

91008336

NOTICE OF INTENTION TO  
HOLD MECHANIC'S LIEN

Barnes + Thornburg  
6th Floor  
1st Source Bk Ctr  
27 100 71 Michigan  
So Bend In 46601

TO: Bank One, Merrillville, NA, as Trustee  
under the provisions of a certain Trust  
Agreement, dated the 5th day of January,  
1989 and known as Trust No. 96385-054  
1000 East 80th Place  
Merrillville, Indiana 46410

and

Bank One, Merrillville, NA,  
Suite 700, 415 LaSalle  
Chicago, Illinois 60610

STATE OF INDIANA/S.S. NO.  
FILED IN RECORDS  
FEB 22 9 02 AM '91

STATE OF INDIANA  
COUNTY OF LAKE

Document is  
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the Lake County Recorder!

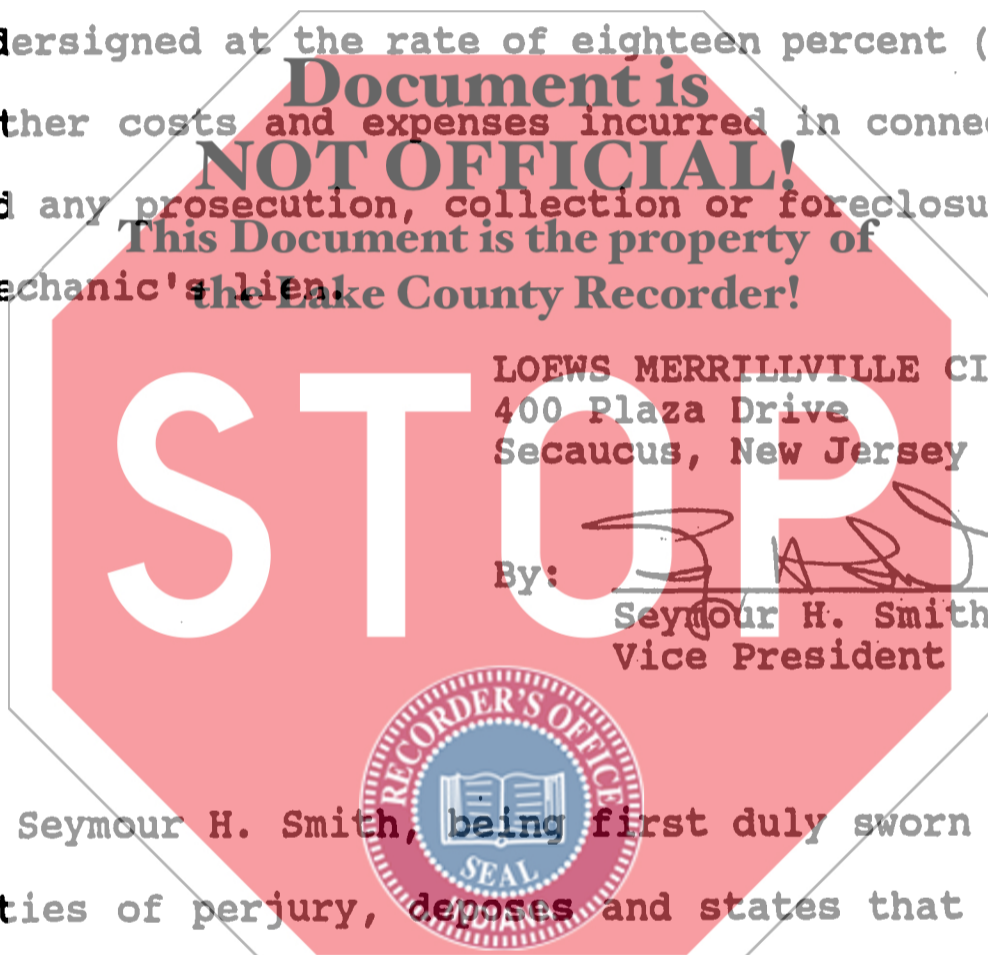
STOP



You are hereby notified that the undersigned, Loews  
Merrillville Cinemas, Inc., an Illinois corporation ("Lienholder"),  
whose address is 400 Plaza Drive, Secaucus, New Jersey 07094, by  
Seymour H. Smith, its Vice President and authorized agent who,  
having been first duly sworn under oath, under the penalties of  
perjury, states that Lienholder intends to hold, and does hereby  
hold, a mechanic's lien upon the real estate located in Lake  
County, Indiana and commonly known as the Merrillville Crossings  
Shopping Center and more particularly and legally described in  
Exhibit A, which property is part of the real estate described in  
Exhibit B, including the improvements thereon, for the amount of  
the claim of the undersigned Lienholder, which claim is  
specifically alleged to be in the amount of Two Million Two Hundred  
Thirty-Eight Thousand Two Hundred Two and 00/100 Dollars  
(\$2,238,202.00) for labor and materials provided by the undersigned

