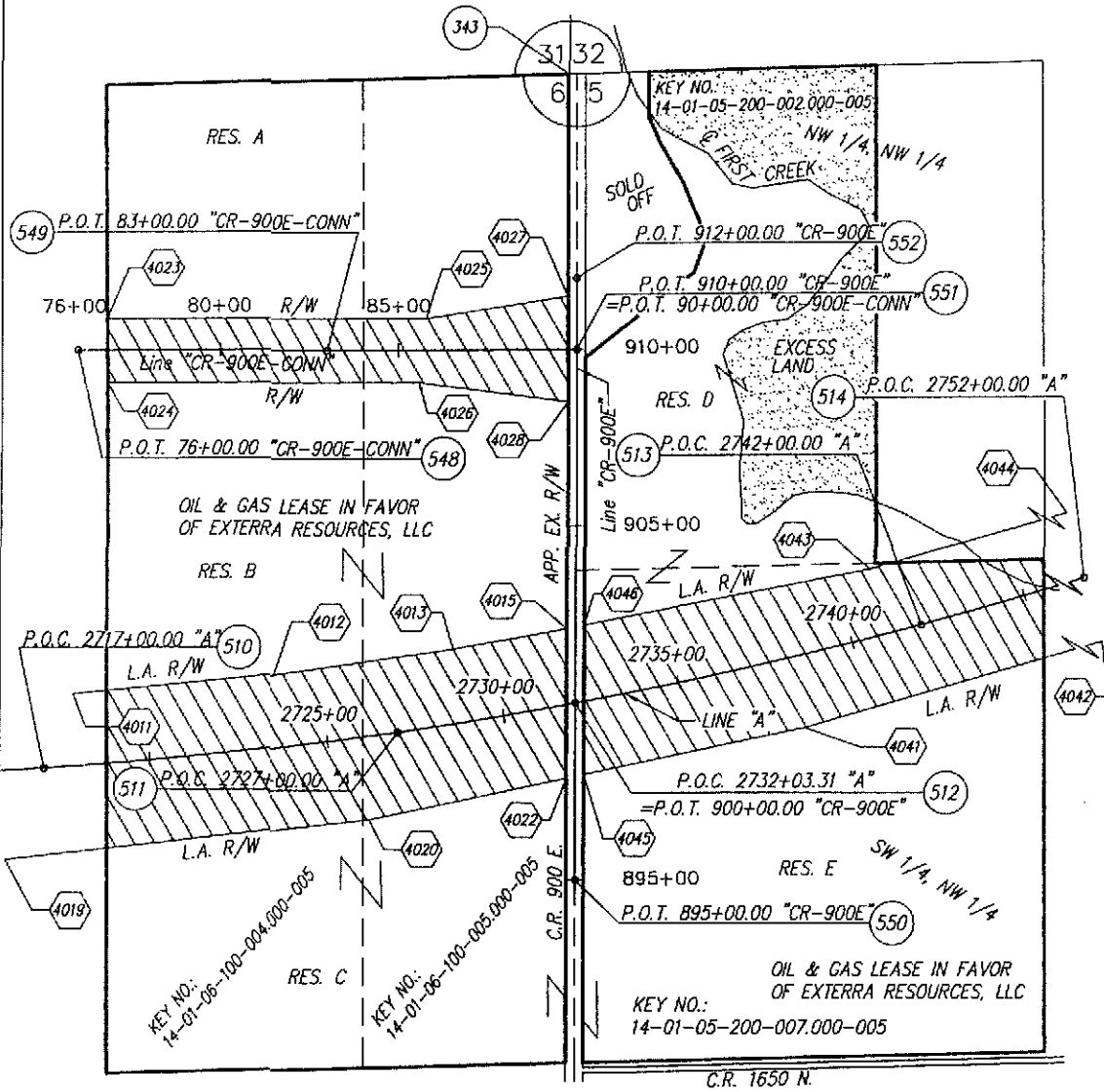


# EXHIBIT "B"

## RIGHT-OF-WAY PARCEL PLAT

Prepared for the Indiana Department of Transportation  
by United Consulting

SHEET 1 OF 2  
0 100 200 400  
SCALE: 1" = 400'



REV'D 4-22-10 R.P.K.

