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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2006 011157

2006 FEB 10 PM 2:38

MICHAEL A. BROWN
RECORDER

FILED

BOUNDARY AGREEMENT AND STIPULATION

FEB 10 2006

WHEREAS, Lizgio, LLC, an Indiana Limited Liability Company (Lizgio) is the owner of certain real estate described as follows:

**PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR**

The East 125 feet of the West 425 feet of that part of the Northwest 1/4 of the Northeast 1/4 lying South of the Southerly right of way line of the Lincoln Highway (also known as U.S. Highway 30) in Section 18, Township 35 North, Range 9 West of the 2nd Principal Meridian, in the Town of Dyer, Lake County, Indiana.

The West Three Hundred (300) feet of that part of the Northwest Quarter of the Northeast Quarter of Section Eighteen (18), Township Thirty Five (35) North, Range Nine (9) West of the 2nd P.M., lying South of the Lincoln Highway, all in Lake County, Indiana, containing 4 acres, more or less, excepting that part deeded to the State of Indiana in Warranty Deed recorded June 2, 1992 as Document No. 92034990, as follows:

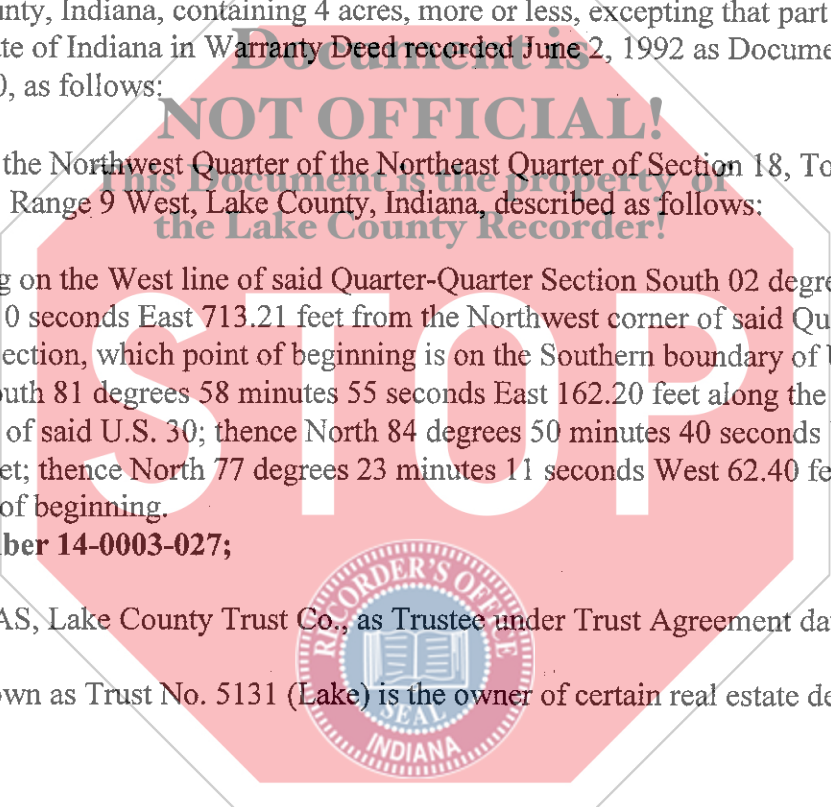
A part of the Northwest Quarter of the Northeast Quarter of Section 18, Township 35 North, Range 9 West, Lake County, Indiana, described as follows:

Beginning on the West line of said Quarter-Quarter Section South 02 degrees 55 minutes 10 seconds East 713.21 feet from the Northwest corner of said Quarter-Quarter Section, which point of beginning is on the Southern boundary of U.S. 30; thence South 81 degrees 58 minutes 55 seconds East 162.20 feet along the boundary of said U.S. 30; thence North 84 degrees 50 minutes 40 seconds West 100.12 feet; thence North 77 degrees 23 minutes 11 seconds West 62.40 feet to the point of beginning.

