

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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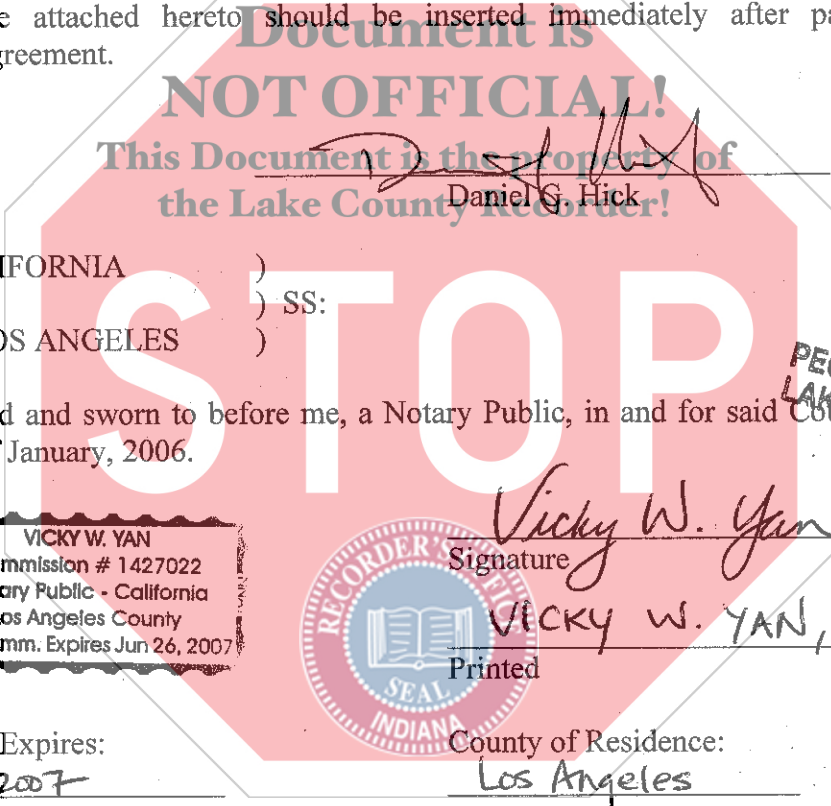
MICHAEL A. BROWN
RECORDER

CROSS REFERENCE: 2006 005464

AFFIDAVIT OF SCRIVENER'S ERROR

The undersigned, Daniel G. Hick, being duly sworn states that he was the Scrivener of that certain Subordination Agreement by THE MAJESTIC STAR CASINO, LLC, an Indiana limited liability company ("Obligor"), and THE BANK OF NEW YORK TRUST COMPANY, N.A., a national banking association, as trustee ("Trustee"), in favor of WELLS FARGO FOOTHILL, INC., a California corporation, as agent for certain lenders (in such capacity, together with its successors and assigns (if any) in such capacity, "Agent"), dated January 20, 2006, and recorded on January 24, 2006, with the Lake County Recorder as Instrument No. 2006 005464 (the "Subordination Agreement"). The undersigned states that the counterpart signature page executed by Obligor and corresponding notarization page were inadvertently omitted from the Subordination Agreement. The Obligor's executed signature page and corresponding notarization page attached hereto should be inserted immediately after page 4 of the Subordination Agreement.

Chicago Title Insurance Company



[Signature]
Daniel G. Hick

STATE OF CALIFORNIA)
) SS:
COUNTY OF LOS ANGELES)

Subscribed and sworn to before me, a Notary Public, in and for said County of Los Angeles, California, this 26th day of January, 2006.



[Signature]
Signature
VICKY W. YAN, Notary Public
Printed
Notary Public

My Commission Expires:
June 26, 2007

County of Residence:
Los Angeles

FILED
FEB 08 2006
PEGGY HOLINGA-KATONA
LAKE COUNTY AUDITOR

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CT
[Signature]

This instrument was prepared by Daniel G. Hick, PAUL, HASTINGS, JANOFSKY & WALKER LLP, 515 South Flowers Street, 25th Floor, Los Angeles, California, 90071; Telephone: (213) 683-6000.

002600

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as set forth below to be effective as of the date first above written.

