

**CORPORATE  
WARRANTY DEED**

2007 018515

THIS INDENTURE WITNESSETH, That **HOME DEPOT U.S.A., INC.**, a Delaware corporation ("Grantor"), whose post office address is 2455 Paces Ferry Road, Atlanta, Georgia 30339 **CONVEYS AND WARRANTS** to **HD DEVELOPMENT OF MARYLAND, INC.**, Maryland corporation ("Grantee"), whose post office address is c/o Home Depot U.S.A., Inc., 2455 Paces Ferry Road, Atlanta, Georgia 30339 for the sum of \$1.00 and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Lake County, State of Indiana:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN


Subject to Real Estate taxes not delinquent and to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 2851 E. US 40, Hobart, Indiana 46342. Tax bills should be sent to Grantee at such address unless otherwise indicated below. No personalty is conveyed or is intended to be conveyed hereby.

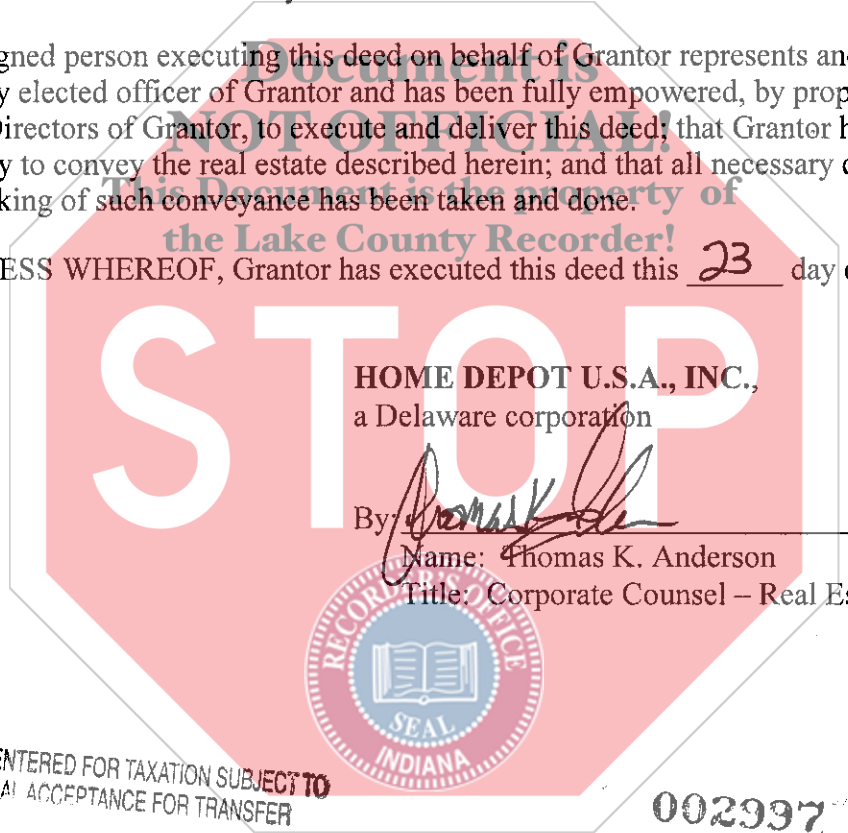
Grantor certifies under oath that no Indiana Gross Income Tax is due or payable at this time with respect to the transfer made by this deed.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he/she is duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this deed this 23 day of October, 2006.

**HOME DEPOT U.S.A., INC.**,  
a Delaware corporation

By:   
Name: Thomas K. Anderson  
Title: Corporate Counsel - Real Estate Law



DULY ENTERED FOR TAXATION SUBJECT TO  
FINAL ACCEPTANCE FOR TRANSFER

MAR - 1 2007

PEGGY LINGA KATONA  
LAKE COUNTY AUDITOR

4819-5752-6785.1  
Southlake  
Indiana  
Store #2001

002997

30<sup>00</sup> 00 200  
137904  
144357#  
R

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
MICHAEL A. BROWN  
RECORDER  
2007 MAR - 1 PM 3:57

ACKNOWLEDGMENT

STATE OF GEORGIA )

)SS:

COUNTY OF COBB )

Before me, a Notary Public in and for said State, personally appeared Thomas K. Anderson, the Corporate Counsel – Real Estate Law of Home Depot U.S.A., Inc. a Delaware corporation, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 23 day of October, 2006.

