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SPECIAL WARRANTY DEED
MARGARETTE GLENN
RECORDER

THIS INDENTURE, made as of this 23rd day of June, 1995, between **OPUS NORTH CORPORATION**, a corporation created and existing under and by virtue of the laws of the State of Illinois ("Grantor"), and **WHOPP SHOP DEVELOPMENT, INC.**, an Indiana corporation whose address is 7535 Hawk Court, Schererville, Indiana 46375 ("Grantee"), **WITNESSETH**, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and for other good and valuable consideration in hand paid by Grantee, the receipt whereof is hereby acknowledged, by these present does **REMISE, RELEASE, ALIEN AND CONVEY** unto Grantee, and its heirs and assigns, **FOREVER**, all the real estate, situated in the County of Lake and State of Indiana known and described on Exhibit A attached hereto and incorporated herein by reference.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand or whatsoever, of Grantor, either in law or in equity, of, in and to the above described premises, with the hereditaments and appurtenances; **TO HAVE AND TO HOLD** the said premises as above described, with the appurtenances, unto Grantee, its heirs and assigns forever.

And Grantor, for itself, and its successors, does covenant, promise and agree, to and with Grantee, its heirs and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner incumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming, or to claim the same, by, through or under it, it **WILL WARRANT AND DEFEND**, subject to those matters shown on Exhibit B attached hereto and incorporated herein by reference.

Address(es) of real estate: The property described on Exhibit A attached hereto and incorporated herein by reference is commonly known as Main Street and US Route 41, Highland, Indiana (Outlot 4).

IN WITNESS WHEREOF, Grantor has caused its name to be signed to these presents, as of the day and year first above written.



DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

JUL 6 1995

SAM ORLICH
AUDITOR LAKE COUNTY

GRANTOR:

OPUS NORTH CORPORATION,
an Illinois corporation

By: *James P. Nygaard*
Its: CEO
JAMES P. NYGAARD

[Grantor warrants that the total cash consideration received for this conveyance by Grantor during 1995 is less than the existing first mortgage on the real estate, and, therefore, there is no Indiana Gross Income Tax due by reason of this conveyance.]

18.00
OK

000252

Chicago Title Insurance Company

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT, JAMES P. NYGAARD, the CHIEF EXECUTIVE OFFICER, of **OPUS NORTH CORPORATION**, an Illinois corporation, personally known to me to be the same person whose name is subscribed to the foregoing document appeared before me this day in person and, acknowledged to me that, being so duly authorized, he/she signed and delivered that document as his/her free and voluntary act and as the free and voluntary act of that corporation, for the uses and purpose therein set forth.

Given under my hand and Notarial Seal as of this 23rd day of June, 1995.



This Instrument was prepared by: Howard I. Goldblatt, Esq., O'Brien, O'Rourke & Hogan, Suite 830, 135 South LaSalle Street, Chicago, Illinois 60603.

After Recording Return to: James Wieser, Esq., Wieser & Sterba, 9013 Indianapolis Boulevard, Highland, Indiana 46322.

Send tax bills to: Whopp Shop Development, Inc., 7535 Hawk Court, Schererville, Indiana 46375, Attn. James W. Hawk.

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

THAT PART OF LOT 1 IN HIGHLAND TOWN CENTER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, AND PART OF THE SOUTHEAST QUARTER OF SECTION 32, ALL IN TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8, 1994 AS DOCUMENT NO. 94063408, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 27 MINUTES 34 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, 1148.11 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 11 SECONDS WEST, ALONG A WESTERLY LINE OF SAID LOT 1, 0.09 FEET; THENCE NORTH 34 DEGREES 46 MINUTES 25 SECONDS WEST, ALONG A WESTERLY LINE OF SAID LOT 1, 17.72 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 20 SECONDS EAST, ALONG A WESTERLY LINE OF SAID LOT 1, 248.52 FEET; THENCE NORTH 02 DEGREES 34 MINUTES 45 SECONDS EAST, ALONG A WESTERLY LINE OF SAID LOT 1, 37.45 FEET; THENCE NORTH 44 DEGREES 51 MINUTES 46 SECONDS EAST, ALONG A WESTERLY LINE OF SAID LOT 1, 40.57 FEET; THENCE NORTH 02 DEGREES 34 MINUTES 45 SECONDS EAST, ALONG A WESTERLY LINE OF SAID LOT 1, 60.00 FEET; THENCE NORTH 41 DEGREES 03 MINUTES 43 SECONDS WEST, ALONG A WESTERLY LINE OF SAID LOT 1, 6.00 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE NORTH 41 DEGREES 03 MINUTES 43 SECONDS WEST, 33.55 FEET; THENCE NORTH 02 DEGREES 34 MINUTES 45 SECONDS EAST, ALONG A WESTERLY LINE OF SAID LOT 1, 125.89 FEET; THENCE NORTH 01 DEGREES 08 MINUTES 49 SECONDS EAST, ALONG A WESTERLY LINE OF SAID LOT 1, 87.11 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 12 SECONDS EAST, ALONG A LINE AT RIGHT ANGLES TO THE EAST LINE OF SAID LOT 1, 270.19 FEET, TO A POINT 847.24 FEET WEST OF THE EAST LINE OF SAID LOT 1 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH 00 DEGREES 09 MINUTES 48 SECONDS EAST, ALONG A LINE PARALLEL TO SAID EAST LINE OF LOT 1, 218.20 FEET; THENCE SOUTH 44 DEGREES 50 MINUTES 12 SECONDS WEST, 28.28 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST, ALONG A LINE AT RIGHT ANGLES TO SAID EAST LINE OF LOT 1, 236.24 FEET, TO THE POINT OF BEGINNING, IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA.

