

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

R-66640-5478

MECHANIC'S LIEN: NOTICE & CLAIM  
STATE OF INDIANA  
COUNTY OF LAKE

97068615

97 OCT -9 AM 10:19

Chicago Tide Insurance Company

The claimant, ALERT AUTOMATIC SPRINKLER of Melrose Park, County of Cook, State of IL, hereby files notice and claim for lien against CONSTRUCTION ONE, INC. contractor of 3045 E. Fifth Avenue, Columbus, State of Ohio, 43219 and Jubilee Limited Partnership 1798 Frebis Avenue, Columbus Ohio 43206 Jubilee Limited Partnership c/o Schottenstein Stores Corp., 1800 Moler Rd. Columbus OH 43207 Best Buy Co., Inc. c/o CT Corporation Systems

208 S. LaSalle Chicago IL 60604 hereinafter referred to as

"owner") states:

That on February 9, 1997, the owner owned the following described land

in the County of LAKE, State of Indiana to wit:

(Street Address) The Crossings at Hobart Shopping Center/Best Buy 2490 E. 79th Avenue, Merrillville, Indiana:

A/K/A: SEE ATTACHED LEGAL DESCRIPTION

A/K/A: Key # 53-11-6

and CONSTRUCTION ONE, INC. was the owner's contractor for the improvement thereof. That said contractor made a subcontract with the claimant to provide labor and material to install fire protection for and in said improvement, and that the claimant completed thereunder all that was required to be done by said contract. That at the special instance and request of said contractor the claimant furnished extra and additional materials at and extra and additional labor on said premises of the value of \$59,500.00 None. That said contractor is entitled to credits of account thereof as follows: \$0.00 None, leaving due unpaid and owing to the claimant, after allowing all credits, the sum of Sixty-eight Thousand Four Hundred Eleven and 00/100ths (\$68,411.00) Dollars, for which, with interest, the claimant claims a lien on said land and improvements, and on the moneys or other considerations due or to become due from the owner under said contract against said contractor and owner.

Prepared By:  
ALERT AUTOMATIC SPRINKLER  
2200 Iowa  
Melrose Park, IL 60160  
State of Illinois  
County of Cook

X ALERT AUTOMATIC SPRINKLER  
BY: [Signature]  
President

CTIC Has made an accommodation recording of the instrument. We have made no examination of the instrument or the land affected



The affiant, August Drews, being first duly sworn, on oath deposes and says that he is President for ALERT AUTOMATIC SPRINKLER, the claimant; that he has read the foregoing notice and claim for lien and knows the contents thereof; and that all the statements therein contained are true.

Subscribed and sworn to before me  
this September 22, 1997.

X [Signature]  
President

X [Signature]  
Notary Public's Signature

“OFFICIAL SEAL”  
Jill M. Foster  
Notary Public, State of Illinois  
My Commission Exp. 07/10/2001

lc/sb

3200  
of  
Su

Parcel I: Intentionally omitted.

Parcel II: (Fee Simple)

Part of the North 1/2 Section 23, Township 35 North Range 8 West of the 2nd P.M., in Lake County, Indiana, described as: Commencing at the Northwest corner of said Section 23, thence South 02 degrees 42 minutes 00 seconds East along the West line of said Section 23 a distance of 842.20 feet to the Southerly right-of-way line of the Chesapeake and Ohio Railroad, thence South 62 degrees 42 minutes 00 seconds East along said Southerly right-of-way 1845.00 feet to the point of beginning of this described parcel, thence South 27 degrees 18 minutes 00 seconds West, 274.33 feet; thence South 62 degrees 42 minutes 00 seconds East, 4.0 feet; thence South 27 degrees 18 minutes 00 seconds West, 80.00 feet; thence South 62 degrees 42 minutes 00 seconds East, 26.41 feet; thence South 27 degrees 18 minutes 00 seconds West 275.00 feet; thence North 62 degrees 42 minutes 00 seconds West, 260.0 feet; thence South 27 degrees 18 minutes 00 seconds West, 339.51 feet more or less to the Northerly line of U.S. Highway #30; thence on a curve to the right with a radius of 53,817.23 feet a distance of 87.67 feet to the point of curve; thence North 88 degrees 37 minutes 48 seconds East along the Northerly line of said Highway a distance of 1931.83 feet to the Southerly line of the Chesapeake and Ohio Railroad; thence North 62 degrees 42 minutes 00 seconds West, 1542.08 feet to the point of beginning. Except that part conveyed to the State