My Commission expires:

Signature Deborah L. Straw

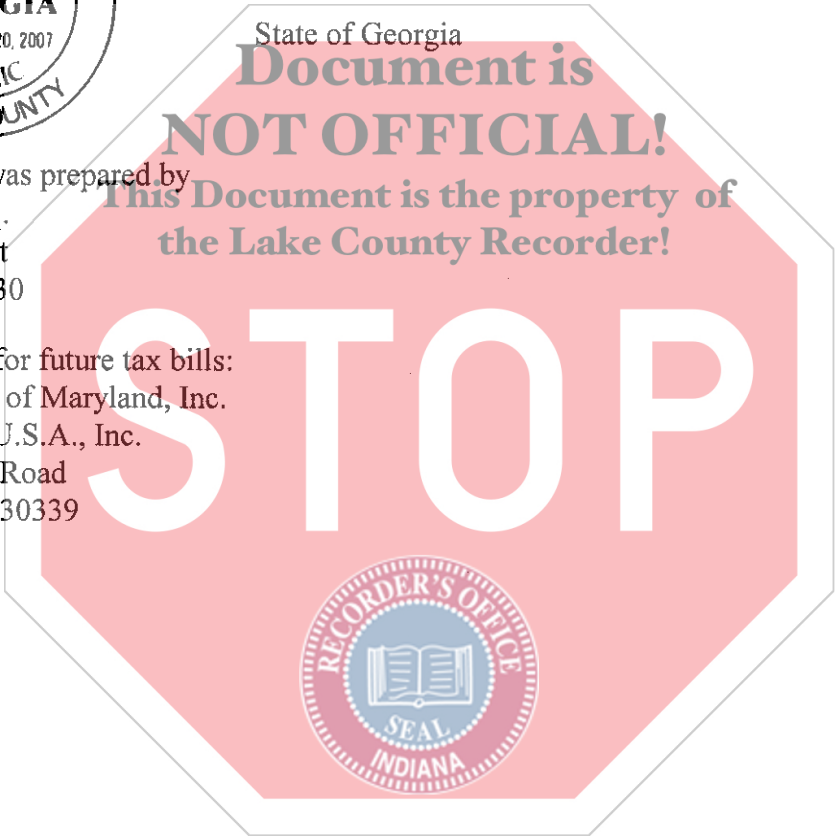
Printed Name: DEBORAH L. STRAW

Resident of Cobb County



This instrument was prepared by  
Drew Marlar, Esq.  
212 Geneva Street  
Atlanta, GA 30030

Mailing Address for future tax bills:  
HD Development of Maryland, Inc.  
c/o Home Depot U.S.A., Inc.  
2455 Paces Ferry Road  
Atlanta, Georgia 30339

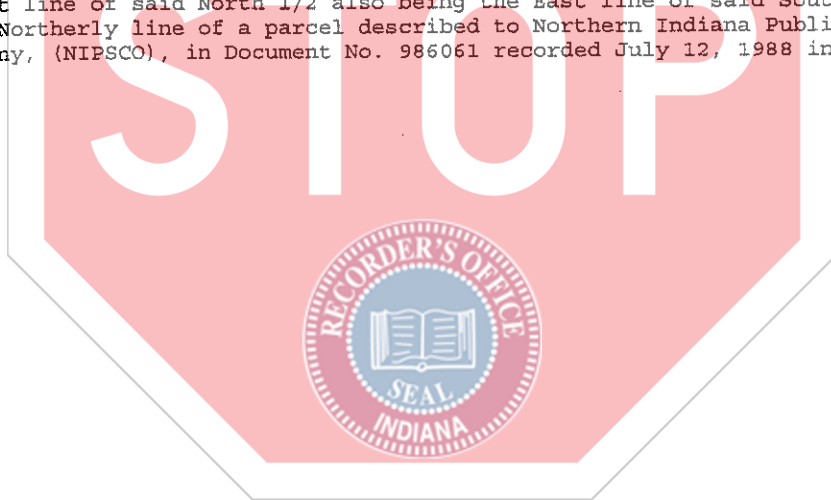


# EXHIBIT A

PARCEL 1:

Parts A and C of Lot 3 in Southlake Plaza, as shown in Plat Book 73, page 30 as corrected by: Plat of Correction as shown in Plat Book 73 page 37; and Certificate of Clarification recorded November 6, 1992 as Document No. 92070667, in the Office of the Recorder of Lake County, Indiana.