“Trustee”

THE BANK OF NEW YORK TRUST COMPANY, N.A.,
in its capacity as Trustee

By: _____

Name: _____

Title: _____

“Agent”

WELLS FARGO FOOTHILL, INC.,
a California Corporation, as Agent

By: _____

Name: _____

Title: _____

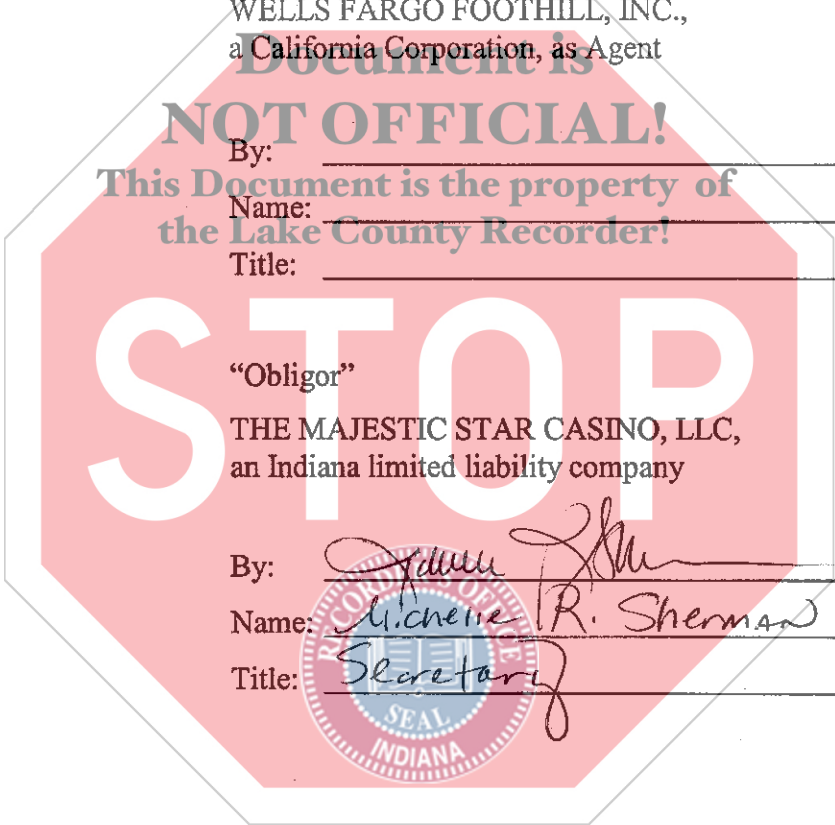
“Obligor”

THE MAJESTIC STAR CASINO, LLC,
an Indiana limited liability company

By: _____

Name: *Michelle R. Sherman*

Title: *Secretary*



[ACKNOWLEDGEMENTS TO FOLLOW]

[Signature Page to Subordination Agreement (GNC Property)]

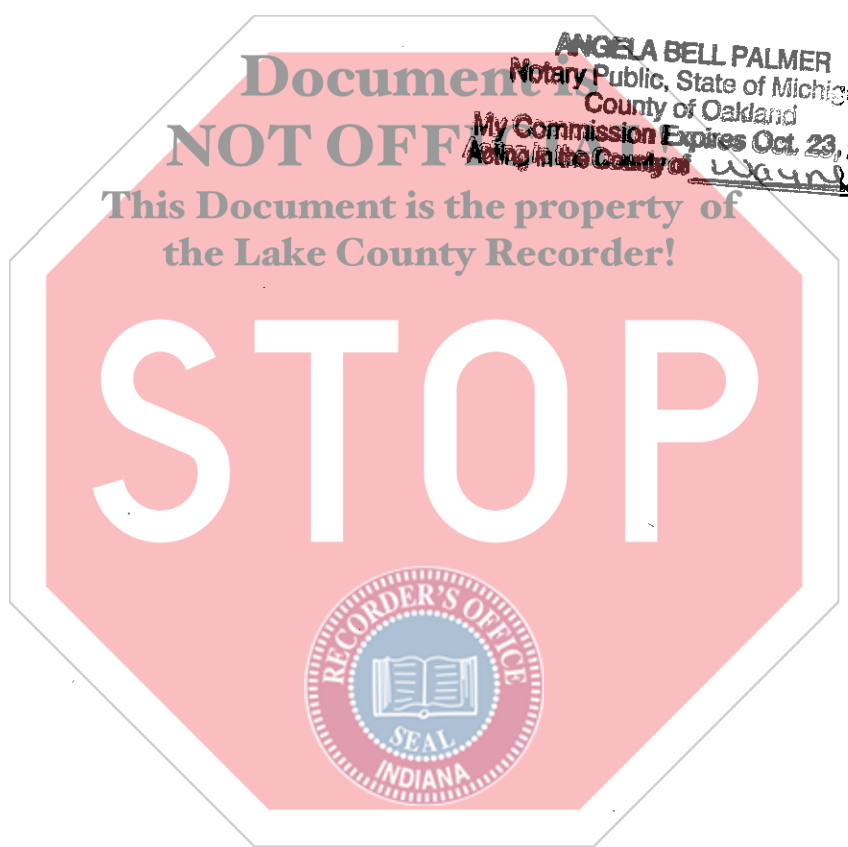
STATE OF Michigan)
) ss
COUNTY OF Wayne)

