

2009 068202

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MICHAEL A. BROWN  
RECORDER

**SPECIAL WARRANTY DEED**

620094683

THIS INDENTURE WITNESSETH, that KRG/I-65 PARTNERS BEACON HILL, LLC, an Indiana limited liability company (the "Grantor"), CONVEYS AND SPECIALLY WARRANTS to HARRIS N.A., a national association (the "Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, that certain real estate located in Lake County, Indiana, which is more particularly described in Exhibit A attached hereto and incorporated herein (the "Real Estate").

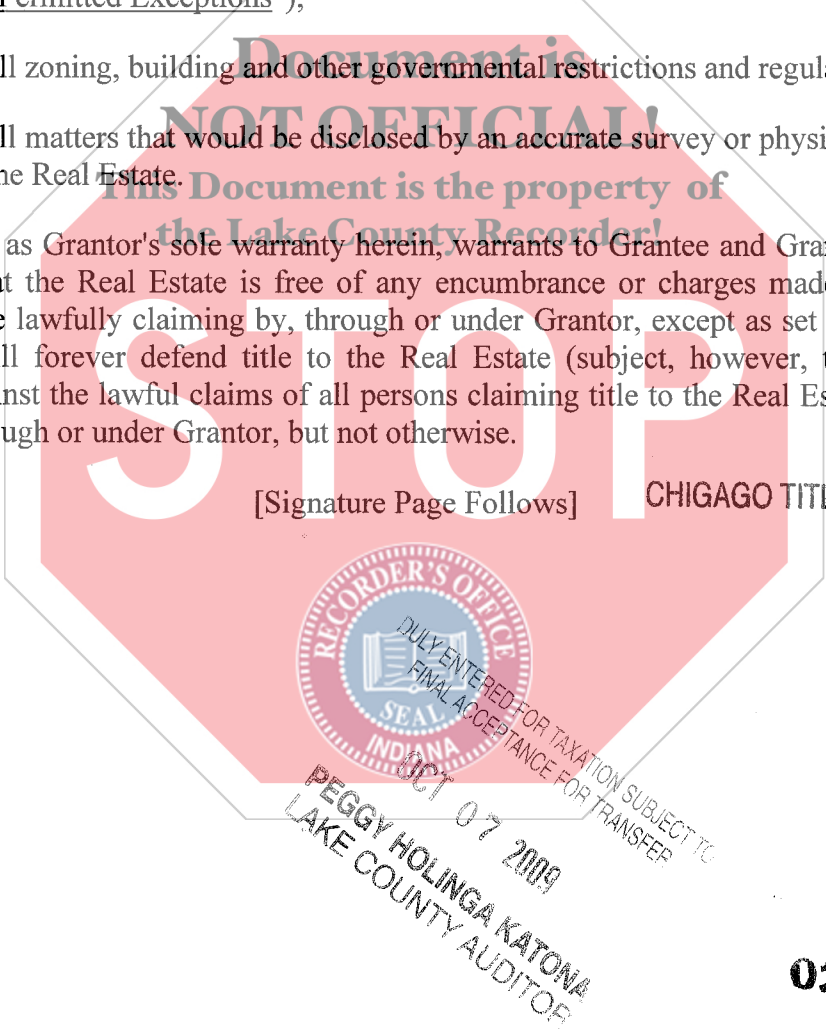
This conveyance of the Real Estate is subject to:

1. the lien for real estate taxes and assessments not yet due and payable;
2. those matters set forth on Exhibit B attached hereto and incorporated herein (the "Permitted Exceptions");
3. all zoning, building and other governmental restrictions and regulations; and
4. all matters that would be disclosed by an accurate survey or physical inspection of the Real Estate.

Grantor, as Grantor's sole warranty herein, warrants to Grantee and Grantee's successors and assigns, that the Real Estate is free of any encumbrance or charges made or suffered by Grantor or those lawfully claiming by, through or under Grantor, except as set forth above, and that Grantor will forever defend title to the Real Estate (subject, however, to the foregoing exceptions) against the lawful claims of all persons claiming title to the Real Estate (or any part thereof) by, through or under Grantor, but not otherwise.

[Signature Page Follows]

CHIGAGO TITLE INSURANCE COMPANY



#24  
CT  
CIA

013307

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 30<sup>th</sup> day of September, 2009.