of Indiana by Warranty Deed recorded September 19, 1978, as Document No. 491229 described as follows: Part of the Northwest Quarter of Section 23, Township 35 North Range 8 West, Lake County, Indiana, described as follows: Commencing at the Northwest corner of said Section; thence South 0 degrees 01 minutes 00 seconds West 2,287.90 feet along the West line of said Section; thence South 89 degrees 59 minutes 00 seconds East 350.00 feet; thence South 0 degrees 01 minutes 00 seconds West 196.90 feet to the North boundary of U.S.R. 30; thence along the boundary of said U.S.R. 30 Easterly 651.76 feet along an arc to the right and having a radius of 53,814.79 feet and subtended by a long chord having a bearing of South 88 degrees 56 minutes 49 seconds East and a length of 651.76 feet; thence South 88 degrees 36 minutes 00 seconds East 688.03 feet along said boundary to the point of beginning of this description; thence North 1 degree 24 minutes 00 seconds East 10.00 feet; thence South 88 degrees 36 minutes 00 seconds East 40.00 feet; thence South 1 degree 24 minutes 00 seconds West 10.00 feet to the North boundary of U.S.R. 30; thence North 88 degrees 36 minutes 00 seconds West 40.00 feet along the boundary of said U.S.R. 30 to the point of beginning.

**Parcel III:** (Non-Exclusive Easement Rights for parking lot, utility crossovers and driveways set out in Document recorded September 15, 1989, as Document No. 058076 and as amended by Amendment to Parking Lot, Utility Crossovers and Driveways Easement Agreement, recorded June 7, 1990, as Instrument No. 104644, over, upon and across the following described tract: Also known as Northern Indiana Public Service Company Parcel): Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the North right-of-way line of U.S. Highway #30 and the Northeastern right-of-way of the abandoned C & O Railroad, thence North 59 degrees 57 minutes 30 seconds West along said Northeastern Railroad right-of-way, 1724.96 feet; thence South 30 degrees 02 minutes 30 seconds West, 100 feet thence South 59 degrees 57 minutes 30 seconds East along the Southwestern right-of-way of said abandoned railroad right-of-way, 1542.08 feet more or less to the North right-of-way line of U.S. Highway #30; thence South 88 degrees 37 minutes 42 seconds East, 208.44 feet to the point of beginning.

Note: The instruments creating said easements provide that it is "to be used for parking, ingress and egress by Grantee's employees, agents, representatives, subcontractors, lessees, and business invitees and others using the parking lot as part of the business purpose related to the construction and use of the shopping malls being built by Grantee on land adjacent to said Easement Properties" and run to the benefit of the parties thereto and their respective successors and assigns.

**Parcel IV:** (Non-Exclusive Easement Rights for Common Facilities and Common Utility Facilities as set out in Declaration of Easements, Covenants and Conditions recorded January 30, 1979, as Document No. 513561, and as amended by Supplemental Agreement recorded January 30, 1979, as Document No. 513565; by Amendment to Declaration of Easements, Covenants and Conditions recorded March 20, 1987, as Document No. 907788,

and by Supplemental Agreement recorded March 20, 1987, as Document No. 907791, over, upon and across the following described tract, also known as: Toys "R" Us Parcel):

Part of the North half of Section 23, Township 35 North Range 8 West of the 2nd P.M., Lake County, Indiana, described as commencing at the Northwest corner of said Section 23; thence South 02 degrees 42 minutes 00 seconds East along the West line of said Section 23, 842.20 feet to the South right-of-way line of the Chesapeake and Ohio Railroad, thence South 62 degrees 42 minutes 00 seconds East along said South line 1652.33 feet to the place of beginning; thence continuing South 62 degrees 42 minutes 00 seconds East along said South line, 192.67 feet; thence South 27 degrees 18 minutes 00 seconds West, 274.33 feet; thence South 62 degrees 42 minutes 00 seconds East 4.00 feet; thence South 27 degrees 18 minutes 00 seconds West, 80.00 feet; thence South 62 degrees 42 minutes 00 seconds East, 26.41 feet; thence South 27 degrees 18 minutes 00 seconds West, 275.00 feet; thence North 62 degrees 42 minutes 00 seconds West, 260.00 feet; thence North 27 degrees 18 minutes 00 seconds East, 275.00 feet; thence South 62 degrees 42 minutes 00 seconds East, 36.92 feet; thence North 27 degrees 18 minutes 00 seconds East, 354.33 feet to the place of beginning. (Said Easement benefits all parcels described in Schedule A hereof.)

