



## PRELIMINARY TITLE SEARCH REPORT

Prepared By:  
**Security 1<sup>st</sup> Title**  
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Prepared Exclusively For:  
**Sundgren Realty**  
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Contact: **Jeremy Sundgren**  
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**realty@sundgren.com**

Report No: **2492291A-5**

Report Effective Date: **December 7, 2021, at 7:30 a.m.**

Property Address: **00000 S. 56 Hwy, Osage City, KS 66523**

This Title Search Report is NOT a commitment to insure and is not to be construed as an Abstract of Title or Title Opinion. It has been issued as a Report as to the status of title for the specific benefit of **Sundgren Realty**, and as such should not be relied upon by any other party for any Real Estate Transaction. Any and all loss or damage that may occur by reason of any errors and omissions in this Company's Report is limited to \$1,000.00 and the fee it received for the preparation and issuance of this report, if any.

1. **Fee Simple** interest in the Land described in this Report is owned, at the Report Effective Date, by

[Brenda J. Lyman Trust under Trust Agreement dated December 4, 1997](#)

2. The Land referred to in this Report is described as follows:

**Tract 1:**

**The Southeast 1/4 of the Southwest 1/4 of Section 11, Township 16 South, Range 14 East of the 6th P.M., in Osage County, Kansas, less coal and coal mining rights.**

**Tract 2:**

**The Northwest ¼ of Section 14, Township 16 South, Range 14 East of the 6th P.M., in Osage County, Kansas except a tract beginning at the Northwest corner of Section 14 thence South on the section line on West side of section to the quarter corner common to the North ½ and South ½ of said section thence East on the quarter line 35 feet, thence North and parallel to the section line on West side of section to the section line on North side of section, thence West on section line 35 feet to the place of beginning, containing in all 2.067 acres more or less, which includes .349 acres more than the present road right of way and except a tract beginning at the**



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**Southwest corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of North 00 degrees 04 minutes 24 seconds West, 807.689 meters (2649.90 feet) along the West line to the North line of said Quarter Section; SECOND COURSE, thence North 89 degrees 49 minutes 42 seconds East, 40.436 meters (132.66 feet) along said North line; THIRD COURSE, thence South 02 degrees 17 minutes 26 seconds West, 65.127 meters (213.67 feet); FOURTH COURSE, thence South 04 degrees 32 minutes 50 seconds West, 250,789 meters (822.80 feet) to the East right of way line of the existing highway; FIFTH COURSE, thence South 00 degrees 01 minute 42 seconds West, 492.714 meters (1616.52 feet) along said right of way line to the South line of said Quarter Section; SIXTH COURSE, thence South 89 degrees 55 minutes 36 seconds West, 16.673 meters (54.70 feet) along said South line to the point of beginning.**

3. If asked to issue a title insurance commitment for a potential buyer of the subject property, the commitment would include the following requirements, along with any other matters that may arise after the date of this report:
  1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
  2. Pay the agreed amount for the estate or interest to be insured.
  3. Pay the premiums, fees, and charges for the Policy to the Company.
  4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
  5. **File a death certificate for Brenda J. Lyman.**
  6. **Furnish for our approval a Certification of Trust that is given pursuant to KSA 58a-1013 of the Kansas Uniform Trust Code, which may be executed by any of the current trustees of the Brenda J. Lyman Trust under Trust Agreement dated December 4, 1997.**

**In the alternative, we may be provided with a copy of said Trust together with all amendments thereto. We reserve the right to make any additional requirements we deem necessary.**



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- 7. File a Trustee's Deed from the current acting trustees of the Brenda J. Lyman Trust under Trust Agreement dated December 4, 1997 to To Be Determined.**
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4. If asked to issue a title insurance commitment for a potential buyer of the subject property, the commitment would include the following exceptions, along with any other matters that may arise after the date of this report:
    1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met
    2. Rights or claims of parties in possession not shown by the Public Records
    3. Easements, or claims of easements, not shown by the Public Records
    4. Any encroachment, encumbrance, violation, variation or adverse circumstances affecting Title that would be disclosed by an accurate and complete survey of the Land or that could be ascertained by an inspection of the Land
    5. Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
    6. Taxes, or special assessments, if any, not shown as existing liens by the Public Records
    7. **Tract 1: General taxes and special assessments for the fiscal year 2021 in the original amount of \$1,007.54.**  
**First Installment: \$503.77, Due, but not delinquent until December 20, 2021.**  
**Second Installment: \$503.77, Due, but not delinquent until May 10, 2022.**  
**Property I.D. # [1-08141](#)**  
**CAMA # [146-14-0-00-002.00-0-01](#)**



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8. **Tract 2: General taxes and special assessments for the fiscal year 2021 in the original amount of \$579.94.**  
**First Installment: \$289.97, Due, but not delinquent until December 20, 2021.**  
**Second Installment: \$289.97, Due, but not delinquent until May 10, 2022.**  
**Property I.D. # [1-08072](#)**  
**CAMA # [141-11-0-00-00-012.00-0-01](#)**
9. **Subject to existing road, street or highway rights of way.**
10. **Any inaccuracy in the area, square footage, or acreage of land described in Schedule A. The Company does not insure the area, square footage, or acreage of the land. (Tract 2)**
11. **Subject to Coal Reservation as shown in prior deeds. (Tract 1)**
12. **Agreement as set forth in the instrument filed as [Book C of Leases, Page 3](#). (Tract 2) (NOTE: Copy is not legible)**
13. **Deed for Highway Purposes to The State of Kansas, as set forth in the instrument filed as [Book 188, Page 84](#). (Tract 2)**
14. **Case No. 11012 filed in the District Court of Osage County, Kansas, in the Matter of the Condemnation of Land for State Highway Purposes, recorded January 30, 1937 in the Office of the Register of Deeds of Osage County, Kansas in [Book 24 Misc., Page 580](#). (Tract 2)**
15. **Terms and provisions of the oil and gas lease executed between The Cherokee & Pittsburg Coal and Mining Company, a Kansas corporation, lessor, and Santa Fe Land Improvement Company, a California corporation, lessee, for a primary term of 99 years, filed August 23, 1946, recorded in/on [Book 29 Misc, Page 494](#), together with all subsequent assignments and conveyances. (Tract 1)**

**NOTE: If there is no production of oil and gas from all of the property covered by the above lease; if any set terms including options to renew in the lease have expired; and if a properly executed Affidavit of Non-Production is recorded, the above exception will not appear on the policy to be issued.**



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16. **Subject to Osage County Comprehensive Plan Update - 1983 Zoning Regulations, Subdivision Regulations, as set forth in Book M 41, Page 926, and all amendments thereto.**
  
17. **Survey as set forth by the instrument filed as [Book M 83, Page 880](#).**

Dated: **December 7, 2021, at 7:30 a.m.**

SECURITY 1<sup>ST</sup> TITLE

By: \_\_\_\_\_

LICENSED ABSTRACTER