

TITLE INSURANCE COMMITMENT PROVIDED BY STEWART TITLE GUARANTY COMPANY COMMITMENT FILE NUMBER 23K1 1320 DATED DECEMBER 11, 2023 @ 8:00 A.M.

AREA : 140.81 ACRES  
ZONE : H-4-B-6P

PARENT DOCUMENTS: D.B.1571, PG. 341  
D.B. 3176, PG. 438  
D.B. 168, PG. 68  
P.C. 'R', SL 813  
P.C. 'R', SL 814  
P.C. 'R', SL 889  
P.C. 'S', SL 118  
P.C. 'S', SL 332  
P.C. 'S', SL 468

REFERENCE MERIDIAN : FPLUG NAD 83  
KENTUCKY STATE PLANE COORDINATES,  
ESTABLISHED FROM SURVEYS PERFORMED  
BY ENDRIS ENGINEERING FOR LEXMARK  
IN MAY 1998

THE IMPROVEMENTS SHOWN REPRESENT THE  
CONDITION ON THE SITE AS OF OCTOBER 10, 2023.

METHOD OF SURVEY : RANDOM TRAVERSE  
ERROR OF CLOSURE 1:23,000 (NOT ADJUSTED)

THIS DOCUMENT REPRESENTS A BOUNDARY SURVEY  
AND COMPLIES WITH 201 KAR 18.150.

- (XXX) \* OF PARKING SPACES
- (A) EXISTING POINT OF ACCESS TO / FROM PUBLIC RIGHT-OF-WAY
- (#) LOT NUMBER

\*SEE SHEET 2 FOR SCHEDULE B, PART II EXCEPTIONS AND PROPERTY DESCRIPTIONS.

NOTES:  
A PORTION OF THE PROPERTY SHOWN ON THE SURVEY LIES WITHIN A FEDERAL HAZARD AREA, AS DESCRIBED ON THE FLOOD INSURANCE RATE MAP 210601 01B DATED MARCH 3, 2014 AS PREPARED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - FEDERAL INSURANCE ADMINISTRATION.

NOT A PART OF THIS SURVEY



SURVEYORS CERTIFICATE:

The undersigned, being a registered surveyor of the State of Kentucky certifies to (i) Lexington Campus SLB LLC, its successors and assigns, (ii) Blank Rome LLP, (iii) Stewart Title Guaranty Company, and (iv) American Zoning Services as follows:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", jointly established and adopted by ALTA and NSPS and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The field work was completed on October 10, 2023.

Richard B. Nunney 12/27/2023  
Registered Land Surveyor Date

Registration No. 3982  
E. A. Partners, PLLC  
311 Wall Street  
Lexington, Kentucky 40503

NOTE:  
THE FOLLOWING TABLE A ITEMS REFERENCED IN THE CERTIFICATION ABOVE ARE AS NOTED BELOW:

- 16. THERE IS NO EVIDENCE OF EARTH - MOVING, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- 17. THERE ARE NO ANTICIPATED CHANGES IN THE STREET RIGHT-OF-WAY NOT REFLECTED ON THE SURVEY.
- 18. APPURTENANT RIGHTS EXIST AS FOLLOWS:

