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This instrument was prepared by  
and after recording mail to:  
Sarah Nadelhoffer  
Bailey Borlack Nadelhoffer LLC  
135 South LaSalle, Suite 3950  
Chicago, Illinois 60603  
(312) 629-0172

2007 045004

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2007 JUN -4 AM 9:34

MICHAEL A. BROWN  
RECORDER

**FILED**

JUN - 1 2007

RECORDER'S STAMP

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

**DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS**

This Declaration, dated as of May 14, 2007, is made by **HAMMOND INVESTMENT, LLC** ("Declarant") and is joined in by **HARRIS N.A.** ("Harris").

**RECITALS:**

**R-1.** Declarant is the holder of legal title to certain real estate known as the Sibley Shoppes Development at the Northwest corner of Sibley Street and Morton Court situated in the City of Hammond, State of Indiana ("Property"), and legally described on Exhibit A attached hereto.

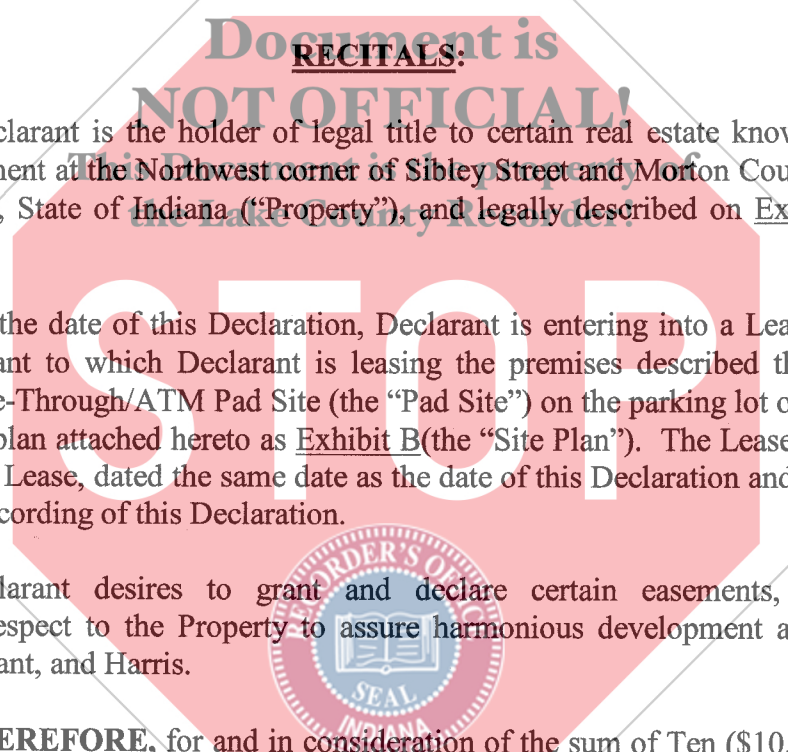
**R-2.** On the date of this Declaration, Declarant is entering into a Lease ("the Lease") with Harris pursuant to which Declarant is leasing the premises described therein to Harris, including the Drive-Through/ATM Pad Site (the "Pad Site") on the parking lot of the Property as shown on the site plan attached hereto as Exhibit B (the "Site Plan"). The Lease is evidenced by a Memorandum of Lease, dated the same date as the date of this Declaration and recorded on the same date as the recording of this Declaration.

**R-2.** Declarant desires to grant and declare certain easements, covenants and restrictions with respect to the Property to assure harmonious development and usage of the Property by Declarant, and Harris.

**NOW, THEREFORE,** for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Declarant, for itself, its grantees, successors and assigns hereby grants and declares the following easements covenants and restrictions:

1. **Easement for Ingress and Egress.** A perpetual and non-exclusive easement is hereby granted to Harris, its successors and assigns, customers and invitees for the benefit of the Premises, including the Pad Site, for ingress and egress to and from the streets and drive-ways

CHICAGO TITLE INSURANCE COMPANY



Handwritten initials: 27-10/20

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which adjoin the Property for vehicular traffic over, on and across the Parking Lot, drive-ways, entrances and exits for the Property, and to and from the Pad Site, as shown on the Site Plan.

2. **Easement for Parking.** A non-exclusive easement is hereby granted to Harris, its successors and assigns, for the benefit of the Premises for parking on the parking spaces on the Parking Areas of the Property as shown on the Site Plan for the duration of the term set forth in the Lease, including any renewals.

3. **Covenants Running With the Land.** All of the easements, covenants, restrictions and other terms and provisions of this Declaration are intended to run with the land, both as to benefit and burden, and be binding on and inure to the benefit of all present and future owners of the Property, and on Harris, its successors and assigns.

4. **Default.** If Declarant or Harris brings suit against the other party to enforce any of the rights or obligations under this Declaration, the prevailing party shall be entitled to payment from the other party of all court costs and reasonable attorneys' fees incurred in connection with such suit, together with interest thereon from the time such costs and expenses were incurred to the time of such payment at the Default Interest Rate set forth in the Lease at the time such suit is filed.