On January 19, 2006, before me, Angela Bell Palmer, Notary Public, personally appeared Michelle R. Sherman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Angela Bell Palmer
Signature of Notary Public

[SEAL]



[Signature Page to Subordination Agreement (GNC Property)]

EXHIBIT A



PARCEL 1 (FEE SIMPLE):

A parcel of land in the Southeast Quarter of Fractional Section 23, the Southwest Quarter of Fractional Section 24, the Northwest Quarter of Fractional Section 25, and the Northeast Quarter of Section 26, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said parcel consisting of a part of those lands conveyed to Lehigh Portland Cement Company as recorded in Lake County Document 707259, said parcel being more particularly described as follows:

Commencing at a capped iron rod at the Southwest corner of the Northwest Quarter of said Section 23; thence North $00^{\circ}23'05''$ West (said bearing being relative to the Indiana State Plane Coordinate System West Zone, NAD83), 492.62 feet to the Northeasterly right-of-way line of the Elgin, Joliet & Eastern Railway Company (formerly, the Indiana Harbor Railroad Company) as recorded in Lake County Deed Record 117, page 10; thence South $46^{\circ}59'40''$ East, 228.30 feet along said Northeasterly right-of-way line; thence 1,404.64 feet along an arc on said Northeasterly right-of-way line, said arc being convex to the Southwest, having radius of 11,309.20 feet, and subtended by a long chord bearing South $50^{\circ}33'09''$ East, 1,403.74 feet; thence South $54^{\circ}06'39''$ East, 2,971.64 feet along said Northeasterly right-of-way line to the Southerly corner of Parcel 1 conveyed to Buffington Harbor Riverboats, L.L.C. as recorded in Lake County Document 95067683; thence South $54^{\circ}06'39''$ East, 355.66 feet along said Northeasterly right-of-way line of the Elgin, Joliet & Eastern Railway Company as recorded in Lake County Deed Record 117, page 10 to the point of beginning of this description;

1. thence North $42^{\circ}41'33''$ East, a distance of 53.53 feet to a point of non-tangent curve;
2. thence 79.52 feet along the arc of a curve convex to the Northwest, said curve having a radius of 94.22 feet, and subtended by a long chord which bears North $65^{\circ}28'30''$ East, a distance of 77.18 feet;
3. thence North $35^{\circ}53'21''$ East, a distance of 551.21 feet to a point 82.62 feet distance by right angle measurement from the Northeasterly line of a parcel of patented land recorded in Lake County Deed Record 473, page 29;
4. thence South $34^{\circ}06'39''$ East, 236.63 feet to the POINT OF BEGINNING thence North $55^{\circ}53'21''$ East, 600.00 feet;
5. thence North $34^{\circ}06'39''$ West, 255.00 feet;
6. thence North $55^{\circ}53'21''$ East, 604.61 feet to the Northwestwardly extension of the Southwesterly line of parcel G-2, conveyed to Marblehead Lime Company in Lake County Document 91065414;
7. thence South $34^{\circ}00'22''$ East, 319.54 feet (315.94 feet measured) along said Southwesterly line;
8. thence South $73^{\circ}30'38''$ East, 199.15 feet along the Southerly line of said parcel;

9. thence North 83°50'47" East, 213.81 feet along said Southerly line;
10. thence South 62°05'20" East, 63.63 feet along said Southerly line;
11. thence North 55°34'26" East, 137.64 feet along the Southeasterly line of said parcel;
12. thence North 55°49'28" East, 31.96 feet along said Southeasterly line;
13. thence North 55°51'46" East, 57.00 feet to the Southwesterly line of parcel G-1 conveyed to Marblehead Lime Company in Lake County document 91065414;
14. thence South 34°08'14" East, 628.04 feet along said Southwesterly line;
15. thence South 32°44'01" West, 198.66 feet along a Westerly of said parcel;
16. thence South 55°34'16" West 402.27 feet along a Northwesterly line of said parcel;
17. thence South 34°48'19" East 562.17 feet along a Southwesterly line of said parcel;
18. thence South 35°28'01" West, 106.16 feet along a Northwesterly line of said parcel;
19. thence South 69°27'32" East, 80.97 feet along a Southwesterly line of said parcel to the Northwesterly line of land conveyed to Northern Indiana Public Service Company as recorded in Lake County Deed Record 973, page 505;
20. thence South 35°53'21" West, 984.02 feet along said Northwesterly line to the Northerly corner of parcel G-3 conveyed to Marblehead Lime Company as recorded in Lake County Document 91065414;
21. thence continuing South 35°53'21" West, 85.00 feet along the Northwesterly line of said parcel to the Northeasterly right-of-way line of the E.J. & E. Railway as recorded in Lake County Deed Record 117, page 10;
22. thence North 54°6'39" West, 539.09 feet along said right-of-way to the West line of said Section 25;
23. thence continuing North 54°06'39" West, 1,761.68 feet along said right-of-way line to the point of beginning.

