

Grue Abstract Company
619 Main Street, P.O. Box 559
Webster, SD 57274

August 12, 2022

Delaney, Nielsen & Sannes, P.C.
520 2nd Avenue East, PO Box 9
Sisseton, SD 57262

Attn: Pam Richards

SD2220898

RE: Parcel I: The Southwest Quarter (SW1/4) of Section 5, Township 124 North, Range 53 West of the 5th P.M., Day County, South Dakota

Parcel II: The Northwest Quarter (NW1/4) of Section 35, Township 124 North of Range 55 West of the 5th P.M., Day County, South Dakota.

Parcel III: The North Half of the Southeast Quarter (N1/2SE1/4) and the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 1, Township 122 North, Range 55 West of the 5th P.M., Day County, South Dakota.

Parcel IV: The South Half of the Northeast Quarter (S1/2NE1/4) and Lots 1 and 2 of Section 1, Township 122 North, Range 55 West of the 5th P.M., Day County, South Dakota.

Parcel V: Lots 1 and 2 of Section 20, Township 123 North, Range 54 West of the 5th P.M., Day County, South Dakota.

Parcel VI: The East Half of the Southwest Quarter (E1/2SW1/4) of Section 20, Township 123 North, Range 54 West of the 5th P.M., Day County, South Dakota.

Parcel VII: Lots 3 and 4 of Section 20, Township 123 North, Range 54 West of the 5th P.M., Day County, South Dakota.

Address: 05-124-53, SW, SD, Waubay, SD 57273
35-124-55, NW, SD, Waubay, SD 57273
01-122-55, SHNE & Gov't Lots 1 & 2, SD, Waubay, SD 57273
01-122-55, NHSE & SESE, SD, Waubay, SD 57273
20-123-54, Gov't Lots 1 & 2, SD, Waubay, SD 57273
20-123-54, EHSW, SD, Waubay, SD 57273
20-123-54, Gov't Lots 3 & 4, SD, Waubay, SD 57273

Dear Pam Richards:

We have reviewed the records for the above described property and as of 8/5/2022, we find the owners to be Calvin Henning, David Henning, Joseph Henning and Carol Henning Bowers, subject to completion of the Transfer on Death Deed

Subject to the following:

1. No judgments found of public record.
2. 2021 Real Estate Taxes due and payable in 2022 in the amount of \$1,465.98, are paid in full. Tax ID #17.105.3000. (Parcel I)
3. 2021 Real Estate Taxes due and payable in 2022 in the amount of \$2,305.50, are paid in full. Tax ID #15.235.2000. (Parcel II)
4. 2021 Real Estate Taxes due and payable in 2022 in the amount of \$898.66, are paid in full. Tax ID #16.01.4000. (Parcel III)
5. 2021 Real Estate Taxes due and payable in 2022 in the amount of \$1,277.44, are paid in full. Tax ID #16.01.1000. (Parcel IV)
6. 2021 Real Estate Taxes due and payable in 2022 in the amount of \$370.32, are paid in full. Tax ID #07.420.3000. (Parcel VI)
7. 2021 Real Estate Taxes due and payable in 2022 in the amount of \$447.74, are paid in full. Tax ID #07.420.1000. (Parcel V)
8. 2021 Real Estate Taxes due and payable in 2022 in the amount of \$1,018.86, are paid in full. Tax ID #07.420.4000. (Parcel VII)
9. No open mortgages found of public record.
10. Reservations contained in U.S. Patent executed by United States of America, filed on August 10, 1899 and recorded in Book 4 of Patents, page 249, substantially as follows:

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 remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. (Parcel VI)

11. Reservations contained in U.S. Patent executed by United States of America, filed on December 10, 1901 and recorded in Book 4 of Patents, page 419, substantially as follows:

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 remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. (Parcel III - N2SE)

12. Reservations contained in U.S. Patent executed by United States of America, filed on September 8, 1902 and recorded in Book 6 of Patents, page 44, substantially as follows:

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 remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. (Parcel III - SESE)

13. Reservations contained in U.S. Patent executed by United States of America, filed on September 15, 1902 and recorded in Book 6 of Patents, page 45, substantially as follows:

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 remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. (Parcel IV Lots 1--2)

14. Reservations contained in U.S. Patent executed by United States of America, filed on May 20, 1903 and recorded in Book 6 of Patents, page 311, substantially as follows:

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 remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. (Parcel V & VII)

15. Reservations contained in U.S. Patent executed by United States of America, filed on January 27, 1910 and recorded in Book 8 of Patents, page 58, substantially as follows:

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 remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. (Parcel II)

16. Reservations contained in U.S. Patent executed by United States of America, filed on April 6, 1910 and recorded in Book 8 of Patents, page 69, substantially as follows:

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 remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. (Parcel I)

