

## COMMITMENT FOR TITLE INSURANCE

***Transaction Identification Data for reference only:***

Issuing Agent: Titles of Dakota  
Issuing Office: Aberdeen, SD  
ALTA® Universal ID: 0002651  
Loan ID No.:  
Commitment No.: 81177-CL  
Issuing Office File No.: 81177-CL  
Property Address: n/a

### SCHEDULE A

1. Commitment Date: October 20, 2021 at 05:00 PM
2. Policy to be issued:
  - a. ALTA Owners Policy (06/17/06)  
Proposed Insured: Herther Farms LLC  
Proposed Policy Amount: \$5,000.00
  - b. ALTA Loan Policy (06/17/06)  
Proposed Insured: Herther Farms LLC  
Proposed Policy Amount: \$5,000.00
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. The Title is, at the Commitment Date, vested in:  
  
Herther Farms LLC
5. The Land is described as follows:  
  
Parcel 1: Northwest Quarter of Section 23, Township 128 North, Range 60 West of the 5th P.M., Brown County, South Dakota

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**SCHEDULE A**

(Continued)

Parcel 2: Southwest Quarter of Section 23, Township 128 North, Range 60 West of the 5th P.M., Brown County, South Dakota

Parcel 3: Southeast Quarter of Section 6, Township 127 North, Range 62 West of the 5th P.M., Except the South 17 feet deeded for highway purposes in Book 135, Page 521 of deeds, Brown County, South Dakota

Parcel 4: West half of the Northeast Quarter of Section 29, Township 128 North, Range 62 West of the 5th P.M., Except the North 17 feet deeded for highway purposes in Book 212, Page 65 of deeds, Brown County, South Dakota

Parcel 5: Northwest Quarter of Section 29, Township 128 North, Range 62 West of the 5th P.M., Except the North 17 feet deeded for highway purposes in Book 212, Page 65 of deeds, Brown County, South Dakota

Parcel 6: Lot 1, Herther Addition in the Southwest Quarter of Section 29, Township 128 North, Range 62 West of the 5th P.M., according to the plat thereof of record, Brown County, South Dakota

*Darla Nelson*

Darla Nelson  
Title Examiner  
104 S. Lincoln St.  
Aberdeen, SD 57401  
605-225-1330

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
A Stock Company  
400 Second Avenue South, Minneapolis, Minnesota 55401  
(612) 371-1111

By *Mark Bibeau* President  
Attest *David Wold* Secretary

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## COMMITMENT FOR TITLE INSURANCE

### SCHEDULE B, PART I Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. A properly executed Deed from Herther Farms LLC to .
6. The proposed insured has not been submitted at this time to our company, and is subject to approval by the company. NOTE: This should not be used for sale or mortgage purposes on said premises, as further requirements may be requested.
7. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount value of the property as collateral. Proposed Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.
8. We require that Herther Farms LLC complete a Limited Liability Company Certificate of Authority as it pertains to said premises.

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## SCHEDULE B

(Continued)

9. Any charges for municipal services (i.e., water, sewer, correction of nuisance conditions, etc.) are the responsibility of the parties to this transaction. For information regarding the existence of any such bill, contact the appropriate municipal office.
10. Please be advised that the Tax Reform Act of 1986 requires that the following information be provided at closing:
  - a) Seller's Tax Identification Number or Social Security Number.
  - b) Seller's full address after the closing.

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## SCHEDULE B

(Continued)

### SCHEDULE B, PART II

#### Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the public records.
5. Any liens, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Subject to any taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
7. (a) Unpatented mining claims, title, or interest in any minerals, mineral rights, or related matters, or rights of access and egress, including but not limited to oil, gas, coal, and other hydrocarbons; (b) exceptions, reservations, and restrictions contained in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
8. Real Estate Taxes for the year 2020, payable in 2021, in the amount of \$2,091.80, are paid in full. Parcel ID #012312860NW0000. Parcel Key #102. (Parcel 1)

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## SCHEDULE B

(Continued)

9. Real Estate Taxes for the year 2020, payable in 2021, in the amount of \$2,473.14, are paid in full. Parcel ID #012312860SW0000. Parcel Key #104. (Parcel 2)
10. Real Estate Taxes for the year 2020, payable in 2021, in the amount of \$2,961.52, are paid in full. Parcel ID #020612762SE0000. Parcel Key #193. (Parcel 3)
11. Real Estate Taxes for the year 2020, payable in 2021, in the amount of \$1,267.92, are paid in full. Parcel ID #312912862NE0001. Parcel Key #8654. (Parcel 4)
12. Real Estate Taxes for the year 2020, payable in 2021, in the amount of \$2,114.65, are paid in full. Parcel ID #312912862NW0000. Parcel Key #8655. (Parcel 5)
13. Real Estate Taxes for the year 2020, payable in 2021, in the amount of \$534.90, are paid in full. Parcel ID #312912862SW0020. Parcel Key #8658. (Parcel 6)
14. RESERVATIONS as contained in that certain Patent, dated August 26, 1889, executed by the United States to Frederick A. Lahman; covering NW 1/4 23-128-60; filed for record on April 2, 1902 at 2:00 P.M. in Book 46, Page 612 records of said county as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and to remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law." (Parcel 1)
15. RESERVATIONS as contained in that certain Patent, dated April 13, 1895 executed by the United States to Aaron Hieber; covering SW 1/4 23-128-60; filed for record on January 23, 1896 at 9:00 A.M. in Book 36, Page 446 records of said county as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and to remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law." (Parcel 2)
16. RESERVATIONS as contained in that certain Patent, dated September 25, 1886, executed by the United States to Ulmer J. Putnam; covering SE 1/4 6-127-62; filed for record on August 22, 1906 at 9:00 A.M. in Boo 64, Page 343 records of said county as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and to remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law." (Parcel 3)