PARCEL 2 (FEE SIMPLE):

A parcel of land in the Southeast Quarter of Fractional Sectional 23, the North Half of Section 26, and the West Half of Fractional Section 25, Township 37 North , Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, (said parcel consisting of a part of the Thirty-three Acre Parcel and a part of the Second Parcel as described in Lake County Deed Record 308, page 22), being more particularly described as follows:

Commencing at a capped iron rod at the Southwest corner of the Northwest Quarter of said Section 23; thence North 00°23'05" West (said bearing being relative to the Indiana State Plane Coordinate System West Zone, NAD83), 79.78 feet along the West line of said Section to the Southwesterly corner of Parcel 2 conveyed to Buffington Harbor River Boats, L.L.C., as described in Lake County Document 95067683; thence South 32°06'05" East, 1,079.86 feet along Southwesterly line of said Parcel 2; thence South 40°16'57" East, 738.04 feet along said Southwesterly line; thence along said Southwesterly line 565.04 feet along a curve to the left having a radius of 17,088.80 feet and subtended by a long chord bearing South 41°13'47" East, 565.02 feet; thence South 43°05'41" West 7.87 feet along a Northwesterly line of said Parcel 2 to a corner of said parcel, (said corner being the point of beginning of said Thirty-three Acre Parcel); thence South 46°54'19" East 1,691.49 feet along the Southwesterly line of said Parcel 2 to a corner of said parcel, said corner being the point of beginning of this description;

24. thence North 43°27'47" East, 102.53 feet along the Southeasterly line of said Parcel 2;

25. thence North 36°30'36" East, 207.34 feet along said Southeasterly line;

26. thence North 34°13'33" East, 169.18 feet along said line;

27. thence South 49°38'51" East, 457.29 feet;

28. thence North 36°02'19" East, 440.01 feet to the Southwesterly line of the former Chicago Lake Shore & Eastern Railway Company as recorded in Lake County Deed Record 282, page 248, fourth parcel;

29. thence South 54°06'39" East, 2255.11 feet along said Southwesterly line to the East line of said Section 26;

30. thence South 00°52'39" East, 31.21 feet along said Section line to the Southwesterly line of the Elgin, Joliet and Eastern Railway Company (formerly the Chicago Lake Shore & Eastern Railway Company) as recorded in Lake County Deed Record 282, page 248, third parcel;

31. thence South 54°06'39" East, 1,929.25 feet along said Southwesterly line on an iron rail at a corner of said third parcel;

32. thence South 00°52'39" East, 398.64 feet along a Westerly line of said Third Parcel to an iron rail at a corner of said parcel;

33. thence North 60°34'39" West, 1,790.00 feet to an iron rail at a corner of said Third parcel on the East line of said Section 26;

34. thence South 00°52'39" East, 489.61 feet along said Section line to the Northeasterly line of the Elgin, Joliet and Eastern Railway Company (Formerly the Chicago Lakeshore & Eastern Railway Company) as recorded in Lake County Deed Record 282, page 248, Second Parcel;

35. thence along the Northeasterly line of said Second parcel 2,692.61 feet along the arc of a

curve to the right having a radius of 17,108.80 feet and subtended by a long chord bearing North 54°54'09" West, 2,689.83 feet to the Southeasterly corner of said Thirty-three Acre parcel;

36. thence North 46°54'19" West, 740.26 feet along the Northeasterly line of said Second Parcel to the point of beginning.

PARCEL 3 (FEE SIMPLE):

A parcel of land in the Southwest quarter of Section 25, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said parcel having been conveyed from Gary Land Company to Universal Atlas Cement Company as recorded in Lake County Deed Record 658, page 271, Parcel 1, said parcel being more particularly described as follows:

