

200900001868
Filed for Record in
BROWN COUNTY, IN
SANDY CAIN
05-07-2009 At 09:39 am.
WARR DEED 22.00
DR Book 147 Page 1919 - 1922

Parcel Numbers 002-083-34.00-002.00 and
002-083-35.00-006.00

WARRANTY DEED

THIS INDENTURE WITNESSETH, that ERMA LEE GUTH ("Grantor"), of Marion County, Indiana, **CONVEYS AND WARRANTS** for no consideration to ERMA LEE GUTH, Trustee of the TRUST CREATED BY ERMA LEE GUTH dated August 7, 1996 ("Grantee"), of Marion County, Indiana, the following described real estate in Brown County, Indiana:

SEE ATTACHED EXHIBIT "A"

Subject to all taxes, assessments, mortgages and liens of record.

Subject also to all easements, rights of way and highways of record.

Subject to the Restrictions and Covenants attached hereto and made a part hereof as Exhibit "B."

To have and to hold the said real estate in trust. The Trustee shall have those powers conferred by law and there are no limitations or modifications of such statutory provisions. The Trustee is empowered by the Trust Indenture to own real estate and to sell, lease, mortgage and convey real estate. Grantees taking title to real estate from the Trustee are excused from all responsibility with respect to the propriety of the Trustee's actions in conveying same, handling the proceeds of any such sale and/or other act purportedly done by virtue of the terms of said trust.

IN WITNESS WHEREOF, the Grantor has executed this Warranty Deed this 1 day of May, 2009.

Erma Lee Guth by Stanley W. Guth, P.O.A.
Erma Lee Guth
By: Stanley W. Guth, Power of Attorney
Instrument Number: 200900001684

FILED

MAY 07 2009

**ASSESSOR
BROWN CO.**

**DULY ENTERED
FOR TAXATION**

MAY 07 2009

Mari H. Miller
AUDITOR OF BROWN COUNTY

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Erma Lee Guth who acknowledged execution of the foregoing Warranty Deed and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and notarial seal this 1 day of May, 2009.

Glenda Karr
Notary Public

Glenda Karr
Printed

My Commission Expires:

10/29/09

County of Residence:

Marion

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. Jon F. Spadorcia.

Return to: Jon F. Spadorcia, Hall Render Killian Heath & Lyman P.C., Suite 2000, Box 82064, One American Square, Indianapolis, Indiana 46282

Send Tax statements to: 6525 Wyman Court, Indianapolis, IN 46220

This instrument prepared by Jon F. Spadorcia, Hall, Render, Killian, Heath & Lyman, P.C., Suite 2000, Box 82064, One American Square, Indianapolis, Indiana 46282

820985v1



GLEND A KARR
NOTARY PUBLIC-STATE OF INDIANA
RESIDENT OF MARION COUNTY
MY COMMISSION EXPIRES 10/29/09

EXHIBIT "A"

PARCEL NO. I:

Part of the Northeast quarter of the Northeast quarter;
part of the Southeast quarter of the Northeast quarter; and
part of the Northeast quarter of the Southeast quarter in Section 34,
Township 8 North, Range 3 East of the Second Principal Meridian,
described as follows:

Beginning at the Northeast corner of the East half of the Northeast
quarter of the said section;
thence South on and along the East line of the said half quarter
section 2,332.09 feet;
thence West 433.46 feet;
thence South 16 degrees and 42 minutes West 814.32 feet to the center
line of State Road No. 135;
thence South 46 degrees and 57 minutes East on and along the said
center line 50.00 feet;
thence South 53 degrees and 30 minutes East on and along the said
center line 100.00 feet;
thence South 56 degrees and 44 minutes East on and along the said
center line 75.00 feet;
thence South 62 degrees and 09 minutes East on and along the said
center line 50.00 feet;
thence South 73 degrees and 12 minutes 30 seconds East on and along the
said center line 50.00 feet;
thence South 82 degrees and 54 minutes East on and along the said
center line 50.00 feet;
thence North 86 degrees 39 minutes East on and along the said center
line 242.25 feet;
thence North 85 degrees 03 minutes East on and along the said center
line 104.84 feet to the East line of the said Northeast quarter of the
Southeast quarter of the said section;
thence South on and along the said East line 376.08 feet to the center
line of Hamilton Creek;
thence North 85 degrees and 27 minutes and 30 seconds West on and along
the said center line 189.32 feet;
thence South 52 degrees and 56 minutes West on and along the said
center line 192.90 feet;
thence North 83 degrees and 37 minutes and 30 seconds West on and along
the said center line 137.26 feet;
thence North 30 degrees and 07 minutes West on and along the said
center line 66.55 feet;
thence North 46 degrees and 57 minutes West on and along the said
center line 1,102.95 feet to the West line of the said quarter quarter
section;
thence North on and along the said West line and the West line of the
East half of the Northeast quarter of the said section 2,839.47 feet to
the Northwest corner of the said East half of the Northeast quarter;
thence East on and along the North line of the said half quarter
section 1,346.00 feet to the place of beginning, containing 91.70
acres, more or less.

PARCEL NO. II:

Part of the West half of the Northwest quarter of Section 35, Township
8 North, Range 3 East of the Second Principal Meridian, described as
follows:

Beginning on the West line of the said half quarter section at a point
that is 127.0 feet South of the Northwest corner thereof, said point
being in the centerline of a creek;
thence South 5 degrees 45 minutes East on and along said centerline
306.05 feet;
thence South 27 degrees East on and along the said centerline 265.42
feet;
thence South 02 degrees 15 minutes West on and along the said
centerline 224.25 feet;
thence South 09 degrees 15 minutes West on and along the said
centerline 197.90 feet;
thence South 52 degrees East on and along the said centerline 287.40
feet;
thence South 21 degrees 45 minutes West on and along the said
centerline 223.18 feet;
thence South 09 degrees 30 minutes East on and along the said
centerline 342.10 feet;
thence South 17 degrees 45 minutes East on and along the said
centerline 171.65 feet;
thence South 02 degrees 30 minutes East on and along the said
centerline 227.20 feet;
thence South 15 degrees 00 minutes East on and along the said
centerline 143.04 feet;
thence West 387.99 feet to the West line of the said half quarter
section, said point being 366.29 feet North of the Southwest corner
thereof;
thence North on and along the said West line 2,205.09 feet to the place
of beginning, containing 11.04 acres, more or less.

EXHIBIT "B"

RESTRICTIONS AND COVENANTS

The real estate described in Exhibit "A" preceding this Exhibit "B" shall be subject to the following restrictions and covenants, to-wit:

1. There shall be no commercial or industrial use or development permitted on any part of the real estate, including poultry, swine, cattle, stockyard or feed lot operations.
2. The real estate shall not be subdivided into smaller parcels and no additional residential structures shall be permitted except that one parcel, known as the "Scott Property", may be separately sold and a single family residential structure with appropriate accessory buildings may be constructed thereon.
3. No trailers or mobile homes, whether temporary or permanent, shall be permitted on any part of the real estate.
4. No timber shall be harvested from the real estate and no clear cutting shall be permitted except within an authorized building site. Only dead trees may be used for firewood, and only for personal (not commercial) use of occupants.
5. These restrictions and covenants shall constitute covenants running with the land and shall inure to the benefit of and be binding upon the present and all future owners of any part of the real estate described in said Exhibit "A", and further, shall inure to the benefit of and be binding upon the present and all future owners of any part of the adjoining real estate conveyed by Grantor by Warranty Deed of even date herewith, to John A. Dixon and Bonnie L. Dixon, Husband and Wife.