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SWORN STATEMENT AND NOTICE OF INTENTION TO HOLD MECHANIC'S LIEN

DATE: April 28, 2004

TO: Crossing At Hobart-1 LLC and TO: Wal-Mart Stores Inc.
P. O. Box 81290 2001 SE 10th St.
Chicago, IL 60681-0290 Bentonville, AR 72716-

You are hereby notified that J. F. Ahern Co., (hereinafter called "Claimant") whose address is 855 Morris Street, P.O. Box 1316, Fond du Lac, WI 54936-1316 intends to hold a Mechanic's Lien on the following described real estate:

Parcel #008435300110019, See Legal Attached, more specifically Wal-Mart #1816-02, more fully described in Document #98020748, all in Ross Township, the County of Lake, Indiana.

commonly known as Wal-Mart Store #1816-02, 2936 E. 79th Avg.,
Merrillville, IN 46419 and all improvements thereon, for the amount
of TWENTY SIX THOUSAND, THREE HUNDRED TWENTY EIGHT and 00/100
(\$26,328.00) dollars for work and/or materials furnished by
Claimant for improvement of said real estate within the last ninety
(90) days. The undersigned individual executing this instrument,
having been duly sworn upon his oath, under the penalties of a perjury hereby states that Claimant intends to hold a mechanic's contains the penalties of a matters set forth in the foregoing statement are true and correct.

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for J. F. Ahern Co. STATE OF WISCONSIN COUNTY OF FOND DU LAC) Before me, a Notary Public in and for said County and State, personally appeared MICHELLE C. COLYAR, ASST SECRETARY who acknowledged the execution of the foregoing Sworn Statement and Notice of Intention to Hold Mechanic's Lien and who, having been duly sworn, under the penalties of perjury, stated that the facts and matters therein are true and correct. Witness my hand and notarial seal this 28TH day of April 2004. Jane M Schrage My Commission Expires: This cument of the property of This instrument was prepared by Allan R. Popper, P. Wisniewski, 120 W. Madison, Suite 300, Chicago, IL 60602, Attorney at Law. I hereby certify that I have this day mailed first class a duplicate of this Sworn Statement and Notice of Intention to hold Mechanic's Lien to the property owner(s) named therein at the address set forth therein. DATED: Recorder of County, Indiana Papper & Wesnacusti 120 W. Madison Ste 300 Chy R. 60602

J. F. AHERN CO.

MICHELLE C. COLYAR, ASST SECRETARY

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The land returned to in this commitment/policy is situated in the State of Indiana, County of LAKE and is described as fullows.

PARCEL I: (Fea Simple)

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Part of the North 1/2, Section 23, Township 38 North, Ronge & West of the 2nd P M., in Lake County, Indiana, described as: Commencing at the Northwest agrees of said Section 23, thence South 02 dagmas 42 minutes 00 seconds Sest slong the West line of said Section 23 a distance of 842.20 feet to the Southerly right of-way line of the Chesapeake and Onio Reliroad, thence South 82 degrees 42 minutes QC seconds East slong said South line 1515.41 feet; thence South 27 degrees 19 minutes 00 seconds West, 748.20 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 68 degrees 25 minutes CO secunds West, 328.65 feet, thence south 01 degrees 35 minutes 00 seconds East, 193.56 fact to the Northerly line of U.S. Highway #30, thence Easterly slong the Northerly line of said Highway, 309.65 fest, thence North 01 degrees 25 minutes 00 seconds West, 43.06 feet, thance North 58 degrees 25 minutes 00 seconds East, 17.0 feet; thance North 31 degree 35 minutes 00 seconds West, 180 feet to the point of beginning. Except that part conveyed to the State of Indians by Warranty Deed recorded September 19, 1978, as Document No. 42-1229 described as follows: a part of the Northwest Quarter of Section 23, Township 35 North, Range 8 West, Lake County, Indians, described as follows: Commencing at the Northwest corner of said Section, thance South O degrees O1 minutes OD seconds West 2,297.80 feet along the West line of said Section to the Southwest Corner of the owner's land, thence South 88 degrees 69 minutes 00 seconds fast 350,00 feet to the corner of the owner's land, thence South O degrees Q1 minutes CO seconds West 198.80 feet slong the West line of the owner's land to the North boundary of U.S.R. 30, thence slong the boundary of said U.S.R. 30 Easterly 463.51 feet slong an are to the right and having a rodius of \$3,814.78 feet and subtended by a long chord naving a bearing of Zouth 69 degrees 02 minutes SC seconds Set and a length of 483.51 to the point of beginning of this description, thence North 1 degree 11 minutes 58 seconds East 10.00 feet, thence South 38 degrees 46 minutes 28 seconds East 50.01 feet, thence South 1 degree 16 minutes 10 seconds West 10.00 feet to the North boundary of U. S. R. 20, thence slong the boundary of said U.S.R. 30 Wasterly 50,00 feet slong an arc to the left and having a redius of 53,014 70 feet along an arc to the left and having a redius of 53,814.79 feet and subtended by a long chord having a bearing of North 88 degrees 46 minutes 28 accords West and a length of 50.00 feet to the point of baginning.

