

LEGAL DESCRIPTION

PARCEL I: A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, AS NOW ESTABLISHED; THENCE NORTH 0 DEGREES 00 MINUTES EAST (BEARING BASIS FOR DESCRIPTION) ALONG THE WEST LINE OF SAID SOUTHWEST ONE QUARTER 45 NOW ESTABLISHED, A DISTANCE OF 566.28 FEET; THENCE NORTH 89 DEGREES 34 MINUTES EAST, A DISTANCE OF 282.29 FEET TO THE POINT OF BEGINNING. BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE NORTH 15 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 474.44 FEET; THENCE NORTH 85 DEGREES 30 MINUTES EAST, A DISTANCE OF 177.15 FEET; THENCE NORTH 74 DEGREES 49 MINUTES 38 SECONDS EAST, A DISTANCE OF 145.37 FEET; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 28.0 FEET; THENCE SOUTH 74 DEGREES 49 MINUTES 38 SECONDS WEST, A DISTANCE OF 126.85 FEET; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 348.20 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 00 SECONDS WEST, A DISTANCE OF 140.78 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 200.0 FEET, AN ARC LENGTH OF 54.99 FEET AND BEING SUBTENDED BY A CHORD OF 54.82 FEET BEARING NORTH 82 DEGREES 33 MINUTES 25 SECONDS WEST; THENCE SOUTH 74 DEGREES 49 MINUTES 38 SECONDS WEST, A DISTANCE OF 85.46 FEET; THENCE NORTH 54 DEGREES 11 MINUTES 26 SECONDS WEST, A DISTANCE OF 65.54 FEET; THENCE NORTH 44 DEGREES 24 MINUTES 49 SECONDS WEST, A DISTANCE OF 39.38 FEET; THENCE SOUTH 74 DEGREES 49 MINUTES 38 SECONDS WEST, A DISTANCE OF 155.32 FEET TO THE POINT OF BEGINNING, CONTAINING 7.37 ACRES OF LAND, MORE OR LESS.

