

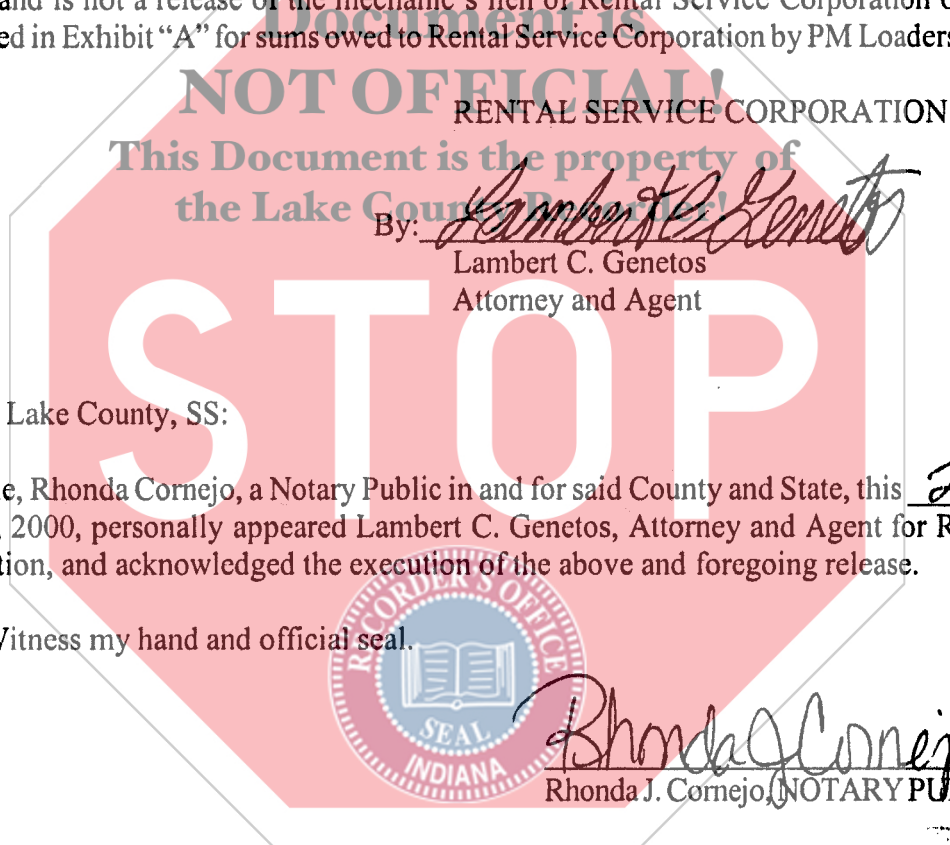
8.

**PARTIAL RELEASE**

Rental Service Corporation hereby releases BRY Construction, Inc., from the Sworn Statement and Notice of Intention to hold Mechanic's Lien which it filed on the following real estate, to-wit:

See attached Exhibit "A".

a written notice of an intention to hold said lien was filed in the Office of the Recorder of Lake County, State of Indiana and recorded on February 4, 2000 as Document No. 2000-008375. This is a release only as to any interest which BRY Construction, Inc. may have in the property described in Exhibit "A", and is not a release of the mechanic's lien of Rental Service Corporation on the property described in Exhibit "A" for sums owed to Rental Service Corporation by PM Loaders, Inc.



RENTAL SERVICE CORPORATION

This Document is the property of the Lake County Recorder's Office

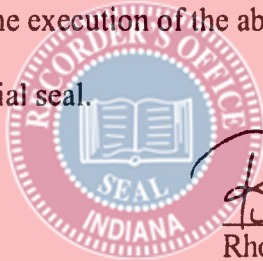
By:

Lambert C. Genetos  
Attorney and Agent

State of Indiana, Lake County, SS:

Before me, Rhonda Cornejo, a Notary Public in and for said County and State, this 24 day of February, 2000, personally appeared Lambert C. Genetos, Attorney and Agent for Rental Service Corporation, and acknowledged the execution of the above and foregoing release.

Witness my hand and official seal.