OWNER : FERGUSON, DONALD ET UX.  
 PARCEL : 259  
 CODE : 5377  
 PROJECT : 0500445  
 ROAD : I-69  
 COUNTY : DAVIESS  
 SECTION : 5 & 6  
 TOWNSHIP : 5N.  
 RANGE : 5W.

HATCHED AREA IS THE APPROXIMATE TAKING

DRAWN BY: D.J. EULER 11-10-09  
 CHECKED BY: T.J. COOMES 11-11-09  
 DES: 0500445

DEED RECORD 115, PAGE 524, DATED 6-15-76  
 DEED RECORD 115, PAGE 525, DATED 6-16-76  
 DEED RECORD 118, PAGE 676, DATED 11-28-77  
 DEED RECORD 128, PAGE 586, DATED 12-23-83  
 DEED RECORD 142, PAGE 379, DATED 1-31-90

Dimensions shown are from the above listed Record Documents.

PARCEL COORDINATE CHART

Point	Line	Station	Offset	NORTH	EAST
*343	N/A	----	----	----	----
*510	N/A	----	----	----	----
*511	N/A	----	----	----	----
*512	N/A	----	----	----	----
*513	N/A	----	----	----	----
*514	N/A	----	----	----	----
*548	N/A	----	----	----	----
*549	N/A	----	----	----	----
*550	N/A	----	----	----	----
*551	N/A	----	----	----	----
*552	N/A	----	----	----	----
4011	"A"	2717+97.00	203.00' LT.	432829.3188	714004.7968
4012	"A"	2723+70.00	204.50' LT.	432865.7912	714565.9380
4013	"A"	2728+89.00	207.50' LT.	432959.8507	715071.2908
4015	"A"	+R(2732+16.54)	210.14' LT.	433017.6695	715388.3391
4019	"A"	2715+77.00	254.00' RT.	432358.5760	713815.5241
4020	"A"	2725+86.50	236.00' RT.	432476.5814	714837.1556
4022	"A"	+R(2731+41.61)	203.88' RT.	432596.9312	715389.5676
4023	"CR-900E-COON"	+R(76+81.96)	88.00' LT.	433892.8334	714092.7343
4024	"CR-900E-COON"	+R(76+82.42)	92.00' RT.	433712.8355	714093.7211
4025	"CR-900E-COON"	85+78.50	88.00' LT.	433895.4511	714969.2745
4026	"CR-900E-COON"	85+58.00	92.00' RT.	433715.3920	714969.3002
4027	"CR-900E-COON"	+R(89+75.00)	148.00' LT.	433956.6085	715385.5977
4028	"CR-900E-COON"	+R(89+75.00)	147.00' RT.	433661.6098	715386.4590
4041	"A"	2738+15.50	200.50' RT.	432739.5106	716058.8535
4042	"A"	2748+02.00	188.00' RT.	433017.4076	717020.5868
4043	"A"	2740+98.00	188.50' LT.	433184.8351	716240.1432
4044	"A"	2751+54.50	175.00' LT.	433472.9545	717241.0288
4045	"A"	+R(2731+91.91)	202.29' RT.	432607.6922	715439.5364
4046	"A"	+R(2732+68.23)	210.16' LT.	433027.1401	715438.3117

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

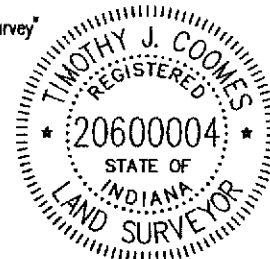
\* SEE LOCATION CONTROL ROUTE SURVEY PLAT.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded in Instrument No. 09-5139 in the Office of the Recorder of Daviess County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