LEGAL DESCRIPTION

THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 135.5 FEET, AN ARC LENGTH OF 62.68 FEET AND BEING SUBTENDED BY A CHORD OF 62.14 FEET BEARING SOUTH 77 DEGREES 02 MINUTES 09 SECONDS WEST; THENCE SOUTH 10 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 7.30 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES WEST, A DISTANCE OF 230.49 FEET; THENCE NORTH 49 DEGREES 09 MINUTES 49 SECONDS WEST, A DISTANCE OF 154.09 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET, AN ARC LENGTH OF 8.06 FEET AND BEING SUBTENDED BY A CHORD OF 8.23 FEET BEARING SOUTH 87 DEGREES 33 MINUTES 50 SECONDS WEST; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 152.46 FEET, AN ARC LENGTH OF 87.58 FEET AND BEING SUBTENDED BY A CHORD OF 86.38 FEET BEARING SOUTH 27 DEGREES 50 MINUTES 04 SECONDS WEST; THENCE SOUTH 13 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 84.16 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 50.0 FEET, AN ARC LENGTH OF 12.05 FEET AND BEING SUBTENDED BY A CHORD OF 12.02 FEET BEARING SOUTH 6 DEGREES 34 MINUTES 50 SECONDS WEST; THENCE SOUTH 0 DEGREES 00 MINUTES 19 SECONDS EAST, A DISTANCE OF 141.65 FEET TO A POINT ON THE NORTH 40 FOOT RIGHT-OF-WAY LINE OF STELLHORN ROAD; THENCE SOUTH 0 DEGREES 00 MINUTES 19 SECONDS EAST, A DISTANCE OF 25.0 FEET; THENCE NORTH 0 DEGREES 19 MINUTES 19 SECONDS WEST, A DISTANCE OF 142.30 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 70.0 FEET, AN ARC LENGTH OF 16.87 FEET AND BEING SUBTENDED BY A CHORD OF 16.83 FEET BEARING NORTH 43 DEGREES 34 MINUTES 50 SECONDS EAST; THENCE NORTH 13 DEGREES 28 MINUTES 59 SECONDS EAST, A DISTANCE OF 88.46 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 175.0 FEET, AN ARC LENGTH OF 78.70 FEET AND BEING SUBTENDED BY A CHORD OF 79.01 FEET BEARING NORTH 26 DEGREES 31 MINUTES 46 SECONDS EAST; THENCE NORTH 39 DEGREES 34 MINUTES 44 SECONDS EAST, A DISTANCE OF 17.34 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET, AN ARC LENGTH OF 7.89 FEET AND BEING SUBTENDED BY A CHORD OF 7.17 FEET BEARING NORTH 2 DEGREES 51 MINUTES 53 SECONDS EAST; THENCE NORTH 33 DEGREES 50 MINUTES 43 SECONDS WEST, A DISTANCE OF 98.77 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 150.0 FEET, AN ARC LENGTH OF 51.41 FEET AND BEING SUBTENDED BY A CHORD OF 51.16 FEET BEARING NORTH 43 DEGREES 39 MINUTES 49 SECONDS WEST; THENCE NORTH 53 DEGREES 38 MINUTES 35 SECONDS WEST, A DISTANCE OF 92.61 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 190.0 FEET, AN ARC LENGTH OF 120.23 FEET AND BEING SUBTENDED BY A CHORD OF 118.23 FEET BEARING NORTH 71 DEGREES 36 MINUTES 35 SECONDS WEST; THENCE NORTH 89 DEGREES 44 MINUTES 15 SECONDS WEST, A DISTANCE OF 63.40 FEET TO THE POINT OF BEGINNING. BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE CONTINUING NORTH 0 DEGREES 00 MINUTES EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 54.0 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 15 SECONDS EAST, A DISTANCE OF 62.28 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 243.0 FEET, AN ARC LENGTH OF 153.77 FEET AND BEING SUBTENDED BY A CHORD OF 151.21 FEET BEARING SOUTH 71 DEGREES 36 MINUTES 35 SECONDS EAST; THENCE SOUTH 53 DEGREES 28 MINUTES 55 SECONDS EAST, A DISTANCE OF 35.35 FEET; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 7.25 FEET; THENCE SOUTH 38 DEGREES 27 MINUTES 56 SECONDS WEST, A DISTANCE OF 155.32 FEET; THENCE SOUTH 31 DEGREES 45 MINUTES 55 SECONDS EAST, A DISTANCE OF 39.38 FEET; THENCE SOUTH 44 DEGREES 24 MINUTES 49 SECONDS EAST, A DISTANCE OF 63.78 FEET; THENCE SOUTH 54 DEGREES 11 MINUTES 26 SECONDS EAST, A DISTANCE OF 65.54 FEET; THENCE SOUTH 74 DEGREES 49 MINUTES 38 SECONDS EAST, A DISTANCE OF 85.46 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 200.0 FEET, AN ARC LENGTH OF 54.99 FEET AND BEING SUBTENDED BY A CHORD OF 54.82 FEET BEARING NORTH 82 DEGREES 33 MINUTES 25 SECONDS EAST; THENCE NORTH 89 DEGREES 34 MINUTES EAST, A DISTANCE OF 12.59 FEET; THENCE ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 88.5 FEET, AN ARC LENGTH OF 35.05 FEET AND BEING SUBTENDED BY A CHORD OF 34.82 FEET BEARING NORTH 75 DEGREES 25 MINUTES 00 SECONDS EAST; THENCE NORTH 64 DEGREES 04 MINUTES 17 SECONDS EAST, A DISTANCE OF 48.49 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 138.5 FEET, AN ARC LENGTH OF 61.63 FEET AND BEING SUBTENDED BY A CHORD OF 61.12 FEET BEARING NORTH 76 DEGREES 49 MINUTES 09 SECONDS EAST; THENCE NORTH 89 DEGREES 34 MINUTES EAST, A DISTANCE OF 264.04 FEET; THENCE SOUTH 0 DEGREES 00 MINUTES 32 SECONDS EAST, A DISTANCE OF 290.0 FEET TO A POINT ON THE NORTH 60 FOOT RIGHT-OF-WAY LINE OF STELLHORN ROAD; THENCE SOUTH 89 DEGREES 34 MINUTES WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 60.0 FEET; THENCE NORTH 0 DEGREES 00 MINUTES 32 SECONDS WEST, A DISTANCE OF 240.0 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES WEST, A DISTANCE OF 203.72 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 88.5 FEET, AN ARC LENGTH OF 39.38 FEET AND BEING SUBTENDED BY A CHORD OF 39.08 FEET BEARING SOUTH 76 DEGREES 49 MINUTES 09 SECONDS WEST; THENCE SOUTH 64 DEGREES 04 MINUTES 17 SECONDS WEST, A DISTANCE OF 48.49 FEET.

