

Deed description

THIS DEED OF CONVEYANCE made and entered into this the 13<sup>th</sup> day of April, 2001, by and between Robert F. Magruder and Mary Elizabeth Magruder, his wife, of 2948 Hwy. 140 W., Utica, Kentucky, Parties of the First Part, and Kevin Scot Magruder, of 13182 42<sup>nd</sup> Avenue, Chippewa Falls, Wisconsin 54729-7328, Party of the Second Part, and Byron Keith Magruder, of 2229 Lawton Drive, Clearwater, Florida 33764-6533, Party of the Third Part.

WITNESSETH: That for and in consideration of the love and affection the Parties of the First Part have for the Party of the Second Part and the Party of the Third Part, the Parties of the First Part do hereby grant, bargain, sell and convey a one-fourth (1/4) undivided interest unto the Party of the Second Part, his heirs and assigns, and a one-fourth (1/4) undivided interest unto the Party of the Third Part, his heirs and assigns, being all of their right, title and interest in and to the following described real property located in McLean County, Kentucky, and more particularly described as follows, to-wit:

Tract 1 - BEGINNING at a stone in the center of the Harmons Ferry Road and in the center of the 30 foot passway (leading from this point, S. 6 3/4 E. between Lots Nos. 1 & 4 and 2 & 3, and to the distance of 49 poles over the lands of Miss Eppie M. Troutman, to a stone, corner to Miss Eppie M. Troutman and Bas Troutman, Sr.; thence S. 6 1/4 E. 98.6 poles to a stone, in the center of the Troutman Public Road, which is reserved as and for a passway for the use of all of the parties hereto), and running from said beginning point, with the center of said Harmons Ferry Road, N. 81 1/2 W. 12 poles to a stone; thence again with the center of said road, N 71 W. 105 poles to a stone in said road, corner to a one-acre lot owned by \_\_\_\_\_ Cox; thence with said Cox S. 20 1/2 W. 12.4 poles to a stone, corner to said Cox; thence with said Cox N. 66 1/2 W. 13 poles to a stone, in the line of Mrs. Sudie Troutman's dower lot; thence with said dower lot S. 22 1/2 W. 4.3 poles to a stone, corner to Mrs. Sudie Troutman's said dower lot; thence with said dower lot S. 69 E. 35.5 poles to a stone, corner to said dower lot; thence with said dower lot S. 18 W. 16.1 poles (passing over the center of a spring), to a stone just south of said spring corner to said dower lot in line of Miss Eppie M. Troutman's 5.4 acres; thence with Miss Eppie M. Troutman S. 65 1/4 E. 218 poles to a stone, corner to Miss Eppie M. Troutman; thence with her said line to and with Mrs. Pearl M. Tippin's 8.2 acre lot, S. 19 1/2 W. 43.5 poles to a stone, corner to Mrs. Pearl M. Tippin and J. A. Porter; thence with said Porter to and with E. A. Collins, S. 6 1/4 E. 71.5 poles to a stone, corner to Miss Eppie M. Troutman's 132.3 acre tract; thence with said tract S. 68 1/4 E. 134.5 poles to a stone in the center of said 30 foot passway, corner to Miss Eppie M. Troutman, in line of Joe T. Troutman, or Lot No. 1; thence with said Joe T. Troutman and the center of said 30 foot passway N. 6 3/4 W. 171 poles to the beginning, containing 109.15 acres, more or less. Less, however, the right of way along said last line to the width of 15 feet to be used as and for said passway.

Tract 2 - Also 3 acres of ground on the south side of the above described Tract #1 which is not included in the description of Tract #1 above but which was added thereto by the surveyors after the deeds were written in

4.065 A  
190/791  
12/27/12  
To  
Rulay D  
Wilmers

RECORDED IN

BOOK NO. 151 PAGE NO. 1054

4/17/01 date  
12.00 amt pd

LIBER U151 PAGE 054

the division of the lands of Joe Troutman, deceased, and which has been under fence along with the above described 109.15 acre tract #1 since the year 1915 and has been continuously occupied and used as a part of the farm by the parties of the first part herein.