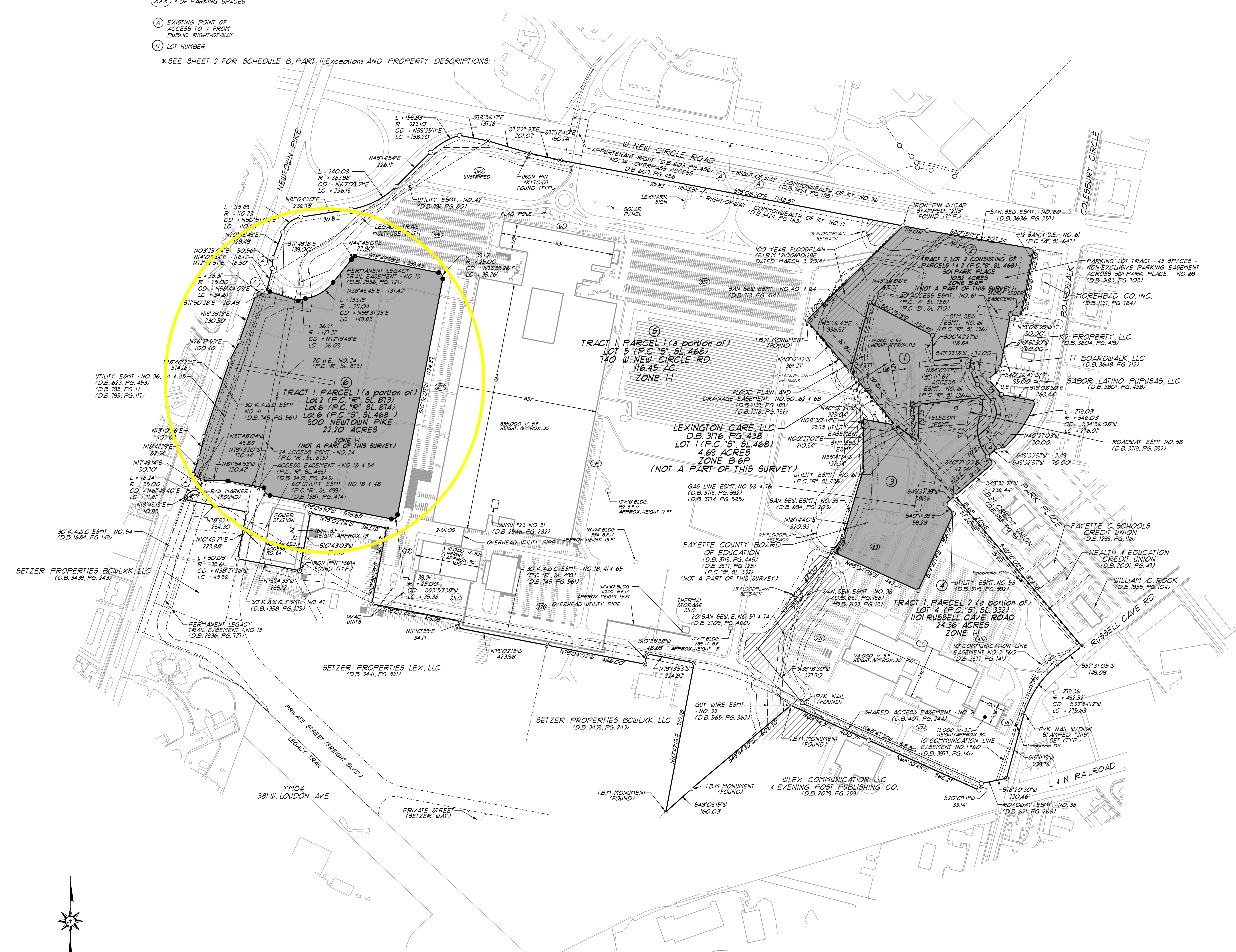
TRACT 1

**740 W. New Circle Road**  
Together with that certain easement appurtenant to Tract 1 granting an easement for an overpass across New Circle Road (for access between Tract 1 hereof and Tract A hereof) to in that certain Deed dated December 18, 1990 from International Business Machines Corporation to IBM Information Products Corporation contained in Deed dated July 11, 1996 to International Business Machines Corporation from Commonwealth of Kentucky of record in Deed Book 603, Page 456 in the Office of the Fayette County Clerk; (SHOWN)

Together with that certain appurtenant, roadway easement set forth in the Indenture from Louisville and Nashville Railroad Company to International Business Machines Corporation and WLEX-TV, Inc. dated April 2, 1991, of record in Deed Book 601, Page 266, in the Office of the Fayette County Clerk, and subject to all the obligations thereto.

Together with appurtenant rights as set forth in Declaration of Covenants, Conditions and Restrictions dated October 18, 2016 by and between Lexmark International, Inc. and Setzer Properties BCWLXK, LLC, recorded October 18, 2016, in Deed Book 343, Page 215, in the Office of the Fayette County Clerk, and subject to all the obligations thereto. (SHOWN)

**1101 Russell Cave Road**  
Together with that certain appurtenant, roadway easement as set forth in the Indenture from Louisville and Nashville Railroad Company to International Business Machines Corporation and WLEX-TV, Inc. dated April 2, 1991, of record in Deed Book 601, Page 266, in the Office of the Fayette County Clerk, and subject to all the obligations thereto. (SHOWN)