Rhonda J. Cornejo, NOTARY PUBLIC

My Commission Expires:

September 24, 2001

Resident of Lake County

This Instrument was prepared by:  
LAMBERT C. GENETOS  
Attorney at Law  
8585 Broadway, Suite 480  
Merrillville, IN 46410

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2000 012612

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
2000 FEB 24 AM 10:41  
TERRIS W. CARTER  
RECORDER

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25-

# 1971

## Exhibit A

The land referred to in this commitment/policy is situated in the State of Indiana, County of LAKE and is described as follows:

## PARCEL I: (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 82 degrees 42 minutes 00 seconds East along said South line 1615.41 feet; thence South 27 degrees 18 minutes 00 seconds West, 748.26 feet; thence South 88 degrees 25 minutes 00 seconds West, 134.54 feet to the point of beginning of this described parcel thence continuing South 88 degrees 25 minutes 00 seconds West, 326.85 feet, thence south 01 degree 35 minutes 00 seconds East, 183.66 feet to the Northerly line of U.S. Highway #30, thence Easterly along the Northerly line of said Highway, 309.65 feet, thence North 01 degree 35 minutes 00 seconds West, 43.08 feet, thence North 88 degrees 25 minutes 00 seconds East, 17.0 feet; thence North 01 degree 35 minutes 00 seconds West, 150 feet to the point of beginning. Except that part conveyed to the State of Indiana by Warranty Deed recorded September 18, 1978, as Document No. 49-1229 described as follows: a 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 to the Southwest Corner of the owner's land, thence South 89 degrees 59 minutes 00 seconds East 350.00 feet to the corner of the owner's land, thence South 0 degrees 01 minutes 00 seconds West 188.80 feet along the West line of the owner's land to the North boundary of U.S.R. 30, thence along the boundary of said U.S.R. 30 Easterly 483.51 feet along an arc to the right and having a radius of 53,814.78 feet and subtended by a long chord having a bearing of South 89 degrees 02 minutes 50 seconds East and a length of 483.51 to the point of beginning of this description, thence North 1 degree 11 minutes 55 seconds East 10.00 feet, thence South 88 degrees 48 minutes 28 seconds East 50.01 feet, thence South 1 degree 15 minutes 10 seconds West 10.00 feet to the North boundary of U. S. R. 30, thence along the boundary of said U.S.R. 30 Westerly 50.00 feet along an arc to the left and having a radius of 53,814.78 feet and subtended by a long chord having a bearing of North 88 degrees 48 minutes 28 seconds West and a length of 50.00 feet to the point of beginning.

## Parcel II: (Fee Simple)

SEE CONTINUATION SHEET

Continuation

The Crossings at Hobart

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  $02^{\circ}42'00''$  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  $62^{\circ}42'00''$  East along said Southerly right-of-way 1845.00 feet to the point of beginning of this described parcel, thence South  $27^{\circ}18'00''$  West, 274.33 feet; thence South  $62^{\circ}42'00''$  East, 4.0 feet; thence South  $27^{\circ}18'00''$  West, 80.00 feet; thence South  $62^{\circ}42'00''$  East, 26.41 feet; thence South  $27^{\circ}18'00''$  West 275.00 feet; thence North  $62^{\circ}42'00''$  West, 280.0 feet; thence South  $27^{\circ}18'00''$  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 83,917.23 feet a distance of 87.87 feet to the point of curve; thence North  $88^{\circ}37'48''$  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  $62^{\circ}42'00''$  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. 481229 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 degree 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 degree 01 minutes 00 seconds West 186.90 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 63,814.79 feet and subtended by a long chord having a bearing of South 88 degrees 58 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 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. 058078 and as amended by Amendment to Parking Lot, Utility Crossovers and Driveways Easement Agreement, recorded June 7, 1990 as Instrument No. 104644, further amended by Instrument No. 94067966, recorded September 30, 1994 and modification of amendment recorded March 22, 1995, as Instrument No. 95014687 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  $59^{\circ}57'30''$  West along said Northeastern Railroad right of way, 1724.98 feet; thence South  $30^{\circ}02'30''$  West, 100 feet thence South  $59^{\circ}57'30''$  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  $88^{\circ}37'42''$  East, 208.44 feet to the point of beginning.