GRANTOR:

KRG/I-65 PARTNERS BEACON HILL, LLC, an Indiana limited liability company

By: KRG Beacon Hill, LLC, an Indiana limited liability company, Manager

By: *Daniel R. Sink*

CFO Name: Daniel R. Sink

Title: CFO

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Marion )

Before me, a Notary Public in and for said County and State, personally appeared Daniel R. Sink, the CFO of the Manager of KRG/I-65 Partners Beacon Hill, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing Special Warranty Deed on behalf of said limited liability company.

Witness my hand and Notarial Seal this 30 day of September, 2009.

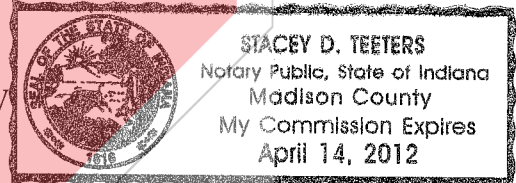
My Commission Expires:

*Stacey D. Teeters*  
(Signature)

My County of Residence:

\_\_\_\_\_  
(printed name) Notary Public

Send tax statements to and Harris N.A.  
Grantee's mailing address is: Mail Stop: CREDP-111/21W  
PO Box 75  
Chicago, IL 60690



This instrument was prepared by: Ryan J. Vershay, Esq., Ice Miller LLP, One American Square, Suite 2900, Indianapolis, IN 46282, Tel: (317) 236-2100.

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. Ryan J. Vershay

After recording, return to: Kenneth S. Perlman, Esq., Bailey Borlack Nadelhoffer LLC, 135 S. LaSalle Street, Suite 3950, Chicago, Illinois 60603. Tel: 312-629-0173.

**Exhibit A**

**Legal Description**

Parcel 1:

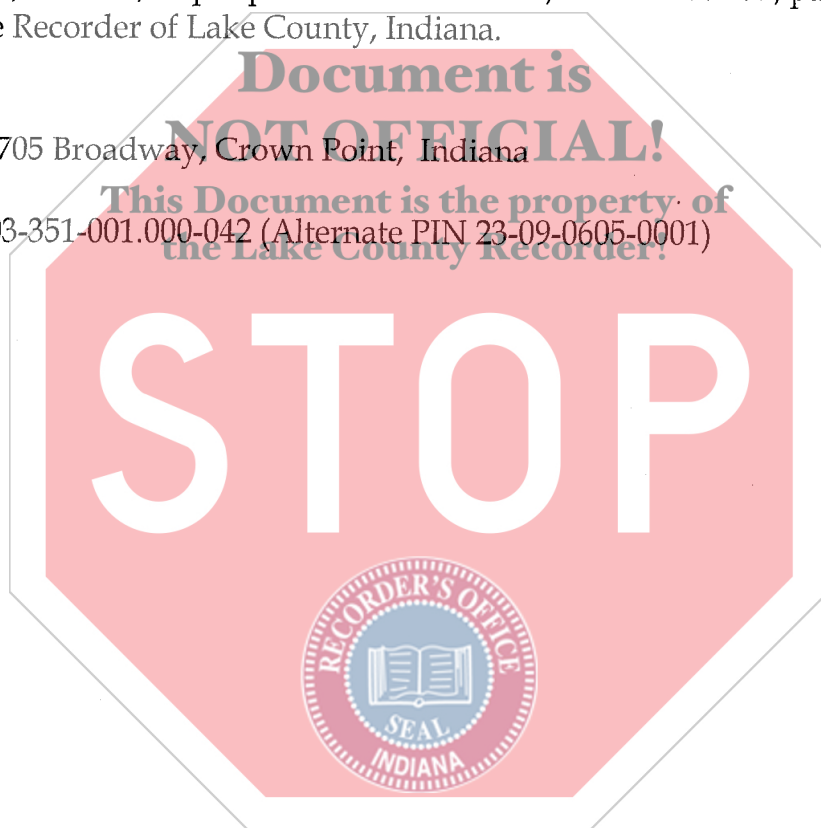
Lot 1 in Beacon Hill - Phase One, an addition to the City of Crown Point, Indiana, as per plat thereof recorded in Plat Book 97, page 46, in the office of the Recorder of Lake County, Indiana.

