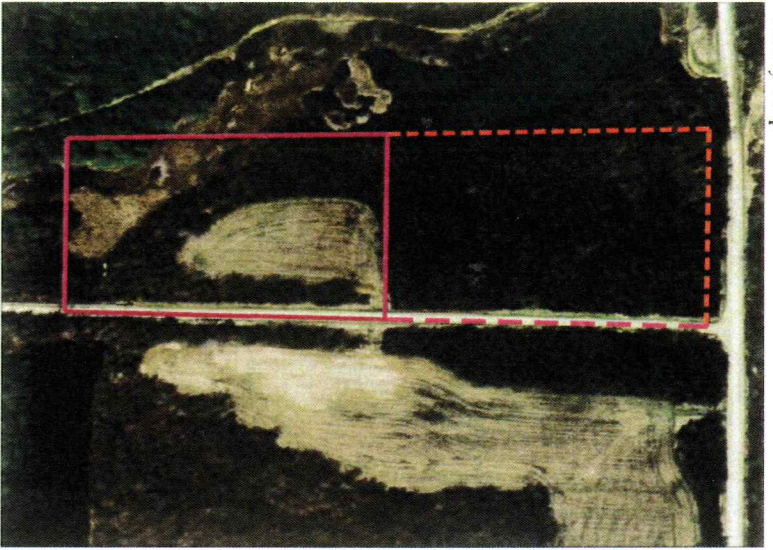


Vicinity Map



Project Number: CS1923
 Drawing Name: CS1923.dwg
 Drawn By: Tyler Thompson
 Approved By: James C. Tibbett
 Date: December 06, 2011
 Sheet: 6 of 6

I affirm, under the penalties of perjury, that I have taken reasonable care to reduce each social security number in this document, unless required by law



CB&M Survey's, Inc.
 PO Box 487
 429 NE A Street
 Linton, IN 47441
 (812)847-1952
 www.cbmsurveys.com
 e-mail: tibbett@cbmsurveys.com

Part of the South Half of the Southwest Quarter of the Southeast Quarter of Section 20, Township 6 North, Range 7 West, 2nd Principal Meridian, Stafford Township of Greenc County, Indiana

Joe Whitehead
 P.O. Box 433
 Linton, IN 47441

Survey is NOT complete without Surveyor's Report



EXHIBIT A

The South Half of the Southwest Quarter of the Southeast Quarter of Section 20, Township 6 North, Range 7 West, containing 20 acres, more or less, EXCEPT, all that part lying East of the centerline of the North-South county road as now located, containing 15.0 acres, more or less. Containing after said exception 5.0 acres, more or less.

EXCEPTING therefrom recorded December 10, 2009 as Instrument Number 200900005256 in the Office of the Greene County Recorder.

Subject to all rights-of-way, easements, public ways, leases, restrictions, reservations, covenants, right of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all the matter of record affecting title to the subject real estate, if any there be.

SANDBORN PROPERTY

CB&M Survey's, Inc.

429 N.E. "A" Street
P.O. Box 487
Linton, IN 47441
(812)847-1952 Ph
(812)847-1954 Fx
www.cbmsurveys.com



Page 1 of 6
Job No. CS1923

CERTIFICATE OF SURVEY

I, James C. Tibbett, hereby certify that I am a Licensed Land Surveyor, in accordance with the laws of the State of Indiana, that the following plat and description represent a survey completed by me on December 6, 2011, that all monuments actually exist, and that their types and locations are, to the best of my knowledge, accurately shown.

Prepared for: The following survey is a retracement survey of a 5 acre parcel, being East of County Road 1500 West and South of County Road 575 South and west of County Road 1450 West, located in Section 20, Township 6 North, Range 7 West conveyed to Joe and Debra Whitehead, recorded in 12-07-11 as Instrument Number 201100004719 in the Office of the Recorder, Greene County Courthouse. The field work was completed on December 06, 2011 and this survey was done at the request of Joe Whitehead.

