



Transaction Identification Data for reference only:

Issuing Agent: **GREGORY COUNTY TITLE COMPANY**
Issuing Office: **742 MAIN STREET , BURKE, SD 57523**
Issuing Office's ALTA Registry ID: **0002665**
Loan ID Number:
Commitment Number: **2020-053**
Issuing Office File Number: **2020-053**
Property Address: **1101 Main, Burke, SD 57523**
Revision Number:

Schedule A

1. Commitment Date: **06/11/20** at **8 : 00 . a . m .**
2. Policy to be issued: Proposed Policy Amount:
(a) ALTA Owner's Policy 2006 **\$5,000.00**
Proposed Insured:
Delbert Miller or his designee

(b) ALTA Loan Policy 2006 \$
Proposed Insured:

3. The estate or interest in the Land described or referred to in this Commitment is **Fee Simple**

4. The Title is, at the Commitment Date, vested in:
Delbert Miller

5. The Land is described as follows:

See Exhibit "A" attached hereto and made a part hereof.

Agent Name: **Gregory County Title Company**


Authorized Signatory

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved. The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





CHICAGO TITLE INSURANCE COMPANY
AMERICAN LAND TITLE ASSOCIATION COMMITMENT

EXHIBIT "A"

File No.: **2020-053**

The Land is described as follows:

Lot R-19, a Subdivision of Railroad Right of Way in the City of Burke, Gregory County, South Dakota, located in the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-one (31), Township Ninety-seven (97) North, Range Seventy-one (71) West of the 5th P.M., Gregory County, South Dakota.



SCHEDULE B, PART I
Requirements

File No.: **2020-053**

All of the following Requirements must be met:

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.
- a. As Delbert Miller is deceased, his estate must be properly completed and federal estate tax must be paid. If the property is to be sold by the Personal Representative, a properly executed Personal Representative's Deed (with Certified Letters of Personal Representative attached and the language indicating that the Personal Representative has not been removed and the estate has not been terminated) to the proposed insured must be placed of record.**
See Continuation Sheet

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved. The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





**SCHEDULE B, PART I
Requirements (Continued)**

File No.: 2020-053

- b. The mortgage, if any, we are asked to insure must be properly executed by _____, with marital status indicated, and must be placed of record.

5. A properly executed Affidavit and General Indemnity Agreement provided by us and attached hereto, must be properly completed and executed by the Seller(s) and Buyer(s) and returned to our office.

6. The Proposed Policy Amount must be increased to the full value of the estate or interest being insured, and any addition premium must be paid at that time. An Owner's Policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount will be revised and premiums charged consistent therewith when the final amounts are approved.

7. For each policy to be issued as identified in Schedule A, Item 2, the Company shall not be liable under this commitment until it receives a designation for a Proposed Insured, acceptable to the company. As provided in Commitment Conditions 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.

INFORMATIONAL NOTES:

NOTE: The record discloses no transfers within the last 24 months. The last transfer of record is:

Quit Claim Deed executed by Louis D. Tolstedt, Trustee, to Delbert Miller, dated September 1, 1981, filed September 2, 1981 at 8:35 A.M., recorded in Book 73 of Deeds, page 125.

NOTE: This policy does not include a search for financing statements filed in the office of the Secretary of State or in County Register of Deeds Office other than those recorded in the real estate records of said county.

NOTE: If documents are executed outside of closing in our office; they must be notarized in the presence of an attorney, Chicago Title Insurance Company representative or the insured lender.

NOTE: Photo ID will be required at closing.

NOTE: Please be advised that the Tax Reform Act of 1986 requires that the following information be provided at closing:

- A) Seller's Tax Identification Number or Social Security Number.
- B) Seller's full address after the closing.

See Continuation Sheet



CHICAGO TITLE INSURANCE COMPANY
AMERICAN LAND TITLE ASSOCIATION COMMITMENT

**SCHEDULE B, PART I
Requirements (Continued)**

File No.: **2020-053**

NOTE: Any charges for municipal services (i.e., water, sewer, correction of nuisance conditions, etc.) are the responsibility of the parties to this transaction. For information regarding the existence of any such bill, contact the appropriate municipal office.



