

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2007 040582

2007 MAY 17 PM 2:32

MICHAEL A. BROWN
RECORDER

RETURN TO: RHETT L. TAUBER, ESQ.
TAUBER WESTLAND P.C.
1415 EAGLE RIDGE DRIVE
SCHERERVILLE, INDIANA 46375

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USE RESTRICTION AND COVENANT

This Use Restriction and Covenant is made and entered into this day by **GRACE SCHEERINGA and KENNETH D. SCHEERINGA, as Co-Trustees under the provisions of the Jacob and Grace Scheeringa Living Trust dated March 29, 1996** (the "Grantor"), as the owner of the real estate described on Exhibit "A" hereto (the "Encumbered Real Estate"), to and for the benefit of **TOWN OF HIGHLAND, a municipal corporation** (the "Grantee").

WHEREAS, Grantor has a non-conforming use for the storage of semi-tractors and trailers on the Encumbered Real Estate; and

WHEREAS, the Grantee believes that the Grantor has expanded its non-conforming use of the storage of the semi-tractors and trailers on the Encumbered Real Estate; and

WHEREAS, the Grantor denies that it has expanded the non-conforming use of the Encumbered Real Estate; and

WHEREAS, the parties desire to resolve their dispute and as a material inducement for Grantee to forbear pursuing litigation against the Grantor for the alleged expansion of the non-conforming use, Grantor has agreed to encumber the Encumbered Real Estate with restrictive covenants as set forth below.

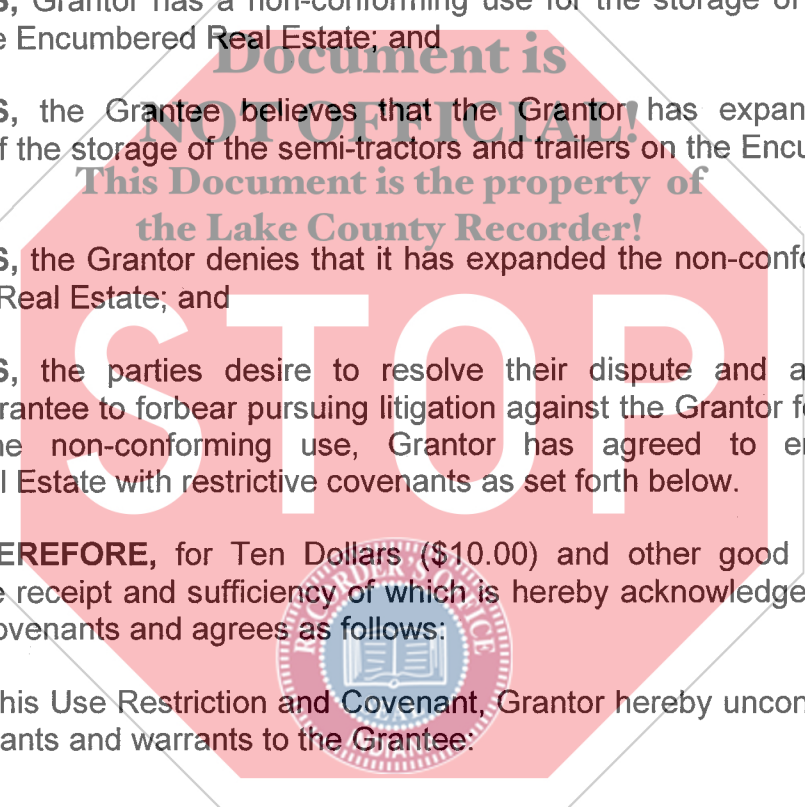
NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, Grantor hereby covenants and agrees as follows:

1. By this Use Restriction and Covenant, Grantor hereby unconditionally and irrevocably covenants and warrants to the Grantee:

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LAKE COUNTY AUDITOR



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a. Grantor shall store no more than sixteen (16) semi-tractors and trailers on the Encumbered Real Estate at any time;

b. That the area of the Encumbered Real Estate whereby semi-tractors and trailers are stored will not be expanded beyond what is being used as storage now as selected on Exhibit "B" attached hereto;

c. That the Grantor's non-conforming use to store semi-tractors and trailers as aforesaid shall terminate upon the death of Grace Scheeringa, and the non-conforming use for the storage of semi-tractors and trailers shall be extinguished, terminated and of no further force and effect upon her death; and

d. Except for the routine changing of tires, at no time shall Grantor allow truck repairs and/or maintenance to be performed on the Encumbered Real Estate.

2. That the foregoing Use Restrictions and Covenants may hereafter be modified only with mutual agreement of the Grantor and Grantee.

3. That the foregoing restriction on the use of the Encumbered Real Estate is hereby declared to be a covenant running with the land of the Encumbered Real Estate to and for the benefit of Grantee, and shall be fully binding upon Grantor and its successors and assigns entitled to the subject real estate.