DESCRIPTION

Subject Parcel
Joe Whitehead and Debra Whitehead
Recorded 12-07-2011
Instrument Number 201100004719

The South Half of the Southwest Quarter of the Southeast Quarter of Section 20, Township 6 North, Range 7 West, containing 20 acres, more or less, EXCEPT, all that part lying East of the centerline of the North-South county road as now located, containing 15.0 acres, more or less. Containing after said exception 5.0 acres, more or less.

EXCEPTING therefrom recorded December 10, 2009 as Instrument Number 200900005256 in the Office of the Greene County Recorder.

Subject to all rights-of-way, easements, public ways, leases, restrictions, reservations, covenants, right of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matter of record affecting title to the subject real estate, if any there be.

FLOOD HAZARD STATEMENT: This property does not appear to be within a 100 year flood area, Zone "A" per F.I.R.M. (Flood Insurance Rate Map Panel Number 180436 004 A for Greene County Community). The accuracy of any flood hazard statement shown on this report is subject to map scale uncertainty and to other uncertainty in location or elevation on the referenced flood insurance rate map. Flood plain certification is restricted to a review of the Flood Insurance Rate Maps (FIRM) (latest revision), and shall not be construed as confirmation or denial of flooding potential. These parcels may be subject to flood hazards not shown on the Flood Insurance Rate maps published by the Federal Emergency Management Agency. CB & M Surveys Inc. and or James C. Tibbett warrants no guarantee and assumes no liability with regard to this flood plain statement, reliability of the drainage patterns in any area is unknown.

RULE 5: Any construction on this site may be required to obtain a "Rule 5" storm water runoff permit under 327 IAC 15-5 from the IDEM Office of Water Quality. This would involve submitting a storm water prevention pollution plan to the local Soil and Water Conservation District as well as a Notice of Intent to operate under Rule 5 to the Indiana Department of Environmental Management. This should be done prior to any construction.

Road Right-of-way: The right-of-way of a public road way is subject to the written conveyance or dedication. The width may be set forth in the minutes of a County Commissioner meeting or elsewhere, copy of said record was not provided for this survey. The Court's decision on State Road right-of-ways would only include the paved portion of the road and NOT the shoulders, berm or ditch per the Court of Appeals of Indiana, First District, December 22, 1995 in the case between Contel of Indiana, Inc. vs. Lee Coulson, Beverly Coulson and Zoe Coulson.

Wetlands: Subsurface and environmental and wetlands were not examined or considered as part of this survey.

Limitation of Liability: Client agrees that the liability of CB & M Surveys, its agents and employees, in connection with services contained therein to the Client and to all persons having contractual relationships with them, resulting from any negligent acts, errors and/or omissions of CB & M Surveys, its agents and/or employees is limited to the total fees actually paid by the client to CB & M Surveys for services rendered by CB & M Surveys contained therein. Declaration is made to the current title holder. It is not transferable to additional institutions, or subsequent owners. Limitation of Liability Case: 1800 Ocotillo, LLC v. The WLB Group, Inc., Supreme Court of Arizona, 219 Ariz. 200; 196 P.3d 222; 2008 Ariz. – Decided November 03, 2008.

Title Search

This survey certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose. This survey and the surveyor's report was done, **WITHOUT** the benefit of an updated title commitment.

SURVEYOR'S REPORT

In accordance with Title 865 Article 1, Chapter 12, Section 1 through 29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of lines and corners established on this survey as a result of:

- Variances in the reference monuments;
- Discrepancies in record descriptions and plats
- Inconsistencies in line of occupation;
- Uncertainty of measurements made due to random errors

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject parcel established this survey does not exceed that allowable for a Rural Class survey (0.26 feet and 200 ppm) as defined in IAC 865.

This survey has a relative positional accuracy of 1.32 feet.

The east line follows the centerline of County Road 1450 West and the roadway has a 40 foot right of way being 20 feet on each side of the centerline. The roadway is gravel and would appear not to have been relocated by past mining, this line has an uncertainty of 4 feet in the east to west direction, due to no control monuments were recovered and the location was based on the centerline of the existing gravel roadway and gravel roadways can move over time.