ALTA/ACSM LAND TITLE SURVEY

SURVEYOR'S CERTIFICATION

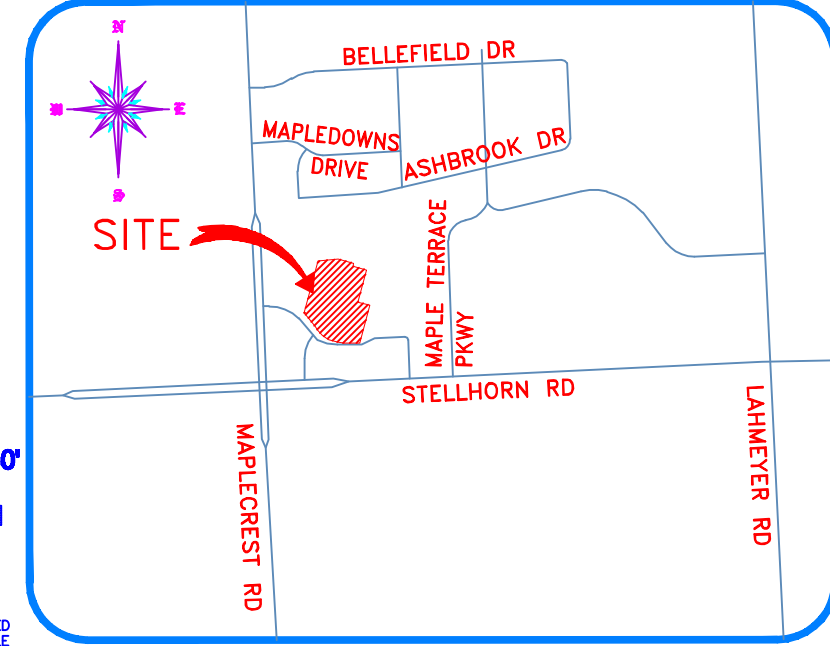
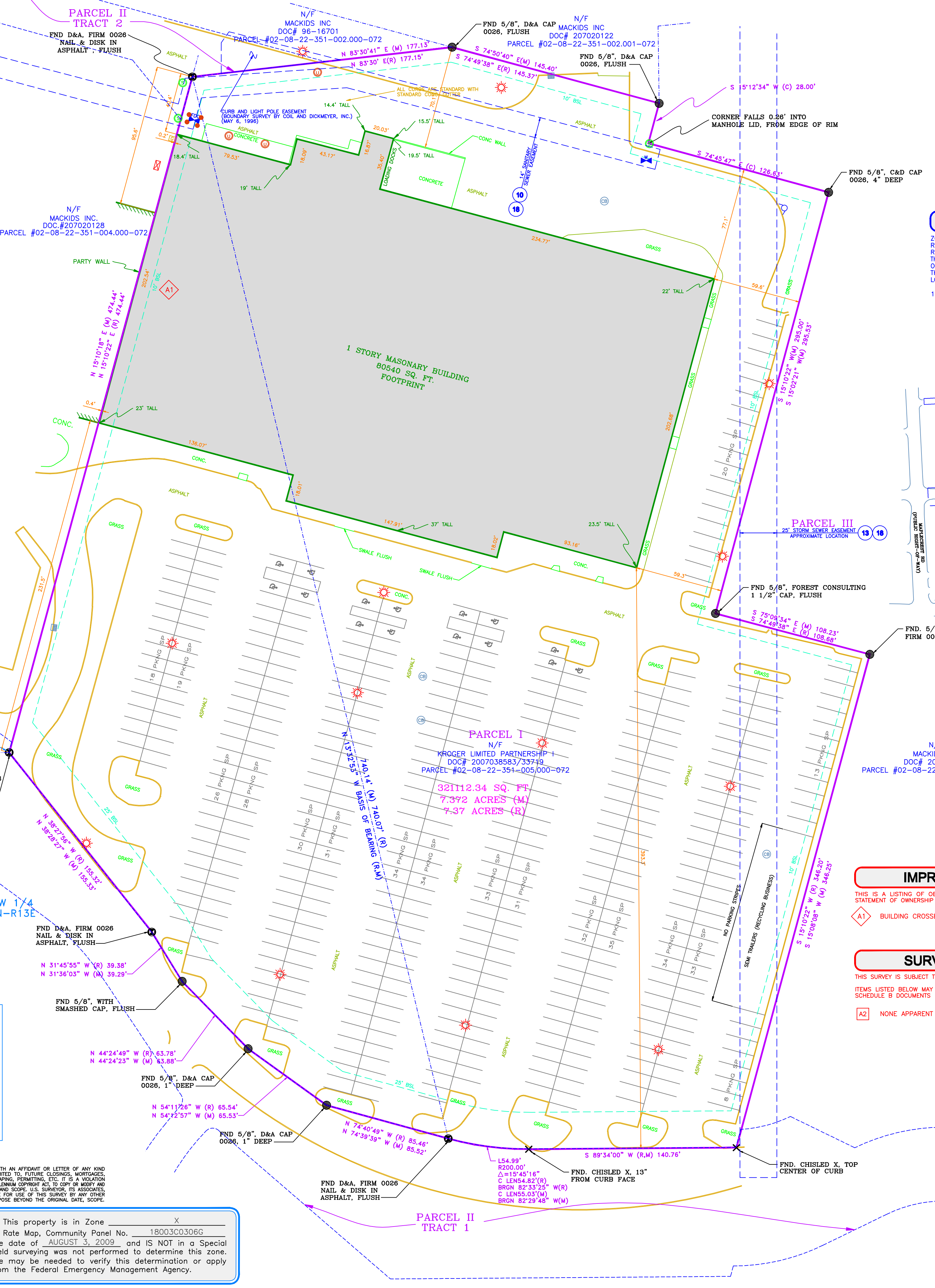
TO: ACTIVE INTERNATIONAL & FIDELITY NATIONAL TITLE INSURANCE COMPANY THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2,3,4,6a,6b,7a,7b(1),7c,8,9,11a, & 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 18, 2012

