



# Fidelity National Title Insurance Company

TM #s 05 (04 )00 /09 10, 05 (03)00 /01, 05 (03 )00 /05, 05 (03 )00 /03, 05 (03 )00 /04 & 05 (03 )00 /02

## SCHEDULE A Revision A – 11/7/2022

Title No. **PRO-22-4305W-67 to 72**

File No. **PRO-22-4305W-67 to 72**

1. Commitment Date: **June 14, 2022**
2. Policy or Policies to be issued: Amount of Insurance
  - (a) ALTA Owner's Policy (6-17-06) **\$157,200.00**

Proposed Insured:  
**THE THEOFILOS G. BALABANIS TRUST FUND F/B/O THE GEORGE T. AND ELIZABETH P. BALABANIS CHARITABLE FOUNDATION**

- (b)

Proposed Insured:
3. The Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by  
**T R Properties, Inc.**
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-22-4305W-67 to 72**

File No. **PRO-22-4305W-67 to 72**

### LEGAL DESCRIPTION

Located in the City of Martinsville, State of Virginia:

**PARCEL 1: (841 Liberty Street) – TM #05 (04)00 /09 10**

All those two certain lots or parcels of land situated on the west side of Liberty Street in the City of Martinsville, Virginia, and being known and designated as Lots 9 and 10, as shown on map of property of C. A. Hodges and J. C. Eanes, dated May 9, 1946, prepared by J. A. Trent, C.L.S., and of record in the Clerk's Office of the Circuit Court of Henry County, Virginia in Map Book 3, page 283. And being also shown on Record Plat for William H. Self, dated September 22, 1965, prepared by J. A. Gustin & Associates, CE & LS, and of record in the Clerk's Office of the Circuit Court of the City of Martinsville in Map Book 9, page 219, and being more particularly described by metes and bounds according to the last mentioned plat, as follows, to-wit:

BEGINNING at a point on the west margin of Liberty Street, which point marks the dividing line between Lots 8 and 9, according to the aforementioned plat; thence with said dividing line, South 86 deg. West 180 feet to appoint in a common back line for a tier of lots; thence along said back line, North 4 deg. West 60 feet to a point in the south margin of Eanes Street, thence along said Eanes Street, North 86 deg. East 180 feet to a point in the west margin of Liberty Street; thence along said Liberty Street, South 4 deg. East 60 feet to the point of beginning, and being all of Lots 9 and 10, as aforesaid.

**PARCEL 2: (907 Liberty Street) - TM #05 (03)00 /01**

All that certain lot or parcel of real estate situated in the City of Martinsville, Virginia, lying and being on the West side of FIGSBORO ROAD, which lot is known and designated as LOT 1, as shown on Map of Oscar T. Dillon, prepared by J. A. Trent, CLs, dated November 16, 1950, and of record in the City of Martinsville Circuit Court Clerk's Office in Map Book 2 at page 81, and which property is more particularly bounded and described as follows, to-wit:

BEGINNING at a point on the West side of Figsboro Road at the dividing line between Lots 1 and 2; thence with the line of Lot 2, South 86 deg. 30' West 160 feet to the back line of a tier of lots; thence with said back line, South 3 deg. 30' East 71 feet to the Eanes Subdivision; thence with the line of the Eanes Subdivision, North 75 deg. 32' East 103 feet to the West side of the Figsboro Road; thence with the west side of the Figsboro Road, North 3 deg. 30' West 60 feet to the point of beginning.

**PARCEL 3: (915 Liberty Street) - TM #05 (03)00 /05**

Lot 5 of the Oscar T. Dillon Subdivision situated on the West side of Figsboro Road (State Route 108) also known as Liberty Street, City of Martinsville, Virginia as shown on Plat of Survey for P. E. & L. L.S., dated July 24, 1986, For a more particular description of the property herein conveyed reference is made to the plat and following metes and bounds description:

BEGINNING on the West side of Liberty Street at the intersection of the North line of a private road and the west line of Liberty Street; thence along the margin of said private road S. 86 dg. 30' 00" W. 160.00 feet to an iron post; thence N. 3 deg. 30' 00" W. 50 feet to an axle found at a point between Lots 5 and 6; thence along the common boundary between Lots 5 and 6, N. 86 deg. 30' 00" E. 160 feet to an iron post at the point between Lots 5 and 6 at the margin of Liberty Street; thence along said margin of Liberty Street S. 3 deg. 30' 00" E. 50.00 feet to the point of beginning.