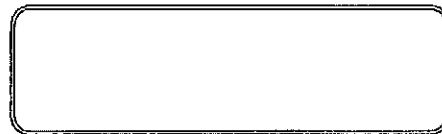
Given under my hand and seal 4/22/10  
Date

*[Signature]*  
TIMOTHY J. COOMES  
Registered Land Surveyor No. 20600004  
State of Indiana



OWNER : FERGUSON, DONALD ET UX.  
PARCEL : 259  
CODE : 5377  
PROJECT : 0500445  
ROAD : I-69  
COUNTY : DAVIESS  
SECTION : 5 & 6  
TOWNSHIP : 5N.  
RANGE : 5W.

DRAWN BY: D.J. EULER 11-10-09  
CHECKED BY: T.J. COOMES 11-11-09  
DES: 0500445



INST. NO. 11-2866  
RECEIVED FOR RECORD  
Paid 12 day of July 2011  
at 1015 For 36.00

Marshall A. Hat  
RECORDER, DAVIESS COUNTY

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

JUL 12 2011

Carl Dossels  
AUDITOR, DAVIESS COUNTY

### QUITCLAIM DEED

**WHEREAS**, the Indiana Department of Transportation, by Order of the Commissioner, has determined that the below-described real property will not be needed for highway purposes or purposes incidental thereto; and

**WHEREAS**, pursuant to the provisions of Indiana Code § 8-23-7-14, the Indiana Department of Transportation has offered the real property for sale to Aaron and Linda Swartzentruber and Glen and Dorothy Swartzentruber, for the sum of Three Thousand Two Hundred Dollars (\$3,200.00), which offer has been duly accepted; and

**WHEREAS**, requester's have paid the full purchase price; and

**NOW THEREFORE**, the State of Indiana in accordance with Indiana Code § 8-23-7-15 executes this Quitclaim Deed.

**THIS INDENTURE WITNESSETH**, that the STATE OF INDIANA, hereby releases and quitclaims to Aaron and Linda Swartzentruber and Glen and Dorothy Swartzentruber the real estate situated in Daviess County, State of Indiana, to wit:

INDOT  
Project: 0500445  
Code: 5377  
Parcel: 259C & 259D  
County: Daviess  
Road: I-69 (eliminated access road)

which real property is more fully described on "**Exhibit A**", which is attached hereto and incorporated fully herein. Also attached hereto and incorporated fully herein are the Parcel Plat as "**Exhibit B**".

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

IN WITNESS WHEREOF, the undersigned have executed the foregoing Quitclaim Deed on behalf of the Indiana Department of Transportation this 28 day of April 2011.

David B. Holtz

David Holtz, Deputy Commissioner of Design,  
Project Management and Technical Support  
(for) Michael B. Cline, Commissioner

State of Indiana            )  
  )        ss:  
County of Marion         )

Before me, a Notary in and for said County and State, personally appeared David Holtz, Deputy Commissioner of Design, Project Management and Technical Support for Michael B. Cline, Commissioner of the Indiana Department of Transportation, and acknowledged execution of the foregoing Quitclaim Deed this 28 day of April 2011.

Notary signature: Jennifer Bennett

Notary name printed: Jennifer Bennett

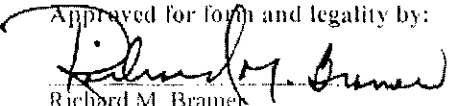


My commission expires: October 5, 2018 I reside in INDIAN County

Quit Claim Deed  
INDOT  
Project: 0500445  
Code: 5377  
Parcel: 259C & 259D  
County: Daviess  
Road: I-69 (eliminated access road)

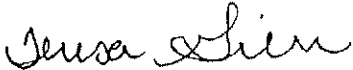


Approved for form and legality by:

  
Richard M. Bramer  
Chief Counsel to Attorney General Gregory F. Zoeller

Date: May 13, 2011

This instrument prepared by and I affirm under the penalties of perjury that he or she has taken reasonable care to redact each social security number in this document, unless required by law.