- LIST OF CALLS:
- A 579°50'50"E - 156.76'
  - B N83°51'15"E - 298.66'
  - C L - 81.31'
  - R - 115.00'
  - CD - N03°03'35"E
  - LC - 78.63'
  - D L - 205.00'
  - R - 185.00'
  - CD - N05°02'51"W
  - LC - 158.08'
  - E S09°42'41"E - 61.26'
  - F L - 151.78'
  - R - 125.00'
  - CD - S12°04'42"E
  - LC - 174.82'
  - G S40°26'42"E - 108.56'
  - H L - 117.54'
  - R - 75.00'
  - CD - S04°27'08"W
  - LC - 105.88'
  - I S49°20'58"W - 79.33'

MONUMENTATION KEY

○	IRON PIN W/CAP STAMPED *2115 (FOUND)
□	IBM MONUMENT (FOUND)
●	IRON PIN W/CAP OR PK NAIL W/DISK STAMPED *3992 (SET)
⊙	IRON PIN *3674 (FOUND)
⊗	KYTC R/W MARKER (FOUND)
⊠	PK NAIL W/ DISK STAMPED *2115 (SET)
⊕	IRON PIN *KYTC-DT (FOUND)
⊖	PK NAIL W/ DISK CESO (FOUND)

**E.A. Partners, PLLC**  
CIVIL ENGINEERS - LAND SURVEYORS - LANDSCAPE ARCHITECTS  
LEXINGTON, KENTUCKY 40503  
PHONE: 606-259-9899  
FACSIMILE: 606-259-9898

ALTA / NSPS LAND TITLE SURVEY  
LEXMARK INTERNATIONAL CORPORATION  
LOT 5 - TRACT 1, PARCEL 1 (a portion of) &  
LOT 4 - TRACT 2, PARCEL 2 (a portion of)  
740 W. New Circle Road & 1101 Russell Cave Road  
LEXINGTON, FAYETTE COUNTY, KENTUCKY