U.S. SURVEYOR logo with address: 4929 Riverwind Pointe Drive, Evansville, Indiana 47715. Phone: 1-800-TO-SURVEYOR

ACTIVE INTERNATIONAL PROJECT LOCATION: ALLEN COUNTY, STATE OF INDIANA PROJECT ADDRESS: 4522 MAPLECREST ROAD FT. WAYNE, IN 46835 PROJECT TYPE: ALTA/ACSM LAND TITLE SURVEY

PROFORMA SHEET 1 OF 1 MICHAEL F. FELDBUSCH R.L.S. INDIANA REGISTRATION NO. S 0459 DATE OF CERTIFICATION 00/00/12 JOB NUMBER: SS#4688.DWG\_MFF\_AIS

ALTA/ACSM LAND TITLE SURVEY



SCALE: 1" = 40' NORTH INDEX IS PER DOC# 2007038583/33719 JULY 10, 2007

SITE DATA

ZONING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AT THE PUBLIC COUNTY OF THE LOCAL ZONING AUTHORITY. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES. COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY. 1. ZONING—CM2, LIMITED RETAIL AND COMMERCIAL. SETBACKS— FRONT= 25' SIDE= 10', 15' IF ADJACENT TO RESIDENTIAL REAR= 10', 30' IF ABUTS A RESIDENTIAL. HEIGHT RESTRICTIONS— NOT TO EXCEED 35'. PARKING PROVIDED— REGULAR= 459 SPACES HANDICAP= 15 SPACES TOTAL SPACES PROVIDED= 474

STANDARD LEGEND

- MONUMENT FOUND, MONUMENT SET, P.K. NAIL FOUND, R.R. SPIKE FOUND, BENCHMARK, CONC. R/W MARKER, (R) RECORD DATA, (M) MEASURED DATA, R/W RIGHT OF WAY, BSL BACK SET LINE, RCP REINFORCED CONC PIPE, CURB-CORRUGATED METAL PIPE, FIRE DEPARTMENT CONNECTION, MTL METAL, AGL ABOVE GROUND LEVEL, F.P. FOOTPRINT, DECIDUOUS TREE, L/S LANDSCAPING, CONIFER, SQUARE METAL LID, FUEL TANK LID, FLAG POLE, UNKNOWN MANHOLE, FROZEN MANHOLE, UNKNOWN VAULT METAL, UNKNOWN VALVE, MAIL BOX, BOLLARD, BORE HOLE, MONITORING WELL, POWERPOLE, GUY WIRE, LIGHT POLE, GROUND LIGHT, STREET LIGHT POLE, ELEC. TRANSFORMER, AIR CONDITIONER, OVERHEAD ELECTRIC, ELECTRIC MANHOLE, ELECTRIC METER, ELECTRIC BOX, GENERATOR, ELECTRICAL VAULT, WATER LINE, WATER MANHOLE, WATER VALVE, WATER METER, HYDRANT, BACK FLOW PREVENTOR, FIRE PROTECTION VALVE, HOSE BIBB, CONTROL VALVE, IRRIGATION CONTROL VALVE, RECLAIMED WATER VALVE, WATER VAULT, GAS VALVE, GAS METER, UNDERGROUND GAS MARKER, GAS MANHOLE, GAS LINE, PROPANE TANK, UNDERGROUND ON MARKER, GUARD RAIL, FENCE, SAN SEWER LINE, SEWER MANHOLE, GREASE TRAP, FORCE MAIN, CLEAN OUT, STORM DRAIN LINE, STORM DRAIN MANHOLE, STORM INLET, CATCH BASIN, CURB INLET, PAV PHONE, TELEPHONE BOX, TELEPHONE PEDESTAL, TELEPHONE MANHOLE, TELEPHONE POLE, TELEPHONE LINE, OVERHEAD TELEPHONE, UNDERGROUND TELEPHONE MARKER, CABLE TELEVISION, FIBER OPTIC CABLE, OVERHEAD CABLE, CABLE BOX, CABLE PEDESTAL, UNDERGROUND CABLE MARKER, TELECOMMUNICATIONS MANHOLE, TELECOMMUNICATIONS PEDESTAL, TRAFFIC POLE, TRAFFIC SIGNAL, TRAFFIC MANHOLE, TRAFFIC SIGNAL BOX, TRAFFIC VAULT, STOP SIGN, SIGN

