

Law Offices  
**LOONEY, LOONEY & CHADWELL, PLLC**  
156 Rector Ave.  
Crossville, TN 38555

Phone 931-484-7129

Fax 931-484-5251

**ATTORNEY'S PRELIMINARY REPORT ON TITLE**

TO: **TAYS REALTY & AUCTION, LLC**

RE: **JOHN K. BUTZ**

Based upon a personal examination of the public records for a period of thirty (30) years preceding the date of this certificate affecting the title to the real estate described on Exhibit "A" attached to this Attorney's Preliminary Report on title, the undersigned certifies to the above-named addressee that marketable fee simple title to the real property described on Exhibit "A" is vested in **John K. Butz**, by virtue of the instrument referenced in Exhibit "A" and subject to the matters appearing on Exhibit "B" and the following matters:

1. The lien of Cumberland County real property taxes for the year 2018, not yet due nor payable and subsequent years for Map 142-I, Group C, Parcel 3.00C SI 148. The taxes for 2017 were paid January 9, 2018 in the amount of \$170.00 on Receipt #7477.
2. Easements and all matters appearing on the Plat of record at Plat Book 9, page 170, Register's Office, Cumberland County, Tennessee.
3. All other Cumberland Point Condominium Property Owners Association dues and assessments, if any.
4. Reservation of all minerals by a prior owner.
5. Restrictive covenants of record at Deed Book 333, pages 688-754, and as amended in Deed Book 336, pages 706-711; Deed Book 338, pages 140-149; and Deed Book 341, pages 5-12, Register's Office, Cumberland County, Tennessee.

This Certificate is dated as of the 17<sup>th</sup> day of May, 2018 at 8:00 A.M.

**LOONEY, LOONEY & CHADWELL, PLLC**

BY: \_\_\_\_\_

**Kenneth M. Chadwell, Attorney**

## EXHIBIT "A"

Lying and being in the FOURTH CIVIL DISTRICT of Cumberland County, Tennessee, bounded and described as follows:

Being **Condominium Unit No. 1408 of Cumberland Point Condominiums, Phase II, of Cumberland Gardens**, as shown by plat of record at Plat Book 9, page 170, Register's Office, Cumberland County, Tennessee, and as established and defined in the Supplemental Declaration of Covenants and Restrictions and Master Deed for Cumberland Point Condominiums, dated March 26, 1987, of record in Deed Book 333, pages 688-754, and as amended in Deed Book 336, pages 706-711; Deed Book 338, pages 140-149; and Deed Book 341, pages 5-12, Register's Office, Cumberland County, Tennessee.

Being the same property acquired by John K. Butz, by virtue of a deed dated March 17, 2010, from Butz Properties, LLC, of record at Book 1336, page 2444, Register's Office, Cumberland County, Tennessee.

The conveyance of this property is made expressly subject to the following matters:

- (a) All matters which appear on the plat of Cumberland Point Condominiums, at Plat Book 9, page 170, Register's Office, Cumberland County, Tennessee;
- (b) Restrictive covenants, limitations and conditions contained in the Declaration of Covenants and Restrictions for Cumberland Gardens as filed for record in Deed Book 124, pages 5-42, as amended in Deed Book 347, pages 76-93, Register's Office, Cumberland County, Tennessee;
- (c) The Supplemental Declaration of Covenants and Restrictions and Master Deed for Cumberland Point Condominiums, of record at Deed Book 333, pages 688-754, Register's Office, Cumberland County, Tennessee;
- (d) The First Amended and Supplemental Declaration of Covenants and Restrictions for Cumberland Point Condominiums, of record at Deed Book 336, pages 706-711, Register's Office, Cumberland County, Tennessee;
- (e) The Second Amended and Supplemental Declaration of Covenants and Restrictions for Cumberland Point Condominiums, of record at Deed Book 338, pages 140-149, Register's Office, Cumberland County, Tennessee; and,
- (f) The Third Amended and Supplemental Declaration of Covenants and Restrictions for Cumberland Point Condominiums, of record at Deed Book 341, pages 5-12, Register's Office, Cumberland County, Tennessee.

**EXHIBIT "B"**  
(Additional Exceptions)

1. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
2. The rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, violated restrictions, boundary line disputes, or any matter not of record which would be disclosed by an accurate and certified transit survey and/or visual inspection of the premises. This certificate will not insure the acreage or area contained in a given tract nor the accuracy of location of boundary lines, nor the location or contiguity of the interior lines of any parcels making up such premises.
3. Easements, or claims of easements, not shown by the public records.
4. The rights of upper and lower riparian owners. The potential riparian rights, if any, are neither guaranteed nor certified.
5. Any instrument in the chain of title being a forgery or having been procured by fraud.
6. Any impropriety in the delivery of any deed in the chain of title.
7. The incompetence or minority of any person executing any instrument in the chain of title.
8. Lack of corporate capacity or the proper corporate authorization for the execution of any instrument in the chain of title executed by a corporation.
9. Any claim or ownership interest of undisclosed heirs and the omission by any such heirs of the execution of any instrument in the chain of title.
10. The effect of any laws, ordinances, governmental regulations, the power of eminent domain, or governmental exercise of the police power, that may affect the subject property.
11. Marital rights of any undisclosed spouse of any grantor executing instruments in the chain of title who did not join in the conveyance of the subject property.
12. Any federal litigation or bankruptcy proceedings affecting title to the subject property for which there is nothing of record in the Register's Office of the County where the land lies to indicate the pendency and/or status of such litigation or proceedings.
13. Subject to the proper indexing of all instruments in the chain of title in the Register's Office of the County where the land lies.
14. Any potential rollback taxes which may be imposed pursuant to the Agricultural, Forest and Open Space Land Act of 1976, codified at Tennessee Code Annotated §67-5-101, et seq.
15. All oil, gas, or other minerals that are, or may be, claimed by others.
16. Such state of facts and/or circumstances as may be known to the addressees of this Report on Title and their privies for whom this opinion is prepared which may be contrary to or inconsistent with the findings herein expressed, which facts and/or circumstances have not been made known to the undersigned.
17. The effects of the Subdivision Regulations of the Cumberland County Regional Planning Commission and Regional and Municipal Planning Statutes codified in Chapters 3 and 4 of Title 13 of the Tennessee Code Annotated, and any amendments thereto, upon or with regard to the subject real property, including, but not limited to, any loss, damages or claims arising from failure to comply to said regulations and statutes or failure to obtain authorization under said regulations and statutes for the subdivision of the real property or the division of the subject real property from a larger tract of property.