Teresa Giller, INDOJ Attorney  
Attorney Number: 17698-49A  
INDOT, 100 N. Senate Avenue  
Indianapolis, IN 46204  
317-232-6734  
Date: 5/11/11

**GRANTEE'S ADDRESS:**

Send tax bills to:  
Swartzentruber Farms, Inc.  
Aaron and Linda Swartzentruber &  
Glen and Dorothy Swartzentruber  
8540 E 1600 N  
Odon, IN 47562-5278

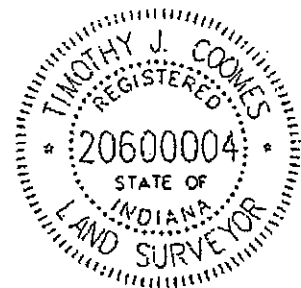

Quit Claim Deed  
INDOT  
Project: 0500445  
Code: 5377  
Parcel: 259C & 259D  
County: Daviess  
Road: I-69 (eliminated access road)

EXHIBIT "A"

Project: 0500445  
Code: 5377  
Form: WD-1  
Key No.: 14-01-06-100-004.000-005  
Parcel: 259C Fee

A part of the East Half of the Northeast Quarter of Section 6, Township 5 North, Range 5 West, Daviess County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northeast corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southeast corner of Section 31, Township 6 North, Range 5 West, designated as point "343" on said plat; thence South 0 degrees 10 minutes 02 seconds East 625.88 feet along the east line of said section; thence South 81 degrees 13 minutes 40 seconds West 426.30 feet to point "4025" designated on said plat; thence South 89 degrees 49 minutes 58 seconds West 176.30 feet to the east line of the 46 1/2-acre tract described in Deed Record 128, page 586 in the Office of the Recorder of Daviess County, Indiana and the point of beginning of this description; thence South 0 degrees 18 minutes 51 seconds East 180.00 feet along said east line; thence South 89 degrees 49 minutes 58 seconds West 720.24 feet to the west line of said half-quarter section, designated as point "4024" on said plat; thence North 0 degrees 18 minutes 51 seconds West 180.00 feet along said west line to point "4023" designated on said plat; thence North 89 degrees 49 minutes 58 seconds East 720.24 feet to the point of beginning and containing 2.976 acres, more or less.

This description was prepared for the Indiana Department of Transportation by  
Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the  
22<sup>nd</sup> day of April, 2010.



COPY

EXHIBIT "A"

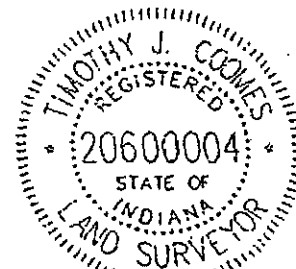
Project: 0500445  
Code: 5377  
Form: WD-1  
Key No.: 14-01-06-100-005.000-005  
Parcel: 259D Fee

A part of the East Half of the Northeast Quarter of Section 6, Township 5 North, Range 5 West, Daviess County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northeast corner of said section, said corner being North 88 degree 42 minutes 22 seconds East 22.36 feet from the southeast corner of Section 31, Township 6 North, Range 5 West, designated as point "343" on said plat; thence South 0 degrees 10 minutes 02 seconds East 625.88 feet along the east line of said section; thence South 81 degrees 13 minutes 40 seconds West 25.28 feet to the west boundary of County Road 900 East and the point of beginning of this description, designated as point "4027" on said plat; thence South 0 degrees 10 minutes 02 seconds East 295.00 feet along the boundary of said County Road 900 East to point "4028" designated on said plat; thence North 82 degrees 39 minutes 13 seconds West 420.61 feet to point "4026" designated on said plat; thence South 89 degrees 49 minutes 58 seconds West 155.34 feet to the east line of the 46 1/2-acre tract described in Deed Record 128, page 586 in the Office of the Recorder of Daviess County, Indiana; thence North 0 degrees 18 minutes 51 seconds West 180.00 feet along said east line; thence North 89 degrees 49 minutes 58 seconds East 176.30 feet to point "4025" designated on said plat; thence North 81 degrees 13 minutes 40 seconds East 401.01 feet to the point of beginning and containing 2.902 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

