# DAVIS, DAVIS & LAYSON

ATTORNEYS AT LAW

ROBERT W. DAVIS (1913-1978) WILLIAM H. DAVIS DAVID A. LAYSON 102 N. Capitol Avenue CORYDON, INDIANA 47112 TELEPHONE 738-320 AREA CODE 81 FAX# 812-738-320

#### ATTORNEY'S OPINION

### TO: BECKORT AUCTIONS

I hereby certify that I have made a careful examination of the records of Crawford County, State c Indiana, for a period of fifty (50) years immediately preceding the date of this certificate relative to title o the property described as follows:

The following described real estate located in Ohio Township, Crawford County, Indiana:

Beginning at the Northwest corner of Fractional Section Thirty Five (35), Township Four (4) south, Range one (1) east, thence East 139 rods to a point, thence South 21 1/2 degrees west 47 rods and 20 links to a point in the South line of the right of way of the Alton-Leavenworth County Road to be known hereafter as THE TRUE PLACE OF BEGINNING, thence South 22 degrees east 33 rods to a point; thence South 39 degrees east 24 rods to the Ohio River, thence down said river as it meanders 878 feet to a point; thence North 45 degrees west 410 feet to the South line of the right of way of Alton-Leavenworth County Road, thence with said South line of said road 920 feet to the place of beginning

Containing eight (8) acres, more or less.

As of July 17, 2018, I find title to the above described real estate to be legally vested in:

## RODGER D. WALKER

subject, however, to the following liens, defects and/or other comment, not including reference to normal utility easements, rights of the Public, the State of Indiana, and County of Crawford in and to that part of premises taken or used for road purposes, or rights of persons in possession of possible mechanic's lien rights in favor of persons furnishing labor or materials within the last sixty (60) days of the date of this certificate, unrecorded federal income and estate tax liens:

#### 1. SURVEY MATTERS:

Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.

## 2. TAXES:

Taxes for the year 2016 due and payable 2017 each half in the amount of \$944.98 are assessed in the name of Rodger D. Walker.

Both Installments of taxes are PAID.

Ohio Township; Tax ID No. 13-13-35-207-001.000-008

Land - \$8,400.00; Improvements - \$85,600.00 Exemptions - \$-0-;

AND 2017 Taxes are a lien but not due and payable until 2018

## 3. MISCELLANEOUS:

Terms and provisions of a Warranty Deed of Flowage Easement dated August 10, 1965 and recorded September 24, 1965, in Misc. Record Book 19 page 243, from Frank Adamson and Anna Adamson, husband and wife, TO The United States of America. (See Attached Copy)

RESPECTFULLY SUBMITTED,

DAVIS, DAVIS & LAYSON

BY

David A. Layson, Attorney-At-Lay

Warranty Deed OF Howage Easement ["ALL Permankent" Carmelton Locks and Dam, Ohi THIS INDENTURE WITNESSETH, That FRANK ADAMSON and ANNA ADAMSON, (Crawford Tract(s) No.(s) 3402-E County, Ind: husband and wife. the GRANTORS CONVEY AND WARRANT to THE UNITED STATES OF AMERICA and its assigns, the GRANTEE, for and in consideration of the sum of SEVENTY FIVE AND NO/100 Dollars (\$ the receipt of which is hereby acknowledged, rights and easements consisting of the perpetual right, power, privilege, and easement permanently to overflow, flood and submerge the land hereinafter described, and to maintain mosquito control in connection with the operation and maintenance of the Cannelton Locks and Dam Project, as authorized by the Act of Congress approved

all right, title and interest in and to the timber situate below elevation 388 feet m.s.l. and the continuing right to clear and remove any brush, debris, and natural obstructions below said elevation which, in the opinion of the representative of the United States in charge of the project, may be detrimental to the project; provided that no structures for human habitation shall be constructed or maintained on the land, and provided further that no other structures shall be constructed or maintained on the land except as may be approved in writing by said representative of the United States in charge of the project; provided further that any exploration or exploitation of oil, gas and minerals shall be subject to Federal and State laws with respect to

