

9/8/94 13:11
woe\Torbati\agreement\memorandum.894

94069701

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

94 OCT -7 PM 12:30

SAMUEL ORLICH
RECORDER

5600 M
LAWYERS TITLE INS. CORP.
ONE PROFESSIONAL CENTER
SUITE 215
CROWN POINT, IN 46307

MARGARETTE N. CLEVELAND
LAKE COUNTY RECORDER

95005294

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
95 JAN 31 AM 9:13

THIS DOCUMENT BEING RECORDED TO CORRECT LEGAL (TO LOT 1, TORBATTI'S ADDITION - SCHEDULE 1)

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT ("Memorandum") is made this 30th day of September, 1994, by and between ATG DEVELOPMENT COMPANY 2, LLC, an Indiana limited liability company, whose address is One Professional Center, Suite 304, Crown Point, IN 46307 (hereinafter referred to as "ATG"), EMANUEL TORBATI and DEBORAH TORBATI a/k/a Debrah TORBATI, whose address is c/o William A. O'Rourke, Attorney at Law, 5231 Hohman Avenue, Suite 501, Hammond, IN 46320 (hereinafter collectively referred to as "Torbati"), and ROGER A. SLOSSER, whose address is 10326 Indianapolis Boulevard, Suite B, Highland, IN 46322 ("Slosser").



WITNESSETH:

WHEREAS, Torbati is the owner of that certain real property located in the Town of Highland, County of Lake, State of Indiana, as more particularly described on Schedule 1 attached hereto and made a part hereof (hereinafter referred to as the "Torbati Parcel"); and

WHEREAS, Slosser is the current lessee of the Torbati Parcel and is a signatory to the "Agreement" (as defined below) and this Memorandum for the purpose of consenting to the terms and provisions of the Agreement and this Memorandum; and

WHEREAS, ATG is the developer of that certain real property adjacent to the north border of the Torbati Parcel located in the Town of Highland, County of Lake, State of Indiana; and

WHEREAS, ATG, Torbati and Slosser executed that certain Agreement (the "Agreement"), dated September 30, 1994, which sets forth the terms and provisions governing the installation of and payment for certain improvements that benefit the Torbati Parcel; and

WHEREAS, the Agreement contemplates that the parties shall record a memorandum of the Agreement in the Office of the Recorder of Lake County, Indiana.

Handwritten signature and initials, possibly 'Rog' and 'Slosser'.

NOW, THEREFORE, in consideration of the execution of the Agreement, the recitals above, the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency for which is acknowledged by the parties hereto, the parties hereto set forth the following with respect to the Agreement:

1. Incorporation of Agreement by Reference. The terms and conditions contained in the Agreement are incorporated into this Memorandum by reference thereto and shall be deemed to be a part of this Memorandum as though fully set forth herein.

2. Governing Law. This Memorandum of Agreement shall be construed and enforced in accordance with the laws of the State of Indiana.

3. Purpose of this Memorandum of Agreement. This Memorandum of Agreement has been prepared for the sole purpose of recordation and it in no way modifies or alters any of the terms and conditions contained in the Agreement. In the event of a conflict between the terms and conditions of this Memorandum of Agreement and the Agreement, the Agreement shall govern.

4. Slosser. Slosser hereby consents to the terms and provisions of the Agreement and this Memorandum.

5. Run With the Land. The terms and provisions of the Agreement and this Memorandum shall be deemed to be covenants that run with and bind the land as to the Torbati Parcel and shall be and remain in effect perpetually to the extent permitted by Indiana law.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement as of the date first written above.

ATG:

ATG Development Company 2, LLC,
an Indiana limited liability company

By: 

Its: Authorized Signatory

TORBATI:


Emanuel Torbati


Deborah Torbati a/k/a Debra Torbati

SLOSSER:


Roger A. Slosser

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

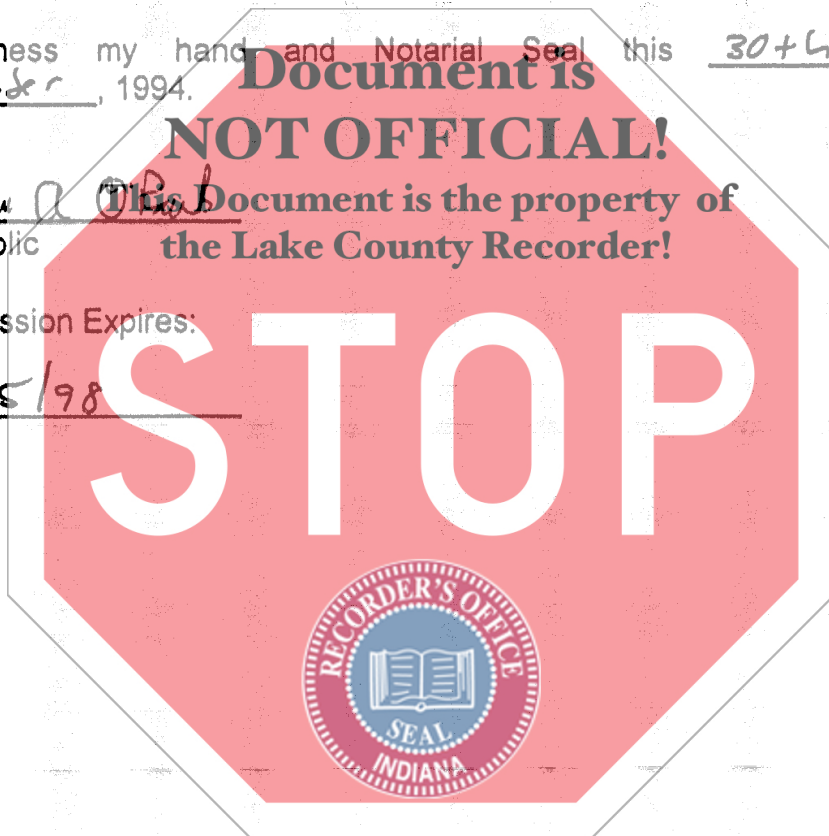
Before me, a Notary Public in and for said County and State, personally appeared Eric T. Gasteur, the authorized signatory of ATG Development 2, LLC, organized and existing under the laws of the State of Indiana, and acknowledged the execution of the foregoing instrument for and on behalf of ATG Development 2, LLC and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of September, 1994.

