



Lake County Trust Company

This Indenture Witnesseth

Chicago Title, Inc. 111 West Washington St Chicago, IL 60602-2703
att: Marie Mulligan National Leases

That LAKE COUNTY TRUST COMPANY, AS TRUSTEE under the provisions of a Trust Agreement dated December 20, 1989 and known as Trust No. 4025 of Lake County, and State of Indiana,

does hereby grant, bargain, sell and convey to:

VICORP RESTAURANTS, INC., a Colorado corporation
400 West 48th Avenue
P.O. Box 16601
Denver, Colorado 80216

for the sum of ten dollars (\$10.00) and other good and valuable consideration the following described Real Estate in Lake County, in the State of Indiana, to-wit:

Lot "B", Resubdivision of Lots 4 and 5 of the Crossroads, Plat Book 69, Page 3, an Addition to the Town of Schererville, according to the plat thereof recorded in Plat Book 70, Page 64, in Lake County, Indiana.

Tax Key No. 13-8-171, Tax Unit No. 20 (Tax Key No. affects this property and other real estate)

This deed is being given subject to the matters set forth in Exhibit A attached hereto and made a part hereof.

Property is vacant land in Schererville, Indiana



13-533-2

This Deed is executed pursuant to, and in the exercise of, the power and authority granted to and vested in the said Trustee by the terms of said Deed or Deeds in Trust delivered to the said Trustee in pursuance of the Trust Agreement above mentioned, and subject to all restrictions of record.

NOV 25 1991
Donna M. Antos
AUDITOR LAKE COUNTY

IN WITNESS WHEREOF, The said LAKE COUNTY TRUST COMPANY, as Trustee, by Charlotte L. Keilman as ~~Vice President~~ Trust Officer, and Laura Anderson as Ass't Secretary, has hereunto set its hand and seal this 18th day of November, 19 91



LAKE COUNTY TRUST COMPANY, as Trustee as aforesaid,

Attest
Laura L. Anderson
Laura L. Anderson Assistant Secretary

By: Charlotte L. Keilman
Charlotte L. Keilman, Trust Officer

STATE OF INDIANA }
COUNTY OF LAKE } SS:

Before me, the undersigned, a Notary Public in and for said County and State personally appeared the within named Charlotte L. Keilman, as ~~Trust Officer~~ Trust Officer and Laura L. Anderson

as Assistant Secretary of the Lake County Trust Company, who acknowledge the execution of the foregoing instrument as the free and voluntary act of said corporation, and as their free and voluntary act, acting for such corporation, as Trustee.

Witness my hand and seal this 18th day of November, 19 91

Leah Susanne Anderson
Leah Susanne Anderson Notary Public

My Commission Expires: April 7, 1995

Resident of Lake County

This instrument prepared by Donna LaMere, Member South Lake County Bar Association
After recording, mail to: Cathy M. Mayer
Winston & Strawn
35 W. Wacker Dr.
Chicago, IL 60601

Mail future tax bills to grantee at address noted above. 01355

CHICAGO TITLE INSURANCE COMPANY
INDIANA DIVISION

Exhibit A

PERMITTED EXCEPTIONS:

1. TAXES FOR 1990 PAYABLE IN 1991 AND SUBSEQUENT YEARS.
2. TERMS AND PROVISIONS OF A DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS DATED SEPTEMBER 17, 1990 AND RECORDED SEPTEMBER 24, 1990 AS DOCUMENT NO. 125380, MADE BY LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025.

NOTE: BY EASEMENT AGREEMENT DATED MAY 28, 1991 AND RECORDED JULY 26, 1991, AS DOCUMENT NO. 91037663, MADE BY AND AMONG LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025 ("TRUST"), WAL-MART STORES, INC., A DELAWARE CORPORATION ("WAL-MART", WAL-MART AND THE TRUST BEING SOMETIMES HEREINAFTER COLLECTIVELY REFERRED TO AS "GRANTOR") AND LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 1438 ("GRANTEE"), ACCESS EASEMENT RIGHTS WERE GRANTED TO THE GRANTEE THEREIN TO USE A PORTION OF THE PERIMETER ACCESS DRIVES OF THE SHOPPING CENTER CONSTITUTING THE ACCESS DRIVES (AS DEFINED THEREIN) ON A NON-EXCLUSIVE BASIS WITH THE OWNERS AND TENANTS OF THE SHOPPING CENTER AS DESCRIBED IN DOCUMENT NO. 125380.

3. TERMS AND PROVISIONS OF AN EASEMENT FOR PUBLIC UTILITIES RECORDED JULY 7, 1993 AS DOCUMENT NO. 692064, IN MISCELLANEOUS RECORD 593, PAGE 465, TO NORTHERN INDIANA PUBLIC SERVICE COMPANY AND ILLINOIS BELL TELEPHONE COMPANY, DESCRIBING THE FOLLOWING LAND:

ONE STRIP OF LAND IN THE NORTHWEST HALF OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE 2ND P. M., BEING 10 FEET WIDE, LYING 5 FEET EACH SIDE OF A CENTER LINE PRODUCED; SAID CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 559 FEET NORTH OF THE CENTER LINE OF U.S. HIGHWAY 30 AND ON THE EAST RIGHT-OF-WAY OF U.S. NO. 41; THENCE 196.5 FEET EAST OF THE CENTER LINE OF U.S. NO. 41 AND 259 FEET NORTH OF THE CENTER LINE OF U.S. NO. 30.

