

ORDINANCE NO. 2022-04

**ORDINANCE OF THE COUNTY COUNCIL OF FLOYD COUNTY, INDIANA  
APPROVING THE ACQUISITION OF CERTAIN REAL PROPERTY BY THE  
COUNTY AND MATTERS RELATED THERETO**

WHEREAS, the County Council of Floyd County, Indiana (the "County Council") has determined that it is necessary to proceed with the acquisition of property and the design, engineering and construction of improvements and facilities thereon to comprise a new regional park facility to be owned or operated by the County, though one or more of its various departments (collectively, the "Project") in Floyd County, Indiana (the "County"); and

WHEREAS, after a review of potential sites by representatives of the County Council, the Board of Commissioners of the County (the "Board"), and a working committee established to address the need for the Project, the County now desires to acquire the parcels of real property more particularly described on Exhibit A and Exhibit B, attached hereto and incorporated herein (the "Real Property"), upon which all or a portion of the Project will be constructed; and

WHEREAS, pursuant to Indiana Code 36-1-10.5-5 and Indiana Code 36-2-2-20, the County Council desires to approve the acquisition of the Real Property by the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF Floyd County, INDIANA, THAT:

Section 1. Approval of Purchase of Real Property. Pursuant to Indiana Code 36-1-10.5-5 and Indiana Code 36-2-2-20, the County Council hereby approves the purchase of the Real Property by the County. The County Council hereby approves, authorizes, and ratifies all actions necessary by the Board to acquire the Real Property either through a negotiated purchase at price not to exceed the average of two appraisals pursuant to Indiana Code 36-1-10.5.

Section 2. General. Any member of the Board or the County Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its passage.

DULY ADOPTED on this 12 day of July, 2022 by the County Council on  
Floyd County, Indiana.

COUNTY COUNCIL OF  
Floyd County, INDIANA

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ATTEST:

[Signature]  
Floyd County Auditor

**EXHIBIT A**

**Descriptions of Real Property Proposed to Be Acquired**

22-02-03-400-039.000-002

002-03700-30

The post office address of Grantee is: Melvin R. Jensen and Vickie Sue Jensen, 1430 N. Tucker Road, Georgetown, IN 47122

### WARRANTY DEED

This Indenture Witnesseth, That Melvin R. Jensen and Vickie Sue Jensen, husband and wife of Floyd County, in the State of Indiana, Convey and Warrant with covenant of Special Warranty to Melvin R. Jensen and Vickie Sue Jensen, husband and wife of Floyd County, in the State of Indiana, for and in consideration of One (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Floyd County, in the State of Indiana, to-wit:

Being part of Section 34, Township 2 South, Range 5 East beginning at a "mag" nail in Tucker Road on a southwest line of a tract described in instrument no. 200215800 in the Floyd County, Indiana, Recorder's Office at a point north, 20 degrees, 03', 04" east 207 feet and north 28 degrees, 53', 04" east 99.11 feet from the southeast corner of the tract described in Deed Book 130, Page 397 of said County Records, thence south 73 degrees, 33', 53" east 5.81 feet to THE TRUE PLACE OF BEGINNING of the tract herein described, thence south 73 degrees, 33', 53" east 164.04 feet, thence north 86 degrees, 32', 40" west 79.71 feet, thence north 58 degrees, 57', 40" west 71.01 feet to the TRUE PLACE OF BEGINNING, subject to all legal highways and easements of record and designated as "Owner Unknown" on the plat of the revised survey of Terry A. Kendall, Indiana Registered Land Surveyor No. 29800006, dated January 6, 2009.

74.879 ACRES *DS* New Survey  
BEING a portion of the property which has been in the possession of Grantors and on which Grantors have paid real estate taxes since May 28, 1968 and which is believed to have been omitted by error from the description of the property in the deed recorded in Deed Book 188, Page 133 in the Floyd County, Indiana Recorder's Office.

Subject to real estate taxes for 2008, due and payable in November, 2009 and all subsequent taxes.