SEE CONTINUATION SHEET



Continuation

The Crossings at Hobart

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, leases, 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. 513581, 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. 807788, and by Supplemental Agreement recorded March 20, 1987 as Document No. 807791, and amended by a second amendment to Declaration of easements, covenants and conditions recorded August 19, 1994, as Instrument No. 84059148 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, 1852.33 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, 36.82 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 C hereof.)

Parcel V: (Non-Exclusive Easement Rights for vehicular and pedestrian ingress and egress, parking and drainage as set out in Declaration of Easements, Covenants and Conditions recorded January 30, 1979 as Document No. 513581, 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. 807788 and by Supplemental Agreement recorded March 20, 1987 as Document No. 807791, and amended by a second amendment to Declaration of easements, covenants and conditions recorded August 19, 1994, as Instrument No. 84059148 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:

SEE CONTINUATION SHEET

## Continuation

Commencing at the Northwest corner of said Section 23; thence South  $02^{\circ}42'00''$  East along the West line of said Section 23 a distance of 1,258.86 feet to the point of beginning of this described parcel; thence North  $87^{\circ}18'00''$  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  $82^{\circ}42'00''$  East along said South right-of-way, 819.41 feet to a point, 1,652.33 feet South  $82^{\circ}42'00''$  East from the West line of said Section 23 and measured along the South line of said railroad right-of-way; thence South  $27^{\circ}18'00''$  West, 354.33 feet; thence North  $82^{\circ}42'00''$  West, 38.92 feet; thence South  $27^{\circ}18'00''$  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, 44.87 feet; thence North  $01^{\circ}35'00''$  West, 43.06 feet; thence North  $88^{\circ}25'00''$  East, 17.0 feet; thence North  $01^{\circ}35'00''$  West, 150 feet; thence South  $88^{\circ}25'00''$  West, 328.65 feet; thence South  $01^{\circ}35'00''$  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  $02^{\circ}42'00''$  West, 191.612 feet along said East line, thence South  $87^{\circ}18'00''$  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  $02^{\circ}42'00''$  West, 1,029.24 feet to the point of beginning, (Easements benefit all parcels described in Schedule C 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  $88^{\circ}37'48''$  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  $62^{\circ}42'$  West along said railroad right-of-way, 1724.98 feet; thence North  $27^{\circ}18'$  East 20.00 feet; thence North  $88^{\circ}37'48''$  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  $02^{\circ}45'46''$  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

SEE CONTINUATION SHEET

Continuation

## The Crossings at Robart

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 180.0 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 85.17 feet; thence South 88 degrees 37 minutes 48 seconds West, a distance of 168.44 feet to a point; thence South 1 degree 22 minutes 12 seconds East a distance of 248.32 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 98117.88 feet to a point; thence North 1 degree 22 minutes 12 seconds West, a distance of 782.53 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 degree 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 180.00 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 58 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 180.0 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 85.17 feet; thence South 88 degrees 37 minutes 48 seconds West, a distance of 168.44 feet to a point; thence South 1 degree 22 minutes 12 seconds East, a distance of 248.32 feet to a point on the North right of way line of

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Continuation

The Crossings at Hobart

U.S. Highway 30; thence Easterly on the North right of way line of U.S. Highway 30, a distance of 172.58 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 172.58 feet and a radius of 88,117.98 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 36 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 08 minutes 00 seconds West) a distance of 180.0 feet to the point of beginning; thence continuing South 88 degrees 08 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 08 minutes 31 seconds East, a chord length of 20.01 feet and a radius of 88117.98 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 36 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.

SEE CONTINUATION SHEET

Continuation

## The Crossings at Hobart

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. 114788 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 185.44 feet to a point; thence South 1 degree 22 minutes 12 seconds East, a distance of 248.32 feet to a point on the North right of way line of U.S. Highway 30, thence Westarily 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 88117.96 feet to a point; thence North 1 degree 22 minutes 12 seconds West, a distance of 782.53 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 degree 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 150.0 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.)

