

5454 Hohmann Ave.  
Hammond, IN 46320

**NO LIEN AGREEMENT**

THIS AGREEMENT, entered into this 31<sup>st</sup> day of August, 1995 by and between SAINT MARGARET MERCY HEALTHCARE CENTERS, INC. ("Owner") and TONN & BLANK, INC. ("Contractor"), WITNESSETH: ↑

WHEREAS, Owner and Contractor have on this date entered into an agreement (the "Construction Contract") wherein Contractor agreed to construct on a no-lien basis certain improvements on Owner's land located in Hammond, Lake County, Indiana; and

WHEREAS, this Agreement is executed pursuant to the terms and provisions of the Construction Contract and to comply with the requirements of Indiana Code § 32-8-3-1;

NOW, THEREFORE, in consideration of the execution of the Construction Contract, the mutual promises contained in the Construction Contract and in this Agreement, and the Payment by Owner to Contractor of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

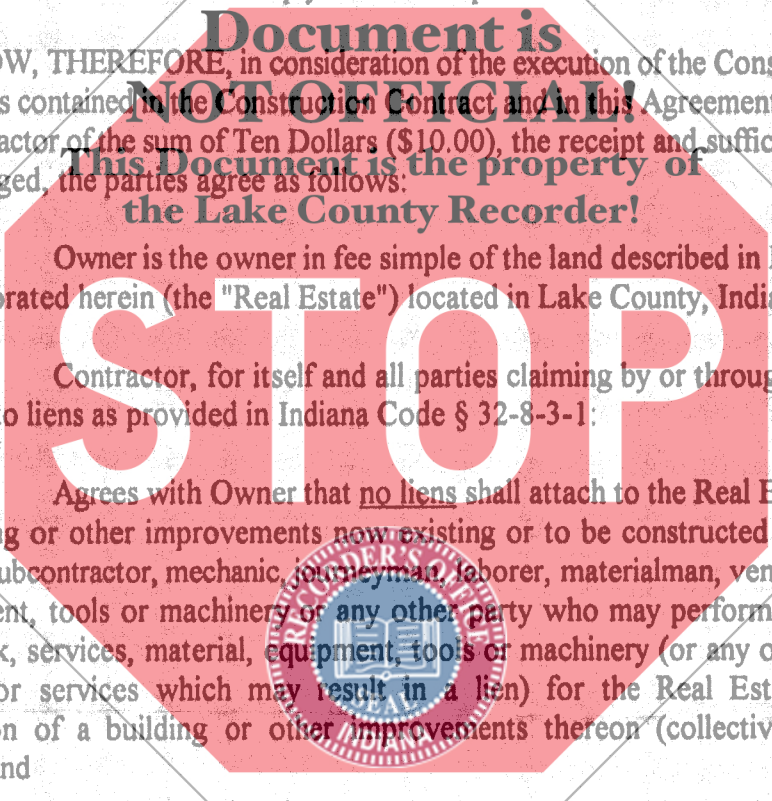
1. Owner is the owner in fee simple of the land described in Exhibit A attached hereto and incorporated herein (the "Real Estate") located in Lake County, Indiana.

2. Contractor, for itself and all parties claiming by or through Contractor who would be entitled to liens as provided in Indiana Code § 32-8-3-1:

(a) Agrees with Owner that no liens shall attach to the Real Estate or to any building or other improvements now existing or to be constructed thereon in favor of a subcontractor, mechanic, journeyman, laborer, materialman, vendor, lessor of equipment, tools or machinery or any other party who may perform or furnish labor, work, services, material, equipment, tools or machinery (or any other labor material, or services which may result in a lien) for the Real Estate and/or construction of a building or other improvements thereon (collectively "Third Parties"), and

(b) Hereby waives all right to or claim of a lien on the Real Estate or any part thereof for such labor, work, services, material, equipment, tools or machinery, or any other matter which might otherwise support a lien, performed or furnished by Third Parties;

(c) This No-Lien Agreement shall also extend to extras, additions, modifications, or changes to the Construction Contract.



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MARGARET M. BLAND  
RECORDER

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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

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3. Owner and Contractor acknowledge the execution simultaneously herewith of the Construction Contract wherein Contractor has agreed to construct improvements on the Real Estate, which work is to be performed pursuant to the Construction Contract and his No-Lien Agreement.

4. This Agreement and the Construction Contract shall be binding on and inure to the benefit of Owner and Contractor and their respective successors and assigns.

IN WITNESS WHEREOF, Owner and Contractor have caused this Agreement to be executed on the date first above written.

OWNER:

CONTRACTOR:

SAINT MARGARET MERCY HEALTHCARE CENTERS, INC.

TONN & BLANK, INC.

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BY

Gene Diamond  
President and CEO

W.S. Mueller  
President

STATE OF INDIANA )

) SS:

COUNTY OF LAKE )

Before me, a Notary Public within and for the State of Indiana, personally appeared SAINT MARGARET MERCY HEALTHCARE CENTERS, INC., the Owner, by Gene Diamond, President and CEO, of the Owner, who acknowledged the execution of the foregoing Agreement, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 31st day of August, 1995.