Duly Entered For Taxation  
Subject To Final Acceptance  
For Transfer

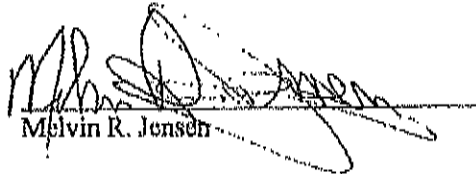
Subject to any and all easements, agreements, and restrictions of record.

MAY 12 2009

*Jereca A. Platts*  
AUDITOR FLOYD CO. IND.

Subject to all conditions, easements legal drains, rights-of-way, covenants, agreements, restrictions, and limitations whether visible or of record.

In Witness Whereof, The said Sellers executed this deed this \_\_\_\_\_ day of April, 2009.

  
Melvin R. Jensen


  
Vickie Sue Jensen

STATE OF INDIANA  
COUNTY OF FLOYD

Before me, the undersigned, a Notary Public in and for said County, personally appeared Melvin R. Jensen and Vickie Sue Jensen, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal, this 21<sup>st</sup> day of April, 2009.



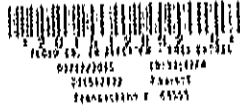
  
NOTARY PUBLIC  
Printed: Tiffany Rauscher  
Resident of Floyd County, Indiana  
My commission expires: March 29, 2016

Instrument drafted by David S. Sprawls, UAW-Ford Legal Services Plan, 1939 Goldsmith Lane, Suite 117, Louisville, KY 40218, (502) 456-4222

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

\_\_\_\_\_  
Signature of Declarant  
David S. Sprawls  
Printed Name of Declarant

6



FLOYD COUNTY ASSESSOR  
SEP 17 2015

Parcel Numbers: 22-02-03-400-010,000-002 (002-05100-14)  
(includes 22-02-00-300-005,000-002, 22-02-03-500-010,000-002  
22-03-00-200-071,000-002)  
22-02-03-400-291,000-002 (002-05500-88)

**EXECUTOR'S DEED**

THIS INDENTURE WITNESSETH, that HERBERT TRACH, an individual, an EXECUTOR of the Unsupervised estate of ZELPHIA S. MITSCH, deceased, which estate is pending as Cause Number 31C01-1801-EJ-000003, in the Harrison County, Indiana Circuit Court. The EXECUTOR, by virtue of the power given an Executor under Indiana law, hereby, ("Grantor")

**CONVEYS**

To (HISTORIC LANDMARKS FOUNDATION OF INDIANA, INC., an Indiana Non-Profit Corporation, duly existing and organized under the laws of the State of Indiana, ("Grantee"), for good and sufficient consideration, all of the right, title, and interest held by ZELPHIA SCHOEN MITSCH A/K/A ZELPHIA S. MITSCH P/R/A ZELPHIA SCHOEN, more specifically the following described real property in Floyd County, State of Indiana, to-wit:

Part of the southeast quarter of Section 34, Township 2 South, Range 5 east, Floyd County, Indiana, described as follows: Being all that part of the 37.2 acres conveyed to Zelpha Schuen by deed recorded in Deed Record 107 page 410 which lies south of the Southern Railroad right of way and being more fully described as follows: Beginning at a stone in the southeast corner of the above mentioned 37.2 acres tract, running thence N. 80 deg. 15' W, along the southern line of said tract 1045.0 feet to a stone at the southwest corner of said 37.2 acres tract, Thence N. 0 deg. 45' E, along the western line of said tract 102.6 feet to the southern line of the Southern Railroad right of way (50 feet wide), thence S. 64 deg. 15' E along the southern line of said right of way 368.0 feet, thence right of way 754.5 feet to the eastern line of said 37.2 acres tract, thence S. 0 deg. 45' W, along said eastern line 15.7 feet to the place of beginning, containing 3.55 acres;

ALSO: A part of the northeast quarter of Section 3 (3) township three (3) south, range five (5) east bounded as follows: Beginning at a stone in the north line of said quarter eleven (11) chains and eighty-seven (87) links west of a stone at the southeast corner of Section thirty four (34) township two (2) south, range five (5) east, thence south 10' east (27) twenty-seven chains and forty (40) links to a stone, thence south 76 deg. 20' west 23 (twenty three) chains and six (6) links to the quarter section line, thence north 1 deg. 45' west thirty-two (32) chains and eighty-five (85) links to the section line, thence north eighty nine (89) deg. 50' east twenty-three (23) chains and eighteen links to the place of beginning containing 69.64 acres.