The south line has an uncertainty of 10.5 feet in the north to south direction, this line is based on the monumentation set by the Griffin survey dated April 7, 2007 that used a straight line to mark the entire south line of the subject section. The old 1881 survey calls for the distance of 5423.88 feet from the south quarter of Section 20 to the south quarter of Section 29 and we measured 5413.39 feet, difference of 10.49 feet. I believe the location of the south line as marked this survey is the correct location to agree with the Griffin survey that has already re-established and conveyed 480 acres within the subject section.

The west line has an uncertainty of 5 feet in the east to west direction, location was based on the Griffin survey of 2007.

The north line has an uncertainty of 6 feet in the north to south direction due to the mathematics of the section.

The above uncertainty is based on the historical data and mathematics of the section, I believe the location re-established this survey will stand-up and hold in a court of law.

The following monuments, deeds of record, and surveys were used to perform this survey. The following list of surveys and or documents are hereby incorporated into this survey documentation. To have a better understanding of the reasons a monument was placed or accepted or not accepted, will require that you read the surveys and or documents listed below or shown on the attached plat of survey. The subject description is only one piece of the puzzle that has to fit within a limited area, that contains other descriptions and monumentation.

1. Deeds and monuments as shown on this plat.
2. The Government Survey that created the subject section was done by Dan Sullivan, survey dated 1811. This survey calls for the east and west sides to measure 5280 feet and the south side to be 33 feet longer along with the north side being 71.28 feet longer than the standard one mile length.
3. Legal Survey dated May 30, 1832, recorded in Book 1 Page 9. This survey covered part of Section 19 being west of the subject section. The survey is located in the southwest quarter of Section 19.
4. Legal Survey done by F. B. Cressy dated 1847, recorded in Book 1 Page 161. This survey re-established the line between Sections 19 and 20.

5. Legal Survey dated November 14, 1883, recorded in Book 4 Page 26, done by Francis Parker in Section 17 being located on the north side of the subject Section 20. This survey re-established all of the parcels within Section 17 and was requested by all of the title holders at that time, being 16 owners. The survey would have re-established the north line of the subject Section 20.
6. Legal Survey dated February 4, 1881, done by Francis Parker for Section 20, recorded in Book 3 Page 99. This survey ran the east to west half line and placed 116.16 feet more in the east half than the west half and was signed and agreed upon by the current land owners of 1881. The survey reads the following "By agreement, Tom Beck, Tom Padget, William Fry". That same distance is shown as 101.85 feet more land in the east half. This survey would have created center of section. The Griffin survey of 2007 based the center of section on a bearing - bearing location which is the incorrect method due to this Legal Survey but I accepted the location due to it being well within the allowable error. The Griffin survey has created and transferred $\frac{3}{4}$ of the sectional area thereby I will not change his method of dividing the section and this survey will follow in Griffin's foot-steps.
7. Legal Survey dated January 10, 1881, recorded in Book 3 Page 96. This survey was for a road location and the survey ran both the west line of Sections 29 and 20 and the north to south half lines and quarter lines of both sections. The only road that runs the full distance today would be the County Road 1500 West. This is due to surface mining in both Section 20 and Section 29.
8. Legal Survey dated July 31, 1894, petition of land. This survey set 10 stones in the east half of Section 21. With 3 of the stones along the north to south quarter line.
9. Survey dated July 30, 2004 done by Jones. This survey is located in Section 17, north of the subject section. Jones accepted the old concrete post and also used the Parker survey of 1883.
10. Survey dated 09-08-2005 done by Campbell in Section 17.
11. Survey done by Griffin dated April 7, 2007. This survey was not found of recorded but it covers all of Section 20 and Section 21. The survey calls out the outside corners and quarter corners of both sections and was used as the primary basis of control for this survey. Griffin then comes back to the same area and divides the property during a survey dated March 30, 2011 and this survey is recorded 06-01-2011 as Instrument Number 201100002048. The northern $\frac{3}{4}$ of Section 20 was divided and sold off per the Griffin survey of 2011, thereby the survey has played a major part of how the section needs to be subdivided.
12. Survey dated 12-26 2002 done by Rowland, recorded as Instrument Number 200300000049 in Section 21.