22<sup>nd</sup> day of April, 2010.



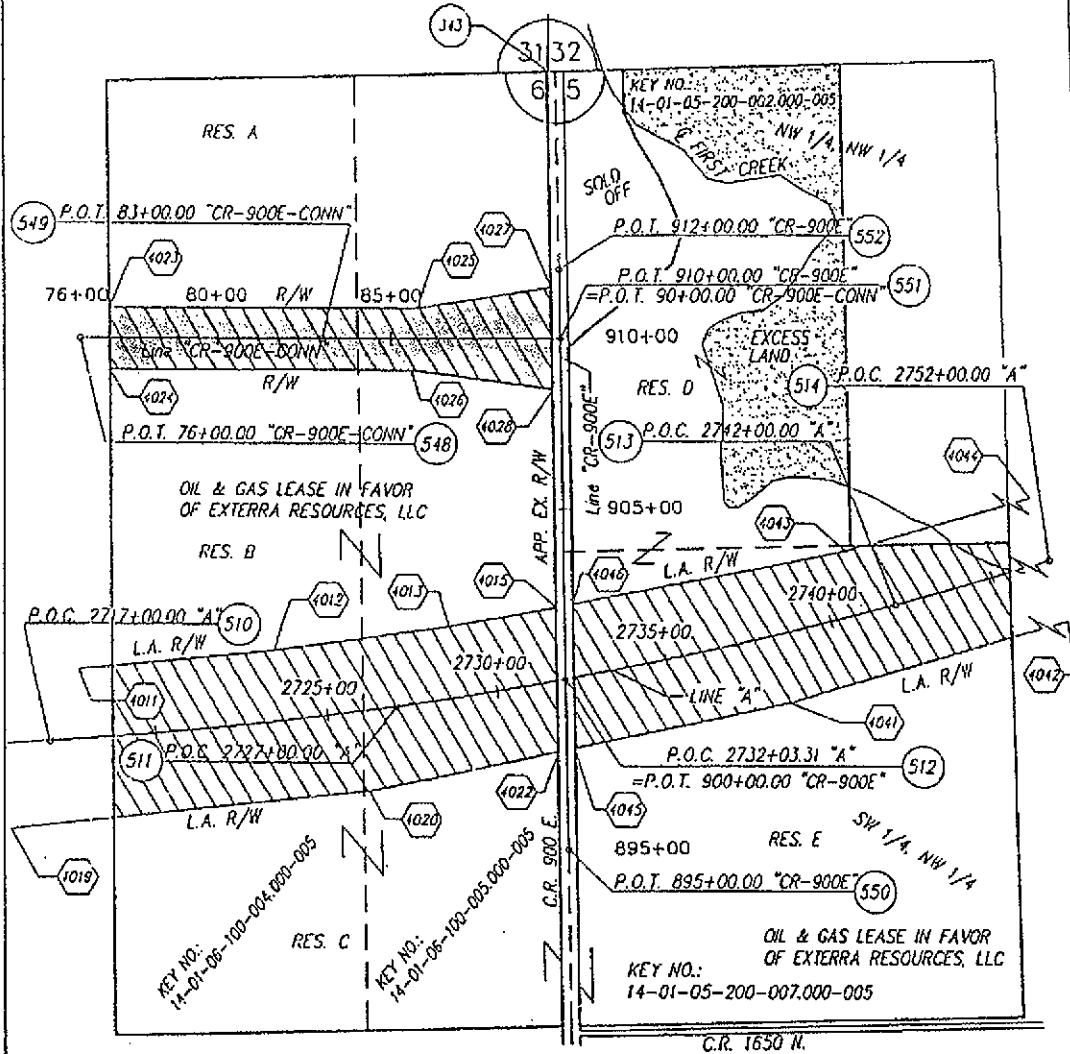
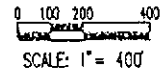
COPY