24.00

Lienholder for improvements of said real estate, which improvements are more specifically described as follows: construction of a theater building, including but not limited to all structural, mechanical, architectural, and utilities systems, building pad preparation, seats, concession counters and facilities, screens, escalators, stairways and other elements of the building, within the last sixty (60) days, plus the attorneys' fees of the undersigned Lienholder, interest accrued and accruing on the claim of the undersigned at the rate of eighteen percent (18%) per annum and all other costs and expenses incurred in connection with the filing and any prosecution, collection or foreclosure proceedings of this mechanic's lien.



LOEWS MERRILLVILLE CINEMAS, INC.  
400 Plaza Drive  
Secaucus, New Jersey 07094

By: Seymour H. Smith  
Vice President

Seymour H. Smith, being first duly sworn on oath, under the penalties of perjury, deposes and states that he is the duly elected Vice President of Loews Merrillville Cinemas, Inc., an Illinois corporation, that as such officer and for and on behalf of and as authorized and empowered by said corporation, he has executed the above and foregoing Notice of Intention to Hold Mechanic's Lien; that as such officer and for and on behalf of Loews Merrillville Cinemas, Inc. he hereby swears, verifies,

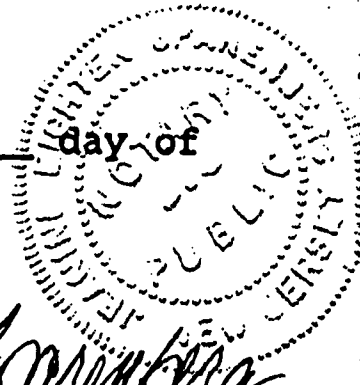
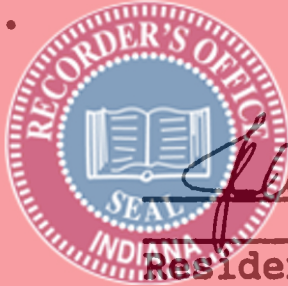
confirms and affirms under oath that the facts, statements and contents set forth in the foregoing Notice of Intention to Hold Mechanic's Lien are true.

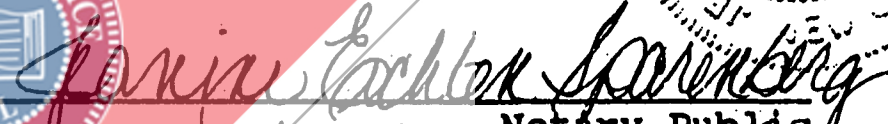
  
Seymour H. Smith

STATE OF New Jersey )  
COUNTY OF Hudson ) SS:

Before me, a Notary Public, in and for said County and State, personally appeared Seymour H. Smith, Vice President of Loews Merrillville Cinemas, Inc., who acknowledged the execution of the foregoing sworn statement and Notice of Intention to Hold Mechanic's Lien, and who, having been duly sworn, under the penalties of perjury, stated that the facts and matters therein set forth are true and correct.

WITNESS my hand and notarial seal this 11th day of February, 1991.



  
Notary Public  
Resident of New Jersey County Bergen

My Commission Expires:

JEANINE EICHTEN SPARENBERG  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES NOV. 29, 1995

This instrument prepared by C. Brian Sauers, Attorney-at-Law.

CBS00140

EXHIBIT A

LEGAL DESCRIPTION

Parcel #1 - Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana, described as: Commencing at the Northwest corner of said Section 23; thence South 02°42'00" East along the West line of said Section 23 a distance of 842.20 feet to the Southerly right-of-way line of the Chesapeake and Ohio Railroad; thence South 62°42'00" East along said South line 1615.41 feet; thence South 27°18'00" West, 748.26 feet; thence South 88°25'00" West, 134.54 feet to the point of beginning of this described parcel; thence continuing South 88°25'00" West, 326.65 feet; thence South 01°35'00" East, 193.56 feet to the Northerly line of U.S. Highway #30; thence Easterly along the Northerly line of said Highway, 309.65 feet; thence North 01°35'00" East, 43.06 feet; thence North 88°25'00" East, 17.0 feet; thence North 01°35'00" West, 150.00 feet to the point of beginning, containing 1.432 acres more or less.