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## SCHEDULE B

(Continued)

17. RESERVATIONS as contained in that certain Patent, dated Apr. 21, 1887, executed by the United States to Fred Countryman; covering the Northeast Quarter of Section 29, Township 128 North, Range 62 West of the 5th P.M.; filed for record on Jan. 14, 1889 at 1:40 P.M. in Book 29, Page 55 records of said county as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and to remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law." (Parcel 4)
18. RESERVATIONS as contained in that certain Patent, dated July 18, 1893, executed by the United States to Harding Parks; covering the Northwest Quarter of Section 29, Township 128 North, Range 62 West of the 5th P.M.; filed for record on September 1, 1954 at 10:15 A.M. in Book 71, Page 424 records of said county as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and to remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law." (Parcel 5)
19. RESERVATIONS as contained in that certain Patent, dated September 25, 1883, executed by the United States to Marcus Thomas; covering the Southwest Quarter of Section 29, Township 128 North, Range 62 West of the 5th P.M.; filed for record on December 4, 2002 at 3:52 P.M. in Book 278, Page 565 records of said county as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and to remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law." (Parcel 6)
20. RIGHT-OF-WAY EASEMENT to BDM Rural Water Systems, Inc, Britton, SD; filed for record July 21, 2008 at 11:23 A.M. in Book 133 MR, Page 629 records of said county as follows: "...Hereby grant, bargain, sell, transfer, and convey unto the Grantee, a perpetual easement...to the W 1/2 of 23-128-60..." (Parcel 1 and 2)
21. QUIT CLAIM DEED, dated June 4, 1948, executed by Alvin E. Melcher and Ruth Melcher, husband and wife to Brown County, South Dakota, a Body Corporate, Aberdeen, SD; filed for record July 12, 1948 at 1:15 P.M. in Book 135, Page 521 records of said county conveying the North 7 feet of land along the NE1/4 of 34-124-64 for highway purposes. Said strip of land being parallel and adjacent to the present public highway. (Parcel 3)

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## SCHEDULE B

(Continued)

22. QUIT CLAIM DEED, dated June 4, 1974, executed by Mildred Herther, BY: Stanley Stearns, Attorney-in-fact to Brown County, South Dakota, a Body Corporate, Aberdeen, SD; filed for record June 27, 1974 at 8:40 A.M. in Book 212, Page 65 records of said county conveying the North 17 feet of land along the NW1/4 of 29-128-62 and the North 17 feet in the W 1/2 of the NE 29-128-62 for highway purposes. Said strip of land being parallel and adjacent to the present public highway. (Parcel 4 and 5)
23. SEVERANCE AGREEMENT, dated Jan. 7, 1958, executed by Len Herther, Borrower, Mildred Herther, Borrowers Spouse, and Len Herther, Owner or Lienholder to the Commodity Credit Corporation; filed for record Mar. 19, 1958 at 8:00 A.M. in Book 32 MR, Page 565 records of said county as follows: "Whereas Borrower has applied for a loan or for the guarantee of a loan for the purpose -- purchasing and erecting or constructing the following storage structure, to-wit: Type: 1 Economy, Kind: Wood; Capacity: 2,120 Bu. on the SW1/4 of 29-128-62..." (Parcel 6)
24. SEVERANCE AGREEMENT, dated Feb. 25, 1958, executed by Len Herther, Borrower, Mildred Herther, Borrowers Spouse, and Len Herther, Owner or Lienholder to the Commodity Credit Corporation; filed for record June 19, 1958 at 8:00 A.M. in Book 32 MR, Page 433 records of said county as follows: "Whereas Borrower has applied for a loan or for the guarantee of a loan for the purpose -- purchasing and erecting or constructing the following storage structure, to-wit: Type: 1 Economy, Kind: Wood; Capacity: 2,120 Bu. on the SW1/4 of 29-128-62..." (Parcel 6)
25. VESTED DRAINAGE RIGHT REGISTRATION FORM, dated ---, executed by Leonard E. Herther to The Public; filed for record Dec. 20, 1988 at 10:39 A.M. in Book 104 MR, Page 44 records of said county as follows: "Legal Description of Drained land (dominant estate): SW1/4 of 29-128-62. Legal Description of receiving land (servient estate): None..." (Parcel 6)
26. Statutory easement for highway along the section line bounding the land herein described. (All Parcels)
27. Subject to any setback lines and utility easements that may exist. (All Parcels)

END OF SCHEDULE B

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