DRAWN \_\_\_\_\_  
DATE 12/27/23  
CHECKED \_\_\_\_\_  
REVISED \_\_\_\_\_

SHEET  
1 of 2

SCHEDULE B - SECTION II

EXCEPTIONS

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I Requirements are met. (NOT A SURVEY ITEM)
2. Rights or claims of parties in possession not shown by the Public Records (NOT A SURVEY ITEM)
3. Easements or claims of easements, not shown by the Public Records (NOT A SURVEY ITEM)
4. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises. (NONE FOUND)
5. 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 (NOT A SURVEY ITEM)
6. Subject to 2024 taxes, which are not yet due and payable. (NOT A SURVEY ITEM)
7. Fayette County taxes for the year 2023 in the amount of \$3,026.45 are unpaid for Tax Identification Number: 38718660. Taxes for subsequent years are a lien, not yet due and payable. (NOT A SURVEY ITEM)
8. Intentionally Deleted
9. Fayette County taxes for the year 2023 in the amount of \$51,993.06 are unpaid for Tax Identification Number: 1379300. Taxes for the year 2024 and subsequent are a lien, not yet due and payable. (NOT A SURVEY ITEM)
10. Intentionally Deleted
11. Fayette County taxes for the year 2023 in the amount of \$60,854.55 are unpaid for Tax Identification Number: 38718660. Taxes for the year 2024 and subsequent are a lien, not yet due and payable. (NOT A SURVEY ITEM)
12. Intentionally Deleted
13. Fayette County taxes for the year 2023 in the amount of \$49,735.64 are unpaid for Tax Identification Number: 38795660. Taxes for the year 2024 and subsequent are a lien, not yet due and payable. (NOT A SURVEY ITEM)
14. Intentionally Deleted
15. Easements relating, among other things, to installation, construction, maintenance and operation of pipe known as Leases T-81, granted by Lexmark International, Inc. to Lexington-Fayette Urban County Government by Grant of Easement dated April 1, 2010, of record in Deed Book 236, Page 121, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 5)
16. Intentionally Deleted
17. Easements, terms and conditions as set forth in that certain Deed of Conveyance dated July 29, 2016 by and between Lexmark International, Inc. and Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, of record in Deed Book 3424, Page 163, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 5)
18. Easements, restrictions, conditions and notes as shown on plat of the property of record in Plat Cabinet "R", Slide 499, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 5)
19. Certificate of Land Use Restriction of record in Land Use Restriction Book 17, Page 255, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (NOT A SURVEY ITEM)
20. Certificate of Land Use Restriction recorded August 18, 2015 in Land Use Restriction Book 18, Page 511, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (NOT A SURVEY ITEM)
21. Rights of Members Heritage Federal Credit Union, as tenant in possession under that certain unrecorded Lease Agreement dated as of October 1, 1994, as amended, as tenant only, with no options to purchase or rights of first refusal. (AFFECTS TRACT 1) (NOT A SURVEY ITEM)
22. Unrecorded License Agreement dated April 13, 2018 between Lexmark International, Inc. and Regway Trail LLC. (AFFECTS ONLY PARCEL 1 OF TRACT 1). (NOT A SURVEY ITEM)
23. Intentionally Deleted
24. Easements, restrictions, conditions and notes as shown on Final Record Plat, Lexmark International, Inc., 740 West New Circle Road, Lexington, Fayette County, Kentucky, 40511 of record in Plat Cabinet "R", Slide 613, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS ONLY PARCELS 1-3 OF TRACT 1) (SHOW - AFFECTS LOT 5)
25. Easements, restrictions, conditions and notes as shown on Amended Final Record Plat, Highwood Center, Lexmark International, Inc., 740 West New Circle Road, 450 Park Place, Lexington, Fayette County, Kentucky, of record in Plat Cabinet "R", Slide 814, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS ONLY PARCELS 1-2 AND PARCEL 2 OF TRACT 1) (SHOW - AFFECTS LOTS 4 & 5)
26. Easements, restrictions, conditions and notes as shown on Amended Consolidation Minor Subdivision Plat, Highwood Center, Lexmark International, Inc., Lots 2, 3 & 4, 1101 Russell Cave Road and 450 and 501 Park Place, Lexington, Fayette County, Kentucky, of record in Plat Cabinet "R", Slide 916, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 4)
27. Easements, restrictions, conditions and notes as shown on Amended Consolidation Minor Subdivision Plat, Highwood Center, Lexmark International, Inc., Lots 2, 3 & 4, 1101 Russell Cave Road and 450 and 501 Park Place, Lexington, Fayette County, Kentucky, of record in Plat Cabinet "R", Slide 985, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 4)