Also a part of the southeast quarter of section thirty four (34) Township two (2) south, range five east; beginning at a stone in the south line of said quarter eleven

Only Entered For Taxation  
Subject To Final Acceptance  
For Transfer

SEP 17 2015

*[Signature]*  
AUG-100 14000 00 010

(11) chains and eighty-seven (87) links west of the southeast corner thereof, thence north 40° west four (4) chains and seventy-five (75) links to a stone, thence north 89 deg. 50' east four (4) chains and forty-seven (47) links to a stone, thence north 15° east eleven (11) chains and fifty-eight (58) links to a point in Summers' line, thence north 80 deg. 35' west 13 chains and eight (8) links to a stone, thence north 64 deg. 35' west four chains and 37 links to a stone, thence south 15° east 20 chains and 33 links to a stone, thence north 89 deg. 50' east twelve chains and thirty links to the place of beginning, containing 27.88 acres.

Also a roadway leading from Lot No. 2 Plat 388 across Lot No. 3 as laid down on said plat with the appurtenances.

Also, a part of the southeast quarter of section thirty-four (34), township two (2) south, range five (5) east bounded as follows: Beginning at a stone at the southeast corner of said quarter, running thence north 45° east fifteen (15) chains and five (5) links to a stone, thence north 80 deg. 35' west seven (7) chains and sixty (60) links to a drillhole in the bottom of the creek, thence south 15° west eleven (11) chains and fifty-eight (58) links to a stone, thence south 89 deg. 50' west four (4) chains and forty-seven (47) links to a stone, thence south 40° east four (4) chains and seventy-five (75) links to a stone, thence east eleven (11) chains and eighty-seven (87) links to the place of beginning, containing thirteen (13) and eighty-six hundredths (86/100) acres, more or less, with the appurtenances.

ALSO, A part of the southwest quarter (S.W. 1/4) of Section thirty-five (35), township two (2) south, Range five (5) east and the northwest quarter (N.W. 1/4) of Section Two (2), Township three (3) south, range five (5) east and the east half (1/2) of Section three (3), township three (3) south, range five (5) east, thus bounded: Beginning at the southwest corner of said southwest corner of said Section thirty-five (35); thence north forty-five (45) minutes East 10.04 chains; thence south fifty-four (54) degrees west 6.82 chains; thence South 45 minutes West 2.60 chains; thence south fifty-six (56) degrees 40 minutes East 1.89 chains; thence south fifty-five (55) degrees east 9.33 chains; thence North 40 minutes east 3.44 chains; thence south sixty-four (64) degrees East 37 links; thence South 40 minutes West 9.67 chains; thence south 62 degrees 20 minutes east 1.38 chains; thence south twenty-eight (28) degrees 20 minutes West 16.25 chains; thence south eighty-nine (89) degrees 50 minutes west 4.17 chains; thence south 50 minutes east 41.23 chains; more or less to a stone on the south side of the Corydon Road; thence south 37-1/2 degrees west 5.37 chains, thence south twenty-two and one-half (22-1/2) degrees West 7.40 chains; thence north eighteen (18) degrees 05 minutes west 37 chains; thence north 40 minutes West 32.72 chains to the congressional township line; thence East 11.87 chains to the beginning. Containing One hundred seventeen (117) acres, more or less, in Floyd County, State of Indiana, Excepting the right of way of the Southern Railway. Also, except the following part of Section two (2), Township three (3) South, Range Five (5) East; beginning at a point in the section line on the North side of said Section two (2), 15 chains and 75 links East of the southwest corner of Section thirty-five, township two (2) South, Range Five (5) East; thence south 40 minutes West 30 links; thence South Sixty-two (62) degrees 20 minutes East 1.38 chains; thence south twenty-eight (28) degrees 20 minutes West, 16.25 chains to a stone; thence north twenty-three (23) degrees 10 minutes East 16.53 chains to the beginning.

