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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2009 022631

2009 APR -8 AM 9:19

MICHAEL A. BROWN
RECORDER

Cross Reference Instrument Number 2005-102698 and 2008-008140

PARTIAL RELEASE OF REAL ESTATE MORTGAGE AND SECURITY AGREEMENT (AND FIXTURE FILING)

ERIC WOODS 7/12

THIS IS TO CERTIFY that the Real Estate Mortgage and Security Agreement (and Fixture Filing) executed by KRG/I-65 PARTNERS BEACON HILL, LLC, an Indiana limited liability company, in favor of FIFTH THIRD BANK, a Michigan banking corporation, as agent for the Lenders ("Mortgagee"), dated September 30, 2005 and recorded November 22, 2005 in the Office of the Recorder of Lake County, Indiana (the "Office of the Recorder") as Instrument Number 2005-102698, as modified by First Modification of Security Documents dated September 30, 2007 and recorded February 5, 2008 as Instrument No. 2008-008140 in the Office of the Recorder, is hereby partially released solely as to the real estate more particularly described as follows:

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 34 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3 MARKED BY A BRASS PLUG IN CONCRETE; THENCE NORTH 00 DEGREES 33 MINUTES 01 SECOND WEST, 1,381.00 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 32 MINUTES 03 SECONDS EAST, 48.19 FEET TO THE EAST LINE OF BROADWAY; THENCE NORTH 00 DEGREES 47 MINUTES 14 SECONDS WEST, 36.65 FEET ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF BEACON HILL PHASE ONE, AS RECORDED IN PLAT BOOK 97 PAGE 46 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA AS DOCUMENT NUMBER 2005 047434 AND THE POINT OF BEGINNING OF SAID PART; THENCE SOUTH 44 DEGREES 45 MINUTES 11 SECONDS EAST, 51.19 FEET ALONG THE NORTHERLY LINE OF SAID BEACON HILL; THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89 DEGREES 32 MINUTES 03 SECONDS EAST, 553.17 FEET TO A POINT OF CURVE; THENCE CONTINUING SOUTHEASTERLY 218.90 FEET ALONG SAID NORTHERLY LINE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 440.00 FEET AND A CHORD THAT BEARS SOUTH 75 DEGREES 46 MINUTES 10 SECONDS EAST, 216.65 FEET; THENCE SOUTH 28 DEGREES

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28 MINUTES 57 SECONDS WEST, 80.00 FEET ALONG THE EASTERLY LINE OF SAID BEACON HILL TO THE NORTH LINE OF LOT 14 IN SAID BEACON HILL AND THE BEGINNING OF A NON-TANGENT CURVE; THENCE SOUTHEASTERLY 105.64 FEET ALONG SAID NORTH LINE OF LOT 14 ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 360.00 FEET AND A CHORD THAT BEARS SOUTH 53 DEGREES 06 MINUTES 40 SECONDS EAST, 105.26 FEET, TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY 66.97 FEET ALONG SAID NORTH LINE OF LOT 14 ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 440.00 FEET AND A CHORD THAT BEARS SOUTH 49 DEGREES 03 MINUTES 53 SECONDS EAST, 66.90 FEET TO THE NORTHEAST CORNER OF SAID LOT 14; THENCE CONTINUING SOUTHEASTERLY AND EASTERLY 280.87 FEET ALONG THE ARC OF SAID CURVE HAVING A CHORD THAT BEARS SOUTH 71 DEGREES 42 MINUTES 45 SECONDS EAST, 276.13 FEET TO A POINT OF TANGENCY; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 122.97 FEET TO THE EAST LINE OF SAID WEST HALF; THENCE NORTH 00 DEGREES 35 MINUTES 08 SECONDS WEST, 1598.71 FEET ALONG LAST SAID EAST LINE TO THE NORTHEAST CORNER OF SAID WEST HALF; THENCE SOUTH 89 DEGREES 37 MINUTES 25 SECONDS WEST, 1262.15 FEET ALONG THE NORTH LINE OF SAID WEST HALF TO SAID EAST LINE OF BROADWAY; THENCE ALONG SAID EAST LINE OF BROADWAY THE FOLLOWING FOUR COURSES:

- 1.) SOUTH 00 DEGREES 44 MINUTES 10 SECONDS EAST, 81.71 FEET;
- 2.) SOUTH 21 DEGREES 03 MINUTES 52 SECONDS WEST, 53.36 FEET;
- 3.) SOUTH 00 DEGREES 50 MINUTES 22 SECONDS EAST, 449.01 FEET;
- 4.) SOUTH 00 DEGREES 47 MINUTES 14 SECONDS EAST, 660.86 FEET, TO THE POINT OF BEGINNING.

IN WITNESS WHEREOF, Mortgagee has caused this Partial Release of Real Estate Mortgage and Security Agreement (and Fixture Filing) to be executed by its duly authorized representative this 27 day of March, 2009.

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SIGNATURE PAGE TO PARTIAL RELEASE OF REAL ESTATE MORTGAGE AND SECURITY AGREEMENT (AND FIXTURE FILING)

Fifth Third Bank, a Michigan banking corporation, as Agent

By: *Terrill Gill*

Printed Name: TERRI L. GILL

Title: Vice President

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared *Terrill L. Gill*, known to me to be a *Vice President* of **FIFTH THIRD BANK**, a Michigan banking corporation, who acknowledged the execution of the foregoing Partial Release of Real Estate Mortgage and Security Agreement (and Fixture Filing) for and on behalf of said banking corporation.

WITNESS my hand and Notarial Seal this *27th* day of March, 2009.

ALONDA D HASTINGS
NOTARY PUBLIC STATE OF INDIANA
SHELLEY COUNTY
MY COMMISSION EXP. DATE 10.2009

Alonda D Hastings
Notary Public - Signature

Notary Public - Printed

My Commission Expires:

My County of Residence:

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Dennis A. Johnson

This instrument was prepared by, and after recording should be returned to, Dennis A. Johnson, Attorney At Law, BARNES & THORNBURG, LLP, 11 South Meridian Street, Indianapolis, Indiana 46204-3535.