Also being described as part of the North 1/2 of the Southeast 1/4 of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian, Lake County, Indiana, being described as: Commencing at the Southeast corner of said North 1/2 of the Southeast 1/4 also being the Southeast corner of Southlake Plaza as shown in Plat Book 73 page 37, in the Office of the Recorder of said County; thence North 0 degrees 43 minutes 20 seconds West 219.98 feet along the East line of said North 1/2 also being the East line of said Southlake Plaza to the Northerly line of a parcel described to Northern Indiana Public Service Company, (NIPSCO), in Document No. 986061 recorded July 12, 1988 in the Office of the Recorder of said County; thence North 60 degrees 35 minutes 04 seconds West 600.29 feet along said Northerly line to a rebar in a concrete monument on the East line of Lot 2 in said Southlake Plaza; thence North 0 degrees 43 minutes 20 seconds West 110.14 feet along the East line of said Lot 2 to the Southeast corner of Part A of Lot 3 in said Southlake Plaza and the point of beginning; thence North 89 degrees 16 minutes 36 seconds West 198.41 feet along the South line of said Part A of Lot 3 to the Northerly line of said NIPSCO parcel; thence North 60 degrees 35 minutes 04 seconds West 666.49 feet along the Southwesterly line of said Part A of Lot 3, also being aforesaid Northerly line to the West line of said Lot 3 also being the Southwest corner of said Part A; thence North 0 degrees 43 minutes 24 seconds East 286.23 feet along the West line of said Part A of Lot 3 to the North line of said Southlake Plaza being the South right-of-way line of U.S. Route 30; thence South 89 degrees 16 minutes 36 seconds East 280.83 feet along said South right-of-way line, also being the North line of said Part A of Lot 3 to a point of curve; thence continuing along said South right-of-way and said North line of Part A Lot 3, along the arc of a tangent curve concave to the North with a radius of 98,321.34 feet and a chord bearing South 89 degrees 25 minutes 31 seconds East 486.89 feet, a length of 486.89 feet to a rebar in a concrete monument at the Northeast corner of said Part A Lot 3; thence South 0 degrees 43 minutes 20 seconds East 607.67 feet along the East line of said Part A of Lot 3 to the point of beginning, containing 8.65 acres, more or less, and part of the North 1/2 of the Southeast 1/4 of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian, Lake County, Indiana, being described as: Commencing at the Southeast corner of said North 1/2 of the Southeast 1/4 also being the Southeast corner of Southlake Plaza as shown in Plat Book 73 page 37, in the Office of the Recorder of said County; thence North 0 degrees 43 minutes 20 seconds West 219.98 feet along the East line of said North 1/2 also being the East line of said Southlake Plaza to the Northerly line of a parcel described to Northern Indiana Public Service Company, (NIPSCO), in Document No. 986061 recorded July 12, 1988 in the



4811-2633-3953.1  
Southlake, Indiana  
Store #2001

Office of the Recorder of said County; thence North 60 degrees 35 minutes 04 seconds West 829.64 feet along said Northerly line to the South line of Lot 3 in said Southlake Plaza; thence North 89 degrees 16 minutes 36 seconds West, 208.29 feet along said South line to the Southerly line of said NIPSCO parcel and the Easternmost corner of Part C of said Lot 3, also being the point of beginning; thence along the Southerly line of said Part C of Lot 3 the next three courses (1) North 89 degrees 16 minutes 36 seconds West, 221.76 feet; (2) South 0 degrees 43 minutes 24 seconds West 40.0 feet; (3) North 89 degrees 16 minutes 36 seconds West, 78.0 feet to the Southwest corner of said Part C of Lot 3; thence Northerly along the Westerly line of said Part C of Lot 3 along the arc of a nontangent curve concave to the West with a radius of 520.52 feet and a chord bearing North 12 degrees 32 minutes 35 seconds West, 163.86 feet, a length of 164.55 feet; thence continuing along said Westerly line Northerly along the arc of a tangent curve concave to the East with a radius of 520.52 and a chord bearing North 17 degrees 01 minutes 45 seconds West, 82.95 feet, a length of 83.04 feet to the said Southerly line of said NIPSCO parcel and the Northernmost corner of said Part C of Lot 3; thence South 60 degrees 35 minutes 04 seconds East 413.42 feet along said Southerly line of said NIPSCO parcel also being the Northerly line of said Part C of Lot 3 to the point of beginning.