feet along the west line of said northwest quarter section, thence North 62 degrees 27 minutes 02 seconds East 1,001.80 feet; thence North 70 degrees 50 minutes 40 seconds East 1,620.70 feet; thence South 75 degrees 00 minutes 41 seconds East 430.84 feet; thence Northwesterly 30.77 feet along an arc to the right and having a radius of 4,383.66 feet and subtended by a long chord having a bearing of North 84 degrees 02 minutes 01 second East and a length of 30.77 feet to a southeastern line of the owner's land; thence South 22 degrees 23 minutes 40 seconds West 80.52 feet along said southeastern line to a corner of the owner's land; thence North 88 degrees 54 minutes 20 seconds West 275.23 feet along a South line to a corner of the owner's land; thence South 0 degrees 28 minutes 20 seconds East 427.89 feet along the East line of the Northeast quarter of said section 3; thence Southwesterly 701.75 feet along an arc to the left and having a radius of 4,383.66 feet and subtended by a long chord having a bearing of South 75 degrees 01 minute 10 seconds West and a length of 703.99 feet; thence South 65 degrees 37 minutes 45 seconds West 443.92 feet to a corner of the owner's lands; thence Southwesterly 1,521.96 feet along a southeastern line of the Owner's land to the point of beginning and containing 0.693 acres, more or less in said Section 2, and containing 33.317 acres more or less in said Section 3; and containing in all 34.010 acres, more or less.

Subject to any and all easements and/or restrictions apparent or of record. Subject to the right of way of State Road 64. Also subject to right of way of Interstate 64.

Herein shown by the Georgetown Township Transfer Books as

NE/4 34-2-5 45-29; NE/4 3-3-5 81-05 A; NW/4 35-2-5 18-88 A; NW/4 2-3-5 13-5 A  
SW 1/4 SW 1/4 35-2-5 1-59 A

Also subject to an easement and the right to use easement, for ingress and egress, set forth in Instrument/Document Number 200302899, in the Floyd County, Indiana Recorder's Office. Said easement is described as follows: 20 feet in width, from Old Corydon Road to the above excepted 0.74 acre parcel, the centerline being described as follows: Commencing at the intersection of the east line of Section 3 and the centerline of Old Corydon Road; thence S. 32 deg. 26' 17" W, with said road a distance of 86.14 feet to the true place of beginning; thence the following calls along said centerline, N. 59 deg. 30' 02" W, a distance of 25.60 feet to a point; thence N. 31 deg. 40' 08" W, a distance of 140.06 feet to a point; thence N. 03 deg. 50' 14" W, a distance of 191.12 feet to a point; thence N. 15 deg. 27' 24" W, a distance of 60.42 feet to a point; thence N. 27 deg. 04' 31" W, 114.01 feet to a point; thence N. 16 deg. 16' 56" W, a distance of 56.18 feet to a point; thence N. 05 deg. 29' 18" W, a distance of 341.14 feet to a point; thence N. 02 deg. 46' 41" W, a distance of 47.29 feet to a point; thence N. 60 deg. 03' 03" W, a distance of 644.72 feet to a point; thence S. 89 deg. 55' 57" W, a distance of 234.11 feet to a point; thence S. 81 deg. 17' 57" W, a distance of 45.03 feet to a point; thence S. 72 deg. 39' 57" W, a distance of 259.93 feet to a point; thence N. 17 deg. 20' 03" W, a distance of 76.91 feet to a point; thence N. 01 deg. 20' 28" E, a distance of 114.67 feet to a point; thence N. 19 deg. 41' 11" E, a distance of 193.04 feet to a point; thence N. 69 deg. 43' 53" W, a distance of 718.76 feet to the end of said easement.