IN WITNESS WHEREOF, the Grantor and Grantee have caused this instrument to be executed this 1st day of May, 2007.

GRANTOR:

JACOB AND GRACE SCHEERINGA LIVING TRUST DATED MARCH 29, 1996

By: *Janice Scheeringa* Co-Trustee
Grace Scheeringa, Co-Trustee

By: *Kenneth D Scheeringa*, Co-Trustee
Kenneth D. Scheeringa, Co-Trustee

GRANTEE:

TOWN OF HIGHLAND, a Municipal Corporation

By: 
Daniel E. Dernuc, President
Town Council

ATTEST:

By: 
Michael W. Griffin, Clerk-Treasurer



STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

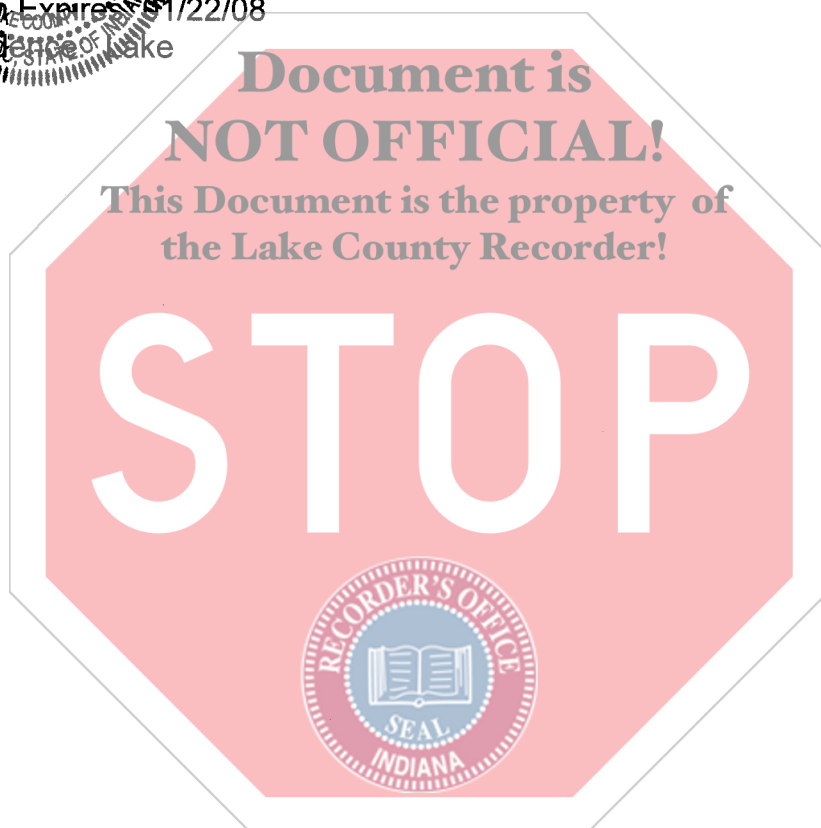
BEFORE ME, the undersigned, a Notary Public, in and for said County and State, personally appeared **GRACE SCHEERINGA and KENNETH D. SCHEERINGA, as Co-Trustees of the Jacob and Grace Scheeringa Living Trust Dated March 29, 1996**, and acknowledged the execution of the above and foregoing Use Restriction and Covenant to be their voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL this 1st day of May, 2007.



Annette M. Weiner
Annette M. Weiner, Notary Public

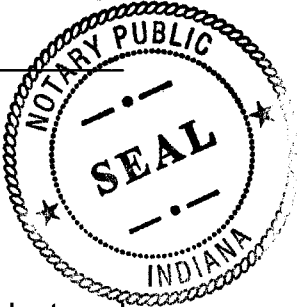
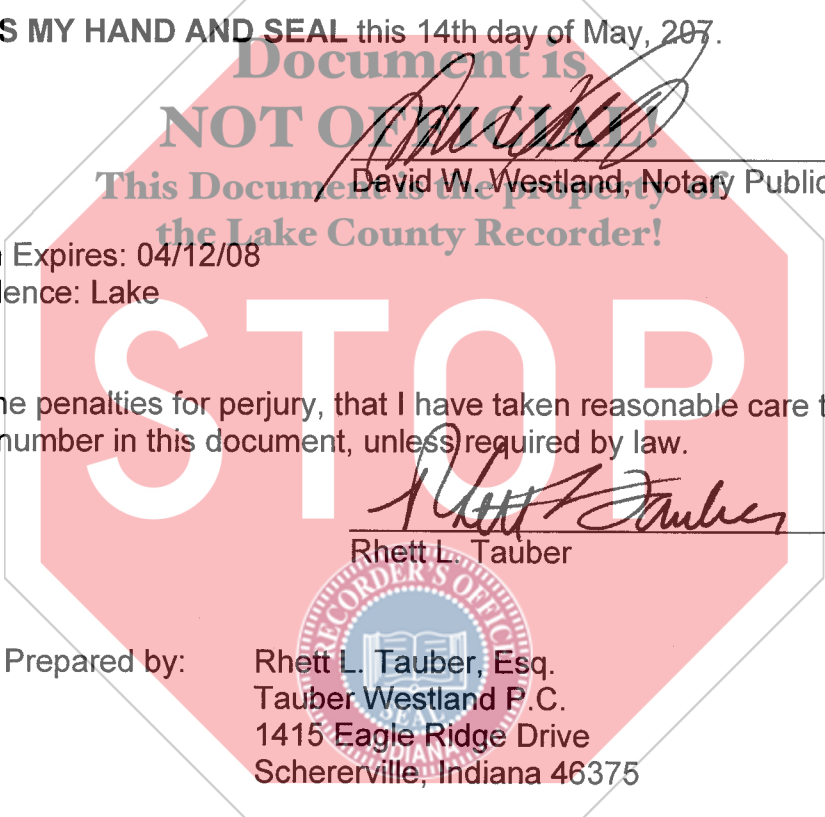
My Commission Expires 01/22/08
County of Residence Lake



STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, personally appeared the **TOWN OF HIGHLAND, LAKE COUNTY, INDIANA**, by DANIEL E. DERNULC and MICHAEL W. GRIFFIN, as President and Clerk-Treasurer, respectively, of the Town Council, and acknowledged the execution of the above and foregoing Use Restriction and Covenant, to be its voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL this 14th day of May, 2007.



My Commission Expires: 04/12/08
County of Residence: Lake

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Rhett L. Tauber
Rhett L. Tauber

This Instrument Prepared by: Rhett L. Tauber, Esq.
Tauber Westland P.C.
1415 Eagle Ridge Drive
Scherverville, Indiana 46375

EXHIBIT "A"

LEGAL DESCRIPTION OF ENCUMBERED REAL ESTATE

The North Half of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 27, Township 36 North, Range 9 West of the 2nd P.M., in the Town of Highland, Lake County, Indiana, excepting that part conveyed to Thomas J. Byrne in Warranty Deed recorded December 8, 1972, as Document No. 179664, described as follows:

The North Half, excepting therefrom the North 180 feet, of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 27, Township 36 North, Range 9 West of the Second Principal Meridian, all in the Town of Highland, Lake County, Indiana.

Commonly known as 9613 Kleinman Road, Highland, Indiana.



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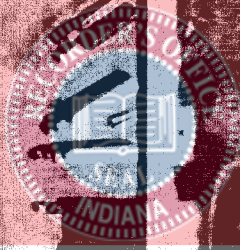
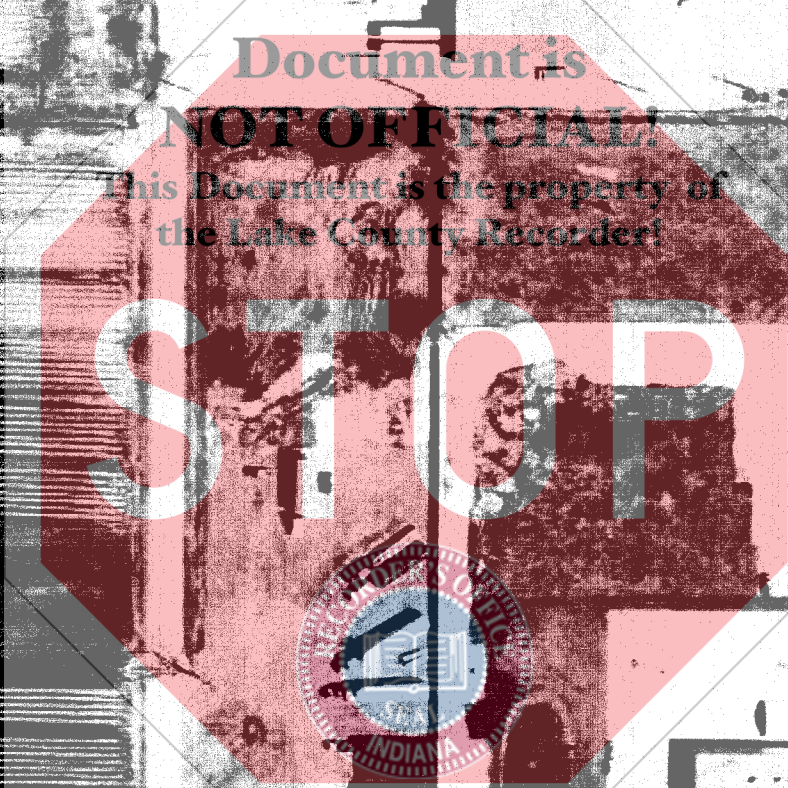


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Streaming 100%

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EXHIBIT
B
Storage Area

05.97 W Elev 617 ft