My Commission Expires:

6-23-98

County of Residence: Lake

Barbara Szczudlak  
Notary Public  
BARBARA SZCZUDLAK

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Before me, a Notary Public within and for the State of Indiana, personally appeared TONN & BLANK, INC., the Contractor, by W.S. Mueller, President, of the Contractor, who acknowledged the execution of the foregoing Agreement, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 10th day of August, 1995.

*Connie A. Gorske*

Connie A. Gorske  
Notary Public



My Commission Expires:  
November 20, 1998

County of Residence:  
LaPorte

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**STOP**



EXHIBIT A

(A). A PART OF LOT 1 AND OUTLOT A, MOUNT MERCY SUBDIVISION BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 12 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, ALL IN TOWNSHIP 35 NORTH, RANGE 10, WEST OF THE SECOND PRINCIPAL MERIDIAN IN THE TOWN OF DYER, LAKE COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 55, PAGE 33, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 12 AFORESAID; THENCE NORTH 0 DEGREES 02 MINUTES 32 SECONDS WEST ON THE WEST LINE OF SECTION 12 (BEING THE STATE LINE BETWEEN ILLINOIS AND INDIANA) A DISTANCE OF 207.70 FEET TO A POINT; THENCE SOUTH 65 DEGREES 08 MINUTES 28 SECONDS EAST A DISTANCE OF 117.64 FEET TO A POINT; THENCE NORTH 83 DEGREES 40 MINUTES 00 SECONDS EAST A DISTANCE OF 88.19 FEET TO A POINT; THENCE SOUTH 65 DEGREES 08 MINUTES 28 SECONDS EAST A DISTANCE OF 78.00 FEET TO A POINT; THENCE NORTH 24 DEGREES 51 MINUTES 32 SECONDS EAST A DISTANCE OF 125.00 FEET TO A POINT; THENCE NORTH 20 DEGREES 08 MINUTES 28 SECONDS WEST A DISTANCE OF 26.79 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LINCOLN HIGHWAY; THENCE SOUTH 76 DEGREES 58 MINUTES 25 SECONDS EAST ON THE LAST DESCRIBED LINE A DISTANCE OF 453.64 FEET TO A POINT ON THE WEST LINE OF GETTLER STREET; THENCE SOUTH 12 DEGREES 12 MINUTES 38 SECONDS WEST ON THE LAST DESCRIBED LINE A DISTANCE OF 326.15 FEET; THENCE SOUTH 4 DEGREES 16 MINUTES 59 SECONDS EAST A DISTANCE OF 357.78 FEET TO A POINT; THENCE SOUTH 70 DEGREES 00 MINUTES 01 SECONDS WEST A DISTANCE OF 358.84 FEET TO A POINT; THENCE SOUTH 10 DEGREES 59 MINUTES 29 SECONDS EAST A DISTANCE OF 116.43 FEET TO A POINT; THENCE NORTH 70 DEGREES 00 MINUTES 01 SECONDS EAST A DISTANCE OF 344.89 FEET TO A POINT ON THE WEST LINE OF GETTLER STREET; THENCE SOUTH 4 DEGREES 16 MINUTES 59 SECONDS EAST ON THE LAST DESCRIBED LINE A DISTANCE OF 310.93 FEET TO A POINT; THENCE NORTH 89 DEGREES 28 MINUTES 45 SECONDS WEST A DISTANCE OF 739.78 FEET TO A POINT ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 0 DEGREES 02 MINUTES 32 SECONDS WEST ON THE LAST DESCRIBED LINE (ALSO BEING THE STATE LINE BETWEEN ILLINOIS AND INDIANA) A DISTANCE OF 929.61 FEET TO THE POINT OF BEGINNING.

(B). INTENTIONALLY OMITTED.