EXHIBIT "B"  
RIGHT-OF-WAY PARCEL PLAT

Prepared for the Indiana Department of Transportation  
by United Consulting

SHEET 1 OF 2



REV'D 4-22-10 R.P.K.

OWNER : FERGUSON, DONALD ET UX.  
PARCEL : 259  
CODE : S377  
PROJECT : 0500445  
ROAD : I-69  
COUNTY : DAVENESS  
SECTION : 5 & 6  
TOWNSHIP : 5N.  
RANGE : 5W.

 HATCHED AREA IS THE APPROXIMATE TAKING

DRAWN BY: D.J. EULER 11-10-09  
CHECKED BY: T.J. COOMES 11-11-09  
DES: 0500445

DEED RECORD 115, PAGE 524, DATED 6-15-76  
DEED RECORD 115, PAGE 525, DATED 6-16-76  
DEED RECORD 118, PAGE 676, DATED 11-28-77  
DEED RECORD 128, PAGE 586, DATED 12-23-83  
DEED RECORD 142, PAGE 379, DATED 1-31-90

Dimensions shown are from the above listed Record Documents.

COPY

PARCEL COORDINATE CHART

Point	Line	Station	Offset	NORTH	EAST
#343	N/A	----	----	----	----
#510	N/A	----	----	----	----
#511	N/A	----	----	----	----
#512	N/A	----	----	----	----
#513	N/A	----	----	----	----
#514	N/A	----	----	----	----
#548	N/A	----	----	----	----
#549	N/A	----	----	----	----
#550	N/A	----	----	----	----
#551	N/A	----	----	----	----
#552	N/A	----	----	----	----
4011	"A"	2717+97.00	203.00' LT.	432829.3188	714004.7968
4012	"A"	2723+70.00	204.50' LT.	432805.7912	714565.9380
4013	"A"	2728+89.00	207.50' LT.	432959.8502	715071.2908
4015	"A"	+E(2732+16.51)	210.14' LE.	433017.6695	715388.3391
4019	"A"	2715+77.00	254.00' RT.	432350.5760	713815.5241
4020	"A"	2725+86.50	236.00' RT.	432476.5814	714837.1556
4022	"A"	+E(2731+41.61)	203.88' RT.	432596.9312	715389.5676
4023	"CR-900E-COOK"	+E(76+81.96)	88.00' LT.	433692.8334	714092.7343
4024	"CR-900E-COOK"	+E(76+62.42)	92.00' RT.	433712.8355	714093.7211
4025	"CR-900E-COOK"	85+76.50	88.00' LT.	433695.4511	714989.2745
4026	"CR-900E-COOK"	85+58.00	92.00' RT.	433715.3920	714969.3002
4027	"CR-900E-COOK"	+E(89+75.00)	148.00' LT.	433956.6085	715305.5977
4028	"CR-900E-COOK"	+E(89+75.00)	147.00' RT.	433661.6098	715386.4590
4041	"A"	2738+15.50	200.50' RT.	432739.5106	716058.8535
4042	"A"	2748+02.00	188.00' RT.	433017.4076	717020.5868
4043	"A"	2740+98.00	188.50' LT.	433184.8354	716240.1432
4044	"A"	2751+54.50	175.00' LT.	433472.9545	717241.0208
4045	"A"	+E(2731+91.91)	202.29' RT.	432607.6922	715439.5364
4046	"A"	+E(2732+68.23)	210.16' LT.	433027.1401	715438.3117