Tract 3 - BEGINNING at a stake in the road and running S. 21 W. 12 poles and 5 links to a gate post; thence S. 69 E. 12 poles and 18 links to a stake; thence N. 21 E. 12 poles to a stake in the road; thence with the road N. 70 W. 1 poles and 7 links to the beginning, containing one (1) acre, more or less.

This being the same property conveyed to F. M. Magruder and Phronie Magruder, his wife, and the survivor of them, for their joint natural life times with the remainder to the survivor of them, and then to Robert F. Magruder and Maurice K. Magruder by deed dated February 11, 1958, of record in Deed book 51, page 451. Phronie Magruder became vested with the interest of F. M. Magruder upon his death on July 6, 1967, pursuant to the survivorship provisions of said deed. The interest of Phronie Magruder vested in Robert F. Magruder and Maurice K. Magruder upon her death on December 25, 1985, as shown by her Affidavit of Descent of record in Deed Book 146, page 413.

All references herein being in the Office of the McLean County Clerk.

FIRST PARTIES RESERVE UNTO THEMSELVES THE EXCLUSIVE RIGHT TO USE AND OCCUPY THE PROPERTY DESCRIBED ABOVE FOR THE REMAINDER OF THE NATURAL LIFE OF THE SURVIVOR OF THEM.

The parties hereto state the fair market value of their one-half undivided interest in the property being transferred is declared to be \$85,500.00. The Second Party and Third Party join this deed for the sole purpose of certifying the fair market value pursuant to KRS 382.990.

TO HAVE AND TO HOLD, a one-fourth (1/4) undivided interest unto the Party of the Second Part, his heirs and assigns, and a one-fourth (1/4) undivided interest unto the Party of the Third Part, his heirs and assigns, in and to the above described property, forever, with Covenant of General Warranty.

IN TESTIMONY WHEREOF, witness our signatures this the day and date first hereinabove written.

FIRST PARTIES:

Robert F. Magruder  
ROBERT F. MAGRUDER

Mary Elizabeth Magruder  
MARY ELIZABETH MAGRUDER

SECOND PARTY:

Kevin Scot Magruder  
KEVIN SCOT MAGRUDER

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THIRD PARTY:

Byron Keith Magruder  
BYRON KEITH MAGRUDER

STATE OF KENTUCKY

COUNTY OF McLEAN

SCT....

The foregoing deed and consideration certificate was acknowledged and sworn to before me by Robert F. Magruder and Mary Elizabeth Magruder, his wife, to be their free act and deed, on this the 13<sup>th</sup> day of April, 2001.

LIBER 0151 PAGE 656

Elizabeth Jackson  
Notary Public, State at Large  
My Commission Expires: 3-26-05

STATE OF KENTUCKY

COUNTY OF McLEAN

SCT....

The foregoing consideration certificate was acknowledged and sworn to before me by Kevin Scot Magruder, to be his free act and deed, on this the 13<sup>th</sup> day of April, 2001.

Elizabeth Jackson  
Notary Public, State at Large  
My Commission Expires: 3-26-05

STATE OF KENTUCKY

COUNTY OF McLEAN

SCT....

The foregoing consideration certificate was acknowledged and sworn to before me by Byron Keith Magruder, to be his free act and deed, on this the 13<sup>th</sup> day of April, 2001.

Elizabeth Jackson  
Notary Public, State at Large  
My Commission Expires: 3-26-05

PREPARED BY:

W. E. Quisenberry, Jr.  
W. E. QUISENBERRY, JR., ATTORNEY  
CALHOUN, KENTUCKY 42327

(NO TITLE EXAMINATION WAS PERFORMED.)

