

4515402 PCD

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**FILED**

STATE OF NEW YORK

COUNTY OF NEW YORK

} SS:

FEB 26 1991

*Anna M. Davitt*  
AUDITOR LAKE COUNTY # 27-195-3

I, the undersigned, WALTER R. SAMUELS, being first duly sworn upon my oath, do hereby state to and for the benefit of Chicago Title Insurance Company, and its insureds, the following:

1. That since January 30, 1981, the date of the assignment to me by Tradeway of Highland, Inc., of a certain leasehold interest as evidenced by that certain assignment of said date, recorded May 10, 1982, as Document Number 668068 (the "Assignment"), neither Lady Rose of Indiana, Inc., an Indiana corporation, Bobby Sue of Bedford, Inc., an Indiana corporation, Tradeway of Highland, Inc., an Indiana corporation, nor Tradeway of Indiana, Inc., an Indiana corporation, have been in possession of the real estate subject to the leasehold interest assigned by the Assignment, nor have any of the foregoing, or any person or entity claiming to be their successor or assign, made any claim of possession, or claim of any other right or interest in the leasehold interest in the real estate assigned by the Assignment, or in the real estate subject thereto.

2. That since April 10, 1981, no entity other than Strack and Van Til Super Market, Inc., an Indiana corporation, and its sublessees, licensees, and concessionaires, have been in possession of, or claimed possession of, the real estate subject to the leasehold interest assigned by the Assignment.

3. That there was no renewal by me, as successor in interest to Tradeway of Highland, Inc., of any sublease with Lady Rose of Indiana, Inc., an Indiana corporation, or any of its successors or assigns, or with Bobby Sue of Bedford, Inc., an Indiana corporation, or any of its successors or assigns, for any term or period beyond January 31, 1988, the date on which said previously existing subleases expired by their own terms.

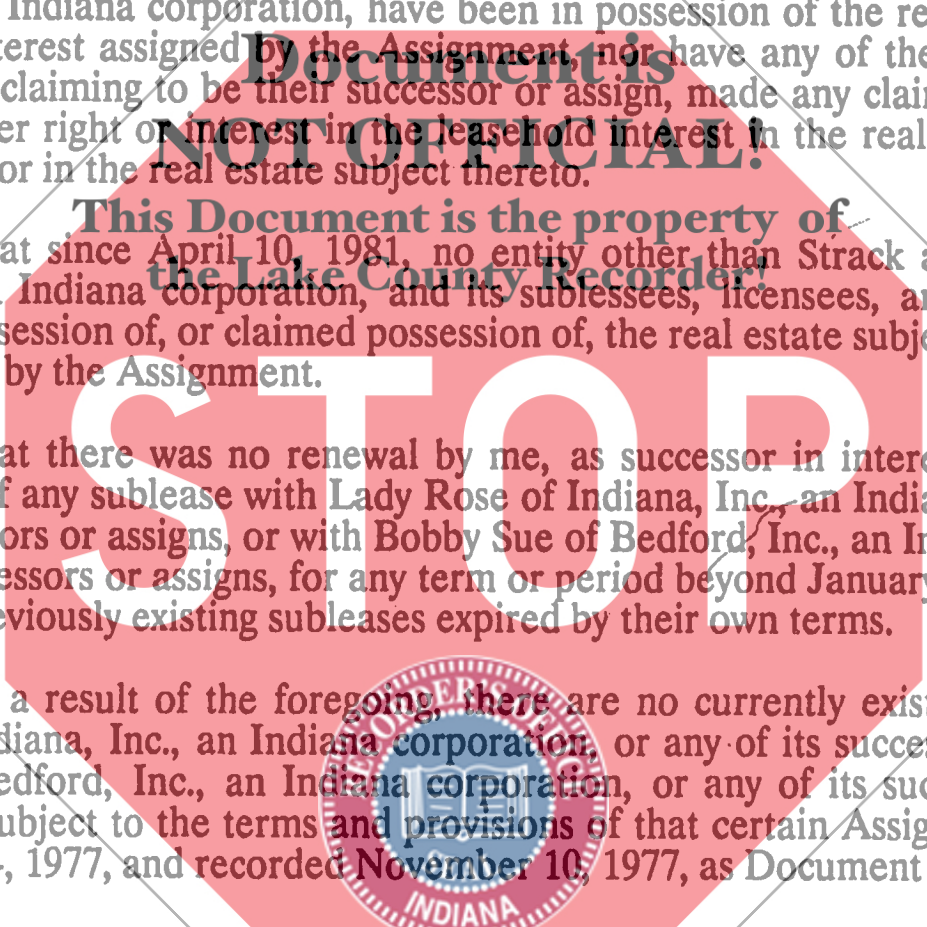
4. As a result of the foregoing, there are no currently existing subleases with Lady Rose of Indiana, Inc., an Indiana corporation, or any of its successors or assigns, or Bobby Sue of Bedford, Inc., an Indiana corporation, or any of its successors or assigns, which could be subject to the terms and provisions of that certain Assignment of Sublease dated October 24, 1977, and recorded November 10, 1977, as Document Number 438792.