Also, subject to the following restriction set forth in Judgment, dated February 1, 1982, filed



ALSO, All that part of the following described tract of land, which lies south of the center of State Road Number Sixty-four (64) to wit: A part of the southwest quarter of section thirty (35) township two (2) South, range five (5) east, bounded as follows: Beginning at a stone at the northwest corner of said quarter, thence south forty-five minutes (45') West twenty-one (21) chains and twenty-six (26) links to an iron pin in the center of the public road, thence south fifty-four degrees (54) East six (6) chains and eighty-two (82) links to another iron pin in the center of the road, thence South 45' west two (2) chains and sixty (60) links to a stone, thence south 56 deg. 40' East one (1) chain and eighty-nine (89) links to an iron pin, thence south 55 deg. East nine (9) chains and thirty-three (33) links to stone, thence north 40' East three (3) chains and forty-four (44) links to the center of the road, thence south 64 deg. East Seventeen (17) links to the East line of the sixty acre tract originally owned by William L. Englemun, thence north 40' East thirty (30) chains and eighty-six (86) links more or less to the quarter section line, thence west on the quarter section line fifteen (15) chains to the place of beginning containing forty-two (42) and one-half (1/2) acres more or less with the appurtenances. The tract herein conveyed contains one and one half (1 1/2) acres, more or less.

EXCEPTING THEREFROM, Being a 49.34 acre parcel of land lying in the Northwest and Southeast quarters of Section 3, Township 3 South, Range 5 East, Georgetown Township, Floyd County, Indiana, same being part of those same lands conveyed to Zelpha Schoon (Mitche) as described in Deed Record 128, Page 370, same being bounded as follows: Beginning at a nail at the intersection of the east line of said Section 3 and the centerline of the Old Corydon Road; thence S. 32 deg. 28' 17" W. with said road a distance of 239.85' to a nail; thence S. 17 deg. 17' 59" W. with said road a distance of 265.68' to a nail; thence S. 29 deg. 07' 15" W. with said road a distance of 239.81' to a nail; thence S. 24 deg. 20' 13" W. with said road a distance of 100.64' to a nail; thence N. 17 deg. 20' 03" W. with a fence line a distance of 2,427.94' to a stone; thence N. 00 deg. 14' 34" E. a distance of 347.31' to a 5/8 IP; thence N. 65 deg. 24' 39" E. with the south r/w of 1-64 a distance of 497.71' to a 5/8 IP; thence N. 73 deg. 50' 03" E. with said r/w a distance of 189.13' to a 5/8 IP; thence N. 75 deg. 35' 06" E. with said r/w a distance of 316.17' to a 5/8 IP; thence N. 79 deg. 18' 45" E. with said r/w 149.00 feet to a 5/8 IP; thence S. 00 deg. 04' 03" E. with the section line a distance of 1,263.53 feet to a stone at the east quarter corner; thence S. 00 deg. 04' 39" W. with the section line a distance of 1,010.35 feet to the point of beginning. Subject to all easements of record and the r/w of said Old Corydon Road. Excepting therefrom a creek tract retained by the grantor herein, said tract being described as follows: Beginning at the northwest corner herein and thence N. 65 deg. 24' 39" E. with said 1-64 r/w a distance of 110.26' to a 5/8 IP; thence S. 20 deg. 18' 07" E. a distance of 282.14' to a 5/8 IP in Zelpha Schoon's west line; thence N. 00 deg. 14' 34" E. with said line 220.38' to the beginning, containing 0.24 acres.

ALSO EXCEPTING THEREFROM, A part of the Northwest quarter of Section 2 and a part of the Northeast quarter of Section 3, all in Township 3 South, Range 5 East, Floyd County, Indiana, described as follows: Beginning at a Southwest corner of the owner's land, South 1 degree 30 minutes 58 seconds East 32 chains 85 links (distance quoted from Deed Record 128, page 370) (along the West line of the Northeast quarter of said section 3) from the Northwest corner of the Northeast quarter of said Section 3; thence North 1 degree 30 minutes 58 seconds West 341.01

of record on March 23, 1983, in W/Co Drawer 10, Instrument Number 1691, Document #830001691, which is set out as follows:

Together with permanent extinguishment of all rights and easements of ingress and egress to, front, and across the limited access facility (to be known as I-64 and as Project I-64-3 (32) 103) to and from the owner's land abutting the above described real estate. This restriction shall be a covenant running with the land and shall be binding on all the successors in title to the said abutting lands.