Key number 14-0003-027;

WHEREAS, Lake County Trust Co., as Trustee under Trust Agreement dated September 15, 1999 and known as Trust No. 5131 (Lake) is the owner of certain real estate described as follows:

The South 282.03 feet of the NE 1/4 of the NW 1/4 of Section 18, Township 35 North, Range 9 West of the 2nd P.M., Lake County, Indiana, lying South of the Southerly right-of-way line of the Public Highway known as the Lincoln Highway and East of a straight line that intersects the South line of said NE 1/4 of the NW 1/4



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of said Section 18 at the distance of 66.6 feet West of the Southeast corner of said NE 1/4 of the NW 1/4, and intersects the center line of said Lincoln Highway at a distance of 67.9 feet Northwesterly from the East line of said NE 1/4 of the NW 1/4 as measured along said center line of the Lincoln Highway, situated in the County of Lake, State of Indiana. **Part of Key No. 14-0003-08;**

WHEREAS, 1166 Joliet Street, L.L.C. (Joliet) is the owner of certain real estate described as follows:

The North 38 feet of the South 320.03 feet of the NE 1/4 of the NW 1/4 of Section 18, Township 35 North, Range 9 West of the 2nd P.M., Lake County, Indiana, lying South of the Southerly right-of-way line of the Public Highway known as the Lincoln Highway and East of a straight line that intersects the South line of said NE 1/4 of the NW 1/4 of said Section 18 at the distance of 66.6 feet West of the Southeast corner of said NE 1/4 of the NW 1/4, and intersects the center line of said Lincoln Highway at a distance of 67.9 feet Northwesterly from the East line of said NE 1/4 of the NW 1/4 as measured along said center line of the Lincoln Highway, situated in the County of Lake, State of Indiana. **Part of Key No. 14-0003-08;**

WHEREAS, the Lake County Surveyor relocated the monument at the Northwest corner of Section 17, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana (also the Northeast corner of Section 18-35-9) a distance of 13.13 feet east along the North line of the said Section 17, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana on June 22, 1989. See attached Exhibit A;

WHEREAS, the Lake County Surveyor's monument at the Northwest Corner of Section 17, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana is, presently, at the same location to which the said monument was moved on June 22, 1989;

WHEREAS, The Northwest Corner of Section 17, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana is relevant starting point for determining the location of the boundary between the west line of the Lizgio's real estate and the east line of Lake and Joliet's real estate;

WHEREAS, there was pending in the Lake Superior Court, Room 2, East Chicago, Indiana,

a Complaint to Quiet Title to Real Estate in Cause No. 45D02-0507-PL-00130 concerning the location of the west line of Lizgio's real estate and the east line of Lake and Joliet's real estate;

WHEREAS, Lizgio, Lake and Joliet have agreed to agree as to the location of the aforementioned boundary between the west line of the Lizgio's real estate and the east line of Lake and Joliet's real estate; and


WHEREAS, the parties agree that they have exchanged good and valuable consideration, the sufficiency of which is hereby acknowledged.

NOW, THEREFORE, the parties agree as follows:

The boundary between the west line of the Lizgio's real estate and the east line of Lake and Joliet's real estate is the line that is determined starting from the Northwest Corner of Section 17, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana as relocated by the Lake County Surveyor on June 22, 1989 and as shown on a Plat of Survey prepared by Richard K. Hardesty dated January 27, 2006.

Date: 1/31/06

Lizgio, LLC, an Indiana Limited Liability Company

By: 
Member

By: 
Member

STATE OF INDIANA)
) S.S.
COUNTY OF LAKE)



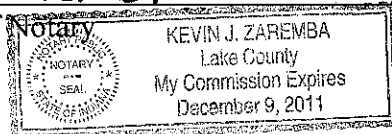
Before me, the undersigned Notary Public in and for said county and state, personally appeared Sergio A. Urquiza and Elizabeth M. Urquiza, personally known to me to be the members of Lizgio, LLC, who in my presence signed and acknowledged the execution of the foregoing Boundary Agreement and Stipulation, and delivered said instrument as the free and voluntary act of Lizgio, LLC, for the uses and purposes set forth therein.

WITNESS My hand and Notarial Seal this 31st day of JANUARY, 2006.

[Signature]
Signature of Notary

My Commission Expires:
12-09-11

KEVIN J ZAREMBA
Printed Name of Notary



My Residence is LAKE
County, Indiana

Date: _____

Lake County Trust Company, Trust No.
5131

By: See attached signature page
Trust Officer

Date: Jan. 31, 2006

1166 Joliet Street, L.L.C.

Document
NOT OFFICIAL!

By: [Signature]
Member

STATE OF INDIANA
COUNTY OF LAKE

This Document is the property of
S.S. the Lake County Recorder!