PARCEL 2

Together with the right to use the easements for parking, utility crossovers and driveways created by the Easement Agreement dated November 25, 1992 by and between Northern Indiana Public Service Company, an Indiana corporation, and Focus Partnership I, an Indiana partnership, recorded December 8, 1992 as Document No. 92077518, upon the terms, covenants, conditions, restrictions and obligations therein provided, over the following described real estate:

Part B of Lot 3 in Southlake Plaza, as shown in Plat Book 73 page 30, as corrected by: Plat of Correction as shown in Plat Book 73 page 37, and Certificate of Clarification recorded November 6, 1992 as Document No. 92070667, in the Office of the Recorder of Lake County, Indiana.

Also described as Part of the North 1/2 of the Southeast 1/4 of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian, Lake County, Indiana, being described as: Commencing at the Southeast corner of said North 1/2 of the Southeast 1/4 also being the Southeast corner of Southlake Plaza as shown in Plat Book 73 page 37, in the Office of the Recorder of said County; thence North 0 degrees 43 minutes 20 seconds West 219.98 feet along the East line of said North 1/2 also being the East line of said Southlake Plaza to the Northerly line of a parcel described to Northern Indiana Public Service Company, (NIPSCO), in Document No. 986061 recorded July 12, 1988 in the Office of the Recorder of said County; thence North 60 degrees 35 minutes 04 seconds West



829.64 feet along said Northerly line to the South line of Lot 3 in said Southlake Plaza and the Easternmost corner of Part B of said Lot 3 being the point of beginning; thence continuing North 60 degrees 35 minutes 04 seconds West 666.49 feet along said Northerly line also being the Northerly line of said Part B of Lot 3 to the West line of said Lot 3 and the Northwest corner of said Part B of Lot 3; thence Southerly along the West line of said Part B of Lot 3 along the arc of a nontangent curve concave to the East with a radius of 520.52 feet and a chord bearing South 5 degrees 42 minutes 50 seconds East, 122.27 feet, a length of 122.55 feet to the Southerly line of said NIPSCO parcel and the Westerly Southwest corner of said Part B of Lot 3; thence South 60 degrees 35 minutes 04 seconds East 413.42 feet along said Southerly line also being the Southwesterly line of said Part B of Lot 3 to the South line of said Lot 3; thence South 89 degrees 16 minutes 36 seconds East 208.29 feet along said South line also being the South line of said Part B of Lot 3 to the point of beginning.

PARCEL 3:

Subject to and together with the rights to use the easements created by the Operation and Easement Agreement dated December 8, 1992, recorded December 17, 1992 as Document No. 92080433, upon the terms, covenants, conditions, restrictions and obligations therein provided, as amended by First Amendment dated April 1, 1993, recorded May 21, 1993 as Document No. 93033098.

Together with:

PARCEL 1: Part A of Lot 2, Southlake Plaza, as shown in Plat Book 73, page 30, and Plat of Correction as shown in Plat Book 73, page 37, and Certificate of Clarification recorded November 6, 1992, as Document No. 92070667, in Lake County, Indiana.

PARCEL 2: Part C of Lot 2, Southlake Plaza, as shown in Plat Book 73, page 30, and Plat of Correction as shown in Plat Book 73, page 37, and Certificate of Clarification recorded November 6, 1992, as Document No. 92070667, in Lake County, Indiana.

PARCEL 3: Together with the right to use the easements for parking, utility crossovers and driveways created by the Easement Agreement dated November 25, 1992, and recorded December 8, 1992, as Document No. 92077518, made by and between Northern Indiana Public Service Company, an Indiana corporation, and Focus Partnership I, an Indiana partnership, upon the terms, covenants, conditions and restrictions and obligations therein provided, over the following described real estate:

Part B of Lot 2, Southlake Plaza, as shown in Plat Book 73, page 30, and Plat of Correction as shown in Plat Book 73, page 37, and Certificate Clarification recorded November 6, 1992, as Document No. 92070667, in Lake County, Indiana.

PARCEL 4: Subject to and together with the rights to use the easement created by the Operation and Easement Agreement dated December 8, 1992, and recorded December 17, 1992, as Document No. 92080433, and as amended by First Amendment dated April 1, 1993, and recorded May 21, 1993, as Document No. 93033098, upon the terms, covenants, conditions, restrictions and obligations therein provided.