3 March 1909 (35 Stat. 181, 33 U.S.C. 5, as amended); together with all right, title and interest in and to the structures and im-

pollution and shall not create floatable debris; reserving, however, to the GRANTORS. their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements set forth herein; and conveying the above estate subject to existing easements for public roads and highways, public utilities, railroads and pipelines, and also subject to reservations, exceptions and other outstanding rights contained in or referred to in patents issued 31:02-E

by the United States, in, upon, over and across land designated as Tract( 5) No. ( 5) \_\_\_\_\_\_
of the Cannelton Locks and Dam, Ohio River Project, more particularly described as follows:

provements now situate on the land excepting: \_\_\_

Situate in the State of Indiana, County of Crawford, on the right bank of the Ohio River at Ohio River Mile (being part of the West half, Section 35, Township & South, Range I East, more particularly described as follows:

Beginning at a point where the 397 foot contour, above M. S. I. Sandy Hook Datum, as determined by the Corps ( Engineers, U. S. Army, crosses the boundary line between the lands now or formerly owned by Donald E. Slean, et and the lands of subject owners, said point being in the downstream boundary line of subject owners' property : enced from the Northwest corner of Section 35, South 2980 feet, more or less, along the West line of said Section South 67° 51: East 590 feet, more or less, along said boundary line to the true point of beginning; thence, upsi

with said contour as it meanders and severs subject owners' land

Northeasterly 2495 feet, more or less, to a point in the downstream boundary line of lands now or formerly of
Estella Adamson, et al.; thence, with said Adamson's boundary line

South 34° 55' East 30 feet, more or less, to apoint in the ordinary high water line and being elevation 389;
downstream with said ordinary high water line as it meanders

Southwesterly 2065 feet, more or less, to a point in the downstream boundary line of subject owners; thence, boundary line

North 67° 51: West 23 feet, more or less, to the point of beginning, containing 1.54 acres, more or less. The used herein are referenced to the Kentucky State Plane Coordinate System, South Zone.

The above described tract is part of the same land as that described in a deed from Horrace Osman and Rose ( his wife, to Frank Adamson and Anna Adamson, dated October 28, 19hh, recorded in Beed Book 78, Page 9, in the of Crawford County, English, Indiana.

The U. S. Army Engineer District, Louisville, Corps of Engineers, 830 West Broadway, Louisville, Kentucky, is the agency for which the estate herein conveyed is being acquired.

The GRANTORS quitclaim to THE UNITED STATES OF AMERICA and its assigns the perpetual easement and right to overflow, flood and submerge all right, title and interest which the GRANTORS may have in any alleys, roads, streets, ways, strips, gores, railroad rights-of-way abutting or adjoining said land, and the banks, beds and waters of any streams opposite to or fronting upon said land, and in any means of ingress or egress appurtenant thereto.

It is the intention of the GRANTORS, and they hereby agree—that the payment of the above specified purchase price shall liquidate in full all past, present and future damages of any kind or character to the above described land and shall liquidate in full all past, present and future damages of any kind or character to crops, timber and to any other thing or things that may have occurred or may hereafter occur from overflow or otherwise resulting from the maintenance and/or operation of the Cannelton Locks and Dam, Ohio River Project, in any way or manner and from the exercise of the rights, titles, powers, privileges

and easements herein conveyed, and to whatever fee or interest, if any, which the GRANTORS own in the land lying and being within the present boundaries of any alleys, roads, streets, ways, strips, gores, railroad rights-of-way abutting or adjoining said land, and the banks, beds and waters of any streams opposite to or fronting upon said land, and to the appurtenances and improvements thereupto belonging and in any means of ingress or egress appurtenant thereto.

TO HAVE AND TO HOLD the above-described land to the extent of the interests conveyed herein together with all rights and appurtenances thereunto belonging, unto the UNITED STATES OF AMERICA, and its assigns forever, with covenant of GENERAL WARRANTY except the reservations and exceptions hereinabove set forth.

SIGNED, SEALED and DATED this 10 day of HUSBAND AND WIFE,	Aug. 1965 by FRANK ADAMSON and ANNA ADAMSON
Frank Adamson	Anna Adamson
Frank Adamson	ANNA ADAMSON
CER	TFICATE

STATE OF INDIANA COUNTY OF CRAWFORD | SS

#11515

Walter L. Hermann Before me. "ALLEST L. HETMANN." a Notary Public in and for said County and State, personally appeared Flexicowledged the execution of the foregoing Warranty Deed of Flowage Easement to be their voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF	I have hereunto set my h	and and seal this 10th day of August 19 65
:		Walter T. Hommonn