

Chicago Title Insurance Company

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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

**RESTRICTIVE COVENANT**

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(b)

THIS RESTRICTIVE COVENANT (THE "AGREEMENT") made and entered into among OMEGA SPORTS HOLDINGS, LLC, an Indiana Limited Liability Company ("Omega Sports"), EARL'S HEATING AND AIR CONDITIONING, INC., an Indiana corporation ("Earl's), and J & A ENTERPRISES, , an Indiana partnership ("J & A");

WITNESSETH:

WHEREAS, Omega Sports is the owner of Lot 1 in Omega Plaza, a planned unit development in Hobart, Indiana, recorded April 28, 1999 in Book 86, page 57, Document number 99036214 filed in the office of the State of Indiana, County of Lake and the Certificate of Correction First Amendment to Omega Plaza recorded 6/29/99, in Book \_\_\_\_\_, page \_\_\_\_\_, Document number 99053982, filed in the State of Indiana, County of Lake, and

WHEREAS, J & A is the owner of Lot 2 in said Omega Plaza, and

WHEREAS, Earl's is the owner of Lot 3 in said Omega Plaza,

NOW, THEREFORE, IT IS AGREED that for good and valuable consideration,

- A. Omega Sports agrees that Lot 1 and Earl's agrees that Lot 3 shall not be used for a restaurant use, the primary business of which is the sale of hamburgers. For the purpose of this restriction, a restaurant has the aforesaid products as its primary business if fifteen percent (15%) or more of its gross sales, exclusive of taxes, beverage and dairy product sales, consists of sales of hamburgers.
- B. This restriction shall burden and run with Lots 1 and 3 and shall be binding upon and inure to the owners, successors, assigns, and tenants of Omega Sports as to Lot 1 and of Earl's as to Lot 3 for a period of twenty (20) years

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PETER BENJAMIN  
LAKE COUNTY AUDITOR

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Handwritten initials/signature

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from the date of the recordation of this Agreement , and shall benefit Lot 2 of Omega Plaza, and the owners, successors and assigns thereof.

IN WITNESS WHEREOF, the parties have set their hands and seals hereunto on this 5<sup>th</sup> day of October, 19 99.

OMEGA SPORTS HOLDINGS, LLC

EARL'S HEATING AND AIR  
CONDITIONING, INC.

By Kenneth I. Christensen

By Kenneth I. Christensen  
Kenneth I. Christensen, President

and \_\_\_\_\_

**Document Not Official**  
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the Lake County Recorder's Office

and Ronald K. Christensen  
Ronald K. Christensen, Secretary



ACKNOWLEDGMENT

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Before me, a Notary Public, duly commissioned and acting in the above county and state, personally appeared OMEGA SPORTS HOLDINGS, LLC by and through Kenneth Christensen, its Member and \_\_\_\_\_, its \_\_\_\_\_, and acknowledged execution of the above and foregoing Restrictive Covenant.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 5<sup>th</sup> day of October, 1999.

My commission expires: 11-2-2000

Document is NOT OBTAINABLE  
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Lynda Jane Baker  
Notary Public  
a resident of Lake County  
Lynda Jane Baker

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Before me, a Notary Public, duly commissioned and acting in the above county and state, personally appeared EARL'S HEATING AND AIR CONDITIONING, INC., an Indiana corporation, by and through Kenneth I. Christensen, its President, and Ronald K. Christensen, its Secretary, and each acknowledged execution of the above and foregoing Restrictive Covenant.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 5<sup>th</sup> day of October, 1999.

My commission expires: 11-2-2000

Lynda Jane Baker  
Notary Public  
a resident of Lake County  
Lynda Jane Baker

Prepared by Donald J. Dreyfus, Burke Costanza & Cuppy LLP  
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Merrillville, IN, 46410