Less and except:

**PARCEL 1:**  
PART A OF LOT 2, IN THE RESUBDIVISION OF LOT 3 OF SOUTHLAKE PLAZA, AS RECORDED IN PLAT BOOK 77, PAGE 91 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

**PARCEL 2:**  
TOGETHER WITH THE RIGHT TO USE THE EASEMENTS FOR PARKING, UTILITY CROSSOVERS AND DRIVEWAYS CREATED BY THE EASEMENT AGREEMENT DATED NOVEMBER 25, 1992, AND RECORDED DECEMBER 8, 1992, AS DOCUMENT NO. 92077518, MADE BY AND BETWEEN NORTHERN INDIANA PUBLIC SERVICE COMPANY, AN INDIANA CORPORATION, AND FOCUS PARTNERSHIP I, AN INDIANA PARTNERSHIP, UPON THE TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS AND OBLIGATIONS THEREIN PROVIDED, OVER THE FOLLOWING DESCRIBED REAL ESTATE:  
PART B OF LOT 2, IN THE RESUBDIVISION OF LOT 3 OF SOUTHLAKE PLAZA, AS RECORDED IN PLAT BOOK 77, PAGE 91 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

**PARCEL 3:**  
PART C OF LOT 2, IN THE RESUBDIVISION OF LOT 3 OF SOUTHLAKE PLAZA, AS RECORDED IN PLAT BOOK 77, PAGE 91 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Less and except:

**PARCEL 1:** PART "A" OF LOT 3 IN RESUBDIVISION OF LOT 3 OF SOUTHLAKE PLAZA, AS SHOWN IN PLAT BOOK 77, PAGE 91, IN LAKE COUNTY, INDIANA.

**PARCEL 2:** ALL RIGHTS ON A NON-EXCLUSIVE BASIS FOR PARKING, UTILITY CROSSOVERS AND DRIVEWAYS CREATED BY THE EASEMENT AGREEMENT DATED NOVEMBER 25, 1992 AND RECORDED DECEMBER 8, 1992, AS DOCUMENT NO. 92077518, MADE BY AND BETWEEN NORTHERN INDIANA PUBLIC SERVICE COMPANY, AN INDIANA CORPORATION, AND FOCUS PARTNERSHIP I, AN INDIANA PARTNERSHIP, UPON THE TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS AND OBLIGATIONS THEREIN PROVIDED, OVER THE FOLLOWING DESCRIBED REAL ESTATE:  
PART "B" OF LOT 3 IN RESUBDIVISION OF LOT 3 OF SOUTHLAKE PLAZA, AS SHOWN IN PLAT BOOK 77, PAGE 91, IN LAKE COUNTY, INDIANA.

**PARCEL 3:** PART "C" OF LOT 3 IN RESUBDIVISION OF LOT 3 OF SOUTHLAKE PLAZA, AS SHOWN IN PLAT BOOK 77, PAGE 91, IN LAKE COUNTY, INDIANA.

**PARCEL 4:** SUBJECT TO AND TOGETHER WITH THE RIGHTS TO USE THE EASEMENTS CREATED BY THE OPERATION AND EASEMENT AGREEMENT DATED DECEMBER 8, 1992, RECORDED DECEMBER 17, 1992, AS DOCUMENT NO. 92080433, UPON THE TERMS, COVENANTS, CONDITIONS, RESTRICTIONS AND OBLIGATIONS THEREIN PROVIDED, AS AMENDED BY FIRST AMENDMENT DATED APRIL 1, 1993, RECORDED MAY 21, 1993, AS DOCUMENT NO. 93033098 AND FURTHER AMENDED BY SECOND AMENDMENT DATED JANUARY 18, 1995 AND RECORDED JANUARY 31, 1995 AS DOCUMENT NO. 95005204. SUPPLEMENT TO SAID OPERATION AND EASEMENT AGREEMENT MADE BY ARIZONA FUNDING CORPORATION DATED FEBRUARY 10, 1995 WAS RECORDED FEBRUARY 23, 1995 AS DOCUMENT NO. 95009842 AND SUPPLEMENT TO SAME MADE BY HOME DEPOT U. S. A., INC., A DELAWARE CORPORATION, DATED MARCH 14, 1995 AND RECORDED MARCH 28, 1995, AS DOCUMENT NO. 95016408.

Less and except:

**Parcel 1 (fee)**

Lot 4 in the Resubdivision of Lot 3 of Southlake Plaza, as recorded in Plat Book 77, Page 91 in the Office of the Recorder of Lake County, Indiana. (Lot 4 is also sometimes known as Lot 3D or Retail D of the Resubdivision of Lot 3 of Southlake Plaza)

**Parcel 2 (easement)**

Rights for parking and access under the Operation and Easement Agreement ("OEA") executed by and between Dayton Hudson Corporation and Focus Partnership dated December 8, 1992 and recorded December 17, 1992 as Document Number 92080433 in the Lake County Recorder's Office and all amendments to that OEA.