Also subject to an unrecorded farm lease between the Estate of Zelpha S. Mitsch and McAfee Brothers Farms, LLC, which shall expire on December 31, 2015.

Prepared at the specific request of Grantor, based solely on the information recorded of record in the Floyd County, Indiana records without examination to title, survey, abstract, or requirements of zoning ordinances. The preparer makes no representations as to the marketability of the aforesaid real estate in this instrument resulting from the information recorded. The parties hereto signify their assent to this disclaimer by the execution and the acceptance of this instrument.

This deed complies with Article Six (6) of the Last Will and Testament of Zelpha Schoen Mitsch, under Cause No. 11C01-1501-EU-000003, in the Harrison County, Indiana Circuit Court. The Grantee herein shall provide for the restoration and maintenance of the house and two barns on the Schoen Farm as historic landmarks in perpetuity and shall provide for the maintenance of the Schoen/Sillings/Mitsch Cemetery located in a pasture on the Schoen farm.

The Grantee, by the acceptance of this Deed, assumes and agrees to pay the 2015 real estate taxes due and payable in May, 2016 and all subsequent real estate taxes due and payable thereafter.

THIS DEED PERTAINS TO PROPERTY ON WHICH A BURIAL GROUND OR CEMETERY IS KNOWN TO BE LOCATED.

IN WITNESS WHEREOF, HERBERT TRAUB, as Executor of the Unsupervised Estate of ZELPHA S. MITSCH, deceased, has set his hand and seal this 11th day of September, 2015.

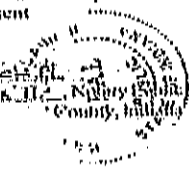
*Herbert Traub*  
HERBERT TRAUB, AS EXECUTOR OF THE UNSUPERVISED ESTATE OF ZELPHA S. MITSCH, DECEASED

**CERTIFICATE OF ACKNOWLEDGMENT**

Before me, the undersigned, a Notary Public for ORANGE County, State of Indiana, personally appeared HERBERT TRAUB, as Executor of the unsupervised estate of Zelpha S. Mitsch, deceased, who acknowledged the execution of the foregoing instrument in Orange County, Indiana on 11th day of September, 2015.

My Commission Expires: 12-28-2021

*William L. McClure, II*  
WILLIAM L. McCLURE, II, Notary Public  
Residing in Orange County, Indiana



"I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each Record  
Security number in this document, unless required by law. (CHRISTOPHER L. BYRD)"

THIS INSTRUMENT PREPARED BY:  
Christopher L. Byrd, Attorney # 23526-69  
DILLMAN, CHASTAIN, BYRD, LLC  
P.O. Box 640  
219 North Capitol Avenue, Suite 260  
Corydon, Indiana 47112-0640

Statutory Disclosure:

This instrument was prepared by Christopher L. Byrd

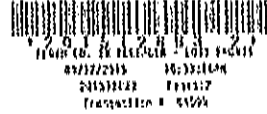
Grantor(s) address: 1201 Central Avenue  
Indianapolis, Indiana 46202  
(designated tax statement address)

Property Address: 7055 State Road 64  
Georgetown, Indiana 47122  
  
6905 State Road 64  
Georgetown, Indiana 47113

2

FLOYD COUNTY ASSESSOR

SEP 17 2015



Parcel Numbers: 22-02-03-400-040,000-002 (002-05400-16)

EXECUTOR'S DEED

THIS INDENTURE WITNESSETH, that HERBERT TRAUB, an individual, as EXECUTOR of the Unsupervised estate of ZELPHA S. MITSCH, deceased, which estate is pending as Cause Number 31(CD)-1501-BU-000003, in the Harrison County, Indiana Circuit Court. The EXECUTOR, by virtue of the power given an Executor under Indiana law, hereby, ("Grantor")

