## SPECIAL WARRANTY DEED

THIS INDENTURE, made this 6th day of January \_\_, 2005, by SIMON PROPERTY GROUP, L.P., a Delaware limited partnership, 115 W. Washington Street, Indianapolis, Indiana 46204 ("Grantor"), to and in favor of MTB FOODS, INC., an Illinois corporation, \$444 South Oketo Avenue, Bridgeview, Illinois 60455 ("Grantee");

\*\* MTB Foods, Inc F/K/A G&B Foods, Inc.
WITNESSETH THAT:

Grantor, for valuable consideration, does hereby grant, with special warranty covenants, unto the Grantee, its successors and assigns, all of the parcel of land lying and being in Lake County, Indiana, consisting of approximately .65 acres, as more fully described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Parcel");

TOGETHER, with all and singular the hereditaments and appurtenances thereun belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim demand whatsoever, of Grantor either in law or in equity, of, in and to the Parcel, with the hereditaments and appurtenances;

#### **BUT SUBJECT TO:**

# **Jocument** is

- all streets and public rights of way; ICIAL! (i)
- all laws, rules and/or regulations (federal, state and/or local) now in effect; (ii) the Lake County Recorder!
- (iii) restrictions, encumbrances, reservations, limitations, conditions, easements, agreements and/or other matters affecting the Parcel, if of public record; and
- all real estate taxes and assessments not due and payable as of the date hereof. (iv)

TO HAVE AND TO HOLD, the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said Grantee, its successors and assigns, forever.

This instrument was prepared by and after recording should be returned to:

Return to

Interstate Title Services 5 Harvard Circle. Ste. 110 West Palm Beach, Fl. 33409

1-2023

HOLD FOR MERIDIAN TITLE CORP.

LAKE COUNT

801108

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And Grantor will warrant and defend title to the Parcel against all parties lawfully claiming the same from, through or under it, but against no others.

And Grantor hereby covenants and warrants that it is fully authorized to convey the Parcel as set forth herein.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be duly executed, the day and year first above written.

**GRANTOR** 

SIMON PROPERTY GROUP, L.P., a Delaware

limited partnership

By: SIMON PROPERTY GROUP, INC., a

Delaware corporation, General Partner

By:

Mydd Simon,

Chief Executive Officer

STATE OF INDIANA

**COUNTY OF MARION** 

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Before me, a Notary Public in and for said County and State, personally appeared David Simon, to me personally known as the Chief Executive Officer of SIMON PROPERTY GROUP, INC., a Delaware corporation, General Partner of SIMON PROPERTY GROUP, L.P., a Delaware limited partnership, who acknowledged his execution of the foregoing instrument for and on behalf of said Corporation by authority of its Board of Directors.

WITNESS my hand and notarial seal this

100

2005.

Notary Public

DARLENE E. GARVEY
Res. of Johnson Co.
Comm. Exp. 1-18-2008

 $M: Legal\ Development \ STAFF \ ALAN \ Griffith \ Popeyes \ SWDeed. doc$ 

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## EXHIBIT A TO SPECIAL WARRANTY DEED

Legal Description of the Parcel



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### EXHIBIT "A"

## Legal Description

That part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 36 North, Range 9 West of the Second Principal Meridian described as follows: Commencing at a point 81 feet East of the West line of said Section 23 and 197.41 feet South of the North line of said Southwest Quarter of the Southwest Quarter of Section 23; thence due South 104.14 feet; thence due West 13 feet; thence due South 300 feet; thence South 1° 57' 48" East 97.06 feet along the Easterly Right-of-Way line of Cline Avenue to a place of beginning; thence due East 145.17 feet; thence due South 200 feet; thence due West 138.32 feet to a said Easterly Right-of-Way line; thence North 1° 57' 48" West 200.1 feet to the place of beginning all in Lake County, Indiana, being a part of Lot 1 of the Plat of Ridge Realty Subdivision One, which plat was recorded in Plat Book 49, Page 46, in the Office of the Recorder of Lake County, Indiana.