Commencing at an iron rail monument at the Northwest corner of the Southwest Quarter of said Section 25, thence South 00°52'39" East (Indiana State Plane NAD83 grid bearing) a distance of 634.21 feet to the Southerly line of the right-of-way conveyed by Gary Land Company to Baltimore and Ohio Chicago Terminal Railroad Company (now CSX Railroad) as recorded in Lake County Deed Record Book 437, page 298; thence South 88° 40' 09" East along said Southerly line a distance of 1254.10 feet to the Southerly line of the 100 foot right-of-way conveyed by Gary Land Company to Baltimore and Ohio and Chicago Railroad Company (CSX Railroad) as recorded in Lake County Deed Record Book 221, page 4; thence South 64° 25' 16" East along said Southerly line a distance of 296.23 feet to a point where said Southerly line intersects the westerly line of the 150 foot right-of-way conveyed by Gary Land Company to Chicago, Lake Shore and Eastern Railway Company (now Elgin, Joliet and Eastern Railway Company) as recorded in Lake County Deed Record 179, page 350, said point being the point of beginning of this description;

Thence South 59°58'44" West along the Westerly line of said 150 foot right-of-way a distance of 647.00 feet to the Northerly line of the 100 foot right-of-way conveyed by George T. Cline to the Wabash Railroad Company as recorded in Lake County Deed Record Book 68, pages 139 to 142;

Thence North 43°34'57" West along said Northerly line a distance of 4.89 feet to a point of tangent curve;

Thence 845.11 feet along a curve to the left on said Northerly line, said curve having a radius of 1977.00 feet and subtended by a long chord bearing North 55°49'43" West, a distance of 838.69 feet to a point on the Southerly line of the right-of-way conveyed to Baltimore and Ohio Chicago Terminal Railroad (now CSX Railroad) as recorded in Lake County Deed Record Book 437, page 298; thence South 88° 40' 09" East along said Southerly line a distance of 780 feet (801.34 feet measured) to the westerly corner of a triangular parcel containing 0.265 acres which was conveyed by Gary Land Company to Baltimore and Ohio and Chicago Railroad Company (now CSX Railroad) as recorded in Lake County Deed Record Book 221, page 4;

Thence South 73° 50' 00" East along the Southerly line of said 0.265 acre parcel, a distance of 475.13 feet to the point of beginning.

EASEMENT PARCEL (CENTER ROAD):

Perpetual, non-exclusive easement for ingress and egress as contained in certain limited grants of easement in Easement Agreement dated June 30, 1995 and recorded July 7, 1995 as Document Number 95038222, by and between Lehigh Portland Cement Company and Trump Indiana, Inc., as amended by Amendment to Easement Agreement and Grant of Easement dated September 29, 2000 and recorded October 5, 2000 as Document Number 2000 072855, by Gary New Century, LLC, Buffington Harbor Riverboats, L.L.C. and Remark Land Company, and as amended by First Amendment to Amendment to Easement Agreement and Grants of Easements dated June 19, 2001, recorded July 18, 2001 as Document Number 2001 056589, over the following described property:

EASEMENT 1

A strip of land thirty feet wide, lying fifteen feet each side of a centerline located in the Southwest Quarter (SW 1/4) of Fractional Section Twenty-three (23) and the Northwest Quarter of Section Twenty-six (26), Township Thirty-seven North (T37N), Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said centerline being more particularly described as follows:

Commencing at a capped iron rod at the Easterly corner of Parcel 3 as described to Buffington Harbor Riverboats, L.L.C. and recorded in Document No. 95067683 in the Office of the Recorder of said County, thence 596.98 feet along the Northeasterly line of said Parcel, said line being an arc convex to the Southwest with a radius of 17238.80 feet, and subtended by a long chord which bears North 48°49'23" West, 596.95 feet to a point on the centerline of a paved roadway and the Point of Beginning of this description;

1. thence South 43°02'08" West, a distance of 235.24 feet;
2. thence 197.38 feet along an arc convex to Northwest, said curve having a radius of 120.00 feet, and subtended by long chord which bears South 87°26'49" West, a distance of 175.87 feet;
3. thence North 46°48'23" West, a distance of 1412.25 feet to a point on the Northwesterly line of said Parcel and the Point of Ending of this description

SUBWAY DESCRIPTION

A strip of land thirty-six feet wide, lying eighteen feet each side of a centerline located in the Northwest Quarter of Section 26, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said centerline being more particularly described as follows:

Commencing at the Southerly corner of Parcel 3 as described to Buffington Harbor Riverboats, L.L.C. and recorded in Document No. 96052358, Exhibit A in the Office of the Recorder of said County; thence North 47°52'48" West along the Southwesterly line of said parcel, a distance of 62.53 feet to a point on the centerline of a concrete roadway and the Point of Beginning of this description;

Thence South 42°59'32" West along the centerline of a subway a distance of 232.15 feet to a point on the Northeasterly line of Parcel 3 as described to Buffington Harbor Riverboats, L.L.C. and recorded in Document 95067683 in said Recorder's Office, said point being the Point of Ending of this description.