IMPROVEMENT NOTES

THIS IS A LISTING OF OBSERVED IMPROVEMENTS THAT CROSS DEED LINES. STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING. BUILDING CROSSES 10' SETBACK LINE.

SURVEYOR NOTES

THIS SURVEY IS SUBJECT TO ANY AND ALL ENFORCEABLE RESTRICTIVE COVENANTS. ITEMS LISTED BELOW MAY REPRESENT AN EASEMENT THAT WAS NOT SHOWN IN SCHEDULE B DOCUMENTS. NONE APPARENT AT TIME OF SURVEY.

NOTES CORRESPONDING TO SCHEDULE B

- AS PER COMMITMENT NO. ORDER NO. 751202099, DATED OCTOBER 09, 2012. 10 Terms and conditions of Agreement For Sewer Extension, recorded January 16, 1987 as Instrument No. 87-2865 of the Allen County Records. (AFFECTS SUBJECT PROPERTY, AS SHOWN HEREON) 11 Reservations, restrictions, covenants, limitations, easements, and/or conditions, as established in instruments filed for record September 7, 1993, as instrument No. 9551552 of the Allen County Records (ESTABLISHES A LANDSCAPE BUFFER AROUND A PORTION OF THE PROPERTY, NOT PLOTTABLE WITH DOCUMENTS PROVIDED) 12 Terms and conditions of Reciprocal Easement Agreement, recorded May 8, 1996 as Instrument Number 960025027 and re-recorded July 1, 1998 as Instrument No. 96003598; modified by Partial Release recorded March 18, 2005 as Instrument Number 205015536 of the Allen County Records. (BLANKET IN NATURE, NO PLOTTABLE POINTS) 13 Grant of Easement recorded May 8, 1996 as Instrument No. 960025028, of the Allen County Records. (AFFECTS SUBJECT PROPERTY, APPROXIMATE LOCATION SHOWN HEREON) 14 Terms and conditions of Sewer Contract 93-5-20, recorded May 7, 1993 as instrument No. 93-23700 of the Allen County Records. (DOES NOT AFFECT SUBJECT PROPERTY) 15 Easement for access filed for record July 12, 1994 as instrument No. 94-41693, of the Allen County Records. (DOES NOT AFFECT SUBJECT PROPERTY) 16 Easement recorded August 11, 1994 as instrument No. 94-47284, of the Allen County Records. (DOES NOT AFFECT SUBJECT PROPERTY) 17 Public Easement recorded January 30, 1995 as Instrument No. 95-3804, of the Allen County Records. (DOES NOT AFFECT SUBJECT PROPERTY) 18 Reservations, restrictions, covenants, limitations, easements, and/or conditions, as established in Special Warranty Deed filed for record July 10, 2007, in instrument No. 2007038583, of the Allen County Records. (AFFECTS SUBJECT PROPERTY, AS SHOWN HEREON)

RY PE,PLS DATE REVIEWED: REVISION: DATE: RECORD CLOSURE 1:178072.62 MEASURED CLOSURE 1:500,000 LEGAL DESCRIPTION REVIEWED BY: INT. - AIS INT. - MJF CERTIFICATION IS ONLY TO THE PARTIES HEREIN NAMED. THIS SURVEY IS NOT VALID FOR ANY FUTURE TRANSACTIONS OF THIS PROPERTY. DATE OF ORIGINAL: OCTOBER 23, 2012 REVISION: DATE: REVISION: DATE: REVISION: DATE:

FLOOD DATA This property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 18003C0306G which has an effective date of AUGUST 3, 2009 and IS NOT in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.