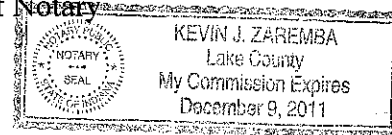
Before me, the undersigned Notary Public in and for said county and state, personally appeared Robert B. Golding, Jr., personally known to me to be the member of 1166 Joliet Street, L.L.C., who in my presence signed and acknowledged the execution of the foregoing Boundary Agreement and Stipulation, and delivered said instrument as the free and voluntary act of 1166 Joliet Street, L.L.C., for the uses and purposes set forth therein.

WITNESS My hand and Notarial Seal this 31st day of JANUARY, 2006.

[Signature]
Signature of Notary

My Commission Expires:
12-09-11

KEVIN J. ZAREMBA
Printed Name of Notary



My Residence is LAKE
County, Indiana

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against LAKE COUNTY TRUST COMPANY on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

Nothing contained herein shall be construed as creating any liability on LAKE COUNTY TRUST COMPANY, personally under the provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the Indiana Responsible Property Transfer Law (the Act) as amended from time to time or any other Federal, State or local law, rule or regulation. LAKE COUNTY TRUST COMPANY, personally is not a "Transferor or Transferee" under the Act and makes no representations concerning any possible environmental defects. In making any warranty herein the Trustee is relying solely on information furnished to it by the beneficiaries and not of its own knowledge and specifically exculpates itself from any liabilities, responsibilities or damages as a result of including any warranty in this instrument. The information contained in this instrument has been furnished the undersigned by the beneficiary/beneficiaries under aforesaid Trust and the statements made therein are made solely in reliance thereon and no responsibility is assumed by the undersigned, in its individual capacity for the truth or accuracy of the facts herein stated.

IN WITNESS WHEREOF, LAKE COUNTY TRUST COMPANY, not personally but as Trustee as aforesaid, has caused these presents to be signed by its Trust Officer this 30th day of January, 2006.

LAKE COUNTY TRUST COMPANY, not personally but as Trustee under the provisions of a Trust Agreement dated September 15, 1999, and known as Trust No. 5131.

By: *Elaine M. Sievers*
Elaine M. Sievers, Trust Officer

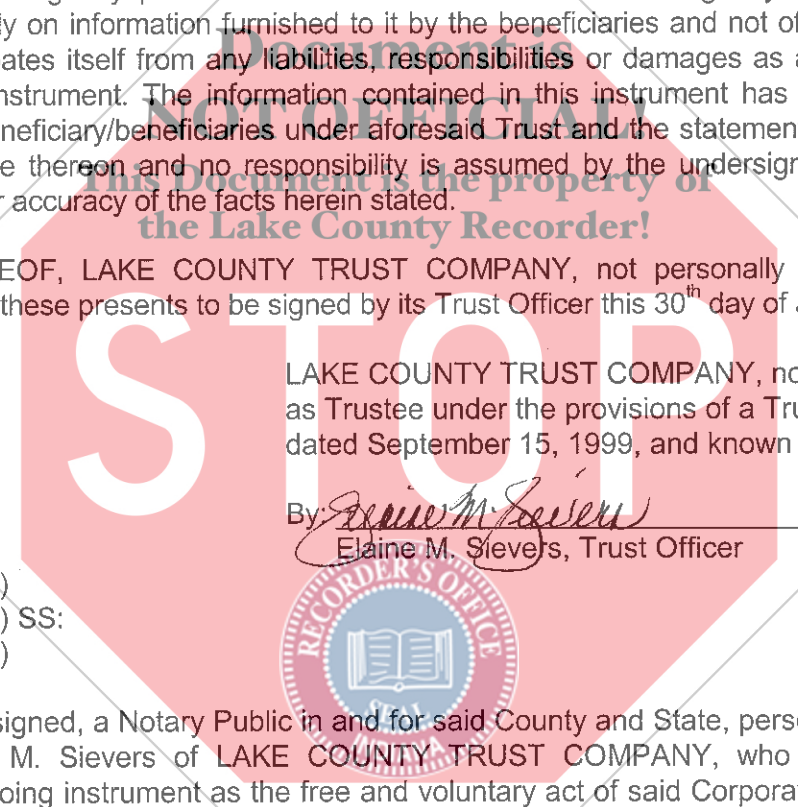
STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Elaine M. Sievers of LAKE COUNTY TRUST COMPANY, who acknowledged the execution of the foregoing instrument as the free and voluntary act of said Corporation and as her free and voluntary act, acting for such Corporation, as Trustee.

