

043029RM
LLL

Chicago Title Insurance Company

A corporation of California, herein called the Company

for a valuable consideration, hereby commits to issues its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefore; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

Rowland Title Company
3503 West Fox Ridge Lane
Muncie, IN 47304
Phone: (765) 288-1045
Fax: (765) 288-1968

SCHEDULE A

Policy or Policies to be issued:

<u>Commitment No.</u>	Judgment Date: <u>Effective Date:</u>	ALTA 1998 Homeowner's Policy	ALTA Loan Policy <u>(10-17-92)</u>
043029RM	12-15-2004 at 8:00 a.m.	\$136,500.00	\$0.00

Proposed Insured -- LOAN:

RANDOLPH COUNTY BANK, its successors and/or assigns as their interest may appear

Proposed Insured -- OWNER'S:

THOMAS R. SWINGLEY and SHARON S. SWINGLEY

The estate or interest in the land described or referred to in the Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

ELAINE M. ROUTH, Personal Representative of the Estate of Margaret D. Burton, Deceased

The land referred to in this Commitment is described as follows:

Commonly known as: **8600 EAST WINDSOR ROAD, MUNCIE, INDIANA 47302**

NOTE: The street address is shown for identification purposes and for convenience only. It should not be construed as insuring the accuracy of the street address as it relates to the insured premises.

SEE ATTACHED LEGAL

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A part of the Southeast Quarter of the Southwest Quarter of Section 28, Township 20 North, Range 11 East, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 28, Township 20 North, Range 11 East; running thence East on the South line of the said Southeast Quarter of the Southwest Quarter 396 feet; thence North parallel with the West line of the said Southeast Quarter of the Southwest Quarter 660 feet; thence West parallel with the South line of the said Southeast Quarter of the Southwest Quarter 396 feet to the West line of the said Southeast Quarter of the Southwest Quarter; thence South on the West line of the said Southeast Quarter of the Southwest Quarter 660 feet to the point of beginning. Estimated to contain 6.00 acres, more or less.

NOTE: The acreage indicated in the legal description is solely for the purpose of identifying the said tract and should not be construed as insuring the quantity of land.



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Chicago Title Insurance Company Requirements Page

The following are the requirements to be complied with:

1. Payment of the full consideration to, or for the account of, the grantors or mortgagors should be made.
2. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
3. The Unsupervised Testate Estate of MARGARET D. BURTON, Deceased pends in the CIRCUIT COURT of DELAWARE County, Under Estate Number 18C01-0403-EU-61. The Personal Representative is ELAINE M. ROUTH.
 - A. PERSONAL REPRESENTATIVES Deed from ELAINE M. ROUTH, as Personal Representative of the Unsupervised Estate of MARGARET D. BURTON, Deceased to THOMAS R. SWINGLEY and SHARON S. SWINGLEY, prepared and executed in accordance with the requirements contained in this commitment.
 - B. We require that the conveyance from the personal representative of the Estate to THOMAS R. SWINGLEY and SHARON S. SWINGLEY recite that it is being executed by virtue of his power under Indiana law dealing with said Unsupervised Estate.
 - C. In the event the subject real estate is not sold during the course of administration of the estate, then a judgment search must be made versus the legal heirs of the last will of said decedent.
 - D. In the event the land is not sold by the personal representative as required above, exception will be made to debts, claims, death taxes, costs of administration and any proceedings had during the course of administration of the estate.
 - E. Mortgage from THOMAS R. SWINGLEY and SHARON S. SWINGLEY to RANDOLPH COUNTY BANK for amount of policy duly executed and recorded.
4. It is contemplated that a 1998 Homeowner's Policy will be issued so long as Rowland Title Company receives an acceptable form of Residential Sellers Affidavit signed by an owner occupant of the property and that no other matter comes to the Title Company's attention which would prohibit the issuance of such a policy. If the property DOES NOT meet the qualifications for the 1998 Homeowner's Policy, an ALTA Owner's Policy (10-17-92) will be issued.
5. Payment of taxes and assessments as shown at Special Exception(s) 1-2, if any.
6. Effective July 1, 1993, a Sales Disclosure Form must be filed with the county auditor at the time of recording of most deeds and land contracts as required by IC 6-1.1-5.5. A fee of \$10.00 must be paid to the auditor at the time of filing.
7. Pay Rowland Title Company the premiums, fees and charges for the policy.
8. Please notify Rowland Title Company in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. Rowland Title Company may then make additional requirements and exceptions.

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9. Possible Municipal Assessments or impact fees levied by the TOWN OF SELMA.
10. Vendor's Affidavit satisfactory to Chicago Title Insurance Company should be furnished.
11. Standard Mortgagor's Affidavit.
12. Update title insurance commitment the day of closing.

NOTE: These requirements are suggested solutions only. There may be other ways of solving the issues raised in this commitment.



Commitment No. 043029RM

**Chicago Title Insurance Company
SCHEDULE B**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- A. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable should be made.
- B. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by the Commitment.
- C. Any Owner's Policy issued pursuant hereto will contain under Schedule B the General Exceptions set forth below. Any Loan Policy will contain under Schedule B General Exceptions 1, 2 and 3 unless a satisfactory survey is furnished; General Exception 4 will appear unless satisfactory evidence is furnished that improvements and/or repairs or alterations thereto are completed; that contractor, subcontractors, labor and materialmen are all paid.