C:\J Documents\Deed\magruder, kevin and byron.doc

STATE OF KENTUCKY, COUNTY OF McLEAN, SCT.  
I, LINDA RAY JOHNSON, McLEAN COUNTY CLERK, DO CERTIFY  
THAT THE FOREGOING Deed WAS LODGED IN MY  
OFFICE AT 1:48 O'CLOCK PM ON April 17  
2001 AND THAT I HAVE RECORDED IT, THE FOREGOING  
AND THIS CERTIFICATE IN MY SAID OFFICE, GIVEN UNDER MY  
HAND THIS 17<sup>th</sup> DAY OF April, 2001.  
LINDA RAY JOHNSON, CLERK BY: Linda Ray Johnson

4.065 Ac off conveyance

MCLEAN COUNTY  
D 190 PG791

THIS DEED OF CONVEYANCE made and entered into this the 27<sup>th</sup> day of December, 2012, by and between Byron Keith Magruder, unmarried, of 2229 Lawton Drive, Clearwater, Florida 33764, Kevin Scot Magruder and Natalie Magruder, his wife, of 6430 Sandy Ridge Lane, Altoona, Wisconsin 54720, and Maurice K. Magruder, unmarried, of 4712 Boxwood Drive, Owensboro, Kentucky 42303, Parties of the First Part, and Ricky D. Wilson and Dale Ann Wilson, his wife, and to the survivor of them, of 2948 Ky. 140 West, Utica, Kentucky 42376, Parties of the Second Part.

WITNESSETH: That for and in consideration of the sum of TWENTY THOUSAND THREE HUNDRED TWENTY-FIVE and no/100 (\$20,325.00) DOLLARS, cash in hand paid, the receipt of which is hereby acknowledged, the Parties of the First Part do hereby grant, bargain, sell and convey unto the Parties of the Second Part, for and during their joint lives with the remainder unto the survivor of them, their heirs and assigns, the following described real property located in McLean County, Kentucky, having an address of Ky. 140 W., Utica, Kentucky, and more particularly described as follows, to-wit:

Commencing at a 24 inch long by five-eighths inch diameter rebar with a yellow plastic cap stamped "ED GENTRY LS 2810" (the size rebar and the stamping on the cap is typical for all "found" rebar unless noted otherwise) found near the northwest corner of the tract described herein, located 25 feet south of the center of Ky. Hwy. 140 (called Harmons Ferry Road in prior deeds), corner with Ricky D. Wilson (DB 168, page 80 and PC 4, Slide 166), witnessed by a stone marking the original corner found 2.94 feet north of the rebar, said rebar having the geographic coordinates of 37 degrees 35' 25.816" North Latitude and 87 degrees 11' 23.754" West Longitude, referenced to North American Datum 1983 (CORS 1996 - Epoch 2002.0000) as determined by static GPS observations taken on 2 intra-visible temporary control points used to locate and orient the survey, said static GPS observations were computed by the National Geodetic Survey's OPUS-Static CORS service using the Rapid GPS Ephemeris;

thence using Kentucky State Plane South Zone (KY-1602) Grid bearings and ground level horizontal distances, S. 27 degrees 39' 44" W. 5.00 feet to the point of beginning on the assumed south right of way line for Ky. Hwy. 140 West, being 30 feet south of center; thence with the assumed south right of way line of said highway, S. 66 degrees 22' 49" E. 622.87 feet to a 24 inch long by five-eighths inch diameter rebar with a pink plastic cap stamped "ED GENTRY LS 2810" set to mark the northeast corner of the tract described herein on the assumed 30 foot south right of way of said highway, corner to the remaining lands of the parent tract currently owned by Robert F. Magruder, et al (DB 151, page 654); thence leaving the highway and severing the parent tract with a new division line S. 24 degrees 03' 22" W. 530.31 feet to a one inch iron pipe found in an old fence line, being the northeast corner for Robert D. Ray, et ux (DB 173, page 667); thence with Ray's line N. 60 degrees 34' 14" W. 59.75 feet to an unmarked corner by a spring or well, corner to Ricky D. Wilson (DB 168, page 80 and PC 4, Slide 166); thence with a fence on Wilson's east line N. 25 degrees 19' 21" E, passing a witness monument found on line at 10.00 feet, in all 265.92 feet to a rebar found by a fence corner post; thence continuing with the fence on Wilson's north line N. 65 degrees 58' 33" W. 585.28 feet to a rebar found by a fence corner post; thence continuing with Wilson, N. 27 degrees 39' 44" E. 254.94 feet to the point of beginning, containing 4.065 acres as determined by a field survey performed in the December, 2012, by W. Edward Gentry, PLS 2810 with Gentry Land Surveying, LLC.