WITNESS my hand and seal this 30th day of January, 2006.

Hesta Payo
Hesta Payo, Notary Public
Resident of Lake County, Indiana

My Commission Expires: 10-11-07



STEVE W. MANICH
Lake County Surveyor



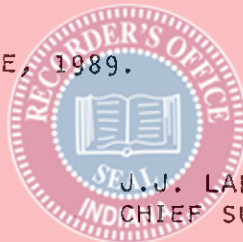
Lake County Government Center
2293 North Main Street
Crown Point, Indiana 46307
Area Code 219, 755-3745

SECTION 17-35-9

RELOCATION OF THE MONUMENT AT THE NW CORNER OF THIS SECTION,
WHICH IS ALSO: NE CORNER OF 18-35-9, SE CORNER OF 7-35-9 AND
SW CORNER OF 8-35-9.

ON JUNE 21, 1989 THIS OFFICE DECIDED TO RELOCATE THE EXISTING
MONUMENT AT THE NW CORNER OF SECTION 17-35-9. THE EXISTING
MONUMENT HAD BEEN SET BY W.P.A. BY MEASURING FROM THE NE CORNER
OF SAID SECTION 17, GOING WEST A DISTANCE OF 5297.2' AS SHOWN
IN FIELD BOOK "B" PAGES 21 AND 22 OF THE RECORDS OF W.P.A.
SURVEY IN THIS COUNTY. ACCORDING TO RECORDS OF SURVEYS OF SAID
SECTION 17 THE ABOVE MENTIONED DISTANCE SHOULD HAVE BEEN 5282.87'
AS EVIDENCED FROM THE SURVEY OF M.H. MCCOY OF FEBRUARY, 1927 AND
THE LEGAL SURVEY BY COUNTY SURVEYOR SAMUEL E. BROWNSTEN OF JULY
2, 1951 FILED IN THIS OFFICE. MOREOVER, ON SEPTEMBER 18, 1958,
THE LAKE COUNTY SURVEYOR RELOCATED THE NW CORNER OF SAID SECTION
17 USING THE DISTANCE OF 2642.92' FROM THE N $\frac{1}{4}$ CORNER WHICH
DISTANCE IS EQUAL TO THE ONE ON THE PLAT OF SURVEY OF M.H. MCCOY;
THE PLAT OF SURVEY OF SEPTEMBER 18, 1958 ABOVE MENTIONED SHOWS
THAT A LARGE IRON PIPE WAS SET AS A MARKER FOR THE RELOCATED NW
CORNER. THIS I.P. WAS PROBABLY TAKEN OUT SOME YEARS LATER WHEN
A CULVERT WAS BUILT JUST SOUTH OF IT AND APPROXIMATELY 3 FEET
EAST OF THE EXISTING W.P.A. MONUMENT WHICH WAS LEFT INTACT IN
THE WRONG LOCATION. ON NOVEMBER 23, 1988, USING OUR E.D.M. WE
MEASURED THE NORTH LINE OF SAID SECTION 17 BETWEEN THE EXISTING
MONUMENTS AND WE FOUND IT TO BE 5296.00 FEET; THE DIFFERENCE
BETWEEN THIS AND THE ABOVE MENTIONED 5282.87' OR 13.13 FEET;
THEREFORE WE HAVE THIS DAY RELOCATED THE MONUMENT BY MEASURING
FROM THE WRONG LOCATION 13.13 FEET TO THE EAST ALONG THE NORTH
LINE OF SECTION 17 AND SETTING THE CONCRETE MARKER 6" BY 6" BY
36" IN PLACE.

DATED THIS ^{22nd} 21ST DAY OF JUNE, 1989.



ST. J. J. LAFROSIA
IND. CHIEF SURVEYOR

Prescribed by the
State Board of Accounts
(2005)

County form 170

Declaration

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 preparer 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 number in attached document.
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

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

Prepared by
Robert B. Golding, Jr.

9250 Columbia Ave., E-2

Munster, IN 46321




Signature of Declarant

Robert B. Golding, Jr.
Printed Name of Declarant