The following opinions come from a licensed land surveyor of the State of Indiana and NOT a licensed ATTORNEY, any and all title issues should be cross referenced with a land title attorney for any and all legal opinions on property rights. This survey and the surveyor's report was done WITHOUT the benefit of an updated title commitment thereby there may be documents NOT found in the Courthouse that may have an effect on this survey and there may be private agreements, not shown on this survey.

KEY POINTS

The following is a brief discussion of the key points used to control this survey.

Due to $\frac{3}{4}$ of Section 20 has been divide into new parcels per the Griffin surveys it is important to use the same sectional control that was accepted by Griffin to keep all of the parcels in check. The subject parcel being deeded as 5 acres measured 5.91 acre and this is due to the subject section being larger in the east half than the west half which is covered in the above references. The location of the County Roadway controls the east side thereof and the north half and the south half of the Southwest Quarter of the Southeast Quarter is based on the mathematics of the Quarter-Quarter not acreage that

was conveyed. If Mr. Griffin would have done more research he would have found that the center of section was never based on a bearing – bearing intersection and the south quarter corner was not placed on a straight line between sectional corners, the 1800 surveys would have pushed this corner north. All of this would have helped re-establish the east to west, south quarter – quarter line more in line with the existing county roadway. As surveyed by Griffin the line is 60 feet south of the centerline near the north to south quarter line. Since I did not find a survey for County Road 575 South and the fact that the subject parcel does have road frontage along the east side and the fact that the subject parcel is larger than deeded, I accepted Griffin's survey but I cannot say that I would have placed the sectional corners in the same location. Most of this is due to knowing the local history of surveys and also knowing the written history of the area and the written instruction of surveying is not the 1815 codes because the ground was created in 1811 and the legal surveys did not follow the letter of instruction of 1815.

The subject survey is written in a way that we had to survey the full one mile block or section containing 640 acres more or less and then divide the section up into equal part all the way down to a 20 acres tract and then locate the north to south gravel roadway. The acreages shown on the surrounding descriptions show that the writers of the parcels know where the roadway is located and that the north one half lying west of the roadway is larger than the south one half. This could be because the roadways have been surveyed back in the late 1800's and if that is true then the roadways themselves become monuments that may be why over 95 percent of all roadways run along and with parcel divide lines.

The 20 foot witness rebar set on the south line is also on the top of an existing high-wall. The remaining 343.43 feet of the south line runs out into and across the pit. The southwest corner was not set due to it being inaccessible because of the old mine pit and spoil ground. The 25 foot witness on the north line is also on the top of the same high-wall and the corner is located in the pit. We did recover a 131 foot long strip of fencing and a partial tree line approximately 11 feet north of the north boundary line. A fence line / tree line being approximately 1/3 the length of the boundary line does not establish a true line of occupation.

SURVEYOR'S NOTES:

- 1) Declaration is made to the current title holder. It is not transferable to additional institutions, or subsequent owners.
- 2) Subsurface and environmental conditions were not examined or considered as part of this survey.
- 3) This document and plat is hereby copyright protected "© 1992-2011, CB & M Surveys Inc., James C. Tibbett PLS President," all right reserved. This survey is being provided solely for the use of the current parties and that no license has been created, express or implied to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within the next 12 months, from the last date this document was signed by the Professional Land Surveyor.

Certification Date: December 6, 2011

Redact Statement:

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Prepared by:

Surveyor's Signature:

James C. Tibbett, P.L.S.

Indiana Registry # LS80910029

Illinois Registry #035-003652

Ohio Registry # 8332

Kentucky Registry # 3942