(signatures to follow on next page)



IN WITNESS WHEREOF, the Declarant has executed and Harris has joined in this Declaration as of the day and year first above written.

HAMMOND INVESTMENT HOLDINGS, LLC

HARRIS, N.A.

By: \_\_\_\_\_  
Its: Manager.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF INDIANA IL )  
  ) SS  
COUNTY OF COOK )

I, Sonia M. Torres, a Notary Public, in and for said county, in the state aforesaid, do hereby certify that Tony Glenn, as manager of HAMMOND INVESTMENT HOLDINGS, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument as \_\_\_\_\_ own free and voluntary act and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this 17<sup>th</sup> day of May, 2007.



My Commission Expires:

STATE OF ILLINOIS )  
  ) SS  
COUNTY OF COOK )

I, \_\_\_\_\_, a Notary Public, in and for said county, in the state aforesaid, do hereby certify that \_\_\_\_\_, as \_\_\_\_\_ of Harris, N.A. personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that \_\_\_\_\_ signed and delivered said instrument as \_\_\_\_\_ own free and voluntary act and as the free and voluntary act of said bank, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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. Heather Johns

IN WITNESS WHEREOF, the Declarant has executed and Harris has joined in this Declaration as of the day and year first above written.

HAMMOND INVESTMENT HOLDINGS, LLC

HARRIS, N.A.

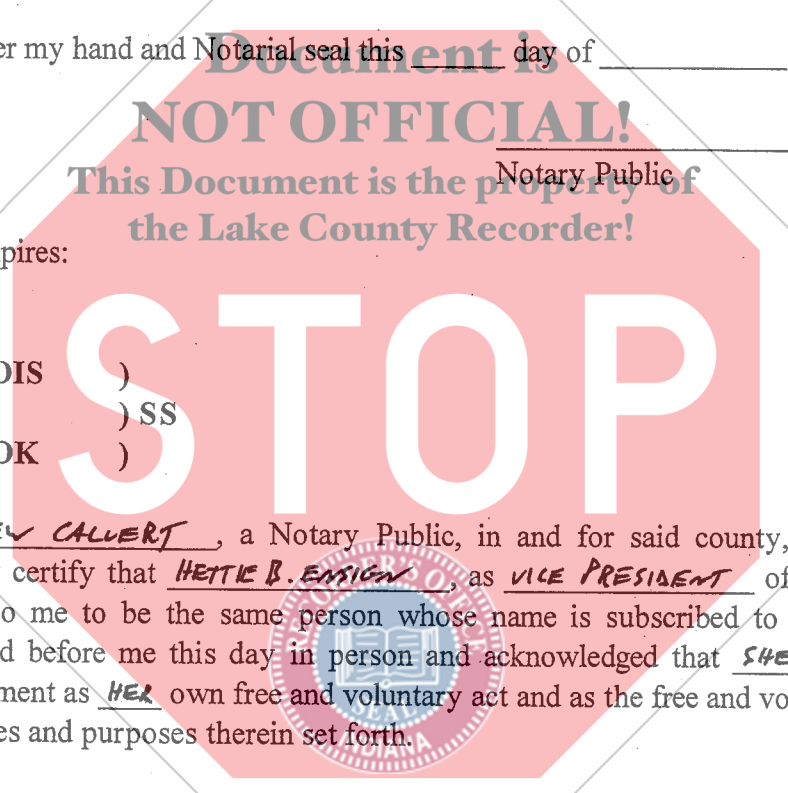
By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: *Hettie B. Ensign*  
Its: VICE PRESIDENT

STATE OF INDIANA        )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, a Notary Public, in and for said county, in the state aforesaid, do hereby certify that \_\_\_\_\_, as \_\_\_\_\_ of HAMMOND INVESTMENT HOLDINGS, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that \_\_\_\_\_ signed and delivered said instrument as \_\_\_\_\_ own free and voluntary act and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.



My Commission Expires:

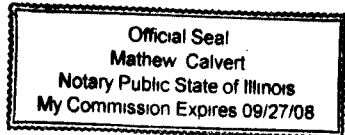
STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK         )

I, MATHEW CALVERT, a Notary Public, in and for said county, in the state aforesaid, do hereby certify that HETTIE B. ENSIGN, as VICE PRESIDENT of Harris, N.A. personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that SHE signed and delivered said instrument as HER own free and voluntary act and as the free and voluntary act of said bank, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this 15<sup>TH</sup> day of MAY, 2007.