(AFFECTS THE SOUTHWESTERLY PORTION OF LOT 5 OF THE LAND).

4. TERMS AND PROVISIONS OF AN EASEMENT FOR SANITARY SEWER RECORDED NOVEMBER 13, 1984 AS DOCUMENT NO. 593588, IN MISCELLANEOUS RECORD 907, PAGE 349 TO THE TOWN OF SCHERERVILLE, DESCRIBING THE FOLLOWING LAND:

A 20 FOOT EASEMENT LYING 10 FEET ON EACH SIDE OF A 12 INCH SANITARY SEWER IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE 2ND P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 AT A POINT 500 FEET MORE OR LESS EAST OF THE WEST LINE OF SAID SECTION 16; THENCE NORTHERLY 280 FEET MORE OR LESS TO A MANHOLE THAT IS 276 FEET NORTHEASTERLY OF THE NORTHWEST CORNER OF A RESTAURANT BUILDING; THENCE WESTERLY 205 FEET TO A MANHOLE THAT IS 152.5 FEET NORTHERLY OF THE NORTHWEST CORNER OF SAID RESTAURANT BUILDING; THENCE NORTHWESTERLY TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 41 AT A POINT 520 FEET MORE OR LESS NORTH OF THE CENTER LINE OF U.S. HIGHWAY NO. 30, IN LAKE COUNTY, INDIANA.

5. TERMS AND PROVISIONS OF AN EASEMENT FOR PUBLIC UTILITIES RECORDED SEPTEMBER 10, 1987 AS DOCUMENT NO. 937491 TO INDIANA BELL TELEPHONE COMPANY, INCORPORATED, DESCRIBING THE FOLLOWING LAND:

AN EASEMENT 20 FEET IN WIDTH LYING 10 FEET ON EITHER SIDE OF A CENTER LINE COMMENCING AT A POINT ON THE NORTH RIGHT OF

WAY LINE OF STATE ROUTE 30 AT A POINT 500 FEET EAST OF THE WEST LINE OF SECTION 16, THENCE NORTHERLY 280 FEET MORE OR LESS TO A SEWER MANHOLE, THENCE WESTERLY 205 FEET TO A SEWER MANHOLE, THENCE NORTHWESTERLY TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROUTE 41 AT A POINT 520 FEET MORE OR LESS NORTH OF THE CENTER LINE OF STATE ROUTE 30.

6. TERMS AND PROVISIONS OF EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING THE LAND, CREATING EASEMENTS FOR INGRESS, EGRESS AND PARKING, RECORDED FEBRUARY 20, 1990 AS DOCUMENT NO. 085156, MADE BY AND BETWEEN WAL-MART STORES, INC., A DELAWARE CORPORATION, AND LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025.

FIRST AMENDMENT OF EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND ("ECR"), DATED APRIL 19, 1990 AND RECORDED AUGUST 28, 1990 AS DOCUMENT NO. 120041, MADE BY AND BETWEEN WAL-MART STORES, INC., A DELAWARE CORPORATION, AND LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025.

7. DECLARATION OF EASEMENTS AND RESTRICTIONS DATED FEBRUARY 14, 1990, MADE BY LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025 AND RECORDED FEBRUARY 20, 1990, AS DOCUMENT NO. 085154.

FIRST AMENDMENT TO DECLARATION OF EASEMENTS AND RESTRICTIONS DATED APRIL 19, 1990 AND RECORDED AUGUST 28, 1990 AS DOCUMENT NO. 120042, MADE BY LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025.

8. TERMS AND PROVISIONS, AND ANY EASEMENTS AFFECTING THE LAND, AS EVIDENCED IN AN INDENTURE OF LEASE (SHORT FORM) DATED APRIL 12, 1990 AND RECORDED MAY 4, 1990, AS DOCUMENT NO. 098880, MADE BY AND BETWEEN LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025, (LANDLORD) AND OMNI SUPERSTORES OF INDIANA, INC., AN INDIANA CORPORATION (TENANT).

9. A 5 FOOT NO-ACCESS EASEMENT AFFECTING THE WEST 5 FEET OF THE LAND, AS INDICATED ON PLAT OF SUBDIVISION.

(THE OWNERS OF LOTS 3, 4, 5, 6 AND 7 SHALL BE ALLOWED ANY PERMITTED USE OF THE AREA MARKED, "5' NO-ACCESS EASEMENT" EXCEPT VEHICULAR ACCESS TO THE HIGHWAY AS INDICATED ON THE PLAT OF SUBDIVISION.)