(C). PART OF LOT 1, MOUNT MERCY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 12, AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, ALL IN TOWNSHIP 35 NORTH, RANGE 10 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF DYER, LAKE COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 55, PAGE 33, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 0 DEGREES 02 MINUTES 32 SECONDS WEST ON THE WEST LINE OF SAID SECTION 12 (BEING THE STATE LINE BETWEEN ILLINOIS AND INDIANA) A DISTANCE OF 207.70 FEET TO A POINT; THENCE SOUTH 65 DEGREES 08 MINUTES 28 SECONDS EAST A DISTANCE OF 117.64 FEET TO A POINT; THENCE NORTH 85 DEGREES 40 MINUTES 41 SECONDS EAST A DISTANCE OF 88.19 FEET TO A POINT; THENCE SOUTH 65 DEGREES 08 MINUTES 28 SECONDS EAST A DISTANCE OF 78.00 FEET TO A POINT; THENCE NORTH 24 DEGREES 51 MINUTES 32 SECONDS EAST A DISTANCE OF 125.00 FEET TO A POINT; THENCE NORTH 20 DEGREES 08 MINUTES 28 SECONDS WEST A DISTANCE OF 26.79 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LINCOLN HIGHWAY; THENCE SOUTH 76 DEGREES 58 MINUTES 25 SECONDS EAST ON THE LAST DESCRIBED LINE A DISTANCE OF 453.64 FEET TO A POINT ON THE WEST LINE OF GETTLER STREET; THENCE SOUTH 12 DEGREES 12 MINUTES 58 SECONDS WEST ON THE LAST DESCRIBED LINE A DISTANCE OF 326.15 FEET TO A POINT; THENCE SOUTH 4 DEGREES 16 MINUTES 59 SECONDS EAST A DISTANCE OF 357.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 4 DEGREES 16 MINUTES 59 SECONDS EAST A DISTANCE OF 119.46 FEET TO A POINT; THENCE SOUTH 76 DEGREES 00 MINUTES 01 SECONDS WEST A DISTANCE OF 344.69 FEET TO A POINT; THENCE NORTH 10 DEGREES 59 MINUTES 59 SECONDS WEST A DISTANCE OF 116.43 FEET TO A POINT; THENCE NORTH 70 DEGREES 00 MINUTES 01 SECONDS EAST A DISTANCE OF 358.84 FEET TO THE POINT OF BEGINNING.

(D). PART OF LOT 1 AND OUTLOT A, MOUNT MERCY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 12 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, ALL IN TOWNSHIP 35 NORTH, RANGE 10 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF DYER, AS SHOWN IN PLAT BOOK 55, PAGE 33, IN LAKE COUNTY, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 0 DEGREES 02 MINUTES 32 SECONDS WEST ON THE WEST LINE OF SAID SECTION 12 (BEING THE STATE LINE BETWEEN ILLINOIS AND INDIANA) A DISTANCE OF 207.70 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 65 DEGREES 08 MINUTES 28 SECONDS EAST A DISTANCE OF 117.64 FEET; THENCE NORTH 85 DEGREES 40 MINUTES 41 SECONDS EAST A DISTANCE OF 88.19 FEET; THENCE SOUTH 65 DEGREES 08 MINUTES 28 SECONDS EAST A DISTANCE OF 78.00 FEET; THENCE NORTH 24 DEGREES 51 MINUTES 32 SECONDS EAST A DISTANCE OF 125.00 FEET; THENCE NORTH 20 DEGREES 08 MINUTES 28 SECONDS WEST A DISTANCE OF 26.79 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LINCOLN HIGHWAY; THENCE NORTH 76 DEGREES 58 MINUTES 25 SECONDS WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF LINCOLN HIGHWAY TO THE WEST LINE OF SAID SECTION 12; THENCE SOUTH ALONG THE WEST LINE OF SECTION 12 TO THE PLACE OF BEGINNING.

(E). PART OF LOT 1, MOUNT MERCY SUBDIVISION, BEING A SUBDIVISION, OF PART OF THE SOUTHWEST QUARTER OF SECTION 12 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, IN TOWNSHIP 35 NORTH, RANGE 10 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF DYER, AS SHOWN IN PLAT BOOK 55, PAGE 33, IN LAKE COUNTY, INDIANA, LYING SOUTH OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE SOUTH 0 DEGREES 02 MINUTES 17 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 12 (SAID LINE ALSO BEING THE STATE LINE BETWEEN ILLINOIS AND INDIANA) A DISTANCE OF 529.61 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 26 MINUTES 45 SECONDS EAST A DISTANCE OF 739.78 FEET TO A POINT ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13.

(F). LOTS 13 AND 14, BLOCK 18, HART'S ADDITION TO DYER, AS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 484, IN LAKE COUNTY, INDIANA.

(G). LOTS 17, 18, 49 AND 50, BLOCK 18, HART'S ADDITION TO DYER, AS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 484, IN LAKE COUNTY, INDIANA.

(H). LOTS 15, 16, 51 AND 52, BLOCK 18, HART'S ADDITION TO DYER, AS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 484, IN LAKE COUNTY, INDIANA.

(I). LOTS 21, 22, 45 AND 46, BLOCK 18, HART'S ADDITION TO DYER, AS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 484, IN LAKE COUNTY, INDIANA.

(J). LOTS 23 TO 27, BOTH INCLUSIVE, AND LOTS 40 TO 44, BOTH INCLUSIVE, BLOCK 18, HART'S ADDITION TO DYER, AS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 484, IN LAKE COUNTY, INDIANA.

(K). THE NORTH 5 FEET OF LOT 61 AND ALL OF LOTS 62 TO 67, BOTH INCLUSIVE, BLOCK 18, HART'S ADDITION TO DYER, AS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 484, IN LAKE COUNTY, INDIANA.

(L). LOTS 5, 6, 7 AND 8, BLOCK 18, HART'S ADDITION TO DYER, AS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 484, IN LAKE COUNTY, INDIANA.