William A. [Signature]
Notary Public

My Commission Expires:

9/5/98



STATE OF INDIANA)
)
) SS:
COUNTY OF LAKE)

I, William A. O'Rourke, a notary public in and for said county, in the state aforesaid, do hereby certify that Emanuel Torbati, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this 30th day of September, 1994.



William A. O'Rourke
Notary Public
My Commission Expires: 9/5/98
County of Residence: Lake

STATE OF INDIANA)
)
) SS:
COUNTY OF LAKE)

I, William A. O'Rourke, a notary public in and for said county, in the state aforesaid, do hereby certify that Deborah Torbati a/k/a Debrah Torbati, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her own free and voluntary act for the uses and purposes therein set forth.

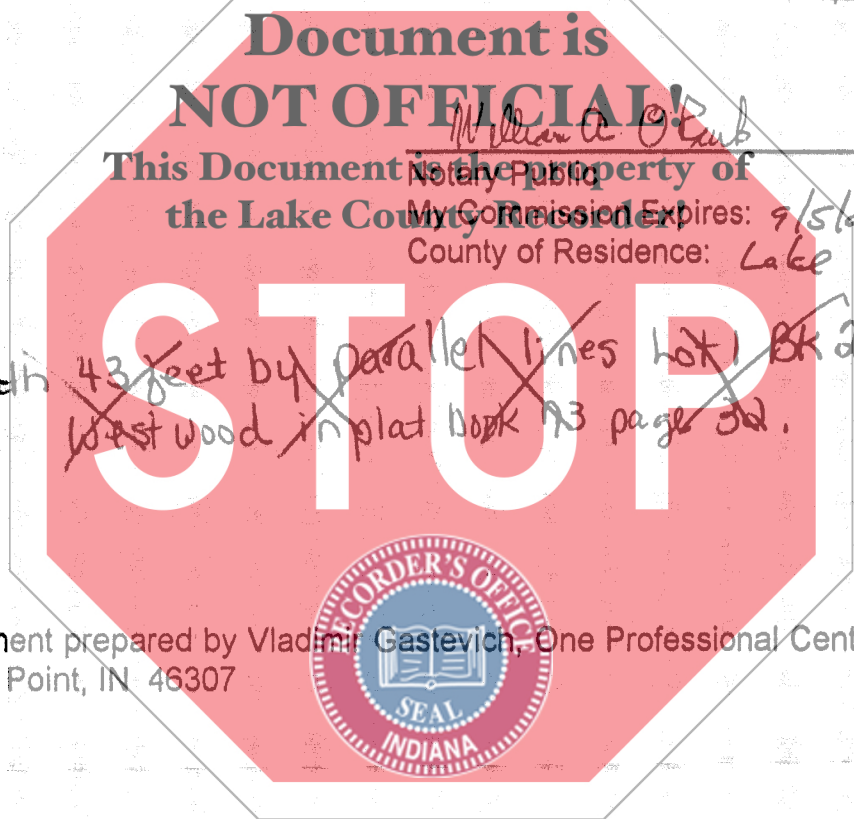
Given under my hand and official seal this 30th day of September, 1994.

William A. O'Rourke
Notary Public
My Commission Expires: 9/5/98
County of Residence: Lake

STATE OF INDIANA)
)
COUNTY OF LAKE) SS:

I, William A. O'Rourke, a notary public in and for said county, in the state aforesaid, do hereby certify that Roger A. Slosser, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this 30th day of Sept., 1994.



This instrument prepared by Vladimir Gaslevich, One Professional Center, Suite 315, Crown Point, IN 46307

**Document is
NOT OFFICIAL!**

**This Document is the property of
the Lake County Recorder!**

STOP

STATE OF INDIANA) SS
COUNTY OF LAKE,)

CERTIFICATION

THIS IS TO CERTIFY THAT I, SAMUEL ORLICH, RECORDER OF LAKE COUNTY,
INDIANA, AM THE CUSTODIAN OF THE RECORDS OF THIS OFFICE, AND THAT
THE FOREGOING IS A FULL, TRUE AND COMPLETE COPY OF A

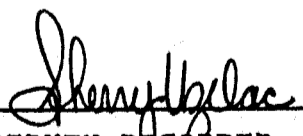
MEMORANDUM OF AGREEMENT _____, AS

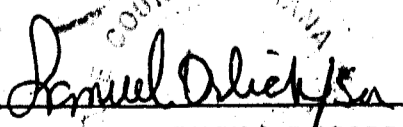
RECORDED IN DOCUMENT # 94069701 AS THIS SAID DOCUMENT

WAS PRESENTED FOR RECORDATION WHEN SAMUEL ORLICH _____

WAS RECORDER AT THE TIME OF FILING OF SAID DOCUMENT.

DATED THIS 7TH DAY OF OCTOBER 1994 .


DEPUTY RECORDER


SAMUEL ORLICH, RECORDER
LAKE COUNTY, INDIANA



FORM 70023
REVISED 1/93