Parcal II: (Fee Simple his Document is the property of SEE CONTINUATION SHEETE Lake County Recorder!

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Part of the North 1/2 Section 23, Township 35 North Hands & West of the 2nd P.M., in Lake County, Indiana, described as: Commenting a the Northwest curve of said Section 2% thence South 02"42'00" East along the wast line of said Section 27 a diutance of 842.20 feet to the South 62"42'00" East Southerly right-o-way line of the Chasepeaks and Onio Railroad, thance South 62"42'00" East along said Southerly right-of-way 1845.00 fost to the point of beginning of this described parcel, thunce South 27°18'00" West, 274.33 feet; thence South 62°42'00" (set, 4.0 feet; thence South 27°18'00" West, 80,00 feet; thence South 82°42'00" Exet, 26,41 feet; thence South 27°18 00" Wast 275.00 test; thence North 62°42'00" West, 280.0 feet; thence South 27918'00" West, 339 51 fest more or less to the Northerly line of U.S. Highway #30; thence on a curve to the right with a radium of 53,917.23 feat a distance of \$7.57 feat to the point of curve; thence North 88°37'48" East along the Northerly line of said Highway a distance of 1931.83 feet to the Southerly line of the Chasepacks and Ohio Religoed; thence North 62°42'00" West, 1542.06 feet to the point of beginning. Except that part conveyed to the State of Indiana by Warranty Dead Recorded September 15, 1978 as Document No. 421229 described as fellows: Part of the Northwest Quener of Seption 23, Township 18 North Range 8 West, Lake County, Indiana, described as follows: Commencing at the Northwest corner of said Scotion; thence South O degrees D1 minutes OO seconds West 2,287.90 fest along the West fine of said Section; thence South 99 degrace 39 minutes 00 seconds East 350.00 fest; thence South 0 degrees 01 minutes 00 seconds West 198.90 feet to the North boundary of U.S.R. 30; thance 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 subtanded by a long chard having a bearing of South 86 degrees 56 minutes 49 seconds East and a length of 651,76 fact; thence South 86 degrees 36 minutes CO seconds East 888,03 feet stong said boundary to the point of beginning of this description; thence North 1 degree 24 minutes 00 seconds East 10.00 feet; thence South 89 degrees 38 minutes 00 seconds East 40.00 feet; thence South 1 degree 24 minutes 60 seconds West 10.00 feet top the North boundary of U.S.R. 30; thence North 88 degrees 35 minutes 00 seconds West 40.00 feet along the boundary of said U.S.R. 30 the point of beginning.

Paical III: (Non-Exclusive Essement Rights for parking lot, utility prospovers and driveways set out in Document recorded September 15, 1889 as Document No. 068076 and as amended by Amendment to Parking Lot, Utility Crossovers and Driveways Essement Agreement, recorded June 7, 1990 as instrument No. 104044, further amended by instrument No. 94067918, recorded September 30, 1994 and modification of amendment recorded March 22, 1996, as instrument No. 95014687 over, upon and acrons the following described tract: Also known as Northern Indians Public Service Company Parcell

Part of the North 1/2. Section 23. Township 35 North, Range 8 West of the 2nd Principal Meridian, in Rose Township, Lake County, Indiana, described as follows: Seginning 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 58°67'30" West along said Northeastern Religion dight of way.

1724.95 feet; thence South 30°02'30" West, 100 feet thence South #8°67'30" 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°37'42" East, 208.44 feet to the point of beginning.



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NOTE: The instruments oreating said assements grounds that it is "to be used for parking, ingress and egrave by Countes's employees, agents, representatives, subsquarestone, issues, and business inverses and others using the parking lot as part of the business purpose related to the construction and use of the shapping mails being built by Grantee on land adjacent to said Essement Properties' and run to the benefit of the parties increase and thair respective successors and sessions.

