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STATE OF INDIANA )  
 ) SS:  
COUNTY OF NEWTON )

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CLERK'S OFFICE

'92 APR 24 10:00 AM  
IN THE NEWTON CIRCUIT COURT  
ROBERT C. ...  
CLERK CAUSE NO. 56C01-9012-CP-183

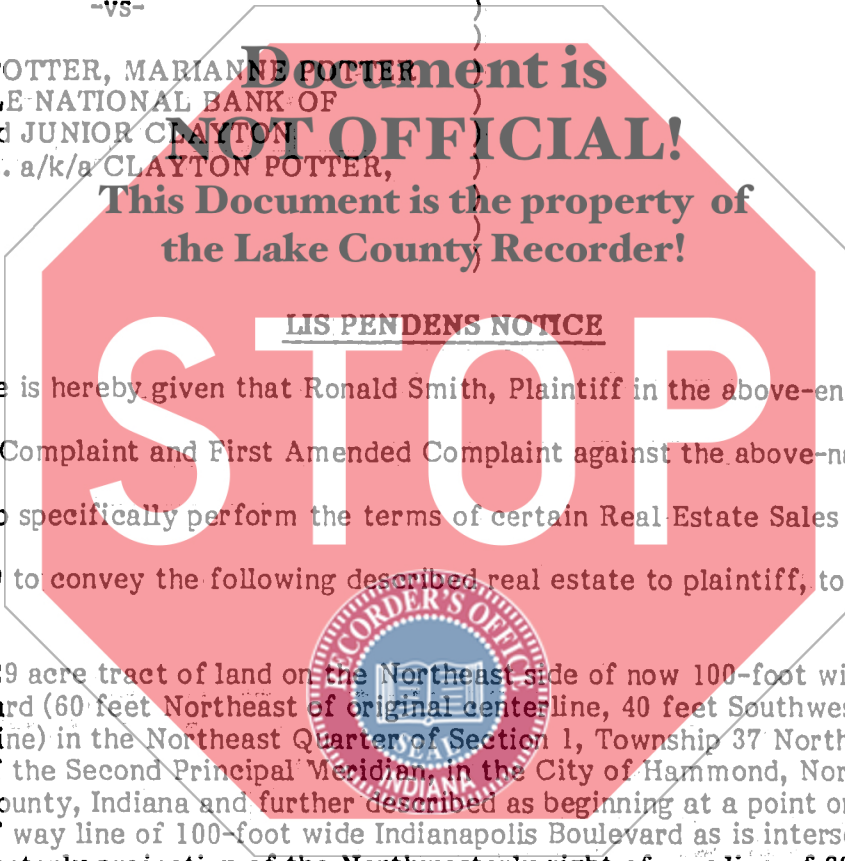
RONALD SMITH

Plaintiff

-vs-

CLAYTON POTTER, MARIANNE POTTER  
MERCANTILE NATIONAL BANK OF  
INDIANA and JUNIOR CLAYTON  
POTTER, JR. a/k/a CLAYTON POTTER,  
JR.

Defendants



STATE OF INDIANA, S.M.O.  
LAKE COUNTY  
RECORDER'S OFFICE  
APR 24 8 37 AM '92  
ROBERT C. ...  
CLERK

Notice is hereby given that Ronald Smith, Plaintiff in the above-entitled cause, has filed his Complaint and First Amended Complaint against the above-named defendants to specifically perform the terms of certain Real Estate Sales Contract dated July 12, 1989 to convey the following described real estate to plaintiff, to wit:

An 0.829 acre tract of land on the Northeast side of now 100-foot wide Indianapolis Boulevard (60 feet Northeast of original centerline, 40 feet Southwest of original centerline) in the Northeast Quarter of Section 1, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, North Township, Lake County, Indiana and further described as beginning at a point on the Northeast right of way line of 100-foot wide Indianapolis Boulevard as is intersected by the Northeasterly projection of the Northwesterly right of way line of 80-foot wide and dedicated 112th Street, said point of intersection being 1530.45 feet Southeasterly of the North line of said Section 1 as measured on the Northeast 100-foot right of way line of said Indianapolis Boulevard, and point of beginning also being 165.1 feet Northwesterly of the 50-foot wide private strip of private land occupied by a single track railroad line which is leased to the Indiana Harbor Belt and Conrail for the interconnect and service to American Maize Company; thence continuing Northeast on the aforesaid Northeasterly projection of the Northwesterly right of way line 80-foot wide and dedicated 112th Street for a distance of 152.2 feet to an iron pipe set radially 30 feet from the Southwesterly curved right of way line of 60-foot wide private railroad; thence in a straight line for 249.6 feet that makes an interior angle of 86 degrees 50 minutes measured Southwest to Northwest with aforesaid Northeasterly projection of said 112th Street; thence Southwesterly on a straight line that makes a right angle with aforesaid Notheasterly right of way line of 100-foot wide Indianapolis Boulevard and an interior angle of 93 degrees 30 minutes

