



Fidelity National Title Insurance Company

SCHEDULE A Revision A

Title No. **PRO-18-3339W**

File No. **PRO-18-3339W**

1. Commitment Date:
2. Policy or Policies to be issued: Amount of Insurance
 - (a) ALTA Owner's Policy (6-17-06) **\$565,400.00**
 - Proposed Insured:
Botetourt Enterprises, L.L.C.
 - (b)
 - Proposed Insured:
3. The Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by
Botetourt Enterprises, L.L.C.
4. The land referred to in the Commitment is described as follows:
See continuation of Schedule A for legal description

Countersigned:

Professional Title Associates
1528 Narrow Passage Road
Buchanan, VA 24066

By: _____
Authorized Signatory



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SCHEDULE A CONTINUED

Title No. **PRO-18-3339W**

File No. **PRO-18-3339W**

LEGAL DESCRIPTION

All those certain lots or parcels of land situate in the County of Botetourt, Commonwealth of Virginia, and being more particularly described as follows:

Auction Tract 1:

New Lot 1, containing 30.7459 acres as shown on Plat Showing the Subdivision of Tax #75-41 Property of Botetourt Enterprises, L.L.C., made by Larry Thomas Ogle, Jr., dated September 14, 2018, and recorded in the Clerk's Office of the Circuit Court for the County of Botetourt, Virginia, in Plat Book _____, pages _____.

Auction Tract 2:

New Lot 2, containing 43.5943 acres as shown on Plat Showing the Subdivision of Tax #75-41 Property of Botetourt Enterprises, L.L.C., made by Larry Thomas Ogle, Jr., dated September 14, 2018, and recorded in the Clerk's Office of the Circuit Court for the County of Botetourt, Virginia, in Plat Book _____, pages _____.

Auction Tract 3:

New Lot 3, containing 30.1487 acres as shown on Plat Showing the Subdivision of Tax #75-41 Property of Botetourt Enterprises, L.L.C., made by Larry Thomas Ogle, Jr., dated September 14, 2018, and recorded in the Clerk's Office of the Circuit Court for the County of Botetourt, Virginia, in Plat Book _____, pages _____.

Auction Tract 4:

New Lot 4, containing 25.0053 acres as shown on Plat Showing the Subdivision of Tax #75-41 Property of Botetourt Enterprises, L.L.C., made by Larry Thomas Ogle, Jr., dated September 14, 2018, and recorded in the Clerk's Office of the Circuit Court for the County of Botetourt, Virginia, in Plat Book _____, pages _____.



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SCHEDULE B I

REQUIREMENTS

Title No. **PRO-18-3339W**

File No. **PRO-18-3339W**

The following requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
 - a. **Duly authorized Deed from Botetourt Enterprises, L.L.C. to Botetourt Enterprises, L.L.C.**
4. You must tell us 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. We may then make additional requirements or exceptions.
5. Receipt of satisfactory executed "Owners (sellers) Affidavit as to Mechanics' Liens and Possession."
6. Receipt by the Company of satisfactory Notice of Availability of Owner's Coverage.
7. No recorded deed of trust or mortgage on the subject property was found in a search of the land records. Accordingly, the Company requires receipt of an Affidavit from record owner addressed to the Company, stating that there are no recorded or unrecorded deed(s) of trust, personal notes and/or obligations on the real estate intended by the mortgagee, lender or noteholder to be paid with closing proceeds.
8. Payment of any rollback taxes due under Section 58.1-3237, Code of Virginia, as amended.
9. Recordation of plat of survey prepared by Larry Thomas Ogle, Jr., L.S., dated September 14, 2018 and receipt by the Company of amended description making reference to this plat. NOTE: Amended description MUST BE USED in the document to be insured.
10. The Company must be furnished a copy of the Certificate of Organization and the written Operating Agreement and all amendments thereto. Upon review of same, this commitment may be modified or amended.

Or, certification by approved attorney that seller/borrower is a valid and subsisting limited liability company in its state of organization and that execution and delivery of the document(s) required herein is/are pursuant to the terms of its operating agreement.

11. Examination of the appropriate public records in the name(s) of the Purchasers to be determined of the land to be insured and described in this title commitment, and disclosure to the Company of all United States liens thereby revealed. Unless released of record or otherwise disposed of to the satisfaction of the Company, judgments in favor of the United States will appear as exceptions in Schedule B of the final policy.

OR

Certification of Approved Attorney that there are no docketed federal judgment liens against the purchasers to be determined.

NOTE: THIS COMPANY MAY TAKE OTHER REQUIREMENTS AND/OR EXCEPTIONS UPON RECEIPT AND REVIEW OF THE ABOVE-LISTED DOCUMENTS.



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SCHEDULE B – PART I CONTINUED

Title No. **PRO-18-3339W**

File No. **PRO-18-3339W**

Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.



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SCHEDULE B II

EXCEPTIONS

Title No. **PRO-18-3339W**

File No. **PRO-18-3339W**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

- a. 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 this commitment.
 1. Those taxes becoming due and payable subsequent to the date of the policy.
 2. Property is subject to roll back taxes.
 3. Easement granted from J. C. Sifford and Edna Mae S. Sifford, et als, to Commonwealth of Virginia by instrument dated January 28, 1961, recorded in Deed Book 145, Page 421.
 4. Easement granted from L. Earl Simms and Irene S. Simms, et al, to Commonwealth of Virginia by instrument dated September 24, 1982, recorded in Deed Book 287, Page 495.
 5. Rights of others in and to the continued uninterrupted flow of the branch/creek.
 6. The following matters as shown on plat of survey made by Larry Thomas Ogle, Jr., L.S., dated September 14, 2018:
 - a. Overhead utility lines crossing Lot 2 and Lot 3.
 - b. Encroachment upon property adjoining on the south by the fence appurtenant to Lot 3.