28. Easements, restrictions, conditions and notes as shown on Easement Minor Amended and Consolidation Minor Subdivision Plat, Highwood Center, Lexmark International, Inc., Lots 2 & 4, and Board of Education, Lot 3, Lexington, Fayette County, Kentucky, of record in Plat Cabinet "S", Slide 332, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS PARCELS 2 OF TRACT 1 AND TRACT 3) (SHOW - AFFECTS LOT 4)
29. Pole Line Deed and Easement dated August 11, 1941 in favor of Kentucky Utilities Company, of record in Deed Book 330, Page 277, in the Office of the Clerk of Fayette County, Kentucky. (NOT PLOTTABLE - DESCRIPTION VAGUE)
30. Pole Line Deed and Easement dated August 11, 1941 in favor of Kentucky Utilities Company, of record in Deed Book 330, Page 415, in the Office of the Clerk of Fayette County, Kentucky. (NOT PLOTTABLE - DESCRIPTION VAGUE)
31. Conveyance of Right-of-Way dated August 26, 1946 from the Commonwealth of Kentucky to Central Kentucky Broadcasting Company, of record in Deed Book 401, Page 244, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 5)
32. Pipe line easement in favor of Central Kentucky Natural Gas Company, of record in Deed Book 457, Page 415, in the Office of the Clerk of Fayette County, Kentucky. (NOT PLOTTABLE - DESCRIPTION VAGUE)
33. Deed of Easement dated March 25, 1954 from Commonwealth of Kentucky, Department of Mental Health, to J. Douglas Gay, Jr. and H. Guthrie Bell, of record in Deed Book 565, Page 362, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 5)
34. Terms and conditions of easement for an overpass across New Circle Road (for access between Tract 1 hereof and Tract 4 referred to in that certain Deed dated December 28, 1990 from International Business Machines Corporation to IBM Information Products Corporation) contained in Deed dated July 11, 1956 to International Business Machines Corporation from Commonwealth of Kentucky of record in Deed Book 603, Page 456, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
35. Terms and conditions of Indenture regarding roadway easement for, among other things, the passage of vehicles and pedestrians granted by Louisville and Nashville Railroad Company to International Business Machines Corporation and WLEX-TV, said conveyance being made upon condition that in the event of vacation or nonuse of said roadway, all rights to said easement shall revert to Louisville and Nashville Railroad Company, its successors or assigns, as set forth in Indenture dated April 2, 1951, of record in Deed Book 621, Page 266, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
36. Right of way for, among other things, installation and maintenance of electric transmission line together with right of ingress and egress thereto and right to cut down any and all trees and right to remove brush and obstructions located on said right of way which might create a hazard, granted by International Business Machines Corporation to Kentucky Utilities Company, as set forth in Agreement dated May 3, 1951, of record in Deed Book 613, Page 453, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
37. Easements granted to Commonwealth of Kentucky for the use and benefit of the Department of Highways by Deed dated June 28, 1951, of record in Deed Book 610, Page 241, in the Office of the Clerk of Fayette County, Kentucky. (REFLECTED ON SURVEY)
38. Easement granted to City of Lexington by Deed dated April 2, 1960, granting, among other things, right to lay, construct and maintain sanitary sewer and right of ingress and egress thereto, of record in Deed Book 692, Page 798. Said easement being subject to Encroachment Agreement dated May 5, 2000, by and between Lexmark International, Inc. and Lexington-Fayette Urban County Government, of record in Deed Book 733, Page 15, both in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOTS 4 & 5)
39. Easements granted to City of Lexington by Deed dated March 30, 1960, granting, among other things, easement of ingress and egress for construction and maintenance of electric, gas and water lines and easements for construction and maintenance of natural gas transmission line, water line and sanitary sewer and sewage pumping station, of record in Deed Book 694, Page 203, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS TRACT 1) (SHOW - AFFECTS TRACT 1)
40. Deed of Easement dated April 8, 1961 in favor of City of Lexington, which grants right, among other things, to lay, construct, operate and maintain sanitary sewer and right of ingress and egress thereto, of record in Deed Book 713, Page 414, in the Office of the Clerk of Fayette County, Kentucky. (DOES NOT AFFECT SUBJECT PROPERTY)