10. RESTRICTIONS SHOWN ON PLAT OF THE CROSSROADS, IN PLAT BOOK 69, PAGE 3, AS FOLLOWS:

- (1) EASEMENTS FOR PUBLIC UTILITIES AS DESIGNATED HEREIN FOR EASEMENTS HEREIN RESERVED ARE HEREBY GRANTED TO NORTHERN INDIANA PUBLIC SERVICE COMPANY, INDIANA BELL TELEPHONE COMPANY, THE TOWN OF SCHERERVILLE AND CABLE TELEVISION COMPANIES, JOINTLY AND SEVERALLY, TOGETHER WITH THEIR RESPECTIVE HEIRS, SUCCESSORS AND ASSIGNS TO INSTALL, LAY, ERECT, CONSTRUCT, RENEW, REPAIR, OPERATE AND MAINTAIN SEWERS, WATER MAINS, GAS MAINS, CONDUITS, CABLES AND WIRES, BOTH OVERHEAD AND UNDERGROUND, IN, UPON, ALONG AND OVER THOSE STRIPS OF GROUND DESIGNATED ON THE PLAT BY DOTTED LINES AND MARKED "EASEMENT", INCLUDING THOSE IMMEDIATE AREAS NOT SO MARKED BUT EXTENDING FROM SAID STRIPS OF GROUND, WHEREUPON OVERHEAD OR UNDERGROUND FACILITIES AS STATED ABOVE SHALL EXIST FOR THE DIRECT SERVICE TO THE REAL ESTATE HEREIN PLATTED FOR THE PURPOSE OF SERVING THE PUBLIC IN GENERAL WITH SEWER, GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICE, INCLUDING THE RIGHT TO USE SAID EASEMENT FOR THE CONVEYANCE CHANNELIZATION, COLLECTION AND DISPERSAL OF SURFACE WATER RUNOFF AND THE RIGHT TO USE BOTH PUBLIC AND PRIVATE STREET RIGHT-OF-WAYS WHEN NECESSARY, TOGETHER WITH THE RIGHT TO ENTER UPON SAID EASEMENTS AT ALL TIMES FOR ANY AND ALL OF THE PURPOSES AFORESAID, AND TO TRIM AND KEEP TRIMMED ANY TREES, SHRUBS OR SAPLINGS THAT

INTERFERE WITH THE NORMAL USE, OPERATION OR MAINTENANCE OF ANY SUCH UTILITY EQUIPMENT, TOGETHER WITH THE RIGHT TO GRADE OR REGRADE THE SURFACE OR TO REMOVE OBSTRUCTIONS TO SURFACE DRAINAGE. NO PERMANENT BUILDING OR STRUCTURES SHALL BE PLACED ON SAID EASEMENT, BUT THE SAME MAY BE USED FOR GARDENS, PLANTING, LANDSCAPING, FENCING, PARKING, LIGHTING, AND SIGNING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE USE OF SAID EASEMENT FOR SAID PUBLIC UTILITY AND DRAINAGE PURPOSES.

- (2) BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE PLAT, BETWEEN WHICH LINES AND PROPERTY LINES OF THE STREETS THERE SHALL BE ERECTED OR MAINTAINED NO BUILDING OR STRUCTURE.
- (3) MINIMUM FINISHED FLOOR ELEVATION SHALL BE 631.50 FEET REFERENCED TO U.S.G.S. VERTICAL DATUM 1929 G.A.
- (4) NO DIRECT VEHICULAR ACCESS SHALL BE ALLOWED TO U.S. HIGHWAY 30 OR U.S. HIGHWAY 41 FROM LOTS 3, 4, 5, 6 AND 7.
- (5) ACCESS TO LOTS 3, 4, 5, 6 AND 7 SHALL BE ALLOWED ACROSS LOTS 1 AND 2 IN ACCORDANCE WITH AGREEMENTS BETWEEN THE OWNERS AND THE BUYERS OF LOTS 3, 4, 5, 6 AND 7.

THE ABOVE RESTRICTIONS SHALL FURTHER PROVIDE THE RIGHT TO ENFORCE THOSE PROVISIONS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE THE REMOVAL, BY DUE PROCESS OF LAW, OF ANY STRUCTURE OR PART THEREOF ERECTED OR MAINTAINED IN VIOLATION THEREOF, IS HEREBY DEDICATED TO THE PUBLIC, AND RESERVED TO THE SEVERAL OWNERS OF THE SEVERAL LOTS IN SAID SUBDIVISION AND TO THEIR HEIRS AND ASSIGNS.

11. DECLARATION OF RESTRICTIONS AND CONDITIONS DATED SEPTEMBER 19, 1990 AND RECORDED SEPTEMBER 24, 1990 AS DOCUMENT NO. 125382, MADE BY LAKE COUNTY TRUST COMPANY, AS TRUSTEE UNDER TRUST NO. 4025.
12. A 60 FOOT BUILDING LINE AFFECTING THE WEST SIDE OF THE LAND AS SHOWN ON THE PLAT OF SUBDIVISION.