SUBJECT to all legal easements, rights of way, reservations, restrictions and agreements including but not limited to those shown on the plat of survey which is recorded in Plat Cabinet 5, Slide 97.

This being a portion of the same property conveyed to F. M. Magruder and Phronie Magruder, his wife, and the survivor of them, for their joint natural lifetime with the remainder to the survivor of them, and then to Robert F. Magruder and Maurice K. Magruder by deed dated February 11, 1958, of record in Deed Book 51, page 451. Phronie Magruder became vested with the interest of F. M. Magruder upon his death on July 6, 1967, pursuant to the survivorship provisions of said deed. The interest of Phronie Magruder vested in Robert F. Magruder and Maurice K. Magruder upon her death on December 25, 1985, as shown by her affidavit of descent of record in Deed Book 146, page 413. The interest of Robert F. Magruder and Mary Elizabeth Magruder, his wife, was conveyed to Kevin Scot Magruder and Byron Keith Magruder by deed dated April 13, 2001, of record in Deed Book 151, page 654, subject to the exclusive right of Robert F. and Mary Elizabeth Magruder to use and occupy said property for the remainder of their natural lifetime. Robert M.

Magruder departed this life on September 10, 2002, and Mary Elizabeth Magruder departed this life on October 23, 2004, thereby terminating said life estate.

All references herein being in the Office of the McLean County Clerk.

All minerals underlying the subject property owned by First Parties are conveyed herein, but no warranty is made with respect to such minerals.

The parties hereto state the consideration reflected in this deed is the full consideration paid for the property. The Second Parties join this deed for the sole purpose of certifying the consideration pursuant to KRS 382.990.

The property tax bill for the current year should be mailed to Ricky Wilson, 2948 Ky. 140 West, Utica, Kentucky 42376


TO HAVE AND TO HOLD, the above described property unto the Parties of the Second Part, for and during their joint lives with the remainder unto the survivor of them, their heirs and assigns, forever, with Covenant of General Warranty.

IN TESTIMONY WHEREOF, witness our signatures this the day and date first hereinabove written.

FIRST PARTIES:

  
BYRON KEITH MAGRUDER

  
KEVIN SCOT MAGRUDER

  
NATALIE MAGRUDER

  
MAURICE K. MAGRUDER

**NOTES**

Static GPS observations were taken on 2 intra-visible control points to geographically locate the property shown hereon. The static observations were then calculated by the National Geodetic Survey's CORS OPUS-S service using the Rapid GPS Ephemeris.

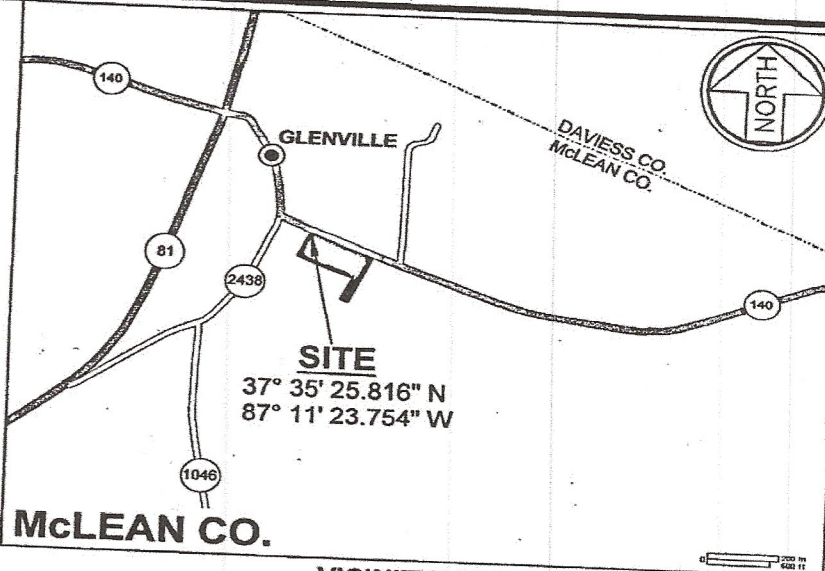
The geographic coordinates shown hereon are North American Datum 1983 (CORS '96) (EPOCH:2002.0000). A combined scale factor was not applied to the ground level horizontal distances shown on this plat. The Kentucky South State Plane Coordinates shown are in U.S. Survey feet.