CONVEYS

To HISTORIC LANDMARKS FOUNDATION OF INDIANA, INC., an Indiana Non-Profit Corporation, duly existing and organized under the laws of the State of Indiana, ("Grantee"), for good and sufficient consideration, all of the right, title, and interest held by ZELPHA SCHOEN MITSCH A/K/A ZELPHA SCHOEN MITSCH A/K/A ZELPHA S. MITSCH, more specifically the following described real property in Floyd County, State of Indiana, to-wit:

A part of the Southeast quarter of Section 34, Township 2 South, Range 5 East, Floyd County, Indiana described as follows: Beginning at an iron pin on the quarter section line, 923.34 feet North 89° 40' East of the Northwest corner of said quarter section, thence continuing North 89° 40' East 758.34 feet to an iron pin, thence South 1° 20' West 1179.12 feet to the Southern line of the Southern Railway right of way, the true place of beginning, thence North 65° 25' West along said Southern line of said right of way, 896.3 feet to a point, thence South 28° 14' West 383.46 feet, thence South 62° 30' East 436.92 feet to the line dividing the lands owned by Philpott's and Schoen, thence South 69° 30' East 289.08 feet, thence South 80° 25' East 322.08 feet to a stone, thence North 1° 20' East 303.90 feet to the Southern line of the Southern Railway right of way, the true place of beginning.

Containing 8.20 acres, more or less.

Subject to any and all easements and/or restrictions apparent or of record.

Also subject to an unrecorded farm lease between the Estate of Zelpha S. Mitsch and McAfee Brothers Farms, J.C., which shall expire on December 31, 2015.

Prepared at the specific request of Grantor, based solely on the information recorded of record in the Floyd County, Indiana records without examination in title, survey, abstract, or requirements of zoning ordinances. The preparer makes no representations as to the marketability of the aforesaid real estate in this instrument resulting from the information recorded. The parties hereto signify their assent to this disclaimer by the execution and the acceptance of this instrument.

This deed complies with Article Six (6) of the Last Will and Testament of Zelpha Schoen Mitsch, under Cause No. 31(CD)-1501-BU-000003, in the Harrison County, Indiana Circuit Court.

The Grantee, by the acceptance of this Deed, assumes and agrees to pay the 2015 real estate taxes due and payable in May, 2016 and all subsequent real estate taxes due and payable thereafter.

Duly Entered For Taxation  
Subject To Final Acceptance  
For Transfer

SEP 17 2015

  
AUDITOR FLOYD CO IND

IN WITNESS WHEREOF, HERBERT TRAUB, as Executor of the Unsupervised Estate of ZELPHIA S. MITSCH, deceased, has set his hand and seal this 11<sup>th</sup> day of September, 2015.

Herbert Traub  
HERBERT TRAUB, AS EXECUTOR OF  
THE UNSUPERVISED ESTATE OF  
ZELPHIA S. MITSCH, DECEASED

**CERTIFICATE OF ACKNOWLEDGMENT**

Before me, the undersigned, a Notary Public for Orange County, State of Indiana, personally appeared HERBERT TRAUB, as Executor of the unsupervised estate of Zelphia S. Mitsch, deceased, who acknowledged the execution of the foregoing instrument in Greensburg, Indiana on 11<sup>th</sup> day of September, 2015.

My Commission Expires: 12-23-2021

William McCaskey  
Residing in Orange County, Indiana  
Notary Public

"I affirm, under the penalties for perjury, that I have taken reasonable care to reflect each Signer's Security number in this document, unless required by law. (CHRISTOPHER L. BYRD)."

**THIS INSTRUMENT PREPARED BY:**  
Christopher L. Byrd, Attorney # 27526-49  
DELMAN, CHASTAIN, BYRD, LLC  
P.O. Box 640  
219 North Capital Avenue, Suite 200  
Corydon, Indiana 47122-0640

**Statutory Disclosures:**

This instrument was prepared by Christopher L. Byrd

Grantee(s) address: 1201 Central Avenue  
Indianapolis, Indiana 46202  
(designated tax statement address)

Property Address: State Road 64  
Georgetown, Indiana 47122