

FA-6934

93035764

RETURN TO:
FIRST AMERICAN TITLE INS. CO.
5265 COMMERCE DR. SUITE 1
CROWN POINT, IN 46307

DECLARATION OF COVENANTS AND RESTRICTIONS AFFECTING LAND

THIS AGREEMENT (herein so called) made as of this 5th day of March, 1993, by and between Peter Huminsky and Mary Huminsky, husband and wife (hereinafter referred to as "Owner I"), and AutoZone, Inc., a Nevada corporation (hereinafter referred to as "Owner II").

FILED

RECITALS

MAY 28 1993

1. Owner I is the owner of Lot 1 which is more particularly described on Exhibit "A" attached hereto and made a part hereof.

Autozone, Inc.
AUTOZONE, INC.

2. Owner II is the owner of Lot 2 which is more particularly described on Exhibit "B" attached hereto and made a part hereof.

3. Owner I and Owner II desire that Lots 1 and 2 be subject to the covenants and restrictions hereinafter set forth.

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AGREEMENT

JUN 2 12 15 PM '93
STATE OF INDIANA
LAKE COUNTY
RECORDER

STATE OF INDIANA S.S. NO.
LAKE COUNTY
FILED FOR RECORD

In consideration of the premises, covenants, restrictions and encumbrances contained herein and other good and valuable consideration, the receipt and sufficiency of all of which both parties hereto do hereby acknowledge, Owner I and Owner II do each hereby agree as follows:

1. For so long as Lot 2 is being used or operated as an automobile parts store, no part of Lot 1 shall be used or operated as an automobile parts store or for the sale of automobile parts for off-premises installation. The foregoing restrictions do not apply to any seller of a broad mix of general merchandise which sells such automobile-related goods as an incidental part of its general merchandising business nor shall this restriction apply to restrict the sale of tires or repair or servicing of automobiles.

2. No part of any building, kiosk or similar structure may be built or maintained on Lot 1 which is nearer than fifty (50) feet to the existing westernmost right-of-way line of Wisconsin Street as shown on the plat of survey prepared by Pierce & Associates, Inc., dated January 7, 1993 and attached hereto as Exhibit "C" and made a part hereof.

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1600
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3. The covenants and restrictions and other rights, benefits, duties and obligations created and established herein shall be deemed covenants running with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns for a term of thirty (30) years from the date hereof and upon the expiration of said thirty (30) year term, this Agreement and the covenants and restrictions herein shall expire automatically with the execution of any other instruments.

EXECUTED as of the day and year first set forth above.

Owner I:

Owner II:

Peter Huminsky and wife,
Mary Huminsky

AutoZone, Inc., a Nevada
corporation

By: *Peter Huminsky*
Peter Huminsky

By: *Charles T. Bell*
Its: *SR. VICE PRESIDENT*

By: *Mary Huminsky*
Mary Huminsky

By: *David W. Barczak*
Its: *REGIONAL REAL ESTATE MGR.*



STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, a Notary Public in and for said County and State, personally appeared CHARLES T. BELL and DAVID W. BARCZAK, the SR. VICE PRESIDENT and REGIONAL REAL ESTATE MGR. respectively, of AutoZone, Inc., a Nevada corporation, who acknowledged execution of the foregoing instrument for and on behalf of the corporation and who, having been duly sworn, stated that they executed the same on behalf of the corporation for the purposes therein contained.

Witness my hand and Notarial Seal this 3rd day of MAY, 1993.

Charles T. Bell
Notary Public

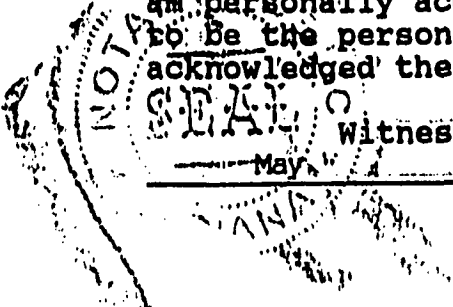
My commission expires: JANUARY 27, 1997

STATE OF INDIANA

)
) S.S.:
)

COUNTY OF LAKE

This day, before me, a Notary Public of the State and County aforesaid, personally appeared Peter Huminsky with whom I am personally acquainted and who upon oath acknowledged himself to be the person who executed the foregoing instrument and who acknowledged the signing to be his voluntary act.



Witness my hand and official seal this 10th day of May, 1993.