Parcel V: (Non-Exclusive Easement Rights for vehicular and pedestrian ingress and egress, parking and drainage as set out in Dedication of Easements, Covenants and Conditions recorded January 30, 1979, as Document No. 513561, and as amended by Supplemental Agreement recorded January 30, 1979, as Document No. 513565 by Amendment to Declaration of Easements, Covenants and Conditions recorded March 20, 1987, as Document No. 907788 and by Supplemental Agreement recorded March 20, 1987, as Document No. 907791, over, upon and across the following described tract, also known as Merrillville Plaza Associates Parcel.):

Part of the North 1/2 of Section 23, Township 35 North Range 8 West of the 2nd Principal Meridian of the Ross Township, Lake County, Indiana, lying Southwesterly of the 100 foot right-of-way of the Chesapeake and Ohio Railroad and North of the 200 foot right-of-way of U.S. Highway No. 30, described as follows: Commencing at the Northwest corner of said Section 23; thence South 02 degrees 42 minutes 00 seconds East along the West line of said Section 23 a distance of 1,258.66 feet to the point of beginning of this described parcel; thence North 87 degrees 18 minutes 00 seconds East, 721.33 feet more or less to the South line of said 100 foot wide Chesapeake and Ohio Railroad right-of-way, thence South 62 degrees 42 minutes 00 seconds East along said South right-of-way, 819.41 feet to a point, 1,652.33 feet South 62 degrees 42 minutes 00 seconds East from the West line of said Section 23 and measured along the South line of said railroad right-of-way; thence South 27 degrees 18 minutes 00 seconds West, 354.33 feet; thence North 62 degrees 42 minutes 00 seconds West, 36.92 feet; thence South 27 degrees 18 minutes 00 seconds West, 614.54 feet more or less to the Northerly right-of-way line of U.S. Highway #30; thence Westerly along the Northerly line of said Highway, 44.97 feet; thence North 01 degree 35 minutes 00 seconds West, 43.06 feet; thence North 88 degrees 25 minutes 00 seconds East, 17.0 feet; thence North

01 degrees 35 minutes 00 seconds West, 150 feet; thence South 88 degrees 25 minutes 00 seconds West, 326.65 feet; thence South 01 degree 35 minutes 00 seconds East, 193.56 feet to the Northerly right-of-way of U.S. Highway No. 30; thence Westerly along the Northerly line of said Highway, 210 feet to the East line of the American Oil Property described in Deed recorded in Deed Record 1288 page 199, thence North 02 degrees 42 minutes 00 seconds West, 191.812 feet along said East line, thence South 87 degrees 18 minutes 00 seconds West, 350 feet to a point on the West line of said Section 23, that is 2,287.90 feet South of the Northwest corner of said Section 23, thence North 02 degrees 42 minutes 00 seconds West, 1,029.24 feet to the point of beginning. (Easements benefit all parcels described in Schedule A hereof, except drainage easement which benefits only Parcels I, II and IV.)

Parcel VI: Intentionally omitted.

Parcel VII: (Fee Simple)

Part of the North 1/2, Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the North right-of-way line of U.S. Highway No. 30 and the East line of the West 1/2, West 1/2, Northeast 1/4 of said Section 23, thence South 88 degrees 37 minutes 48 seconds West along the North right-of-way line of said highway a distance of 178.62 feet more or less to the Northeastern right-of-way line of the abandoned C & O Railroad; thence North 62 degrees 42 minutes West along said railroad right-of-way, 1724.96 feet; thence North 27 degrees 18 minutes East 20.00 feet; thence North 88 degrees 37 minutes 48 seconds East, 1661.95 feet more or less to the East line of the West 1/2, West 1/2, Northeast 1/4 of said Section 23; thence South 02 degrees 45 minutes 46 seconds East 845.37 feet more or less to the point of beginning.