EASEMENT 2

A strip of land thirty feet wide, lying fifteen feet each side of a centerline located in the Southeast Quarter (SE 1/4) of Fractional Section Twenty-three (23) and the North Half (N 1/2) of Section Twenty-six (26), Township Thirty-seven North (T37N), Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said centerline being more particularly described as follows:

Commencing at the Southerly corner of Parcel 3 as described to Buffington Harbor Riverboats, L.L.C. and recorded in Document No. 96052358, Exhibit A in the Office of the Recorder of said County; thence North 47°52'48" West, along the Southwesterly line of said parcel, a distance of 62.53 feet to a point on the centerline of a concrete roadway and the Point of Beginning of this description;

1. thence North 42°59'32" East, a distance of 226.97 feet;
2. thence North 36°30'36" East, a distance of 148.76 feet;
3. thence North 29°03'20" East, a distance of 141.92 feet;
4. thence South 47°58'01" East, a distance of 28.05 feet to a point on the Southeasterly boundary of Parcel 2 as described to Buffington Harbor Riverboats, L.L.C. and recorded in Document No. 95067683 in said Recorder's Office, said point being the Point of Ending of this description.

EASEMENT 3

A strip of land thirty feet wide, lying fifteen feet each side of a centerline located in the Southeast Quarter (SE 1/4) of Fractional Section Twenty-three (23) and the North Half (N 1/2) of Section Twenty-six (26), Township Thirty-seven North (T37N), Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said centerline being more particularly described as follows:

Commencing at the Southerly corner of Parcel 3 as described to Buffington Harbor Riverboats, L.L.C. and recorded in Document No. 96052358, Exhibit A in the Office of the Recorder of said County; thence North 47°52'48" West, along the Southwesterly line of said parcel, a distance of 62.53 feet to a point on the centerline of a concrete roadway and the Point of Beginning of this description;

1. thence North 42°59'32" East, a distance of 226.97 feet;
2. thence North 36°30'36" East, a distance of 148.76 feet;

3. thence North 29°03'20" East, a distance of 257.21 feet;
4. thence North 35°33'50" East, a distance of 411.93 feet to a point on the Northeasterly boundary of Parcel 4 of said document and the Point of Ending of this description.

AND ALSO an irregular shape strip of land lying along the Southeast edge of the thirty foot wide strip described above and being in the Southeast Quarter of Fractional Section twenty-three, Township Thirty-seven, Range 9 West of the Second Principal Meridian in the City of Gary, Lake County, Indiana, said strip being 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 Parcel 4 of Exhibit A as recorded in Lake County Document No. 96052358, a distance of 9.24 feet;
2. thence South 36' 00' 21" West along the Northwesterly line of Parcel P2, a distance of 185.08 feet;
3. thence South 30' 46' 03" West along the Northwesterly line of Parcel P2, a distance of; 203.32 feet;
4. thence South 34' 13' 33" West along the Northwesterly line of parcel P2, a distance of; 16.84 feet to the Westerly corner of Parcel P2;
5. thence North 49' 38' 51" West along the Northwesterly prolongation of the Southwesterly line of Parcel P2, a distance of 15.45 feet;
6. thence North 29' 03' 20" East along the Southeasterly line of the previously described thirty foot wide strip, a distance of 86.63 feet;
7. thence North 35' 33' 50" East along the Southeasterly line of the previously described thirty foot wide strip, a distance of 317.21 feet to the Point of Beginning of this description.

EASEMENT 4

A strip of land thirty feet wide, lying fifteen feet each side of a centerline located in the Southeast Quarter (SE 1/4) of Fractional Section Twenty-three (23), Township Thirty-seven North (T37N), Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said centerline being more particularly described as follows:

Commencing at the Southerly corner of Parcel 1 as described to Buffington Harbor Riverboats, L.L.C., and recorded in Document No. 95067683 in the Office of the Recorder of said County; thence North 35°53'21" East, a distance of 60.97 along the Southeasterly boundary of said Parcel 1 to a point on the centerline of a paved roadway and the Point of Beginning of this description;

1. thence North 54°30'46" West, a distance of 335.56 feet;

2. thence 113.64 feet along an arc concave to Southeast, said curve having a radius of 65.79 feet, and subtended by long chord which bears South 82°00'46" West, a distance of 100.03 feet;
3. thence South 35°32'40" West, a distance of 17.42 feet to a point on the Southwesterly line of Parcel 1 as described to Buffington Harbor Riverboats and recorded in Document No. 96052358, Exhibit A in said Recorder's Office, said point being the Point of Ending of this description.