**PARCEL 4: (909, 911 and 913 Liberty Street) – TM #s 05 (03)00/02, 05(03)00/03, 05(03)00/04**



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## **SCHEDULE A CONTINUED**

Title No. **PRO-22-4305W-67 to 72**

File No. **PRO-22-4305W-67 to 72**

Tract 1: All that certain lot or parcel of land lying on the west side of Liberty Street (State Route 108, Figsboro Road), in the City of Martinsville, Virginia, and being known and designated as Lot 2, as shown on record plat for Charlie Major Shumate and Nancy F. Shumate as prepared by J. A. Gustin and Associates dated May 20, 1965, and recorded in the City of Martinsville Circuit Court Clerk's Office in Map Book 9, page 174.

Tract 2: All that certain lot or parcel of land lying on the west side of Liberty Street (State Route 108, Figsboro Road), in the City of Martinsville, Virginia, and being known and designated as Lot 3 of the Oscar T. Dillon Subdivision as recorded in the City of Martinsville Circuit Court Clerk's Office in Map Book 2, page 81, and as shown on record plat for Clinton C. Prather, Jr. and Mary L. Prather as prepared by J. A. Gustin, CLS, on dated May 20, 1965, and recorded in the City of Martinsville Circuit Court Clerk's Office in Map Book 9, page 176.

Tract 3: All that certain lot or parcel of land lying on the west side of Liberty Street (State Route 108, Figsboro Road) in the City of Martinsville, Virginia, and being known and designated as Lot 4 on map of the property of Oscar T. Dillon as prepared by J. A. Trent, CLS, November 16, 1950, and recorded in said City Clerk's Office in Map Book 2, page 81, and as shown on survey for Larry J. Hendricks and Lilac K. Hendricks as prepared by W. C. Brown, CLS, dated December 13, 1968, and recorded in the City Clerk's Office in Map Book 11, page 12.



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## SCHEDULE B I

### REQUIREMENTS

Title No. **PRO-22-4305W-67 to 72**

File No. **PRO-22-4305W-67 to 72**

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 T R Properties, Inc. to THE THEOFILOS G. BALABANIS TRUST FUND F/B/O THE GEORGE T. AND ELIZABETH P. BALABANIS CHARITABLE FOUNDATION.**
  - b. **Duly authorized Deed from THE THEOFILOS G. BALABANIS TRUST FUND F/B/O THE GEORGE T. AND ELIZABETH P. BALABANIS CHARITABLE FOUNDATION to (TO BE DETERMINED).**
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. AS TO PARCELS 1, 2, 3, AND PARCEL 4, TRACTS 1 AND 3: No recorded deed of trust or mortgage on the Land 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 Land intended by the mortgagee, lender or noteholder to be paid with closing proceeds.
8. AS TO PARCEL 4, TRACT 2: Satisfaction and release of record of Credit Line Deed of Trust dated September 14, 2015 from T R Properties, Inc. to Tanya Jones and Mitch Smith, Trustees, to secure Valley Star Credit Union in the original principal sum of \$9,000.00, recorded as Instrument No. 1500843. NOTE: Agent must require credit line account to be closed and that the checks and/or credit card(s) issued in connection with the account be surrendered.
9. Proof, satisfactory to this Company that seller/borrower is a valid and subsisting corporation in its state of incorporation and that execution and delivery of the document(s) required herein is/are pursuant to a valid resolution of its board of directors, or such must be certified as proper by approved attorney.
10. Examination of the appropriate public records in the name(s) of the unnamed purchasers 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.



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## SCHEDULE B – PART I CONTINUED

Title No. **PRO-22-4299W-36 to 41**

File No. **PRO-22-4299W-36 to 41**

- 11 Certification from settlement agent that they have made independent verification through the PACER system that the seller and/or borrowers are not in bankruptcy.
12. Certification by Approved Attorney that Trustee(s) has/have full and complete power and authority to sell described property pursuant to and in accordance with the terms and provisions of the Trust Agreement under which title is held and vested and further that all provisions of such Trust have been complied with concerning the transaction and there is no violation of any of the provisions thereof, and that the trust is still in effect and has not been amended.