17. Oil and Gas Lease dated December 31, 1952, executed by Palmer Kjorsvig and Carl Kjorsvig to A.A. Johnson, filed on January 6, 1953 and recorded in Book B38 of Miscellaneous on page 397. (Parcel II)
18. Oil and Gas Lease dated December 31, 1952, executed by John Henning to A.A. Johnson, filed on January 21, 1953 and recorded in Book B38 of Miscellaneous on page 434.
19. Buried Exchange Facility Easement dated November 12, 1976, executed by Robert W. Nelson and John Henning to Northwestern Bell Telephone Company, filed on February 18, 1977 and recorded in Book B77 of Miscellaneous on page 196. (Parcel VI)
20. Conveyance of Easement for Waterfowl Management Rights dated November 9, 1988, executed by John Henning and Dorothy Henning, his wife to the United States of America, filed on September 5, 1989 and recorded in Book B100 of Miscellaneous on page 338. (Parcel I)
21. Vested Drainage Right Form dated February 2, 1990, executed by John Henning and Dorothy F. Henning to Whom It May Concern, filed on February 2, 1990 and recorded in Book B100 of Miscellaneous on page 773. (Parcels VI--VII)
22. Vested Drainage Right Form dated February 2, 1990, executed by John Henning and Dorothy F. Henning to Whom It May Concern, filed on February 2, 1990 and recorded in Book B100 of Miscellaneous on page 774. (Parcel V)

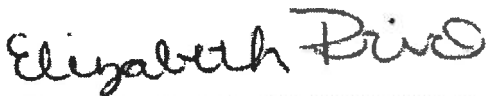
23. Vested Drainage Right Form dated February 2, 1990, executed by John Henning and Dorothy F Henning to Whom It May Concern, filed on February 2, 1990 and recorded in Book B100 of Miscellaneous on page 775. (Parcel II)
24. Vested Drainage Right Form dated February 2, 1990, executed by John Henning to Whom It May Concern, filed on February 2, 1990 and recorded in Book B100 of Miscellaneous on page 777. (Parcel III)
25. Vested Drainage Right Form dated February 2, 1990, executed by John Henning to Whom It May Concern, filed on February 2, 1990 and recorded in Book B100 of Miscellaneous on page 778. (Parcel I)
26. Vested Drainage Right Form dated February 2, 1990, executed by John Henning to Whom It May Concern, filed on February 2, 1990 and recorded in Book B100 of Miscellaneous on page 780. (Parcel IV)
27. Easement for Emergency Watersheds Program dated June 8, 2000, executed by John Henning to The United States of America, filed on June 8, 2000 and recorded in Book B126 of Miscellaneous on page 152.

Acceptance of Warranty Easement Deed, dated September 13, 2007, executed by Janet L Oertly, State Conservationist to Whom It May Concern, filed on September 25, 2007 and recorded in Book B139 of Miscellaneous on page 542.

28. Rights of the public in and to the section line right-of-way.

This report is not a title insurance policy. It is not to be used for sale or mortgage purposes, but for informational purposes only. Grue Abstract Company disclaims any liability with respect to this information report except to the extent of the cost hereof, \$375.00.

Grue Abstract Company



Elizabeth Price

Prepared by:
John Henning
13409 444th Ave
Waubay, SD 57273

After Recording Return to:
John Henning
13409 444th Ave
Waubay, SD 57273



**DAY COUNTY, SOUTH DAKOTA
REGISTER OF DEEDS**

Record/File Date: 6/10/2015 Time: 9:09 AM

Inst Type: MISC

Doc No: 63125

Book: B157

Recording Fee: \$30.00

Page: 585 - 587

Transfer Fee: \$0.00

By Janet K. Coyne
Register of Deeds/Deputy

REVOCABLE TRANSFER ON DEATH DEED

Notice to Owner: This deed will transfer ownership of the property described below when you die. You should carefully read all of the information on this form. You should consult a lawyer before using this form. *This form must be recorded with the Register of Deeds before your death or it will not be effective. Any change to this deed must also be recorded to be effective.*

Identifying Information

Owner(s) of Property Who Join in This Deed:
John Henning

Address:
13409 444th Avenue Waubay South Dakota 57273

Marital Status of Owner(s):
Widower - Single

Legal Description of Property:

E1/2SW1/4 Sec. 20-123-54; Lots 1 & 2 Sec. 20-123-54;
Lots 3 & 4 Sec. 20-123-54; Lot 1 & NE1/4NW1/4 Sec. 29-123-54
NW1/4SW1/4 Sec. 20-124-53; SW1/4 Sec. 5-124-53
SW1/4 Sec. 35-124-55; NW1/4 Sec. 35-124-55
N1/2SE1/4 & SE1/4SE1/4 Sec. 1-122-55;
S1/2NE1/4 & Lots 1 & 2 Sec. 1-122-55
All in Day County, South Dakota

Beneficiary or Beneficiaries

I revoke all my prior transfer on death deeds concerning the property, and name the following beneficiary(ies) to receive the property (in equal shares, and as tenants in common, and not as joint tenants with rights of survivorship, unless I say otherwise):

Name and address of Beneficiary(ies)

Calvin Henning , 304 Eastwind Drive, Forest, VA 24551

David Henning, 15388 Red Willow Court, Chesterfield, MO 63017

Joseph Henning, 1903 Stampede Drive, Spearfish, SD 57783

Carol Henning Bowers, 517 Northwynd Circle, Lynchburg, VA 24502

This transfer is ___/is not X subject to the requirement that the named beneficiary survive me by one hundred twenty hours.