EASEMENT PARCEL 5 (USX EASEMENT):

Perpetual non-exclusive roadway easement for the purpose of providing ingress and egress for motor vehicles of all kinds as created by Declaration and Grant of Roadway Easement dated December 9, 1991 and recorded December 17, 1991 as Document No. 91064457, by and between USX Corporation and Lehigh Portland Cement Company, over and across the following described land;

A parcel of land in the Northwest ¼ of Section 25, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, described as follows:

Commencing at a rail monument at the Southwest corner of the Northwest ¼ of said Section 25; thence North 00 degrees 03 minutes 26 seconds West along the West line of said Section 25, 1868.43 feet to the Northeasterly right of way line of the Elgin, Joliet, and Eastern Railway Company (formerly the Chicago, Indiana and Southern Railroad); thence South 53 degrees 17 minutes 26 seconds East along said Northeasterly right of way line, 539.09 feet to a 1" rebar, and the point of beginning of said parcel; thence continuing south 53 degrees 17 minutes 26 seconds East along said Northeasterly right of way line a distance of 1662.91 feet to the Southwesterly corner of property of Northern Indiana Public Service Company conveyed as Parcel No. 1 by United States Steel Corporation to Northern Indiana Public Service Company by deed dated October 24, 1960 and recorded November 1, 1960, in Deed Record 1160, page 361, as Document No. 289248; thence North 36 degrees 42 minutes 34 seconds East along the Westerly line of said Parcel No. 1 a distance of 85.00 feet to a rail monument at the Southeasterly corner of a 100-acre tract of land conveyed by Universal Atlas Cement Company to Northern Indiana Public Service Company by deed dated August 18, 1954 and recorded August 24, 1954, in Deed Record 973, page 505, as Document No. 777431; thence North 53 degrees 17 minutes 26 seconds West along the Southerly line of said 100-acre tract of land a distance of 1662.91 feet to the Southwesterly corner of said tract; thence South 36 degrees 42 minutes 34 seconds West a distance of 85.00 feet to the point of beginning.

EASEMENT PARCEL 6 (NIPSCO EASEMENT):

Perpetual non-exclusive roadway easement for the purpose of providing ingress and egress for motor vehicles of all kinds, as created by Declaration and Grant of Roadway Easement and Release of Roadway Easement dated December 18, 1991 and recorded December 24, 1991 as Document No. 91065413, over and across the following described land:

A strip of land 30 feet wide, lying 15 feet wide on each side of a center line produced, in the North ½ and Southeast ¼ of Section 25; Township 37 North, Range 9 West of the Second Principal Meridian, in the County of Lake, State of Indiana, said center line being described as follows:

Commencing at a rail monument at the Southwest corner of the Northwest ¼ of said Section 25; thence North 00°03'26" West along the West line of said Section 25, 1868.43 feet to the Northeasterly right-of-way line of the Elgin, Joliet, and Eastern Railway Company (formerly the Chicago, Indiana and Southern Railroad); thence South 53° 17'26" East (said bearing taken from a description of a parcel of land conveyed by United States Steel Corporation to Northern Indiana Public Service Company by deed dated August 18, 1954 and recorded in Deed Record Book 973, page 505, and all subsequent bearings are related thereto) along said Northeasterly right-of-way line, 2202 feet to the Southwesterly corner of land conveyed as Parcel No. 1 by United States Steel Corporation to Northern Indiana Public Service Company by deed dated October 24, 1960, and recorded in Deed Record Book 1160, page 361; thence along the Northwesterly line of land so conveyed North 36°42'34" East, 65 feet to the point of beginning of the easement;

1. Thence South 53°17'26" East, 469.82 feet to a point of curve;
2. Thence by curve deflecting to the left having a radius of 1432.66 feet, the chord which bears South 61°41'56" East, 418.98 feet to a point of tangency;
3. Thence South 70°06'25" East, 419.28 feet to a point of curve;
4. Thence by curve deflecting to the right having a radius of 228.33 feet, the chord of which bears South 45° 21'14" East, 191.21 feet to the point of tangency;
5. Thence South 20°36'03" East, 36.13 feet to a point of curve;
6. Thence by curve deflecting to the left having a radius of 713.60 feet, the chord of which bears South 38°05'51" East, 429.09 feet to a point of compound curvature;
7. Thence by curve deflecting to the right having a radius of 5594.65 feet; the chord of which bears South 59°35'56" East, 781.37 feet to a point of tangency;
8. Thence South 63°36'11" East, 1254.39 feet to a point of curve;
9. Thence by curve deflecting to the right having a radius of 75.00 feet, the chord of which bears South 31°34'11" East, 79.56 feet to a point of tangency;
10. Thence South 0°27'49" West, 47.59 feet to the Northeasterly right-of-way line of the Elgin Joliet and Eastern Railway Company (formerly the Chicago, Indiana, and Southern Railroad).

