

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

Application Number: HU10010132CO

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 BPN Properties, LLC, as Grantor(s), to (To Be Determined), as Grantee(s).
- m. Compliance with requirements the Company deems necessary arising out of the Operating Agreement of BPN Properties, LLC, a LLC.
- n. Payment and Release of Mortgage from Domenico G. Stolfo and Patricia A. Stolfo, husband and wife (Prior Owner), to The Huntington National Bank, in the original amount of \$416,000.00, recorded on March 8, 1996 as Volume 980 Page 93 in the Greene County, Ohio Records.
- o. Payment and Release of Financing Statement from Domenico G. Stolfo and Patricia A. Stolfo (Prior Owner) to The Huntington National Bank, Courthouse Plaza SW, Dayton, Ohio 45402, recorded on March 8, 1996 as Instrument #96-497 in the Greene County, Ohio Records.
- p. Payment and Release of Mortgage from Domenico G. Stolfo and Patricia A. Stolfo, husband and wife (Prior Owner), to The Huntington National Bank, in the original amount of \$38,250.00, recorded on March 11, 1996 as Volume 980 Page 609 in the Greene County, Ohio Records.

(HU10010132CO.PFD/HU10010132CO/5)

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SCHEDULE B - SECTION I
Commitment
(Continued)

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- q. Payment and Release of Mortgage from BPN Properties, LLC By: William J. Nelson, Member, to The Huntington National Bank, in the original amount of \$2,301,603.00, recorded on May 21, 2004 as Volume 2250 Page 448 in the Greene County, Ohio Records.
- Assignment of Rents from BPN Properties, LLC By: William J. Nelson, Member, to The Huntington National Bank to secure an indebtedness of \$2,301,603.00, and any other amounts payable under the terms thereof, recorded on May 21, 2004 as Volume 2250 Page 464 in the Greene County, Ohio Records.
- Loan Modification Agreement recorded on December 6, 2004 as Volume 2349 Page 106 in the Greene County, Ohio Records.
- r. Payment and Release of Financing Statement from BPN Properties, LLC to The Huntington National Bank 200 Courthouse Square SW, Dayton, Ohio 45402, recorded on May 21, 2004 as Instrument #04-97 in the Greene County, Ohio Records.
- Amendment for the purpose of Continuation recorded on March 19, 2009 as Instrument #09-53 in the Greene County, Ohio Records.
- s. Payment and Release of Condominium Lien filed against BPN Properties, LLC, in favor of Beaver Creek Professional Suites Condominium, in the amount of \$743.43, recorded on May 12, 2009 as Volume 2906 Page 96 in the Greene County, Ohio Records.

(HU10010132CO.PFD/HU10010132CO/5)

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

Application Number: HU10010132CO

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. The Plat of Beaver Creek Professional Suites Condominium, Phase II recorded as Cabinet 30 Page 269B shows: Easements: Utility.
10. Terms, conditions, and/or limitations of Recital of ingress and egress contained in the deed recorded on January 8, 1965, as Volume 372 Page 128 of Greene County, Ohio Records.
11. Easement for the purpose of storm and/or sanitary sewer and/or water line installation granted to Board of County Commissioners of Greene County, Ohio from Harold W. Koogler, recorded on May 1, 1973 as Volume 487 Page 520 of the Greene County, Ohio Records.
12. Easement for the purpose of storm and/or sanitary sewer and/or water storage tank installation granted to Board of County Commissioners of Greene County, Ohio from Harold W. Koogler, recorded on December 3, 1976 as Volume 526 Page 875 of the Greene County, Ohio Records.
13. Easement for the purpose of lines granted to The Dayton Power and Light Company from Doris M. Koogler, Administratrix of the Estate of Harold William Koogler, et al., recorded on April 4, 1984 as Volume 212 Page 297 of the Greene County, Ohio Records.

SCHEDULE B - SECTION II

(Continued)

Application Number: HU10010132CO

14. Easement for the purpose of underground communication systems granted to The Ohio Bell Telephone Company from Arnold Spicer, recorded on September 22, 1988 as Volume 414 Page 655 of the Greene County, Ohio Records.
15. Easement for the purpose of underground communication systems granted to The Ohio Bell Telephone Company from Arnold Spicer, recorded on October 10, 1989 as Volume 463 Page 900 of the Greene County, Ohio Records.
16. Easement for the purpose of underground communication systems granted to The Ohio Bell Telephone Company from Arnold Spicer, recorded on September 30, 1991 as Volume 563 Page 557 of the Greene County, Ohio Records. Note: The "In Witness Whereof", section of above instrument has not been completed.
17. Easement for the purpose of underground communication systems granted to The Ohio Bell Telephone Company from Samuel Morgan, recorded on October 21, 1992 as Volume 655 Page 733 of the Greene County, Ohio Records.
18. Terms, covenants, conditions, restrictions, assessments, charges, obligations and easements, as set forth in or arising from the Declaration and By-Laws Creating and Establishing a Plan for Condominium Ownership for Beaver Creek Professional Suites Condominium Phase I recorded as Volume 897 Page 515 in the Greene County, Ohio Records, and as may be amended from time to time.
19. Easement for the purpose of utility lines or facilities granted to The Dayton Power and Light Company from Beaver Creek Professional Suites Condominium Association, recorded on March 25, 1996 as Volume 984 Page 27 of the Greene County, Ohio Records.
20. Tax Id Number: B42000400050011200
FH Net: \$2,982.37 LH Net: \$2,982.37 - see below for payment status.
Taxes and Assessments for the First Half 2009 are A LIEN now due and payable, plus prior delinquencies
Tax Due Date: February 12, 2010
Contact taxing authority for exact payoff amount.
Taxes and Assessments for the Last Half 2009 are A LIEN.
Tax Due Date: No yet Determined
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: 32052 Kempton Square Lighting Dist. (ongoing) - Amount: \$42.02 per period.
21. 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.
22. 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: HU10010132CO

LEGAL DESCRIPTION

Situated in the City of Beavercreek, County of Greene, State of Ohio:And being Unit Number 2365-B Beavercreek Professional Suites Condominium, Phase II together with an undivided interest in the common area as set forth in the Declaration of Condominium Ownership as recorded in Official Records Volume 897, Page 515, and as amended in Official Records Volume 977, Page 665 the Drawings of Phase I which are recorded in Plat Cabinet Volume 30, Page 188B, 189A, 189B and 190A and Phase II which are recorded in Plat Cabinet Volume 30, Pages 269-B through 274-A and B of the Plat Records of Greene County, Ohio.

2365 B Lakeview Drive, Beavercreek, OH 45431
Permanent Parcel No.: B42000400050011200

(HU10010132CO.PFD/HU10010132CO/5)