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

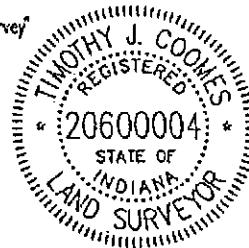
\* SEE LOCATION CONTROL ROUTE SURVEY PLAT.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded in Instrument No. 09-5139 in the Office of the Recorder of Daviess County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

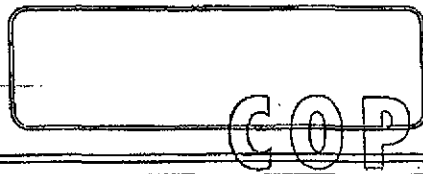
Given under my hand and seal 4/22/10  
Date

[Signature]  
TIMOTHY J. COOMES  
Registered Land Surveyor No. 20600004  
State of Indiana



OWNER : FERGUSON, DONALD ET UX.  
PARCEL : 259  
CODE : 5377  
PROJECT : 0500445  
ROAD : I-69  
COUNTY : DAVIESS  
SECTION : 5 & 6  
TOWNSHIP : 5N.  
RANGE : 5W.

DRAWN BY: D.J. EULER 11-10-09  
CHECKED BY: T.J. COOMES 11-11-09  
DES: 0500445





**NON-COLLUSION AFFIDAVIT**  
State Form 4391 (R4 /1 -00)

STATE OF: Indiana  
COUNTY OF: Daviess } SS:

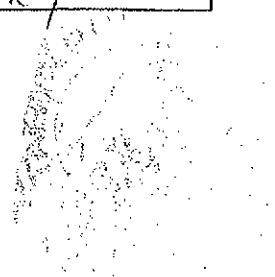
The undersigned, being duly sworn on oath says, that he is the contracting party, or that he is the representative, agent, member, or officer of the contracting party, that he has not, nor has any other member, employee, representative, agent or officer of the firm, company, corporation or partnership represented by him, directly or indirectly, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of the annexed contract other than that which appears upon the face of the contract.

*Dorothy Swartzentruber*  
*Dorothy Swartzentruber*

Signature	<i>Glen Swartzentruber</i>
Printed name	Glen Swartzentruber
Title	<i>Secret Secretary</i>
Company	<i>Swartzentruber Farms</i>

Before me, a Notary Public in and for said County and State personally appeared Glen and Dorothy Swartzentruber  
who acknowledged the truth of the statements in the foregoing affidavit on this 19<sup>th</sup> day of April, 2011.

County of residence	<u>Daviess</u>	Commission expiration date	<u>3/7/17</u>	Signature of Notary Public	<i>Diana K. Bradley</i>
				Printed or typed name of Notary Public	Diana K. Bradley





**NON-COLLUSION AFFIDAVIT**

State Form 4391 (R4 /1 -00)

STATE OF: Indiana  
COUNTY OF: Daviess } SS:

The undersigned, being duly sworn on oath says, that he is the contracting party, or that he is the representative, agent, member, or officer of the contracting party, that he has not, nor has any other member, employee, representative, agent or officer of the firm, company, corporation or partnership represented by him, directly or indirectly, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of the annexed contract other than that which appears upon the face of the contract.

*Linda Swartzentruber*  
Linda Swartzentruber

Signature	<i>Aaron Swartzentruber</i>
Printed name	Aaron Swartzentruber
Title	
Company	

Before me, a Notary Public in and for said County and State personally appeared, Aaron & Linda Swartzentruber  
who acknowledged the truth of the statements in the foregoing affidavit on this 19<sup>th</sup> day of April, 2011.

County of residence	Commission expiration date	Signature of Notary Public
<u>Daviess</u>	<u>12/09/2017</u>	<i>Jennifer B. Fisher</i>
		Printed or typed name of Notary Public
		Jennifer B. Fisher