Commonly known as: the NE Corner of US 41 & Main Street, Highland, Indiana (Outlot 4)

Tax Key No: 27-596-1 (Partial).

EXHIBIT B

SCHEDULE OF EXCEPTIONS

1. **General real estate property taxes (ad valorem) accrued but not due and payable as of the date of this deed.**
2. **Acts and deeds done or suffered by Grantee affecting the subject property.**
3. **Roadway Easement dated September 21, 1954 and recorded September 23, 1954, in Miscellaneous Record 619, Page 106, as Document No. 783942, made by Marguerite M. Parry and Vernon Parry, husband and wife, to Northern Indiana Public Service Company, an Indiana corporation, and its successors and assigns.**
4. **Grant of Pipe Line Easement dated September 18, 1975 and recorded October 21, 1975 as Document No. 321831, made by Martha M. Collins and Aimee A. Ruge, as Trustees, under Trust Agreement Dated December 18, 1970 between Marguerite M. Parry, Settlor, and Martha M. Collins and Aimee A. Ruge, Trustees, to Wolverine Pipe Line Company.**
5. **Agreement and Partial Release recorded August 28, 1990 as Document No. 120139, made by and between Marguerite M. Parry, as Settlor, and Martha M. Collins and Aimee A. Ruge, as Trustees, and Martha M. Collins and Richard C. Collins, as Trustees, and Amoco Pipeline Company, a Maine corporation.**
6. **Pavement Agreement; Addenda to Agreement and Partial Release dated September 6, 1994 and recorded September 8, 1994 as Document No. 94063407, made by and between Amoco Pipeline Company, a Maine corporation, and Opus North Corporation, an Illinois corporation.**
7. **Ditches (if any) running through the land as shown on the Plat of Survey dated April 14, 1993 and revised June 9, 1993, made by National Survey Service, Inc.**
8. **Operation and Easement Agreement dated August 19, 1994 and recorded September 26, 1994 as Document No. 94066757, as amended, made by and among Dayton Hudson Corporation, Opus North Corporation and Calumet National Bank, not personally but solely as Trustee under Declaration of Trust dated May 11, 1992 and known as Trust No. P-3895 as amended by that certain First Amendment to Operation and Easement Agreement dated as of March 29, 1995 and recorded in the official records of Lake County, Indiana on April 6, 1995 as Document No. 95019082.**
9. **Plat of Subdivision of Highland Town Center, in the Town of Highland, Indiana, recorded September 8, 1994 as Document No. 94063408, including, without limitation, building lines and easements for utilities, water and sewer as shown and granted thereon.**

EXHIBIT B

SCHEDULE OF EXCEPTIONS

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10. Trustee's Deed Access Rights Only recorded November 14, 1994 as Document No. 94077228.
11. Neither Grantee nor any of Grantee's successors or assigns, or any other occupant of the real property which is the subject of this deed (the "Property") shall, during the term of that certain Lease dated March 31, 1995 by and between Grantor, as Landlord, and Circuit City Stores, Inc., as Tenant, for space in the Highland Towne Center (also known as Highland Grove), Highland, Indiana, sell, rent (or rent to own), service, repair or warehouse, or permit to be sold, rented, rented to own, serviced, repaired or warehoused, on all or any part of the Property, any of the Products. "Products" are collectively defined herein as consumer, office and automotive electronics products (which include, but shall not be limited to, televisions, stereos, speakers and video recorders and players), computer hardware and software, entertainment software and entertainment media (which include, but shall not be limited to, records, game cartridges, video tapes, cassettes and compact discs), cellular telephones, household appliances (which include, but shall not be limited to, refrigerators, freezers, stoves, microwave ovens, vacuum cleaners and dishwashers) and related goods and the sale and installation of motor vehicle audio, stereo and telephone systems.
12. Neither Grantee nor any of Grantee's successors or assigns, or any other occupant of the Property, shall, during the term of that certain Lease dated November 28, 1994 by and between Grantor, as Landlord, and Fashion Bug #3042, Inc., as Tenant, for space in the Highland Towne Center (also known as Highland Grove), Highland, Indiana, operate or permit to be operated on the Property (a) any retail store selling large or half-size women's clothing and /or apparel, or (b) any 2,000 square foot or larger retail store selling junior, missy or women's clothing and /or apparel, provided that in excess of the lesser of seven percent (7%) or 100 square feet of said store sales space is used for the sale of the articles in subsections (a) or (b) above.