SCHEDULE B, PART II

Exceptions

File No.: **2020-053**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

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. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien, or right to a 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 which are not shown as existing liens by the public records.
7. **The 2019 real estate taxes due and payable in 2020 are PAID IN FULL and assessed as follows:
 TAX ID# 5222 LOT R-19 SEC 31-97-71 RAILROAD R-O-W SUBD. TO CITY OF BURKE--\$556.82 PAID
 Subject to real estate taxes subsequent to the 2019 tax year which are not yet due and payable.**
8. **Exceptions, reservations, and restrictions contained in patents and deeds from any government entity.**
9. **Any existing easements, deeds and all instruments of transfer whether or not shown by public record or specifically set out in this title policy for roads, highways, ditches, canals, laterals and power and transmission lines, utility easements, railroad right of ways, and the right of the public and any governmental entity to that portion of the subject property used for such purposes.**
10. **Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.**
11. **We have not made any search for coal, metals, asphalt, oil, gas and other minerals and are not insuring any such interest, rights or reservations. Ownership or title to any mineral interest and the effect on the surface of the exercise of the mineral rights.**
See Continuation Sheet

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved. The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.





SCHEDULE B, PART II
Exceptions (Continued)

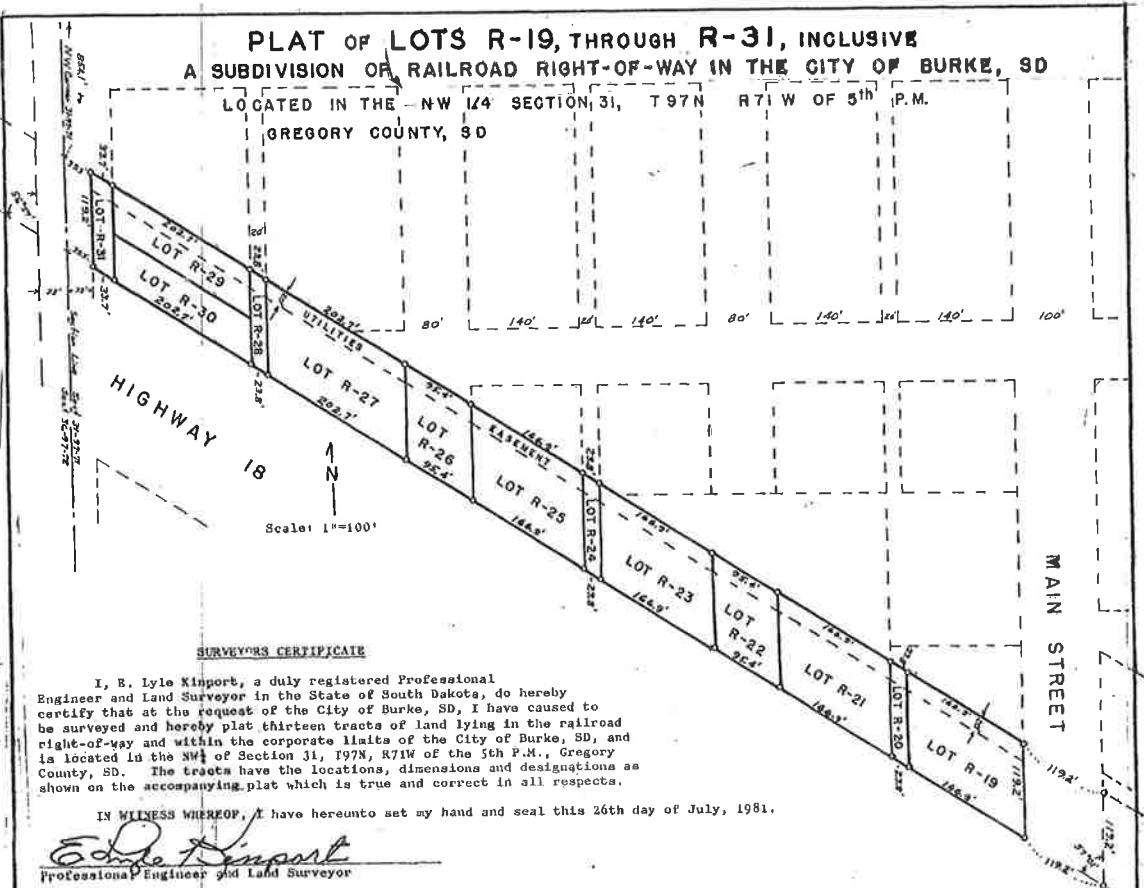
File No.: **2020-053**

12. **Statutory easements for highways along the section line or lines bounded or within the land herein described.**
13. **Rights of tenants in possession under the terms of unrecorded leases.**
14. **Subject to reservations and easement shown on the Plat of Lots R-19 through R-31, Inclusive A Subdivision of Railroad Right-of-Way in the City of Burke, SD, filed September 2, 1981, recorded in Book 7 of Plats, page 12. See copy attached.**

NOTE: As the proposed insured has not been determined, we reserve the right to add additional exceptions once we have been furnished with the name of the proposed insured.