*Mathew Calvert*  
Notary Public

My Commission Expires: 9/27/08



**EXHIBIT A**

**Legal Description of the Property**

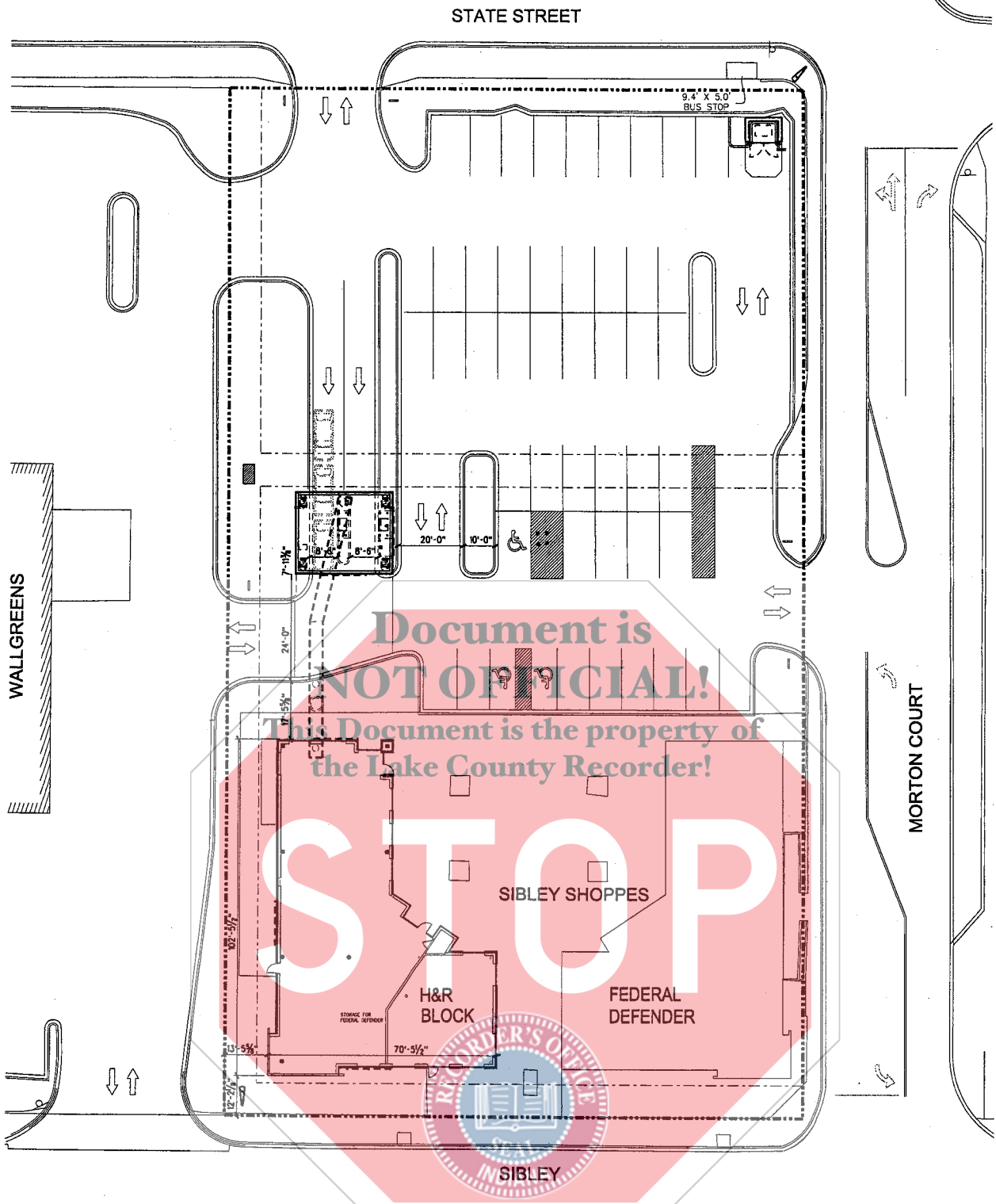




**EXHIBIT B**

**Site Plan of the Property**





**IF SITE PLAN**

SCALE 1" = 30'-0"

HAMMOND, IN

VALERIO  
DEWALT  
TRAIN  
2007 JANUARY 30



No: 620071759

### LEGAL DESCRIPTION

A part of Lot 2, in the Twenty-First Century Resubdivision of the Original Town of Hammond Second Addition to the City of Hammond, as per plat thereof, recorded in Plat Book 91 page 79, in the Office of the Recorder of Lake County, Indiana, described as follows:

Commencing at the Southwest corner of said Lot 2; thence North 27 degrees 06 minutes 48 seconds East (basis of bearings being the Westerly line of said Lot 2 bearing North 27 degrees 06 minutes 48 seconds East as shown on the recorded Plat of Subdivision), 155.95 feet along the Westerly line of said Lot 2 for the place of beginning; thence continuing North 27 degrees 06 minutes 48 seconds East, 96.63 feet along the Westerly line of said Lot 2; thence South 63 degrees 03 minutes 12 seconds East, 52.12 feet; thence South 26 degrees 56 minutes 48 seconds West, 96.62 feet; thence North 63 degrees 03 minutes 12 seconds West, 20.13 feet; thence South 26 degrees 56 minutes 48 seconds West, 41.31 feet to a point on an existing building wall line; thence North 63 degrees 03 minutes 12 seconds West, 7.82 feet along said wall line; thence North 26 degrees 56 minutes 48 seconds East, 41.31 feet; thence North 63 degrees 03 minutes 12 seconds West, 24.45 feet to the Westerly line of said Lot 2 and the point of beginning.

