

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SCHEDULE B - SECTION I
Commitment**

Application Number: HU09120575CO

REQUIREMENTS

The following requirements must be met:

- a. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- d. 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.
- e. All instruments to be recorded, including those creating any insured interest, must comply with state and local conveyancing and/or recording rules, standards, ordinances and statutes.
- f. Payment of taxes, charges and assessments levied and assessed against subject premises, which are due and payable.
- g. Delinquent sewer bills, water bills, charges for weed cutting, cleaning up trash and other nuisance abatement charges may become a lien on the real estate. No liability is assumed by the Company for ascertaining the status of these charges. The proposed insured is cautioned to obtain the current status of these charges, if any.
- h. Owners/Sellers Affidavit covering matters of title in a form acceptable to the Company.
- i. Satisfactory evidence shall be produced that all improvements, repairs and/or alterations have been completed and that all contractor, subcontractor, labor and materialman have been paid in full.
- j. Further exceptions and/or requirements may be made upon review of the proposed documents and/or upon further ascertaining the details of the transaction.
- k. Satisfactory evidence of survey showing no encroachments affecting caption premises; otherwise, final title insurance policies will contain an exception as to matters of survey.
- l. Record satisfactory executed deed from Thirty-Seven Corporation, as Grantor(s), to (To Be Determined), as Grantee(s).
- m. Compliance with requirements the Company deems necessary arising out of the Corporation Resolution of Thirty-Seven Corporation, a corporation.
- n. Record satisfactory executed mortgage from (To Be Determined), including release of dower, if any, as Mortgagor(s), to (TO BE DETERMINED), as Mortgagee(s), in the amount of the mortgagee policy to be issued.
- o. Payment and Release of Mortgage from Joshua Investment Company, dba Joshua Homes by Eric J. Schottenstein, President (prior owner), to The Huntington National Bank, in the original amount of \$8,100,000.00, recorded on June 21, 2007 as OR Book 791 Page 2091 in the Delaware County, Ohio Records.

Said mortgage encumbers caption and more land.
- p. Payment and Release of Mechanic's Lien filed against Joshua Investment Company, Inc. aka Joshua Investment Company, aka Joshua Homes (prior owner), in favor of Diamond Site Development, L.L.C., in the amount of \$3,729.91, recorded on November 21, 2007 as OR Book 818 Page 2476 in the Delaware County, Ohio Records.

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SCHEDULE B - SECTION I
Commitment
(Continued)

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- q. Payment and Release of Mechanic's Lien filed against Joshua Investment Company, inc. aka Joshua Investment Company, aka Joshua Homes (prior owner), in favor of Weisco Excavating, L.L.C., in the amount of \$3,910.05, recorded on November 21, 2007 as OR Book 818 Page 2477 in the Delaware County, Ohio Records.
- r. Payment and Release of Mechanic's Lien filed against Joshua Homes (prior owner), in favor of Suburban Steel Supply Company, LP, in the amount of \$1,272.82, recorded on November 29, 2007 as OR Book 819 Page 2078 in the Delaware County, Ohio Records.
- s. Payment and Release of Judgment Lien filed against Joshua Investment Company, (prior owner) in favor of Premier Capital LLC, in the amount of \$757,253.66, recorded on March 20, 2008 as 08-CJ-44-406 in the Delaware County, Ohio Records.

Said lien being last assigned by separate instrument to The Huntington National Bank, recorded on July 31, 2009 as Miscellaneous Instrument #00070475938 in the Delaware County, Ohio Records.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SCHEDULE B - SECTION II
Commitment

Application Number: HU09120575CO

EXCEPTIONS

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.

1. 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.
2. Any facts, rights, interests, or claims that are not shown in the public records but that could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the public records.
5. Rights of parties in possession of all or any part of the premises, including, but not limited to, easements, claims of easements or encumbrances that are not shown in the public records.
6. The lien of real estate taxes or assessments imposed on the title by a governmental authority that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the public records.
7. Any covenant, condition or restriction referred to herein indicating a preference, limitation or discrimination based upon race, color, religion, sex, handicap, familial status, national origin or other categories that may from time-to-time be deemed to be protected classes, are hereby omitted as provided in 42 U.S.C. Section 3604, unless and only to the extent that the restriction (a) is not in violation of state or federal law, (b) is exempt under 42 I.S.C. Section 3607 or (c) related to handicap, but does not discriminate against handicapped people.
8. Any inaccuracy in the specific quantity of acreage and/or dimension contained on any survey, if any, or contained within the legal description of the premises insured herein.
9. Easement for the purpose of temporary sanitary sewers and construction easement granted to Cheshire Woods, LLC from Mobley Homes of Ohio LLC, recorded on February 3, 2005 as OR Book 582 Page 1333 of the Delaware County, Ohio Records.
10. The Plat of Cheshire Woods Section 1 recorded as Volume Cabinet 3 Page 741 assigned in Book 716 Page 1211 shows Building Setback Line 40' front, 30' rear, 12.5' each side; Restrictions; Easements: utility, drainage and leisure trail.
11. Easement for the purpose of electric, other energy or communication granted to Columbus Southern Power Company from Cheshire Woods, LLC, recorded on November 29, 2006 as OR Book 753 Page 1170 of the Delaware County, Ohio Records.
12. Covenants, conditions, reservations and restrictions, for Cheshire Woods Subdivision and Cheshire Woods Estates Subdivision recorded on November 30, 2006 as OR Book 748 Page 1076 in the Delaware County, Ohio Records, and as may be amended from time to time.

SCHEDULE B - SECTION II

(Continued)

Application Number: HU09120575CO

13. Tax ID Number: 41731008005000

FH Net: \$662.51 LH Net: \$648.79 - see below for payment status.

Taxes and Assessments for the FH 2009 in the amount of \$662.51 are A LIEN.

Tax Due Date: February 10, 2010

Taxes and Assessments for the LH 2009 in the amount of \$648.79 are A LIEN.

The above stated past due amounts, if any, may not include all applicable penalties and interest. Contact taxing authority for exact payoff amount.

Taxes for future tax periods are a lien not yet due and payable and not yet certified.

No special tax search has been performed.

Taxes for future tax periods are a lien not yet due and payable and not yet certified.

Special Assessment Details:

CODE: 11-049 ALUM CREEK DELINQUENT SAN SEWER (ongoing) - Amount: \$13.71 per period.

CODE: 11-353 CHESHIRE WOODS SEC 1 DITCH (ongoing) - Amount: \$60.47 FH period; \$60.46 LH period.

14. NOTE: The Policy(s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.
15. Subject to the terms and conditions of the commitment jacket, a copy of which is available at this office. (HBI Title Services, 37 South High Street, Canal Winchester, Ohio 43110)

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
EXHIBIT "A"
Commitment**

Application Number: HU09120575CO

LEGAL DESCRIPTION

Situated in the State of Ohio, County of Delaware and in the Township of Berkshire, and being more particularly described as follows:

Being Lot Number 700 in CHESHIRE WOODS SECTION 1 as the same is numbered and delineated on the recorded plat thereof, of record in Official Record Book 716, Page 1211, Recorder's Office, Delaware County, Ohio.

7449 Broxton Lane, Galena, OH 43021

Permanent Parcel No.: 41731008005000

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