41. Indenture dated May 25, 1962, which grants in favor of Lexington Water Company, among other things, easement and right of way for purpose of constructing, operating and maintaining water lines and right of ingress and egress thereto, of record in Deed Book 745, Page 561, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOTS 4 & 5)
42. Utility Easement dated February 14, 1964, granting in favor of General Telephone Company of Kentucky, among other things, a utility easement for buried cables with the right to construct, operate and maintain easement for buried cables and telephone lines and right of ingress and egress thereto, of record in Deed Book 791, Page 80, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
43. Easements granted to Commonwealth of Kentucky for the use and benefit of the Department of Highways pursuant to Deed of Conveyance from International Business Machines Corporation dated December 20, 1963, of record in Deed Book 791, Page 254, in the Office of the Clerk of Fayette County, Kentucky, which includes certain reversionary rights in favor of IBM. (AFFECTS TRACT 1) (REFLECTED ON SURVEY)
44. Rights of way granted to General Telephone Company of Kentucky, by Agreement dated April 15, 1964 for, among other things, construction, operation and maintenance of buried cables, wires, poles and underground conduits together with right of ingress and egress thereto and right to cut down any and all trees and right to remove from said right of way brush and obstructions which might create a fire hazard, of record in Deed Book 795, Page 1, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
45. Rights of way granted to Kentucky Utilities Company, by Agreement dated April 13, 1964, for, among other things, construction, operation and maintenance of transmission and distribution lines, together with right of ingress and egress thereto and right to cut down any and all trees and right to remove from said right of way brush and obstructions which might create a fire hazard, of record in Deed Book 795, Page 17, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
46. Intentionally Deleted
47. Easement and permanent right of way granted by International Business Machines Corporation to Kentucky American Water Company pursuant to Easement Agreement dated October 30, 1984, for, among other things, construction, maintenance and operation of water transmission and distribution lines, together with right of ingress and egress thereto and right to remove from said right of way trees and other obstructions which might interfere with the operation of such of record in Deed Book 1358, Page 125, in the Office of the Clerk of Fayette County, Kentucky, which includes certain reversionary rights in favor of IBM. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 5)
48. Easements and rights of way granted to Kentucky Utilities Company, by Agreement dated November 1, 1985, granting, among other things, right to construct and maintain transmission lines together with right of ingress and egress thereto and right to cut down any and all trees and to remove from said right of way brush and obstructions which might create a hazard, of record in Deed Book 1381, Page 474, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
49. Intentionally Deleted
50. Perpetual water drainage easement granted by Lexmark International, Inc. to The Commonwealth of Kentucky pursuant to Flood Plain Easement dated June 28, 2000, of record in Deed Book 1139, Page 189, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
51. Declaration of Covenants dated April 29, 2005 as set forth by Lexmark International, Inc., relating, among other things, to solid waste management, of record in Deed Book 1946, Page 282, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
52. Intentionally Deleted
53. Intentionally Deleted
54. Terms and conditions of Access Easement (containing 1.04 acres) granted by Lexmark International, Inc. to International Business Machines Corporation, of record in Deed Book 3439, Page 682, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS TRACT 1) (SHOW - AFFECTS LOT 5)
55. Declaration of Covenants, Conditions and Restrictions dated October 18, 2016 by and between Lexmark International, Inc. and Setzer Properties ECWLXK, LLC, recorded October 18, 2016 in Deed Book 3439, Page 215, in the Office of the Clerk of Fayette County, Kentucky. (APPURENTANT RIGHT - ACROSS SETZER PROPERTIES, INC. ADJACENT ADJONER IMMEDIATELY SOUTH)
56. Agreement to Maintain Stormwater Control Facilities of record in Deed Book 3636, Page 213, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS SUBJECT PROPERTY) (NOT A SURVEY ITEM)
57. Easements granted Lexington-Fayette Urban County Government, dated October 24, 2019, of record in Deed Book 3109, Page 460, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOTS 4 & 5)
58. Declaration of Easements, Covenants and Restrictions, dated December 10, 2019, of record in Deed Book 3119, Page 391, as amended by that certain Amendment, dated September 21, 2022, of record in Deed Book 3911, Page 135, both in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 4)
59. Certificate of Land Use Restriction of record in Land Use Book 21, Page 85, in the Office of the Clerk of Fayette County, Kentucky. (NOT A SURVEY ITEM)
60. Easement granted the Board of Education of Fayette County, Kentucky, dated September 21, 2022, of record in Deed Book 3911, Page 141, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 4)
61. Intentionally Deleted
62. Perpetual water drainage easement granted by Lexmark International, Inc. to The Commonwealth of Kentucky pursuant to Flood Plain Easement dated June 28, 2000, of record in Deed Book 1139, Page 189, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
63. Intentionally Deleted
64. Intentionally Deleted
65. Indenture dated May 25, 1962, which grants, among other things, Lexington Water Company easement and right of way for purpose of constructing, operating and maintaining water lines and right of ingress and egress thereto, of record in Deed Book 745, Page 561, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOTS 4 & 5)
66. Intentionally Deleted
67. Intentionally Deleted
68. Retention basin and reservation of rights of surface water drainage as set forth in Deed dated January 30, 1979, from Village North to International Business Machines Corporation and as shown on Exhibit "A" attached thereto, of record in Deed Book 1218, Page 792, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 5)
69. Intentionally Deleted
70. Easements, restrictions, conditions and notes as shown on Amended Final Record Plat, Highwood Center, Lexmark International, Inc., 740 West New Circle Road, 450 Park Place, Lexington, Fayette County, Kentucky, of record in Plat Cabinet "R", Slide 814, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS LOTS 4 & 5) (SHOW - AFFECTS LOTS 4 & 5)
71. Conditions, stipulations, restrictions, building lines and easements together with incidental rights, as provided for on that certain Easement Minor Amended and Consolidation Minor Subdivision Plat, which was approved by the Planning Commission on October 16, 2019, of record in Plat Cabinet "R", Slide 916, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 4)
72. Conditions, stipulations, restrictions, building lines and easements together with incidental rights, as provided for on that certain Consolidation Minor Subdivision Plat, which was approved by the Planning Commission on November 1, 2019, of record in Plat Cabinet "R", Slide 985, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 4)
73. Conditions, stipulations, restrictions, building lines and easements together with incidental rights, as provided for on that certain Amended and Consolidation Minor Subdivision Plat, Highwood Center, Lexmark International, Inc., Lots 2 & 4 and Board of Education, Lot 3, Lexington, Fayette County, Kentucky, of record in Plat Cabinet "S", Slide 332, in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 4)
74. Easements granted Lexington-Fayette Urban County Government, dated October 24, 2019, of record in Deed Book 3109, Page 460, in the Office of the Clerk of Fayette County, Kentucky. (AFFECTS LOTS 4 & 5) (SHOW - AFFECTS LOTS 4 & 5)
75. Declaration of Easements, Covenants and Restrictions, dated December 10, 2019, of record in Deed Book 3119, Page 391, as amended by that certain Amendment, dated September 21, 2022, of record in Deed Book 3911, Page 135, both in the Office of the Clerk of Fayette County, Kentucky. (SHOW - AFFECTS LOT 4)
76. Intentionally Deleted
77. Intentionally Deleted
78. Intentionally Deleted
79. Intentionally Deleted
80. Easements granted Lexington-Fayette Urban County Government, dated December 6, 2018, of record in Deed Book 3636, Page 251, in the Office of the Clerk of Fayette County, Kentucky. (DOES NOT AFFECT SUBJECT PROPERTY)
81. Minerals of whatsoever kind, subsurface and surface substances including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and thereon to be produced from the Land, together with all rights, privileges and immunities relating thereto, whether or not appearing in the Public Records or filed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed. (NOT A SURVEY ITEM)
82. The property to be insured on Schedule A herein is part of a new plat or Certificate of Survey placed of record in 2023.
- 2023 taxes are a lien on said premises but not yet due and payable. All taxes on parcels set forth in schedule B-11 must be paid before the new lots will be segregated and assessed separately. (See Requirement) (NOT A SURVEY ITEM)
83. All matters as set forth per Plat at Plat Book "S", Page 468, Register/Recorder's Office for Fayette, Kentucky. (SHOW - AFFECTS LOT 5)
84. That certain 40' Sanitary Sewer Access Easement and incidental use as shown on the map or Plat at Plat Book "S", Page 468, Register/Recorder's Office for Fayette, Kentucky. (SHOW - AFFECTS LOT 5)