5. As a result of the foregoing, there are no currently existing subleases with Lady Rose of Indiana, Inc., an Indiana corporation, or any of its successors or assigns, or Bobby Sue of Bedford, Inc., an Indiana corporation, or any of its successors or assigns, which could be subject to the terms and provisions of that certain Modification, Subordination and Attornment Agreement dated October 24, 1977, and recorded November 10, 1977, as Document Number 440028, and re-recorded on November 28, 1977, as Document Number 441381.

6. Since the date of the Assignment, neither Lady Rose of Indiana, Inc., an Indiana corporation, or any of its successors or assigns, have made any claims to the use or possession of the real estate subject to the leasehold interest assigned by the Assignment, arising out of that certain license agreement noted in the Memorandum of License Agreement dated January 31, 1979, and recorded February 9, 1979, as Document Number 515007.

CHICAGO TITLE INSURANCE COMPANY  
INDIANA DIVISION

STATE OF INDIANA / S.S. NO.  
LAKELAND, INDIANA



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15.00  
CK

7. Affiant hereby represents and warrants to Chicago Title Insurance Company and its insureds and to RSVT Real Estate Corporation, that the foregoing statements of fact are true, and are made hereby to induce Chicago Title Insurance Company to delete special exceptions 12, 13, 14, 15, and 16, from Schedule B of Chicago Title Insurance Company title insurance commitment number 451540, dated January 11, 1991.

8. Further Affiant sayeth not.

*Walter R. Samuels*  
*Walter R. Samuels*  
WALTER R. SAMUELS

STATE OF NEW YORK  
COUNTY OF NEW YORK

} ss: **Document is  
NOT OFFICIAL!**

Before me, the undersigned, a Notary Public in and for said County and State, this 11 day of February, 1991, personally appeared WALTER R. SAMUELS and acknowledged the execution of the Affidavit.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

*Corinne Becker*

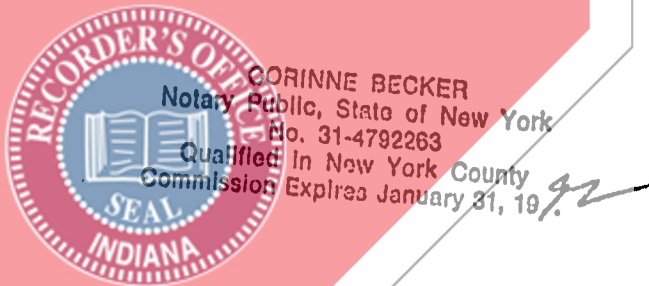
Notary Public

My Commission Expires:

1/31/92

County of Residence:

New York



This instrument prepared by Glenn R. Patterson, Singleton, Levy and Crist, Suite 200, 9245 Calumet Avenue, Munster, Indiana 46321

PARCEL 1: THE NORTH 670 FEET OF LOT 1, IN PARK ADDITION TO HIGHLAND AS SHOWN IN PLAT BOOK 28, PAGE 22; ALSO A PART OF LOT 1, IN PARK ADDITION TO HIGHLAND, AS SHOWN IN PLAT BOOK 28, PAGE 22, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT 855 FEET SOUTHWESTERLY FROM THE EAST LINE OF LOT 1 MEASURED ALONG THE SOUTHEASTERLY LINE OF LOT 1; THENCE NORTHWESTERLY MEASURED AT RIGHT ANGLES WITH THE LAST DESCRIBED LINE A DISTANCE OF 143.64 FEET TO THE SOUTH LINE OF THE NORTH 670 FEET OF SAID LOT 1; THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 670 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 1 A DISTANCE OF 197.88 FEET; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF LOT 1 A DISTANCE OF 136.10 FEET TO THE POINT OF BEGINNING, IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA.

PARCEL 2: EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY INDENTURE OF EASEMENT DATED OCTOBER 22, 1963, AND RECORDED DECEMBER 26, 1963, IN MISCELLANEOUS RECORD 884, PAGE 57, AS DOCUMENT NO. 534457, IN THE RECORDER'S OFFICE OF LAKE COUNTY, INDIANA, MADE BY AND BETWEEN LAKE COUNTY TRUST COMPANY, NOT PERSONALLY, BUT AS TRUSTEE UNDER THE TRUST AGREEMENT DATED FEBRUARY 21, 1961 AND KNOWN AS TRUST NO. 782, ET AL, FOR THE PURPOSE OF INGRESS AND EGRESS UPON, OVER AND ACROSS AND TO USE THE LAND DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2ND P. M. DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER INTERSECTS THE EASTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 41, AS THE SAME EXISTS AND IS NOW LAID OUT; THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 136.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74 DEGREES 02 MINUTES EAST A DISTANCE OF 132.5 FEET TO A POINT OF TANGENT; THENCE NORTHERLY ON A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 75 FEET, A DISTANCE OF 96.91 FEET; THENCE EAST A DISTANCE OF 88.0 FEET; THENCE SOUTH A DISTANCE OF 62.5 FEET; THENCE SOUTH 46 DEGREES 01 MINUTES 34 SECONDS EAST A DISTANCE OF 66.34 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST A DISTANCE OF 317.50 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE TERMS, PROVISIONS AND CONDITIONS SET FORTH IN SAID INSTRUMENT.