

Limited Memorandum of Title

STATE:North Dakota

COUNTY:Dunn

PROSPECT:Milo Leiss

CLIENT:Big D & E Auctions

BY:B. J. Kadrmas, Inc.

DATED:June 13, 2025

LAST INST:Doc. 3104782

(MJT)

Description:

Township 143 North, Range 95 West

Section 6: Auditor’s Lots 1 (5.72), 2 (4.81), and 5 (5.59) of the Original Townsite of Manning

See Examiner’s Note 2.

Gross acres: 16.12, more or less

B. J. Kadrmas, Inc. has examined the county records, from Patent to June 13, 2025 @ 4:30 P.M. in connection with the captioned tract, and interprets the ownership as follows:

Surface Ownership of Record: Owned by parties not encapsulated by this report.

MINERAL OWNERSHIP OF RECORD: OIL AND GAS

| Mineral owner(s) and address: | Interest | Net Acres | Lease Status: |
|---|-------------|-----------|--|
| Estate of Milo J. Leiss, deceased See Examiner’s Note 1. See Examiner’s Note 3. | 100.000000% | 16.120000 | HELD BY PRODUCTION <u>ORIGINAL LESSEE</u> James J. Leiss and Lillian Faye Leiss, individually and as husband and wife <u>ORIGINAL LESSOR</u> Empire Oil Company <u>Oil and Gas Lease</u> Date: 12/3/2008 - Paid-up Term: 3 years Expires: 12/3/2011 (HBP) Royalty: 16.666667% Doc. 3034062 120-Day Continuous Drilling <u>Lands Covered:</u> <u>T143N-R95W</u> Sec. 6: Auditor’s Lots 1, 2, 5, including the adjacent west half of Manning Avenue, less a 0.407-acre tract in Lot 1, Block 1 of the 4 th Addition to Manning Contains 17.18 acres, more or les |
| TOTALS | 100.000000% | 16.120000 | |

Easements:
Not Determined.

Mortgages:
None Discovered.

Judgments and Liens:

None Discovered.

Real Estate Taxes:

Not Determined.

Examiner's Notes:

1. As part of the nature of this project, Examiner has personal knowledge that Milo J. Leiss is deceased. This is further supported by the existence of that certain Probate of Will dealing in the Matter of the Estate of Milo J. Leiss, deceased (Case No. 45-2024-PR-00098) filed within the Stark County's Clerk of Court. Since Milo J. Leiss is deceased, a mailing address has not been included.
2. Examiner notes that the legal description and acreage presented on this report may subject to some variance that cannot be confirmed or dismissed by documents of record. According to the documents of record, Auditor's Lots 1 and 5 of the Original Townsite of Manning can be confirmed as passing into the present-day owners with a clean chain of title. However, Auditor's Lot 2 has a cloud covering the chain of title concerning the acreage and location of the tract of land.

According to the plat on file at the Dunn County Recorder's Office, Auditor's Lot 2 is a tract of land containing 4.81 acres within the NE4SW4, which also appears to cover Lots 13-18 of the Block 4 of the Original Townsite of Manning and Lots 1-24 of Block 5 of the 1st Addition to the Town of Manning, along with certain appurtenant roads and alleyways. Prior to the denotation of this tract of land as a parcel distinct from the town of Manning, the then-owner J. Brown issued a certain Vacation of Plat (Doc. 50897 – recorded 3/4/1927) dated 3/3/1927 which declared the vacation of Lots 13-18 of Block 4 and Lots 1-24 of Block 5 from the town of Manning, effectively nullifying their affiliation as platted tracts of land.

Thereafter, there appears of record a certain Quitclaim Deed (Doc. 69506 – recorded 1/28/1941) dated 11/7/1941, wherein John H. Brown (who is believed to be the same individual as J. Brown, who issued Doc. 50897) quitclaims his interest in a "4.36-acre tract of land in the NE4SW4" unto L. F. Gehrt. There is no metes-and-bounds description included to precisely locate this tract of land, nor is there any further documentation of record provided to more accurately locate this tract of land within the NE4SW4. Given that the tract cannot be accurately located, Examiner can only speculate that this conveyance was intended to convey the tract of land known as Auditor's Lot 2, but notes that there are discrepancies between the platted acreage (4.81 acres) and the acreage described in the Quitclaim Deed (4.36 acres), constituting 0.45 acres of difference.

Despite the different acreages presented, Examiner notes that no other documents are readily apparent to would cure the break in the chain of title between John H. Brown and L.F. Gehrt concerning Auditor's Lot 2 that would otherwise be present. As such, and for the purposes of this report, Examiner has treated Doc. 50897 as a conveyance of the whole of Auditor's Lot 2 despite the discrepancy between the acreages presented; Examiner has also used the acreage presented on the Plat on file with the Dunn County Recorder's Office as a basis for the acreage shown on this report. However, Curative may be desirable to ascertain the true location and/or acreage of the tract of land conveyed by Doc. 50897.

3. Examiner notes that the legal description provided on the active Oil and Gas Lease (Doc. 3034062 – recorded 1/23/2009) dated 12/3/2008, describes an area larger than that shown on this report. Examiner notes that no documentation was shown of record to indicate that James J. Leiss and/or Lillian Faye Leiss owned any interest in the adjacent Manning Avenue, or any other additional lands in T143N-R95W, Sec. 6, that would serve to enlarge the acreage presented on the Lease in question. Curative may be desirable to correct the legal description shown thereon.

This examination and report is exclusively limited to the documents properly indexed in said county and state as to the subject lands. No opinion is given or expressed as to validity or authenticity of the documents reviewed as to corrections of boundaries, descriptions or surveys or the presence of easements, encumbrances or agreements not of record. Mineral ownership referred to herein is for Oil and Gas only and does not cover coal, uranium, iron, scoria and clay unless specified. This report is not a title opinion and should not be treated as such.