PROPERTY DESCRIPTION:

TRACT 1

740 W. NEW CIRCLE ROAD

Remaining portion of Lot 5 as shown on the Consolidation Minor, Non-Building Minor, Corrected Minor Amended and Easement Minor Amended Subdivision Plat, Lexmark International, Inc., Lots 5 & 6, Highwood Center, Lots 1 & 2, of record in Plat Book "S", Page 468 in the office of the Clerk of Fayette County, Kentucky.

The above described Lot 5 is a portion of the same land conveyed to IBM Information Products Corporation (now Lexmark International, Inc.), as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Record Book 168, Page 682, in the Fayette County Clerk's office, by deed dated December 28, 1990 from International Business Machines Corporation of record in Deed Book 1511, Page 329 (Tract 1), in the office of the Fayette County Court Clerk.

Together with that certain easement appurtenant to Tract 1 granting an easement for an overpass across New Circle Road (for access between Tract 1 hereof and Tract 4 referred to in that certain Deed dated December 28, 1990 from International Business Machines Corporation to IBM Information Products Corporation) contained in Deed dated July 11, 1956 to International Business Machines Corporation from Commonwealth of Kentucky of record in Deed Book 603, Page 456 in the Office of the Fayette County Court Clerk.

Together with that certain appurtenant roadway easement set forth in the Indenture from Louisville and Nashville Railroad Company to International Business Machines Corporation and WLEX-TV, Inc. dated April 2, 1951, of record in Deed Book 621, Page 266, in the office of the Fayette County Clerk, and subject to all the obligations thereto, and