General Exceptions:

- 1. Rights or Claims of parties in possession not shown by the public records.
- 2. Easements, or claims of easements, not shown by the public records.
- 3. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
- 4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by any public records.
- 5. Taxes or special assessments which are not shown as existing liens by the public record.

Special Exceptions:

1. Taxes for 2003 due and payable in 2004:

(SE QTR SW QTR 28-20-11 6.00A)

- A. 1st Installment due June 18, 2004 - - - - - \$575.27 PAID
- B. 2nd Installment due November 10, 2004 - - - - - \$575.27 PAID

in the name of BURTON, MARGARET D, Parcel No. 12283000080000; Taxing Unit: LIBERTY TOWNSHIP-10. Value of land \$22300.00, value of improvements \$88900.00. Homestead Exemption \$35000.00. Mortgage Exemption \$0.00. \$Old Age Exemption \$6000.00.

NOTE: THE ABOVE REAL ESTATE TAX INFORMATION WAS TAKEN FROM THE TREASURER'S COMPUTER SYSTEM. SAID INFORMATION, WHILE BELIEVED TO BE ACCURATE, IS SUBJECT TO CHANGE WITHOUT NOTICE.

- 2. Taxes for the year 2004 payable 2005, such taxes are not yet due and payable.
- 3. Rights of way for drainage tiles, ditches, feeders and laterals, if any.
- 4. Rights of the public, the State of Indiana, and County of DELAWARE and the municipality and public utilities in and to that part of the premises taken or used for road and right of way purposes.

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5. Subject to the restrictions set out in Warranty Deed recorded July 7, 1967 in Deed Record 473, Page 147-148 of the records of Delaware County, Indiana.
6. Subject to a strip of ground 25 feet in equal width off of the entire East side and a strip of ground 25 feet in equal width off of the entire South side reserved for highway purposes and public utilities.
7. Judgment search has been made versus MARGARET D. BURTON, individually, and NONE FOUND.
8. Subject to an examination for judgments against the proposed insured. (Does not affect lender's policy.).

-- End of Schedule B --



Rowland Title Company

3503 West Fox Ridge Lane, Muncie, IN 47304
 ph. 765-288-1045 fax 765-288-1968

Statement

LLL

COMMITMENT NO. 043029RM

STATEMENT FOR TITLE WORK

PREPARED FOR: ERA/EAGLE REAL ESTATE
 ATTN: RYAN ORR (USE EMAIL)
 ADDRESS: 4020 NORTH ROSEWOOD AVENUE, MUNCIE, INDIANA, 47304
 PHONE NO.: 765-741-9111
 FAX NO.: 765-288-2511
 ALSO FAX TO: BILL DAVIS 765-584-1344
 ALSO FAX TO: DULA JARIAL (USE EMAIL) 765-288-2511

OWNER'S NAME: ELAINE M. ROUTH, Personal Representative of the Estate of Margaret D. Burton, Deceased
 BUYER'S NAME: THOMAS R. SWINGLEY and SHARON S. SWINGLEY
 PROPERTY ADDRESS: 8600 EAST WINDSOR ROAD, MUNCIE, INDIANA 47302

OWNER'S AMOUNT	\$136,500.00	CHICAGO HOP	\$459.00
LENDER'S AMOUNT	\$0.00		\$50.00
HOMEOWNER'S POLICY		Amount	\$25.00
		Amount	\$0.00
		TOTAL	\$534.00

FAXED THIS DATE: December 22, 2004

THIS IS A STATEMENT FOR TITLE WORK. FINAL INVOICE COST WILL REFLECT CLOSING COSTS, RECORDINGS, AND OTHER ADDITIONAL CHARGES.

To schedule closings contact Sunshine at 288-1045

CHICAGO TITLE INSURANCE COMPANY
TICOR TITLE INSURANCE COMPANY(Members of the Fidelity National Financial, Inc. group of companies)
Fidelity National Financial Group of Companies' Privacy Statement

July 1, 2001

We recognize and respect the privacy expectation of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the Right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- # From applications or other forms we receive from you or your authorized representative
- # From your transactions with, or from the services being performed by us, our affiliates, or other;
- # From our internet web sites;
- # From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- # From consumer or other reporting agencies

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- # to agents, brokers or representatives to provide you with services you have requested;
- # to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- # to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Rights to Access Your Personal Information and Ability To Correct Errors or Request changes or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
4050 Calle Real, Suite 220
Santa Barbara, CA 93110

Multiple Products or Services

If we provide you with more than one financial products or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.



**ROWLAND TITLE COMPANY OF MADISON COUNTY, LLC.
ROWLAND TITLE COMPANY OF DELAWARE COUNTY, LLC.**

PRIVACY POLICY NOTICE

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (the Privacy Act) generally prohibits any financial institution, including a land title and/or escrow company, directly or through its affiliates, from sharing nonpublic personal information about you with a non-affiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the (the Privacy Act) we are providing you with this document which notifies you of the privacy policies and practices of ROWLAND TITLE COMPANY.

We may collect nonpublic personal information about you from the following sources:

- # Information we receive from you, such as on applications or other forms.
- # Information about your transactions we secure from our files, or from our affiliates or others
- # Information we receive from a consumer reporting agency.
- # Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to non-affiliated third parties as permitted by law.

We do NOT disclose information about our customers or former customers to other companies for marketing services.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic person information.