Margaret E. Lawhead
Notary Public MARGARET E. LAWHEAD

9-21-96

My commission expires:

County of Residence: Porter



EXHIBIT "A"

(Legal Description of Lot 1)

That part of the Northwest Quarter of Section 30, Township 37 North, Range 7 West, City of Hobart, Lake County, Indiana which is described as Lot 1 of the recorded plat of "Huminsky's Wisconsin Street Subdivision" and being more particularly described as:

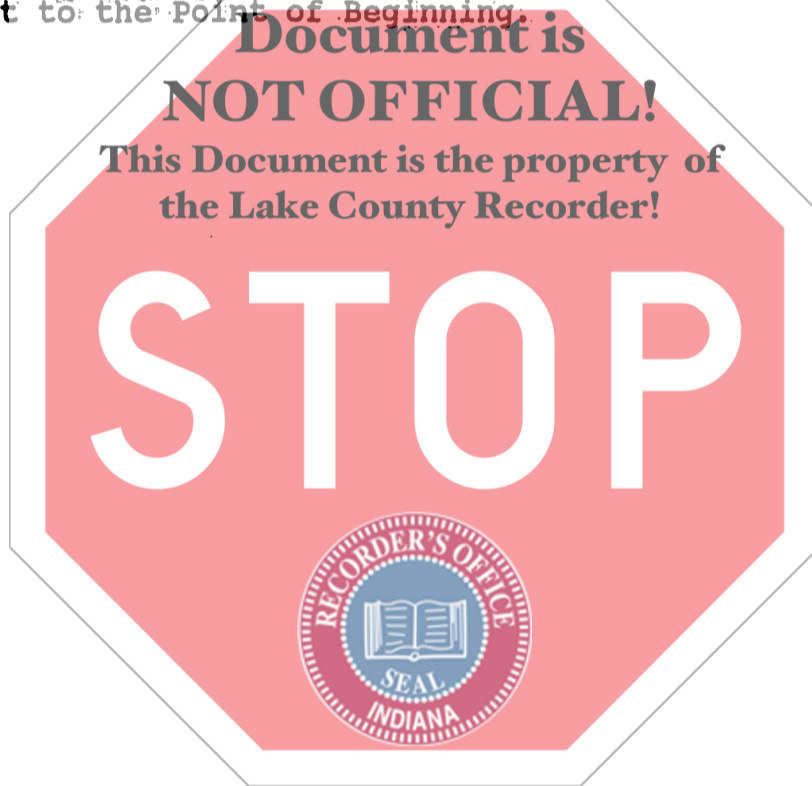
Beginning at a point on the west line of Wisconsin Street which is South 01 degrees 57 minutes 20 seconds East, 317.59 feet and North 89 degrees 57 minutes 02 seconds West, 30.02 feet from the North Quarter Post of said section; thence with the west line of Wisconsin Street South 01 Degrees 57 minutes 20 seconds East, 164.35 feet; thence North 89 degrees 57 minutes 02 seconds West, 299.54 feet; thence North 01 degrees 55 minutes 49 seconds West, 164.34 feet; thence South 89 degrees 57 minutes 02 seconds East, 299.46 feet to the point of beginning.



EXHIBIT "B"

(Legal Description of Lot 2)