10.00

measured Southeast to Southwest with aforesaid 249.6-foot line, for a distance of 136.9 feet to a point in said 100-foot wide Indianapolis Boulevard Southeast right of way that is 250 feet Northwest of the point of beginning; thence Southeasterly on said Northeast right of way line of Indianapolis Boulevard 250 feet to the point of beginning and containing 0.829 acres in all. (Key No. 37-98-7).

In addition to the above, plaintiff is seeking to enforce paragraph six (6) of the Rider to the above mentioned Real Estate Sales Contract which reads as follows:

" 6. Seller agrees, on consummation of the sale herein, to execute a covenant running with the land of Seller southerly across Indianapolis Boulevard; and additionally northeasterly and adjacent to the property conveyed herein prohibiting the installation and/or operation of a petroleum products service station, provided however that such prohibition shall not apply to the incidental sale of lubricating oil and antifreeze products by CLAYTON POTTER, CLAYTON POTTER, JR., and their heirs, executors, administrators and assigns."

Plaintiff believes that the covenant prohibiting the installation and/or operation of a petroleum products service station affects the following described parcels of real estate:

1. The property immediately adjacent to the above-described property located in the Northeast Quarter of Section 1, Township 37 North, Range 10 West of the Second Principal Meridian, in the City of Hammond, North Township, Lake County, Indiana.

2. Part of the Northeast Quarter of Section 1, Township 37 North, Range 10 West of the 2nd Principal Meridian, described as: Beginning at the Northwest corner of 112th Street and Indianapolis Avenue; thence Northwesterly along the Southwesterly side of Indianapolis Avenue a distance of 200 feet; thence 200 feet in a Southwesterly direction along a line drawn at right angles to the Southwesterly side of Indianapolis Avenue; thence at a right angle to said last mentioned line in a Southeasterly direction and parallel to the Southwesterly side of Indianapolis Avenue to the Northwesterly line of 112th Street; thence Northeasterly along the Northwesterly line of 112th Street to the Southwesterly line of Indianapolis Avenues, measured at a right angle to said Southwesterly line, which is the place of beginning, in the City of Hammond, in Lake County, Indiana. (Key No. 37-98-30).

3. Part of the Northeast Quarter of Section 1, Township 37 North, Range 10 West of the 2nd Principal Meridian, described as: Beginning at the Northwest corner of 112th Street and Indianapolis Avenue; thence Northwesterly along the Southwesterly side of Indianapolis Avenue a distance of 200 feet; thence 200 feet in a Southwesterly direction along a line drawn at a right angle to the Southwesterly side of Indianapolis Avenue to a point, which point shall be deemed the place of beginning; thence along said last mentioned line as extended a distance of 50 feet; thence at a right angle to said last mentioned line as extended and in a Southeasterly direction and parallel to the Southwesterly side of Indianapolis Avenue to the Northwesterly line of 112th Street; and thence Northeasterly along the Northwesterly line of 112th Street to a point 200 feet Southwesterly of the Southwesterly line of Indianapolis Avenue measured at a right

angle to said Southwesterly line; thence in a straight line parallel to the Southwesterly side of Indianapolis Avenue and distant 200 feet therefrom to the place of beginning, in the City of Hammond, in Lake County, Indiana. (Key No. 37-98-27).

4. Part of Section 1, Township 37 North, Range 10 West of the Second Principal Meridain, being described as follows:  
Beginning at the intersection of the East line of 5th Avenue (a 66-foot street) and the North line of 110th Street, (a 66-foot street), thence North along said East line of 5th Avenue 417.2 feet to the Southwesterly line of Indianapolis Boulevard; thence Southeasterly along the Southwesterly line of Indianapolis Boulevard 511.8 feet to the West line of 6th Avenue, (a 66-foot street); thence South along the West line of 6th Avenue 20.7 feet to the North line of 110th Street; thence West along the North line of 110th Street 324.0 feet to the point of beginning, in the City of Hammond, Lake County, Indiana. (Tax Key No. 37-98-20).

**Document is NOT OFFICIAL**  
RESPECTFULLY SUBMITTED,  
SACHS AND HESS, P.C.

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**STOP**