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

*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-22-44305W-67 to 72**

File No. **PRO-22-44305W-67 to 72**

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. Rights of tenants or parties in possession.
  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. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.

AS TO PARCEL 1: (841 Liberty Street)

4. Setback lines, easements, rights of way and all terms and conditions set forth on the plats recorded in Map Book 9, Page 219 and in Map Book 22, page 11.
5. Easements granted to:
  - a. City of Martinsville, Virginia by instrument dated August 22, 1979, recorded in Deed Book 134, page 35.
  - b. City of Martinsville, Virginia by instrument dated August 22, 1979, recorded in Deed Book 134, page 37.
  - c. Appalachian Power Company by instrument dated August 29, 1979, recorded in Deed Book 134, page 464.
  - d. Alfred D. Hunley, Jr., et ux, by instrument dated September 1, 1993, recorded in Deed Book 217, page 585.
  - e. City of Martinsville, Virginia by instrument dated November 30, 2010, recorded as Instrument No. 1100063.
  - f. City of Martinsville, Virginia by instrument dated November 30, 2010, recorded as Instrument No. 1100064.
  - g. Commonwealth of Virginia by instrument dated February 2, 2011, recorded as Instrument No. 1100201.

AS TO PARCEL 2: (907 Liberty Street)



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## SCHEDULE B – PART II CONTINUED

Title No. **PRO-22-4299W-36 to 41**

File No. **PRO-22-4299W-36 to 41**

6. Setback lines, easements, rights of way and all terms and conditions set forth on the plat of subdivision recorded in Map Book 2, Page 81.
  7. Easements granted to:
    - a. City of Martinsville, Virginia by instrument dated August 22, 1979, recorded in Deed Book 134, page 11.
    - b. City of Martinsville, Virginia by instrument dated August 22, 1979, recorded in Deed Book 134, page 13.
    - c. Appalachian Power Company by instrument dated August 6, 1979, recorded in Deed Book 134, page 87.
- AS TO PARCEL 3: (915 Liberty Street)
8. Setback lines, easements, rights of way and all terms and conditions set forth on the plats recorded in Map Book 17, page 178.
  9. Easements granted to:
    - a. Commonwealth of Virginia by instrument dated February 2, 2011, recorded as Instrument No. 1100201.
    - b. City of Martinsville by instrument dated November 30, 2010, recorded as Instrument No. 1100065.
    - c. City of Martinsville, Virginia by instrument dated August 22, 1979, recorded in Deed Book 134, page 43.
    - d. City of Martinsville by instrument dated November 30, 2010, recorded as Instrument No. 1100064.
    - e. City of Martinsville by instrument dated November 30, 2010, recorded as Instrument No. 1100063.
    - f. Appalachian Power Company by instrument dated July 26, 1979, recorded in Deed Book 134, page 83.
- AS TO PARCEL 4: (911, 913 & 909 Liberty Street)
10. Setback lines, easements, rights of way and all terms and conditions set forth on the plats recorded in Map Book 9, page 174, Map Book 9, page 176 and Map Book 11, page 12.
  11. Easements granted to:
    - a. Appalachian Power Company by instrument dated August 6, 1979, recorded in Deed Book 134, page 85.



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## **SCHEDULE B – PART II CONTINUED**

Title No. **PRO-22-4299W-36 to 41**

File No. **PRO-22-4299W-36 to 41**

- b. City of Martinsville by instrument dated August 22, 1979, recorded in Deed Book 133, page 835.
  - c. City of Martinsville by instrument dated November 30, 2010, recorded as Instrument No. 1100063
  - d. City of Martinsville by instrument dated November 30, 2010, recorded as Instrument No. 1100064.
  - e. City of Martinsville by instrument dated November 30, 2010, recorded as Instrument No. 1100065.
  - f. Commonwealth of Virginia by instrument dated February 2, 2011, recorded as Instrument No. 1100201.
12. Rights of others in and to the use of the joint gravel drive located upon Lot 2.