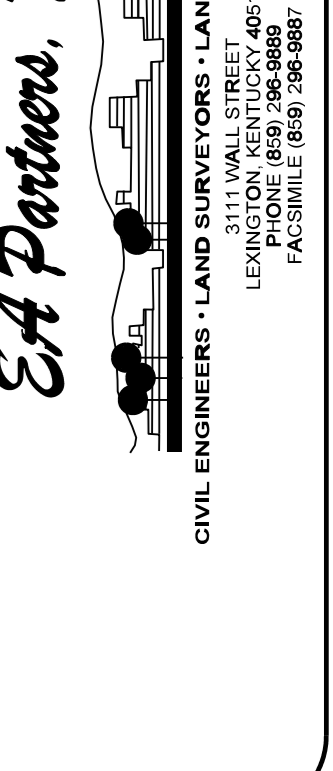
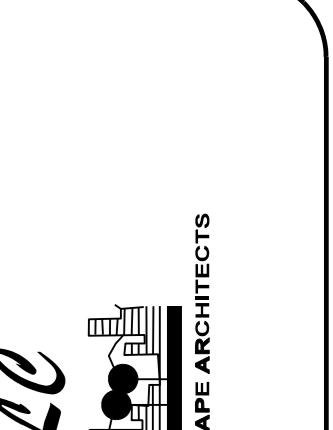
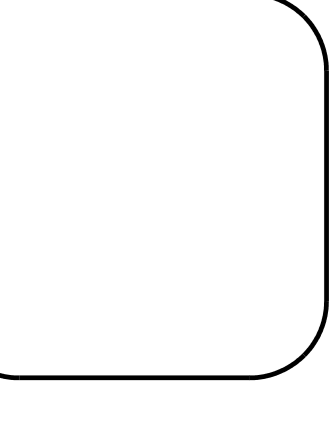
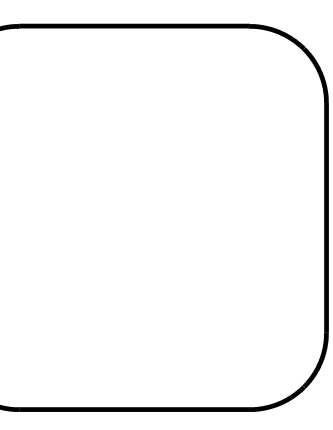
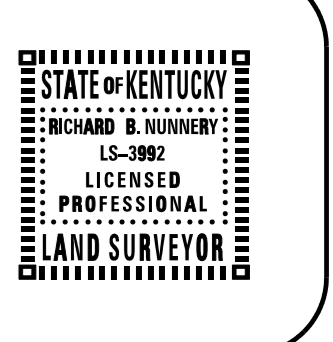
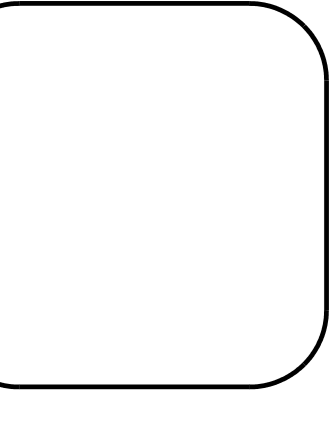
TOGETHER with appurtenant rights as set forth in Declaration of Covenants, Conditions and Restrictions dated October 18, 2016 by and between Lexmark International, Inc. and Setzer Properties ECWLXK, LLC, recorded, October 18, 2016, in Deed Book 3439, Page 215, in the office of the Fayette County Clerk.

1101 RUSSELL CAVE ROAD

Lot 4 as shown on the Amended Final Record Plat, Highwood Center, Lexmark International, Inc., 740 West New Circle Road, 450 Park Place, Lexington, Fayette County, Kentucky, of record in Plat Cabinet "R", Slide 332 in the office of the Clerk of Fayette County, Kentucky.

The above described property is a portion of the same land conveyed to IBM Information Products Corporation (now Lexmark International, Inc.), as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Record Book 168, Page 682, in the Fayette County Clerk's office, by deed dated December 28, 1990 from International Business Machines Corporation of record in Deed Book 1511, Page 329 (Tract 3), in the office of the Fayette County Court Clerk.

Together with that certain appurtenant roadway easement as set forth in the Indenture from Louisville and Nashville Railroad Company to International Business Machines Corporation and WLEX-TV, Inc. dated April 2, 1951, of record in Deed Book 621, Page 266 in the in the office of the Fayette County Clerk, and subject to all the obligations thereto



ALTA / NSPS LAND TITLE SURVEY  
LEXMARK INTERNATIONAL CORPORATION  
LOT 5 - TRACT 1, PARCEL 1 (a portion of) &  
LOT 4 - TRACT 2, PARCEL 2 (a portion of)  
740 W. New Circle Road & 1101 Russell Cave Road  
LEXINGTON, FAYETTE COUNTY, KENTUCKY

DRAWN \_\_\_\_\_  
DATE 12/27/23  
CHECKED \_\_\_\_\_  
REVISED \_\_\_\_\_