Parcel IV: (Non-Exclusive Essement 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. 513551, and se emended by Supplemental Agreement recorded January 30, 1979 as Document No. 513555; by Amendment to Declaration of Essements, Covenints and Canditions recorded March 20, 1987 as Document No. 907768; and by Supplemental Agreement recorded March 20, 1987 as Decument No. 807781, and amended by a second amendment to Declaration of easements, covenants and conditions recorded August 19, 1884, as instrument No. 84069148 over, upon and across the following described treat, also known as: Toys "R" Us Percel.) Part of the North helf of Section 23, Township 35 North, Renge 8 West of the 2nd P.M., Lake County, Indians, described se commenting 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, 1862.33 fest to the piece of beginning; thence continuing South 82 degrees 42 minutes 00 seconds East slong said South line, 192.07 feet; thance South 27 degrees 18 minutes 00 seconds West, 274,33 fest, thance South 52 degrees 42 minutes DD seconds East 4.00 feet; thence South 27 degrees 19 minutes 00 seconds West, 80.00 feet; themes South 52 degrees 42 minutes 60 seconds East, 28.41 feet; thence South 27 degrees 18 minutes 00 seconds West, 275.00 feet; Thence North \$2 degrees 42 minutes 00 seconds West 260.00 feet; thence North 27 degrees 18 minutes 00 seconds Sest, 278.00 feet; thence South 52 dayrees 42 minutes 00 seconds East, 36.92 feat; thence North 27 degrees 18 minutes 00 seconds East, 354,33 fear to the piece of beginning. (Said Easement Benefits all perceis described in Schedule C hereof.)

Parcel V: (Non-Exclusive Essement Rights for vehicular and pedastrian ingress and egrass, parking and drainage as set out in Dedication of Essements Covenants and Conditions recorded January 30, 1979 as Document No. 513881, and as amended by Supplemental Agreement recorded January 30, 1978 as Document No. 513885 by Amendment to Declaration of Essements. Covenants and Conditions recorded March 20, 1987 as Document No. 907789 and smanded by a Supplemental Agreement recorded March 20, 1987 as Document No. 907789 and emanded by a segond amendment to Declaration of essements, covenants and conditions reported August 19, 1984, as instrument No. 94059148 over, upon and ecross the following described tract, also known as Marrillville Plaza Associates Parcell.)

Part of the North 1/2 of Section 23, Township 36 North Range 8 West of the 2nd Principal Maridian of the Ross Township, Lake County, Indiana lying Southwesterly of the 100 foot right-of-way of the Chesspasks and Ohio Railroad and North of the 200 foot right-of-way of U.S. Highway No. 30, described as follows:



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Commencing of the Northwest corner of each Sentian 23; thence South 02#42'00" Feet along the West line of said Section 23 u distance of 1,258,86 feet to the point of beginning of this described purcet; thence North 87° 18'UD" heat, 721.33 feet more or less to the South line of said 100 fout wide Chesapeake and Ohio Ralfroud right-of-way, thance South 82*42'00" East along said South right-of-way, 819.41 fast to a point, 1,882.33 fast South 82*42'00" bast from the Wast line of suld Section 23 and incestived along the South line of said refrond right of-way; thence South 27*18'00" West, 354.33 feet; thence North 82*42'00" West, 38,92 feet; thence South 27°15'00" West, 514.54 (est more or less to the Nartherly right-of-way line of U.S. Highway #30; thench Westerly along the Northarly line of said Highway, 44.97 feet; thence North 01 535'00' West, 43.06 feat; thence North 88*25'00" Sast, 17.0 feat; therice North 01*35'00" West, 150 fest; thence South 88°25'00" West, 326.05 fest; thence South 01°36'00" East, 193.66 fest to the Northerly right-of-way of U.S. Highway No. 30; thance Wasterly along the Northerly line of said Highway, 210 feet to the East line of the American Oli Property described in Deed Recorded in Dead Report 1288 page 199, thence North 02°42'00" West, 191,812 feet elong said East line, thence South 87°18'00" West, 360 feet to a point on the West line of said Section 23, that is 2,287.80 feet South of the Northwest corner of said Section 23, thence North 02°42'00" West. 1,029.24 feet to the point of beginning, (Essements benefit all perceis described in Schedule C hereof, except drainage assement which benefits only Parcels 1, II and IV.)

Parcal 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, Indians, 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 \$8°37'48" West along the North right-of-way line of said highway a distance of 175.62 feet more of less to the Northeastern right-of-way line of the abandoned C & O Railroso; thence North \$2°42" West stong said railroso right-of-way, 1724.96 feet; thence North \$8°37'48" East, 1881.86 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°45'48" East, 845.37 feet more or less to the point of beginning.

Parce! VIII: (Fee Simple) Lake County Recorder!

The Southeast Cuarter of the Northeast Querter 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 Northeast Quarter of the Northeast 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



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U.S. Highway No. 30, a distance of 180 lest; thence North parallel to the East line of the North househald Quarter of sold Section 23, a distance of 150 feet; thence East parallel to the North into U.S. Highway No. 30, a distance of 180 feet to the Lost line of the Northeast Quarter of said Soction 23; thence South 150 feet to the point of beginning, in Lake County, indians.

