

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2000 072823 WARRANTY DEED 2000 OCT 5 PM 1:02

MORRIS W. CARTER  
RECORDER

THIS INDENTURE WITNESSETH: That **GARY NEW CENTURY, LLC**, a Delaware limited liability company ("Grantor"), BARGAINS, SELLS AND CONVEYS to **BUFFINGTON HARBOR PARKING ASSOCIATES, LLC**, a Delaware limited liability company ("Grantee"), whose address is One Buffington Harbor, Gary, Indiana 46406, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Lake County, in the State of Indiana:

See Exhibit "A" attached hereto and incorporated herein by this reference.

Grantor, for itself and its successors and assigns, covenants with Grantee, and its successors and assigns, that the premises hereby conveyed are free from all encumbrances made or suffered by it except for those Permitted Exceptions set forth in Exhibit "B," and that it will, and that its successors and assigns shall, warrant and defend the same to the said Grantee and its successors and assigns against the lawful claims and demands of all persons claiming by, through or under it, but against none other.

The undersigned corporation executing this deed on behalf of Grantor represents and certifies that it is the Manager of Grantor and has been fully empowered, by proper resolution of the Members and Manager of Grantor, to execute and deliver this deed; and that all necessary action by the Members and Manager of the Grantor for the making of such conveyance has been taken and done.

This Warranty Deed is exempt from the Indiana Gross Sales Tax.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 29<sup>th</sup> day of September, 2000.

WITNESSES:

**GARY NEW CENTURY, LLC**, a Delaware corporation

By: **REMARK LAND COMPANY**, an Indiana corporation, Manager

Michael M. Metz  
Michael M. Metz

By: Don H. Barden  
Don H. Barden  
Its: President

Cheryl L. Karolak  
Cheryl L. Karolak  
DUTY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

00441

22.00  
E.P.

2162

OCT 5 2000

HOLD FOR MERIDIAN TITLE CORP

PETER BENJAMIN  
LAKE COUNTY AUDITOR

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

Before me, a Notary Public in and for said County and State, personally appeared Don H. Barden, President of Remark Land Company, an Indiana corporation, the Manager of GARY NEW CENTURY, LLC, a Delaware limited liability company, who acknowledged execution of the foregoing deed as such President of the Manager acting for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 29<sup>th</sup> day of September, 2000.

*Cheryl L. Karolak*  
Cheryl L. Karolak  
Notary Public, Oakland County, Michigan  
Acting in Wayne County, Michigan  
My Commission Expires: March 10, 2004

SEND SUBSEQUENT TAX BILLS TO: Buffington Harbor Parking Associates, L.L.C.  
One Buffington Harbor  
Gary, Indiana 46406

This instrument was prepared by Michael M. Metz, Esq., Dykema Gossett PLLC, 400 Renaissance Center, Detroit, Michigan 48243.  
(313) 569-5493

DET02\ 109586.1  
ID\ MMME



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**PARCEL P1 DESCRIPTION**

A parcel of land in the Southeast Quarter of Fractional Section 23, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, more particularly described as follows:

Beginning at the Southerly corner of Buffington Harbor Riverboats, L.L.C. Parcel 1 as recorded in Document No. 95067683 in the Office of the Recorder of said County;

1. thence North 35°53'21" East along the southeasterly line of said Parcel 1, a distance of 626.90 feet to the easterly corner of said Parcel 1;
2. thence North 54°06'39" West, a distance of 289.37 feet along the Northeasterly line of said Parcel 1 to a point on the Northwesterly line of a parcel of patented land recorded in Lake County Deed Record 392, Page 312;
3. thence North 35°53'21" East, a distance of 44.58 feet along the Northwesterly line of said parcel;
4. thence South 54°06'39" East a distance of 118.82 feet;
5. thence North 35°53'21" East, a distance of 82.62 feet to the Northeasterly line of a parcel of patented land recorded in Lake County Deed Record 473, Page 29;
6. thence South 54°06'39" East along said line a distance of 160.00 feet;
7. thence South 35°53'21" West, a distance of 82.62 feet;
8. thence South 54°06'39" East a distance of 410.65 feet;
9. thence South 35°53'21" West, a distance of 551.21 feet to a point of non-tangent curve;
10. thence 79.52 feet along an arc convex to the Northwest, said curve having a radius of 94.22 feet, and subtended by a long chord which bears South 65°28'30" West, a distance of 77.18 feet;



11. thence South 42°41'33" West, a distance of 53.53 feet to the Northeasterly right-of-way line of the Elgin, Joliet, & Eastern Railway Company as recorded in Lake County Deed Record 117, Page 10;
12. thence North 54°06'39" West, a distance of 355.66 feet along said Northeasterly right-of-way line to the POINT OF BEGINNING, containing 6.678 acres, more or less.

#### PARCEL P2 DESCRIPTION

A parcel of land in the Southeast Quarter (SE 1/4) of Fractional Section Twenty-three (23) and the Northeast Quarter (NE 1/4) of Section Twenty-Six (26), Township Thirty-Seven North (T37N), Range Nine West (R9W) of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, more particularly described as follows:

Beginning at the Northeasterly corner of Buffington Harbor Riverboats, L.L.C. Parcel 2 as recorded in Document No. 95067683 in the Office of the Recorder of said County;

- 1) thence South 54°06'39" East along the Southeasterly line of said Parcel 4 of Exhibit A as recorded in Lake County Document No. 96052358 and along the Southwesterly line of the Fourth (4th) parcel as described in Lake County Deed Record 282, Page 248, a distance of 475.31 feet;
- 2) thence South 36°02'19" West, a distance of 440.01 feet;
- 3) thence North 49°38'51" West, a distance of 457.29 feet to the Southeasterly line of said Parcel 2;
- 4) thence North 34°13'33" East along said Southeasterly line, a distance of 16.84 feet;
- 5) thence North 30°46'03" East along said Southeasterly line, a distance of 203.32 feet;
- 6) thence North 36°00'21" East along said Southeasterly line, a distance of 185.08 feet to the POINT OF BEGINNING, containing 4.548 acres, more or less.

**EXHIBIT "B"**

**PERMITTED EXCEPTIONS**

1. Real estate taxes for 2000 payable in 2001, and all years thereafter.
2. Covenants, Restrictions and Easements of record.
3. Applicable building codes and zoning ordinances.
4. Terms and provisions of the title insurance commitment for owner's policy issued by Lawyers Title Insurance Corporation, Commitment No. 66661B, dated September 29, 2000.
5. Matters and interests disclosed by the DLZ survey of the Property, certified on September 28, 2000.
6. Interests created, suffered, assumed or agreed to by Grantee, and those claiming under Grantee.
7. Interests of which the Grantee has actual knowledge.