Name and address of Contingent Beneficiary(ies)

If no primary beneficiary survives me, I name the following contingent beneficiary(ies) to receive the property (in equal shares, and as tenants in common, and not as joint tenants with rights of survivorship, unless I say otherwise):



**DAY COUNTY, SOUTH DAKOTA
REGISTER OF DEEDS**

Record/File Date: 10/25/2018 **Time:** 11:17 AM

Inst Type: PR DEED

Doc No: 69305

Book: B164

Recording Fee: \$30.00

Page: 628 - 630

Transfer Fee: \$0.00

By *Jan Berger*
Register of Deeds/Deputy

This document was prepared by:
Delaney, Nielsen & Sannes, P.C.
21 West 6th Ave., P. O. Box 616
Webster, SD 57274 Phone 605-346-3321

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION

Calvin Henning, 304 Eastwind Drive, Forest, VA 24551, was appointed Personal Representative of the Estate of John Henning, by the Clerk of the Circuit Court of Day County, South Dakota, on the 12th day of April, 2018, and Letters of Personal Representative were issued on April 12, 2018, which Letters are unrevoked and remain in full force and effect (a certified copy of the Letters is attached hereto).

Calvin Henning, as the duly appointed, qualified, and acting personal representative of the Estate of John Henning, **GRANTOR, CONVEYS, TRANSFERS, ASSIGNS AND RELEASES** to:

**JDCC LAND COMPANY LLC
1903 Stampede Drive
Spearfish, SD 57783**

GRANTEE, all interest of the decedent and the estate of decedent in the following described real estate in Day County, South Dakota:

The Southwest Quarter of Section 5 and
The Northwest Quarter of the Southwest Quarter
of Section 20, All in Township 124 North, Range
53, West of the 5th P.M., Day County, South Dakota

The Northwest Quarter and the Southwest Quarter
of Section 35, Township 124 North, Range 55,
West of the 5th P.M., Day County, South Dakota

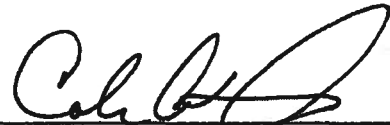
The South Half of the Northeast Quarter; Lots 1 and
2; North Half of the Southeast Quarter and Southeast
Quarter of the Southeast Quarter of Section 1,
Township 122 North, Range 55, West of the 5th P.M.,
Day County, South Dakota

**EXEMPT
FROM TRANSFER FEE**

Lots 1, 2, 3 and 4 and the East Half of the Southwest Quarter of Section 20; AND Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 29; All in Township 123 North, Range 54, West of the 5th P.M., Day County, South Dakota

THIS TRANSFER IS EXEMPT - SDCL 43-4-22(10)

DATED: October 17, 2018.



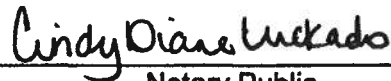
CALVIN HENNING

STATE OF VIRGINIA

COUNTY OF Lynchburg, ss.
City

On October 17, 2018, before me, the undersigned officer, personally appeared Calvin Henning, known to me or satisfactorily proven to be the person described in the Personal Representative's Deed of Distribution, and acknowledged that he executed the foregoing Personal Representative's Deed of Distribution as Personal Representative of the Estate of John Henning and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



Notary Public

(Seal)



STATE OF SOUTH DAKOTA
COUNTY OF DAY

IN CIRCUIT COURT
FIFTH JUDICIAL CIRCUIT

In the Matter of the Estate of
JOHN HENNING,
deceased.

18PRO18- 12
LETTERS OF PERSONAL
REPRESENTATIVE

CALVIN HENNING was appointed and qualified as Personal Representative of the estate of John Henning, deceased. These Letters are issued as evidence of the appointment, qualification and authority of Calvin Henning to do and perform all acts authorized by law.

DATED this 12th day of April, 2018.



By The Court:

Appointed and Issued: 4/12/2018 by: /s/ Claudette Opitz, Clerk/Deputy
Clerk of the Circuit Court

Thomas L. Sannes
Delaney, Nielsen & Sannes, P.C.
P.O. Box 615
Webster, SD 57274
Phone 605-345-3321

State of South Dakota } ss
County of Day }
I, Claudette Opitz, Clerk of the Circuit Court,
do hereby certify that the within and foregoing
is a full, true and complete copy of the original
instrument, as the same appears on file in this
office. The same is in full force and effect.
Dated this 12 day of April
2018

CLAUDETTE OPITZ,
Clerk of Courts, Day County
By Claudette Opitz Deputy

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- Information we receive from you such as on applications or other forms
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional non-public information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to non-affiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of non-affiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NON-PUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to non-public personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your non-public personal information