Parcel VIII: (Fee Simple)

The Southeast Quarter of the Northeast Quarter of Section 23, Township 35 North Range 8 West of the 2nd P.M., and the East half of the Southwest Quarter of the Northeast Quarter of Section 23, Township 35 North, Range 8 West of the 2nd P.M. lying North of the Northerly right-of-way line of U.S. Highway No. 30 EXCEPTING that part of the Southeast Quarter of the Northeast Quarter of said Section 23, described as follows: Commencing at the intersection of the North right-of-way line of the U.S. Highway #30 with the East line of the Northeast Quarter of said Section 23; thence West along the North line of U.S. Highway No. 30, a distance of 180 feet; thence North parallel to the East line of the Northeast Quarter of said Section 23, a distance of 150 feet; thence East parallel to the North line of U.S. Highway No. 30, a distance of 180 feet to the East line of the Northeast Quarter of said Section 23; thence South 150 feet to the point of beginning, in Lake County, Indiana.

Also excepting therefrom that portion described as follows:

Commencing at the point of intersection of the North right-of-way line of U.S. Highway No. 30 with the East line of the Northeast 1/4 of said Section 23, thence North 2 degrees 48 minutes 02 seconds West on the East line of the Northeast 1/4 of said Section 23, a distance of 150.0 feet; thence West parallel to the North line of U.S. Highway 30, a distance of 60.01 feet to a point on a line 60.00 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23, said point being the point of beginning of the hereinafter described tract; thence continuing West on a line parallel to the North line of U.S. Highway 30, a distance of 140.0 feet to a point; thence North 2 degrees 48 minutes 02 seconds West on a line parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 95.17 feet; thence South 88 degrees 37 minutes 48 seconds West, a distance of 166.44 feet to a point, thence South 1 degrees 22 minutes 12 seconds East, a distance of 246.32 feet to a point on the North right-of-way line of U.S. Highway 30, thence Westerly on the North right-of-way line of U.S. Highway 30, a distance of 233.50 feet on the arc of a circle whose chord has a bearing of South 88 degrees 20 minutes 00 seconds West, a chord length of 233.50 feet and a radius of 98117.96 feet to a point; thence North 1 degrees 22 minutes 12 seconds West, a distance of 762.53 feet to a point; thence North 88 degrees 37 minutes 48 seconds East, a distance of 28.64 feet to a point; thence North 1 degrees 22 minutes 12 seconds West, a distance of 282.84 feet to a point; thence South 88 degrees 37 minutes 48 seconds West, a distance of 50.00 feet to a point; thence North 1 degree 22 minutes 12 seconds West, a distance of 160.00 feet to a point on the North line of the Southeast 1/4 of the Northeast 1/4 of said Section 23, thence North 87 degrees 54 minutes 56 seconds East on the last described line, a distance of 537.27 feet to a point on a line 60.0 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23; thence South 2 degrees 48 minutes 02 seconds East on a line 60.0 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 1058.72 feet to the point of beginning.

Also excepting therefrom that portion described as follows:

Commencing at the point of intersection of the North right-of-way line of U.S. Highway No. 30 with the East line of the Northeast 1/4 of said Section 23, thence North 2 degrees 48 minutes 02 seconds West on the East line of the Northeast 1/4 of said Section 23, a distance of 150.0 feet; thence West parallel to the North line of U.S. Highway 30, a distance of 50.01 feet to a point on a line 50.0 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23, thence continuing West on a line parallel to the North line of U.S. Highway 30, a distance of 150.0 feet to a point; said point being the point of beginning of the hereinafter described tract; thence North 2 degrees 48 minutes 02 seconds West on a line parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 95.17 feet; thence South 88 degrees 37 minutes 48 seconds West, a distance of 166.44 feet to a point; thence South 1 degrees 22 minutes 12 seconds East, a distance of 246.32 feet to a point on the North right of way line of U.S. Highway 30, thence Easterly on the North right of way line of U.S. Highway 30, a distance of 172.56 feet on the arc of a circle whose chord has a bearing of North 88 degrees 12 minutes 53 seconds East, a chord length of 172.56 feet and a radius of 98117.96 feet to a point; thence North 2 degrees 48 minutes 02 seconds West, a distance of 149.98 feet to the point of beginning.