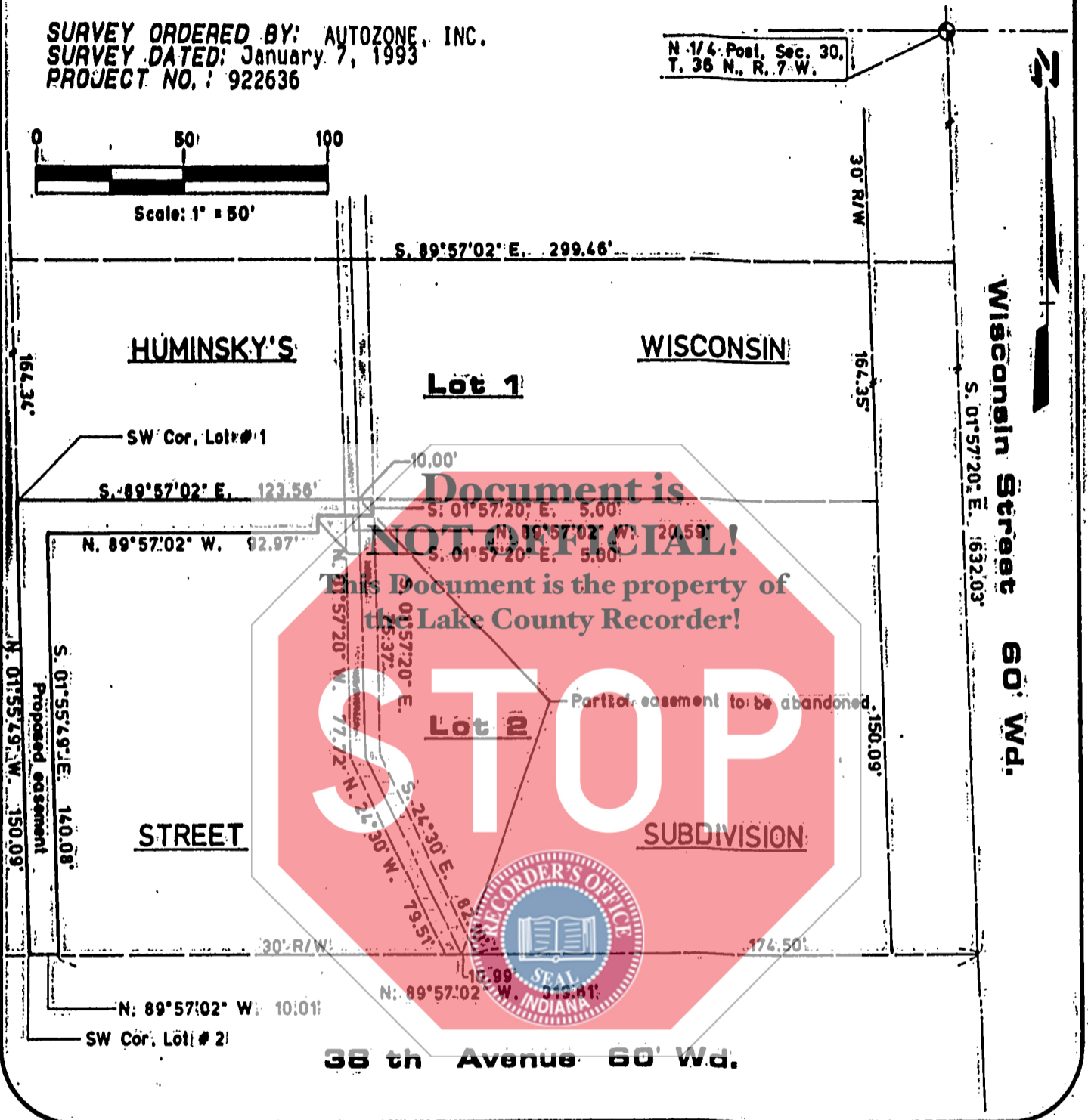
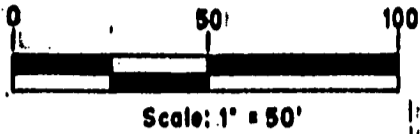
That part of the Northwest Quarter of Section 30, Township 36 North, Range 7 West, Lake County, Indiana known as: The North 150 feet of the South 180 Feet of the East half of the Northeast Quarter of the Northeast Quarter of the Northwest quarter of said Section and being more particularly described as: Beginning at a point on the North quarter line of said Section 30 which is South 01 degrees 57 minutes 20 seconds East and 481.93 feet from the North Quarter corner of said Section; thence continuing along said Quarter line South 01 degrees 57 minutes 20 seconds East a distance of 150.09 feet to the North line of 38th Street; thence along said North line North 89 degrees 57 minutes 02 seconds West a distance of 329.62 feet to the West line of the East half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section; thence along said West line North 01 degrees 55 minutes 49 seconds West a distance of 150.09 feet; thence South 89 degrees 57 minutes 02 seconds East a distance of 329.55 feet to the Point of Beginning.



Indiana Land Title Survey

SURVEY ORDERED BY: AUTOZONE, INC.
SURVEY DATED: January 7, 1993
PROJECT NO.: 922636

N. 1/4 Post. Sec. 30,
T. 36 N., R. 7 W.



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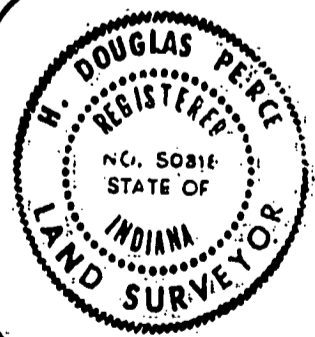
STOP



TO: AUTOZONE, INC.

I, H. Douglas Peirce, am a Registered Land Surveyor in the State of Indiana and HEREBY CERTIFY: That I have surveyed the Lands hereon described and delineated; That this plat is a true representation of said survey; That a Field Error of Closure was no greater than 1 in 20,000; That Irons were located or set at all points marked thus "o"; That there are NO ENCROACHMENTS other than as shown.

H. Douglas Peirce, L. S.
Indiana Reg. # S 0318



Peirce & Associates, Inc.



Land Surveyors & Professional Engineers
3231 Sugar Maple Ct., South Bend,
Indiana 46628 219/234-4003

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