

Chicago Title Insurance Company

4620017517 LID
AFFIDAVIT AND AGREEMENT

Whereas O'Day 1995 LP, an Indiana Limited Partnership (hereinafter called "transferor") is conveying to Peoples Bank SB as Trustee under Trust Agreement Dated December 12, 2001 and known as Trust No. 10314 certain real estate situated in Lake County, State of Indiana, commonly known as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES;

the undersigned transferor represents and warrants as follows:

"Reporting not Required. The transferor represents and warrants that the real estate to be transferred to the trustee is not "property" as defined in Section 6 of the Indiana Responsible Property Transfer Law, I.C. 13-7-22.5-6. Not by way of limitation, the transferor represents and warrants that the property:

1. Does not contain one or more facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11022);
2. Is not the site of one or more underground storage tanks for which notification is required under 42 U.S.C. 6991a and I.C. 13-7-20-13(A) (8); and
3. Is not listed on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) in accordance with Section 116 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, (42 U.S.C. 9616).

The transferor acknowledges that the trustee will accept title to the real estate in reliance upon these representations. The warranties provided in this Section will be ongoing warranties which will continue in effect at all times prior to and after the transfer to the trustee.

If any of these representations are false in any respect, the transferor will indemnify and hold the trustee harmless from and against any and all liabilities, causes of action, expenses, fines, and claims of any sort arising from or in any way related to said representations, including but not limited to attorneys' fees and costs and all costs and fees of engineers and engineering consultants."

Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of January, 2002, personally appeared: Dennis R. O'Day

And acknowledged the execution of the foregoing affidavit of agreement. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 11-30-09 Resident of Porter County
Cynthia E. Colvin
Notary Public Printed Name Notary Public Signature

This instrument was prepared by: Jon E. DeGuilio, Attorney at Law
141 W. Lincoln Highway, Schererville, In 46375

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

JAN 8 2002

PETER BENJAMIN
LAKE COUNTY AUDITOR

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11-00-01
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EXHIBIT A

Parcel 1: That part of the East half of the Southwest Quarter of Section 5, Township 34 North, Range 9 West of the Second Principal Meridian more particularly described as follows: Beginning at the Southwest corner thereof; thence North 00 degrees 45 minutes 12.5 seconds East, along the West line of said East Half, a distance of 2650.04 feet to the Northwest corner thereof; thence South 89 degrees 03 minutes 27 seconds East, along the North line of said East half of the Southwest Quarter, a distance of 1161.72 feet to a point which is 159.70 feet West of the Northeast corner of said Southwest Quarter; thence South 00 degrees 46 minutes 42 seconds West, along a line parallel with the East line of said East half of the Southwest Quarter, a distance of 2652.20 feet to a point on the South line of said East half of the Southwest Quarter; thence North 88 degrees 57 minutes 11 seconds West, along said South line, a distance of 59.80 feet to the Southeast corner of a parcel of land conveyed to Ralph R. Wachter and Delores Wachter recorded in Deed Record 1137, page 229, in Lake County, Indiana; thence North 00 degrees 46 minutes 42 seconds East, a distance of 435.60 feet; thence North 88 degrees 57 minutes 11 seconds West, a distance of 100.00 feet; thence South 00 degrees 46 minutes 42 seconds West, a distance of 435.60 feet to a point on the South line of said Southwest Quarter; thence North 88 degrees 57 minutes 11 seconds West, along said South line, a distance of 1000.78 feet to the point of beginning, all in Lake County, Indiana.