EASEMENT PARCEL 7 (CENTER ROAD CROSSING):

A non-exclusive right for the purposes of ingress and egress, as created by Agreement date September 14, 2000, a memorandum of which was recorded September 15, 2000 as Document No.

2000-067449, as created by Agreement by and between Elgin, Joliet & Eastern Railway Company and Gary New Century, LLC, over the following described property:

A strip of land thirty feet wide, lying fifteen feet each side of a centerline located in the Southeast Quarter of 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:

Commencing at the easterly corner of a parcel of land described as Parcel 4 in Exhibit A of Lake County Document 96052358; thence North $54^{\circ}06'39''$ West along the Northeasterly line of said parcel a distance of 408.35 feet to the centerline of a paved roadway and the point of beginning of this description;

Thence North $37^{\circ}47'36''$ East a distance of 153.13 feet to a point on the Southwesterly line of a parcel of land described as Parcel 1 in said Exhibit and Document, said point being the point of ending of this description.

EASEMENT PARCEL 8 (LEHIGH CROSSING):

A non-exclusive right for the purposes of ingress and egress, as created by Agreement dated September 14, 2000, a memorandum of which was recorded September 15, 2000 as Document No. 2000-067450, as created by Agreement by and between Elgin, Joliet & Eastern Railway Company and Gary New Century, LLC, over the following described property:

A strip of land thirty feet wide, lying fifteen feet each side of a centerline located in the Southeast Quarter of Section 23 and the Northeast Quarter of Section 26, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, more particularly described as follows:

Commencing at the Southerly corner of a parcel of land described as Parcel 4 in Exhibit A of Lake County Document 96052358; thence South $54^{\circ}06'39''$ East along the Southwesterly line of said parcel and the Southwesterly line of the Fourth Parcel described in Lake County Deed 282, page 248, a distance of 334.06 feet to the centerline of a paved roadway and the point of beginning of this description;

1. Thence North $59^{\circ}06'08''$ East a distance of 48.87 feet;
2. Thence North $42^{\circ}00'05''$ East a distance of 256.55 feet to a point on the Northeasterly line of the railroad right-of-way described in Lake County Deed Record 117, page 10, and Deed Record 432, page 553, Article I, said point being the point of ending of this description.

20' WIDE EASEMENT 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, Indiana, more particularly described as follows:

BEGINNING at the easterly corner of Parcel P1 as described to Buffington Harbor Parking Associates and recorded in Document No. 2000 072823 in the Office of the Recorder of said County;

1. thence North 35°53'21" East, 21.28 feet;
2. thence South 34°06'39" East, 243.91 feet;
3. thence South 55°53'21" West, 20.00 feet;
4. thence North 34°06'39" West, 236.763 feet to the POINT OF BEGINNING.

BLANKET EASEMENT:

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 easterly corner of Parcel P1 as described to Buffington Harbor Parking Associates and recorded in Document No. 2000 072823 in the Office of the Recorder of Said County.

1. thence North 54 degrees 06' 39" West, 410.65 feet;
2. thence North 35 degrees 53' 21" East of 82.62 feet to the Northeasterly line of a parcel of patented land recorded in Lake County Deed Record 473, Page 29;
3. thence South 54 degrees 06' 39" East, along said line 410.65 feet;
4. thence South 35 degrees 53' 21" West, 82.62 feet to the POINT OF BEGINNING.

LEHIGH EASEMENT ACROSS BHPA PARCEL P1 DESCRIPTION:

A thirty (30) foot wide strip of land lying 15 feet each side of centerline located in the Southeast Quarter (SE 1/4) of Fractional Section 23, Township Thirty-seven North (T37N), Range Nine West (R9W) of the Second Principal Meridian, in the City of Gary, Lake County, Indiana,

Commencing at the Westerly corner of Parcel P1 as described to Buffington Harbor Parking Associates, LLC and recorded in Document No. 2000 072823; thence North 35°53'21" East a distance, a distance of 60.97 along the northwesterly line of said parcel to the POINT OF BEGINNING of said centerline;

1. thence South 54°31'37" East a distance of 307.86 feet;
2. thence 60.46 feet along the arc of a tangent curve, said arc being convex to the South, with a radius of 157.97 feet, and subtended by a long chord which bears South 65°29'31" East, 60.09 feet to the POINT OF ENDING of said strip on the southeasterly line of said Parcel P1.

Prescribed by the State Board of Accounts (2005)		County Form 170
	<u>DECLARATION</u>	

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned prepared of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.