Parcel #2 - Part of the North 1/2 Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana, described as: Commencing at the Northwest corner of said Section 23; thence South 02°42'00" East along the West line of said Section 23 a distance of 842.20 feet to the Southerly right-of-way line of the Chesapeake and Ohio Railroad; thence South 62°42'00" East along said Southerly right-of-way 1845.00 feet to the point of beginning of this described parcel; thence South 27°18'00" West, 274.33 feet; thence South 62°42'00" East, 4.0 feet; thence South 27°18'00" West, 80.0 feet; thence South 62°42'00" East, 26.41 feet; thence South 27°18'00" West 275.0 feet; thence South 62°42'00" West, 260.0 feet; thence South 27°18'00" West, 339.51 feet more or less to the Northerly line of U. S. Highway #30; thence on a curve to the right with a radius of 53817.23 feet a distance of 87.67 feet to the Point of Curve; thence North 88°37'48" East along the Northerly line of said Highway a distance of 1931.83 feet to the Southerly line of the Chesapeake and Ohio Railroad; thence North 62°42'00" West; 1542.08 feet to the point of beginning, containing 16.184 acres more or less.

Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the North right-of-way line of U.S. Highway #30 and the East Line of the West 1/2, West 1/2, NE 1/4 of said Section 23; thence South 88°37'48" West along the North right-of-way line of said Highway a distance of 178.62' more or less to the Northeastern right-of-way line of the abandoned C&O Railroad; thence North 62°42' West along said railroad right-of-way, 1724.96 feet; thence North 27°18" East 20.00 feet; thence North 88°37'48" East, 1661.95 feet more or less to the East line of the West 1/2, West 1/2, NE 1/4 of said Section 23; thence South 02°45'46" East 845.37 feet more or less to the Point of Beginning, containing 18.251 acres more or less.

Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the North right-of-way line of U.S. Highway #30 and the East line of the West 1/2, West 1/2, NE 1/4 of said Section 23; thence South 88°37'48" West along the North right-of-way line of said Highway a distance of 178.62 feet more or less to the Northwestern right-of-way line of the abandoned C&O Railroad; thence North 62°42' West along said railroad right-of-way, 1724.96 feet; thence North 27°18" East 20.00 feet; thence North 88°37'48" East, 1661.95 feet more or less to the East line of the West 1/2, West 1/2, NE 1/4 of said Section 23; thence South 02°45'46" East 845.37 feet more or less to the Point of Beginning, containing 18.251 acres more or less.

Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the North right-of-way line of U.S. Highway #30 and the Northeastern right-

of-way of the abandoned C&O Railroad; thence North  $62^{\circ}42'$  West along said Northeastern railroad right-of-way, 1724.96 feet; thence South  $27^{\circ}18'$  West 100 feet; thence South  $62^{\circ}42'$  East along the Southwestern right-of-way of said abandoned railroad right-of-way, 1542.08 feet more or less to the North right-of-way line of U.S. Highway #30; thence North  $88^{\circ}37'48''$  East, 208.44 feet to the point of beginning.



EXHIBIT B

LEGAL DESCRIPTION

PARCEL I:

Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana, described as: Commencing at the Northwest corner of said Section 23; thence South  $02^{\circ} 42' 00''$  East along the West line of said Section 23 a distance of 842.20 feet to the Southerly right-of-way line of the Chesapeake and Ohio Railroad; thence South  $62^{\circ} 42' 00''$  East along said South line 1615.41 feet; thence South  $27^{\circ} 18' 00''$  West, 748.26 feet; thence South  $88^{\circ} 25' 00''$  West, 134.54 feet to the point of beginning of this described parcel; thence continuing South  $88^{\circ} 25' 00''$  West, 326.65 feet; thence South  $01^{\circ} 35' 00''$  East, 193.56 feet to the Northerly line of U.S. Highway #30; thence Easterly along the Northerly line of said Highway, 309.65 feet; thence North  $01^{\circ} 35' 00''$  West, 43.06 feet; thence North  $88^{\circ} 25' 00''$  East, 17.0 feet; thence North  $01^{\circ} 35' 00''$  West, 150.00 feet to the point of beginning. Except that part conveyed to the State of Indiana by Warranty Deed recorded September 19, 1978 as Document No. 491229 described as follows: A part of the Northwest Quarter of Section 23, Township 35 North, Range 8 West, Lake County, Indiana, described as follows: Commencing at the Northwest corner of said section; thence South 0 degrees 01 minutes 00 seconds West 2,287.90 feet along the West line of said section to the Southwest corner of the owner's land; thence South 89 degrees 59 minutes 00 seconds East 350.00 feet to the corner of the owner's land; thence South 0 degrees 01 minute 00 seconds West 196.90 feet along the West line of the owner's land to the North Boundary of U.S.R. 30; thence along the Boundary of said U.S.R. 30 Easterly 463.51 feet along an arc to the right and having a radius of 53,814.79 feet and subtended by a long chord having a bearing of South 89 degrees 02 minute 50 seconds East and a length of 463.51 feet to the point of beginning of this description; Thence North 1 degree 11 minutes 58 seconds East 10.00 feet; thence South 88 degrees 46 minutes 26 seconds East 50.01 feet; thence South 1 degree 15 minutes 10 seconds West 10.00 feet to the North Boundary of U.S.R. 30; thence along the Boundary of said U.S.R. 30 Westerly 50.00 feet along an arc to the left and having radius 53,814.79 feet and subtended by a long chord having a bearing of North 88 degrees 46 minutes 26 seconds West and a length of 50.00 feet to the point of beginning.