EASEMENT Parcel:

Easements for Ingress/Egress for the benefit of Parcel 1, as granted on the plat of subdivision for Beacon Hill - Phase One, an Addition to the City of Crown Point, Indiana, recorded in Plat Book 97, page 46, and in the Amended and Restated Beacon Hill Retail Center (Phase One) Declaration of Reciprocal Easements and Operating Covenants dated September 22, 2005, and recorded September 26, 2005, as Document No. 2005 084398, in the Office of the Recorder of Lake County, Indiana over and across Lots 2, 3, 4, 5, 6, 7, 10, 11 and 13 Beacon Hill - Phase One, an Addition to the City of Crown Point, Indiana, as per plat thereof recorded, in Plat Book 97, page 46, in the Office of the Recorder of Lake County, Indiana.

Address: 10705 Broadway, Crown Point, Indiana

PIN: 45-16-03-351-001.000-042 (Alternate PIN 23-09-0605-0001)



## Exhibit B

### Permitted Exceptions

1. Covenants, conditions, and restrictions contained in the plat of Beacon Hill – Phase One, an Addition to the City of Crown Point, Indiana, recorded in Plat Book 97, page 46 (the "Plat"), but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.
2. Terms, conditions, and provisions contained in Beacon Hill Retail Center (Phase One) Declaration of Reciprocal Easements and Operating Covenants dated June 3, 2005, and recorded June 23, 2005 as Document No. 2005 051737, and an Assignment of Certain Common Area Maintenance Duties under the Beacon Hill Retail Center (Phase One) Declaration of Reciprocal Easements and Operating Covenants dated June 3, 2005, and recorded June 23, 2005 as Document No. 2005 051741.

An Amended and Restated Beacon Hill Retail Center (Phase One) Declaration of Reciprocal Easements and Operating Covenants dated September 22, 2005, was recorded September 26, 2005 as Document No. 2005 084398.

An Amended and Restated Assignment of Certain Common Area Maintenance Duties Under the Amended and Restated Beacon Hill Retail Center (Phase One) Declaration of Reciprocal Easements and Operating Covenants dated September 22, 2005, was recorded September 26, 2005 as Document No. 2005 084399.

3. Grant(s) and/or reservation(s) of easement(s) contained on the Plat.
4. Limited access line affecting the west side of the Real Estate, as shown on the Plat.
5. Lamar overhead advertising signs and advertising signs shown on ALTA/ACSM Land Title Survey, prepared by Donald L. Plumb, Indiana Registered Land Surveyor, of Plumb Tuckett & Associates dated July 13, 2004 under Job No. S04649 and ALTA/ACSM Land Title Survey, prepared by Donald L. Plumb, Indiana Registered Land Surveyor, of Plumb Tuckett & Associates dated March 9, 2005 under Job No. S05515, recorded March 17, 2005 in Survey Record 12, page 44, as Document No. 2005 020436.
6. Easement for utilities affecting the west 20 feet of the Real Estate as shown on the Plat.
7. Easement for ingress/egress and utilities affecting the east 25 feet of the Real Estate as shown on the Plat.
8. A 10' x 40' sign easement affecting the northerly part of the Real Estate as shown on the Plat.

9. Building line and utility easement affecting the north 35 feet of the Real Estate as shown on the Plat.
10. Building line affecting the west 35 feet of the Real Estate, as shown on the Plat.
11. Non-exclusive easements as set forth in the Declaration of Storm Drainage Easement recorded March 9, 2009 as Document No. 2009 014462 by KRG/I-65 Partners, LLC, an Indiana limited liability company. (benefiting Parcel 1)
12. Common Area Maintenance Agreement by and between KRG/I-65 Partners Beacon Hill, LLC, Developer, and NEC Broadway & 109<sup>th</sup> LLC, Owner, dated September 29, 2005 as evidenced by a Memorandum of Common Area Maintenance Agreement dated September 29, 2005 and recorded March 10, 2006 as Document No. 2006 020413.
13. Covenants, conditions, and restrictions contained in Declaration of Use Restrictions dated June 29, 2007 between KRG/I-65 Partners Beacon Hill, LLC and Standard Redevelopment, Inc., recorded July 6, 2007 as Document No. 2007 54603, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
14. Encroachment of curbing over the 50' ingress/egress utility easement shown on ALTA/ACSM Land Title Survey, prepared by Donald L. Plumb, Indiana Registered Land Surveyor, of Plumb Tuckett & Associates dated March 26, 2009 under Job No. S08708.