7 pl-12

PLAT OF LOTS R-19, THROUGH R-31, INCLUSIVE
A SUBDIVISION OF RAILROAD RIGHT-OF-WAY IN THE CITY OF BURKE, SD
LOCATED IN THE NW 1/4 SECTION 31, T97N R71W OF 5th P.M.
GREGORY COUNTY, SD



SURVEYOR'S CERTIFICATE

I, E. Lyle Kimport, a duly registered Professional Engineer and Land Surveyor in the State of South Dakota, do hereby certify that at the request of the City of Burke, SD, I have caused to be surveyed and hereby plat thirteen tracts of land lying in the railroad right-of-way and within the corporate limits of the City of Burke, SD, and is located in the NW 1/4 of Section 31, T97N, R71W of the 5th P.M., Gregory County, SD. The tracts have the locations, dimensions and designations as shown on the accompanying plat which is true and correct in all respects.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of July, 1981.

E. Lyle Kimport
Professional Engineer and Land Surveyor

STATE OF SOUTH DAKOTA)
COUNTY OF DAVISON) ss

On this 25th day of July, 1981, before me, Ruth J. Huffman, the undersigned officer, personally appeared E. Lyle Kimport, known to me to be the person whose name is subscribed to the within SURVEYOR'S CERTIFICATE and he acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

My commission expires: February 26, 1983.

Ruth J. Huffman
Notary Public

OWNER'S CERTIFICATE OF DEDICATION

The Chicago and North Western Transportation Company, a Delaware corporation, hereby certifies that it is the Owner of a parcel of land in the City of Burke, SD, and has agreed to permit the City of Burke, SD, to request E. Lyle Kimport, a duly registered Professional Engineer and Land Surveyor in the State of South Dakota, to survey and plat said property as shown on the annexed survey and plat of LOTS R-19 through R-31, inclusive, and it hereby approves said survey.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

By: *R. J. Kennedy*

STATE OF ILLINOIS)
COUNTY OF COOK) ss

On this day, before me, the undersigned a Notary Public within the State and County aforesaid, personally appeared *R. S. Kennerley*, known to me to be *Manager of the Closing* of the CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY who executed the foregoing Certificate of Dedication, and acknowledged to me that he executed the same.

WITNESS/hand and seal this 13th day of August, 1981.

My Commission Expires: August 1980

A. M. Burns
Notary Public

RESOLUTION OF APPROVAL - CITY OF BURKE, SD.

WHEREAS, the owner of the tracts of land herein platted as LOTS R-19 through R-31, inclusive, which land was previously railroad right-of-way and lies entirely within the corporate limits of the City of Burke, SD, and is located in the NW 1/4 of Section 31, T97N, R71W of the 5th P.M., Gregory County, SD, having presented to the City Council of Burke, SD, for their consideration and acceptance the PLAT OF LOTS R-19 through R-31, inclusive, and the Council having examined the same and found the platting of said lots consistent with the existing plat of said City and that a utilities easement has been designated and the public use of the section line road and Main Street have been perpetuated, and

WHEREAS, the plat and survey thereof have been executed according to law, now therefore,
BE IT RESOLVED, by the City Council of Burke, SD, that said plat be approved.

CERTIFICATION BY CITY FINANCE OFFICER: I hereby certify that the foregoing resolution was adopted by the City Council of Burke, SD, at its regular meeting held on the 3 day of August, 1981.

Louis Tolstedt
Louis Tolstedt, City Finance Officer

RESOLUTION OF APPROVAL - GREGORY COUNTY COMMISSIONERS
(not applicable)

Gregory County Treasurer:

I, Ruth E. Jones, Treasurer of Gregory County, SD, do hereby certify that there are no unpaid taxes on the land described by the attached plat.

Ruth E. Jones
Gregory County Treasurer

Director of Equalization

I, Ralph Lunn, Director of Equalization of Gregory County, SD, do hereby certify that I have received a copy of the attached plat.

Ralph Lunn
Director of Equalization

FILED	COPY	INDEXED	RECORDED	INDEXED
-------	------	---------	----------	---------

REGISTER OF DEEDS

Filed for record this 2 day of Sept., 1981, at 8:10 A.M., o'clock,
on page 12 of plat book number 7

Melvin Steward
Melvin Steward, Register of Deeds

Fees \$ 5.00

21044