Also excepting therefrom that portion described as follows:

Communiting 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 Beation 23, thence North 2 degrees 48 minutes 02 secorids 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 80.01 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 hereingiter 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; thense North 2 degrees 48 minutes 02 seconds West on a fine parallel to the 6set line of the Northeast 1/4 of said Section 23, a distance of 08.17 feet; thense South 68 degrees 37 minutes 48 seconds West, a distance of 165.44 feet to a point; thence South 1 degree 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 3D, thence Westerly on the North right-of-way line of U.S. Highway 30, a distance of 233.50 fast on the arc of a circle whose chord has a bearing of South 85 degrees 20 minutes 00 seconds West, a shord length of 233,50 feet and a radius of 96117.95 feet to a point; thence North 1 degree 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 28.84 feet to a point; thence North 1 dagree 22 minutes 12 seconds West, a distance of 292,24 feet to a point; thance South 98 degrees 37 minutes 49 seconds West, a distance of 50.00 fact to a point thence North 1 degree 22 minutes 12 seconds West a distance of 160.00 fact to a point on the North line of the Southeest 1/4 of the Northeest 1/4 of said Section 23, thence North 87 degrees 54 minutes 58 seconds Sast on the last described line, a distance of 537,27 feet to a point on a line 60.0 feet West of and parellel 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 Northwest 1/4 of said Section 23, a distance of 1058,72 feet to the point of beginning.

Also excupting therefrom that portion described as follows: Openty of

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 44 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 50.0 feet wast 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 86 degrees 37 minutes 48 seconds West, a distance of 166.44 feet to a point thence South 1 degree 22 minutes 12 seconds East, a distance of 246.32 feet to a point on the North right of way line of



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U.S. Highway 30: thence Essivity 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 basing of North 88 degrees 12 minutes 53 seconds East, a chord length of 172.86 feet and a redice of 39,117.96 feet to a point; therica North 2 degrees 48 minutes 07 accords West, a distance of 149.38 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 Socillan 23, Township 36 North, Range 8 West of the 2nd Principal Maridian Lying North of the Northerly right-of-way line of U.S. Highway No. 30 bounded and described as follows:

Cummending 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 usid Section 23, thence north 2 degrees 48 minutes 02 seconds West on the East line of the Northeast 1/4 of asid Section 23, a distance of 150.0 feet; thence West perallel to the North line of U.S. Highway 30, (said parallel line having a beering of South 86 degrees 06 minutes 00 seconds West) a distance of 150.0 feet to the point of beginning; thence continuing South 86 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, 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 short has a basing of North 88 degrees 08 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 xeconds 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 interesation 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 fact to the point of beginning; thance West parallel to the North line of U.S. Highway 30, a distance of 80.01 feet to a point on a line 60.0 feet wast of and perellel 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 27 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 Essentant Rights appurtament for roadways, welkways, ingress and ugress and parking facilities as greated by Sesement Dodumunt dated May 17, 1880, resurded August 1, 1990 as Document No. 114788 over the following described lands That part of the South East 1/4 of the North East 1/4 of Section 23, Township 36 North, Renge 8 West of the 2nd Principal Maridian 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 wey 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 feat; thouce West persilef 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 parellal to the East line of the Northeast 1/4 of said Section 23, said point being the point of beginning of the heroinafter described tract; thence continuing west on a line parallel to the North line of U.S. Highway 30, a distance of 160.0 feet to a point; thence North 2 degrees 48 minutes 02 seconds West on a line garallel to the East line of the Northeast 1/4 of said Section 23, a distance of 95.17 feet; thence South 80 degrees 37 minutes 46 seconds West, a distance of 165.44 feet to a point; thence South 1 degrae 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, thende Westerly on the North right of way line of U.S. Highway 30, a distance of 233.50 feet on the arc of a dirale whose chord has a beering of South 88 degrees 20 minutes 00 seconds West, a chord length of 293.50 feat and a radius of 88117.96 feet to a point; thence North 1 degree 22 minutes 12 seconds West, a distance of 762.53 feet to a point; thence North 46 degrees 37 minutes 48 seconds 6ast, a distance of 28.64 feet to a point; thence North 1 degree 22 minutes 12 seconds West, a distance of 282.64 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 64 minutes 68 seconds East on the last described line, a distance of 547.27 first to a point on a line 50.0 feet Wast of and persist to the East line of the Northwest 1/4 of said Saction 23; thence South 2 degrees 48 minutes 02 seconds East on a line 50.0 fact West of and parallel to the East line of the Northwest 1/4 of said Section 23, a distance of 1058,75 fact to the point of beginning, all in Lake County, Indiana. (Said Easement benefits Parcal VIII.)

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