This property lies within Zone X on FEMA's FIRM Panel 21149C0125 C with an effective date of April 18, 2011 and is therefore not located in a special flood hazard area.

This property is subject to all legal easements, rights-of-way and restrictions and is not limited to those shown on this plat.

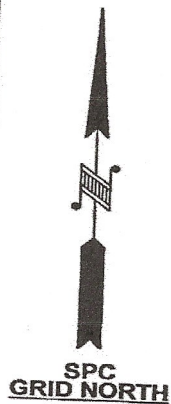
No state highway plans were not found for this area. Assumed a 60 foot wide total right-of-way for KY Highway 140.

Adjoining property owners and addresses are per P.V.A. records.



**McLEAN COUNTY PLANNING COMMISSION**  
I DO HEREBY CERTIFY THAT THIS PLAT IS ELIGIBLE TO BE RECORDED.

*Nancy Nettel* 12-18-2012  
CHAIRMAN (McLEAN CO.) JOINT CITY PLANNING DATE



37° 35' 25.816" N  
87° 11' 23.754" W  
N:2101321.79  
E:1223218.79

WITNESS MONUMENT  
5.0' FROM CORNER

**4.065 ACRES**  
DIVISION

PVA 48-40  
**RICKY D. WILSON**  
D.B. 168, PG. 80  
P.C. 4, SLIDE 166  
2948 KY HWY. 140 W

PVA 48-38  
**ROBERT D. RAY, et ux**  
D.B. 173, PG. 667  
466 KY HWY. 2438

PVA 48-42  
**ROBERT F. MAGRUDER, et al**  
D.B. 151, PG. 654  
OVER 10 ACRES REMAINING  
AFTER DIVISION

STATE of KENTUCKY  
W. EDWARD GENTRY  
2810  
LICENSED PROFESSIONAL LAND SURVEYOR

**SURVEYOR'S CERTIFICATION**

I DO HEREBY CERTIFY THAT THE SURVEY DEPICTED ON THIS PLAT WAS PERFORMED BY MYSELF AND PERSONS WORKING UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDESHOTS. THE BEARINGS AND ANGLES, SHOWN HEREON, WERE NOT ADJUSTED FOR CLOSURE. THIS WAS A RURAL SURVEY WITH A CLOSURE PRECISION OF 1 IN 40,250. THE BOUNDARY SURVEY SHOWN HEREON COMPLIES WITH 201 KAR 18:150.

*W.E. Gentry* 12-18-12  
W. EDWARD GENTRY, PLS #2810 DATE

DOCUMENT NO: 114469  
RECORDED ON: December 18, 2012 02:33:00PM  
COUNTY CLERK: STACY A PATRICK  
COUNTY: McLEAN COUNTY  
BOOK: CAB 5 PAGE: 97 - 97 PLAT

Signed: *W. M. Ruston*



**LEGEND**

- 3/8" REBAR (SET) WITH PINK PLASTIC CAP STAMPED "ED GENTRY LS 2810"
- 3/8" REBAR (FOUND) WITH YELLOW PLASTIC CAP STAMPED "ED GENTRY LS 2810"
- ⊙ 1/2" REBAR (FOUND) WITH RED PLASTIC CAP STAMPED "ASHBY LS 2573"
- ⊕ UNMARKED CORNER
- ⊞ PROPERTY LINE
- X — X — FENCE LINE

**GENTRY LAND SURVEYING, LLC**

W. EDWARD GENTRY, PLS  
11324 U.S. HIGHWAY 431  
UTICA, KENTUCKY 42376  
PHONE: 270-733-0943

PROPERTY DIVISION  
**ROBERT F. MAGRUDER, et al**  
KENTUCKY HIGHWAY 140 WEST  
UTICA, KY 42376  
McLEAN COUNTY

DRAFTER: GENTRY	DATE: 12-14-12	FILENAME: R Wilson_12
SCALE: 1" = 120'	SHEET: 1 OF 1	D.B. 151, PG. 654 P.V.A. 48-42