Also excepting therefrom that portion described as follows:

That part of the South East 1/4 of the North East 1/4 of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian lying North of the Northerly right-of-way line of U.S. Highway No. 30 bounded and described as follows: Commencing at the point of intersection of the North right of way line of U.S. Highway No. 30 with the East line of the Northeast 1/4 of said Section 23, thence North 2 degrees 48 minutes 02 seconds West on the East line of the Northeast 1/4 of said Section 23, a distance of 150.0 feet; thence West parallel to the North line of U.S. Highway 30, (said parallel line having a bearing of South 88 degrees 06 minutes 00 seconds West) a distance of 180.0 feet to the point of beginning; thence continuing South 88 degrees 06 minutes 00 seconds West on said line parallel to the North line of U.S. Highway 30, a distance of 20.01 feet to a point; thence South 2 degrees 48 minutes 02 seconds East on a line parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 149.98 feet; to a point on the North right of way line of U.S. Highway 30, thence Easterly on the North right of way line of U.S. Highway 30, a distance of 20.01 feet on the arc of a circle whose chord has a bearing of North 88 degrees 09 minutes 31 seconds East, a chord length of 20.01 feet and a radius of 98117.96 feet to a point; thence North 2 degrees 48 minutes 02 seconds West on a line parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 150.00 feet to the point of beginning. All in Lake County, Indiana.

Also excepting therefrom that portion described as follows:

That part of the Southeast 1/4 of the North East 1/4 of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian lying North of the Northerly right-of-way line of U.S. Highway No. 30 bounded and described as follows: Commencing at the point of intersection of the North right of way of U.S. Highway No. 30 with the East line of the Northeast 1/4 of said Section 23, thence North 2 degrees 48 minutes 02 seconds West on the East line of the Northeast 1/4 of said Section 23, a distance of 150.0 feet to the point of beginning; thence West parallel to the North line of U.S. Highway 30, a distance of 60.01 feet to a point on a line 60.0 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23; thence North 2 degrees 48 minutes 02 seconds West on a line parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 1058.72 feet to a point on the North line of the Southeast 1/4 of the Northeast 1/4 of said Section 23, thence North 87 degrees 54 minutes 56 seconds East of the last described line, a distance of 60.01 feet to a point on the East line of the Northeast 1/4 of said Section 23; thence South 2 degrees 48 minutes 02 seconds East on the East line of the Northeast 1/4 of said Section 23, a distance of 1058.91 feet to the point of beginning. All in Lake County, Indiana.

Parcel IX: (Non-Exclusive Easement Rights appurtenant for roadways, walkways, ingress and egress and parking facilities as created by Easement Document dated May 17, 1990, recorded August 1, 1990, as Document No. 114786 over the following described land):

.....

That part of the South East 1/4 of the North East 1/4 of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian lying North of the Northerly right-of-way line of U.S. Highway No. 30 bounded and described as follows: Commencing at the point of intersection of the North right of way line of U.S. Highway No. 30 with the East line of the Northeast 1/4 of said Section 23, thence North 2 degrees 48 minutes 02 seconds West on the East line of the Northeast 1/4 of said Section 23, a distance of 150.0 feet; thence West parallel to the North line of U.S. Highway 30, a distance of 50.01 feet to the point on a line 50.0 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23, said point being the point of beginning of the hereinafter described tract; thence continuing West on a line parallel to the North line of U.S. Highway 30, a distance of 150.0 feet to a point; thence North 2 degrees 48 minutes 02 seconds West on a line parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 95.17 feet; thence South 88 degrees 37 minutes 48 seconds West, a distance of 166.44 feet to a point, thence South 1 degrees 22 minutes 12 seconds East, a distance of 246.32 feet to a point on the North right of way line of U.S. Highway 30, thence Westerly on the North right of way line of U.S. Highway 30, a distance of 233.50 feet on the arc of a circle whose chord has a bearing of South 88 degrees 20 minutes 00 seconds West, a chord length of 233.50 feet and a radius of 98117.96 feet to a point; thence North 1 degrees 22 minutes 12 seconds West, a distance of 762.53 feet to a point; thence North 88 degrees 37 minutes 48 seconds East, a distance of 28.64 feet to a point; thence North 1 degrees 22 minutes 12 seconds West, a distance of 282.84 feet to a point; thence South 88 degrees 37 minutes 48 seconds West, a distance of 50.00 feet to a point; thence North 1 degree 22 minutes 12 seconds West, a distance of 160.0 feet to a point on the North line of the Southeast 1/4 of the Northeast 1/4 of said Section 23, thence North 87 degrees 54 minutes 56 seconds East on the last described line, a distance of 547.27 feet to a point on a line 50.0 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23; thence South 2 degrees 48 minutes 02 seconds East on a line 50.0 feet West of and parallel to the East line of the Northeast 1/4 of said Section 23, a distance of 1058.75 feet to the point of beginning, all in Lake County, Indiana. (Said Easement benefits Parcel VIII.)