Parcel II:

Part of the North 1/2 Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana, described as: Commencing at the Northwest corner of said Section 23; thence South  $02^{\circ} 42' 00''$  East along the West line of said Section 23 a distance of 842.20 feet to the Southerly right-of-way line of the Chesapeake and Ohio Railroad; thence South  $62^{\circ} 42' 00''$  East along said Southerly right-of-way 1845.00 feet to the point of beginning of this described parcel; thence South  $27^{\circ} 18' 00''$  West, 274.33 feet; thence South  $62^{\circ} 42' 00''$  East, 4.0 feet; thence South  $27^{\circ} 18' 00''$  West, 80.0 feet; thence South  $62^{\circ} 42' 00''$  East, 26.41 feet; thence South  $27^{\circ} 18' 00''$  West 275.0 feet; thence North  $62^{\circ} 42' 00''$  West, 260.0 feet; thence South  $27^{\circ} 18' 00''$  West, 339.51 feet more or less to the Northerly line of U.S. Highway #30; thence on a curve to the right with a radius

(continued)

LEGAL DESCRIPTION  
(continued)

of 53817.23 feet a distance of 87.67 feet to the Point of Curve; thence North 88° 37' 48" East along the Northerly line of said Highway a distance of 1931.83 feet to the Southerly line of the Chesapeake and Ohio Railroad; thence North 62° 42' 00" West, 1542.08 feet to the point of beginning, Except that part conveyed to the State of Indiana by Warranty Deed recorded September 19, 1978 as Document No. 491229 described as follows: Part of the Northwest Quarter of Section 23, Township 35 North, Range 8 West, Lake County, Indiana, describe as follows: Commencing at the Northwest corner of said section; thence South 0 degrees 01 minute 00 seconds West 2,287.90 feet along the west line of said section; thence South 89 degrees 59 minutes 00 seconds East 350.00 feet; thence South 0 degrees 01 minute 00 seconds West 196.90 feet to the North Boundary of U.S.R. 30; thence along the Boundary of said U.S.R. 30 Easterly 651.76 feet along an arc to the right and having a radius of 53,814.79 feet and subtended by a long chord having a bearing of South 88 degrees 56 minutes 49 seconds East and a length of 651.76 feet; thence South 88 degrees 36 minutes 00 seconds East 688.03 feet along said boundary to the point of beginning of this description: Thence North 1 degree 24 minutes 00 seconds East 10.00 feet; thence South 88 degrees 36 minutes 00 seconds East 40.00 feet; thence South 1 degree 24 minutes 00 seconds West 10.00 feet to the North Boundary of U.S.R. 30; thence North 88 degrees 36 minutes 00 seconds West 40.00 feet along the boundary of said U.S.R. 30 to the point of beginning.

This Document is the property of  
the Lake County Recorder!

PARCEL III:

Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the North right-of-way line of U.S. Highway No. 30 and the East line of the West 1/2, West 1/2, Northeast 1/4 of said Section 23; thence South 88° 37' 48" West along the North right-of-way line of said Highway a distance of 178.62 feet more or less to the Northeastern right-of-way line of the abandoned C. & O Railroad; thence North 62° 42' West along said railroad right-of-way, 1724.96 feet; thence North 27° 18" East 20.00 feet; thence North 88° 37' 48" East, 1661.95 feet more or less to the East line of the West 1/2, West 1/2, Northeast 1/4 of said Section 23; thence South 02° 45' 46" East 845.37 feet more or less to the point of beginning.

PARCEL IV:

The Southeast 1/4, Northeast 1/4, Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian and the East 1/2, Southwest 1/4, Northeast 1/4 Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian, lying North of the Northerly right-of-way line of U.S. Highway No. 30, excepting that part of the Southeast 1/4, Northeast 1/4 of said Section 23, described as follows: Commencing at the intersection of the North right-of-way line of U.S.

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**LEGAL DESCRIPTION**  
(continued)

Highway #30 with the East line of the Northeast 1/4 of said Section 23; thence West along the North line of U.S. Highway #30 a distance of 180 feet; thence North parallel to the East line of the Northeast 1/4 of said Section 23; a distance of 150 feet, thence East parallel to the North line of U.S. Highway #30 a distance of 180 feet to the East line of the Northeast 1/4 of said Section 23, thence South 150 feet to the point of beginning.

