

Atkins Law, P.C.

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ATTORNEY'S PRELIMINARY CERTIFICATE AND OPINION OF PROPERTY

CAPTION

ALL THAT TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

TO: **Auction Management Corporation;** AND NOT FOR THE BENEFIT, USE, OR RELIANCE OF ANY OTHER PERSON OR PARTIES, FIRM OR CORPORATION; ALSO, THIS ATTORNEY'S PRELIMINARY CERTIFICATE AND OPINION OF PROPERTY MAY NOT BE USED FOR PROCURING TITLE INSURANCE

This is to certify that in consideration of a fee paid to the undersigned attorney the undersigned hereby certifies that a careful examination has been made of the public records of *HARALSON COUNTY, GEORGIA*, affecting title to the property described in caption in so far as is correctly shown by indexes to said records, from which indexes this certificate is furnished; and we hereby certify that record fee simple title to said property is now vested in ***KELLY FOUNDATION FOR SENIOR LIVING, INC.*** subject, however to the following:

STANDARD EXCEPTIONS

The following are hereby expressly accepted from this examination: (a) All matters of record subsequent to the date of this examination. (b) Matters affecting the title which are not of record, or, which, if they are of record, are not indexed in such a manner that a reasonably prudent search would have revealed them to the examiner. (c) Such state of facts as would be disclosed from a competent civil engineer's accurate survey of said property. (d) Encroachments, except such as in our opinion do not materially affect the value of the property. (e) Title to that portion of the premises within the bounds of any public road. (f) The rights of others in and to any stream running through the property. (g) Title to that portion of the premises within the bounds of any public road. (f) The rights of others in and to any stream running through the property. (g) Adverse claims of tenants in possession. (h) All zoning laws, ordinances or regulations, municipal or county, and all governmental regulations of the use and occupancy of the property, including the regulations or condemnation of the land or any building or structure thereon. (i) Taxes are now due and payable at the date of the examination. (j) Street improvement liens, which have not been properly placed of record. (k) Past due water bills, which while not technically liens, will deter the municipal authority from transferring water meters until the bills have been paid. (l) Pay as you enter water or sewer lines, which while not technically liens, will be payable upon connection with such lines. (m) Items of personality used in connection with, or attached to the realty, where not indexed upon the deed records. (n) Any consumer credit protection, truth-in-lending or similar laws. (o) This opinion is limited to the married women as they appear in the chain of title and as furnished to the examiner. (p) Any and all mineral and mining rights possibly reserved outside the period of our examination that would affect the status of title of the property. (q) The incapacity of any parties. (r) If any improvements have been placed on this property within the past 95 days, proof is required that all bills for labor and materials have been paid in full. (s) Indefinite or poor descriptions in conveyance in the chain of title of caption property as well as that adjacent thereto. (t) Any and all environmental conditions or hazards that may now or in the future affect said property or the value thereof.

SPECIAL OBJECTIONS

1. There appears a Deed to Secure Debt from Kelly Foundation for Senior Living, Inc. to the United States of America, acting through the United States Department of Agriculture in the original principal amount of \$4,999,000.00, dated June 30, 2011 and filed for record on July 13, 2011 in Deed Book 1035, page 191, Records of Haralson County, Georgia.
2. There appears a UCC Financing Statement from Kelly Foundation for Senior Living, Inc. to United States Department of Agriculture filed for record on July 13, 2011 in Deed Book 1035, page 196, Records of Haralson County, Georgia.

EXCEPTIONS

1. Haralson County Georgia property taxes are due for Parcel #0074-0075A. The taxes for the year 2022 are DUE in the amount of \$822.61 if paid on or before September 1, 2023 for Parcel # 0074-0075A.
2. Haralson County Georgia property taxes Exempt for Parcel #0074-0075AA.
3. Exception is made to all matters shown on plat of survey recorded at Plat Book 43, page 21, Records of Polk County, Georgia.
4. Exception is made to all matters shown on plat of survey recorded at Plat Book 43, page 138, Records of Polk County, Georgia.
5. Subject to an Ingress and Egress Easement dated December 20, 2022, and filed for record on December 22, 2022, in Deed Book 1370, Page 442, Polk County, Georgia Records.

This title is certified through **August 10, 2023 @ 8:30 am.**

ATKINS LAW, P.C.

By: _____

**Vickey R. Atkins
Attorney at Law**

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 41, 7th District, 5th Section, Haralson County, Georgia and being more particularly shown as Tract Two, containing 10.00 acres, according to a Plat and Survey for Joseph B. Kelly, prepared by Gregory Jack Dewberry, Georgia Registered Surveyor No. 2930, and recorded in Plat Book 43, Page 21, Haralson County, Georgia Deed Records, reference to which plat is hereby made for a more detailed description thereof.

AND

All that tract or parcel of land lying and being in Land Lot 41 in the 7th District, 5th Section, Haralson County, Georgia and being more particularly described as follows:

BEGINNING at ½ inch rebar located at the intersection of the south right of way line of U.S. Highway Business 27 (an 80 foot right of way) and the west right of way line of Pauper Farm Road (60 foot right of way) and running thence south 82 degrees 44 minutes 38 seconds east, along the west right of way line of Pauper Farm Road, a distance of 187.90 feet to a ½ inch rebar; running thence south 00 degrees 21 minutes 23 seconds west a distance of 45.38 feet to a ½ inch rebar; running thence in a curve to the left having a radius of 105.01 feet and a length of 162.34 feet, being subtended by a chord of south 51 degrees 05 minutes 35 seconds west a distance of 146.65 feet; continuing thence south 07 degrees 15 minutes 22 seconds west a distance of 141.82 feet to a point; continuing thence in a curve to the right having a radius of 77.04 feet and a length of 104.61 feet, being subtended by a chord of south 48 degrees 48 minutes 53 seconds west a distance of 96.75 feet to an ½ inch rebar located on the south right of way line of U.S. Highway Business 27; running thence along the south right of way line of U.S. Highway Business 27 the following calls and distances: north 00 degrees 07 minutes 30 seconds west a distance of 90.64 feet; running thence in a curve having a radius of 1265.08 feet and a length of 276.17 feet, being subtended by a chord of north 03 degrees 56 minutes 17 seconds east a distance of 275.63 feet to a ½ inch rebar placed at the point of beginning, all as more particularly shown as Tract Two containing 0.83 acres, according to a Plat and Survey for Joseph B. Kelly, prepared by Gregory J. Dewberry, RLS # 2930, dated 10/24/2011 and recorded in Plat Book 43, Page 138, Haralson County, Georgia Deed Records, reference to which plat is hereby made for a more detailed description thereof.

Tax Parcel No. 0074-0075A and 0074-0075AA