

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2010 DEC 21 AM 8:51

MISSOURI  
RECORDER

2010 075291

**THIS DOCUMENT PREPARED BY AND  
AFTER RECORDING RETURN TO:**

Mark B. Hillis, Esq.  
Carmody MacDonald, P.C.  
120 S. Central Avenue, Suite 1800  
St. Louis, Missouri 63105

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made as of this 24<sup>th</sup> day of November 2010, by FNC Realty Corporation, a Delaware corporation, successor in interest to Frank's Nursery and Crafts, Inc., a Michigan corporation, ("**Grantor**"), to and in favor of Kainan Investment Groups, Inc., an Illinois corporation, whose mailing and tax billing address is 1887 Snead Street, Bolingbrook, Illinois 60490 ("**Grantee**").

**WITNESSETH THAT:**

Grantor, for valuable consideration, hereby grants and conveys, with special warranty covenants, to the Grantee, the real estate in Lake County, Indiana, more particularly described in Exhibit A, attached hereto and made a part hereof (collectively, hereinafter referred to as the "**Parcel**");

**SUBJECT TO:**

- (i) all streets and public rights of way;
- (ii) all restrictions, encumbrances, reservations, limitations, conditions, easements, agreements and/or other matters affecting the Parcel of record;
- (iii) the lien of unpaid real estate taxes and assessments
- (iv) all matters which would be revealed by an accurate survey or physical inspection of the Parcel;
- (v) all taxes or assessments not yet due and payable;

RECORDED IN RECORD BOOK 2010  
PAGE 200

DEC 1 2010

DAVID POLLOCK  
LAKE COUNTY AUDITOR

Return to:  
First American Title Insurance Company  
Attn: Deborah Cross  
30 N. LaSalle St, Suite 2700  
Chicago, IL 60602

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First American Title Order # NCS 162008-NY

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- (vi) rights of tenants and other occupants under unrecorded leases or occupancy agreements;
- (vii) all zoning regulations; and
- (viii) the limited warranty covenants set forth below;

TO HAVE AND TO HOLD, the same, to the Grantee, its successors and assigns, forever;

Provided that Grantor will warrant and defend title to the Parcel against all parties lawfully claiming the same from, through or under Grantor during Grantor's period of ownership, but against no others.

Grantor acquired ownership rights and interests in Frank's Nursery & Crafts, Inc., a Michigan corporation, by the following chain:

- On May 17, 2002, Frank's Nursery & Crafts, Inc. merged into FNC Holdings, Inc., a New York corporation.
- On May 17, 2002, FNC Holdings, Inc. merged into New Frank's Delaware, Inc., a Delaware corporation, under the name of Frank's Nursery & Crafts, Inc.
- On July 27, 2005, Frank's Nursery & Crafts, Inc. changed its name to FNC Realty Corporation.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he/she is duly authorized by Grantor and has been fully empowered, by Grantor, to execute and deliver this deed; that Grantor has full capacity to convey the Parcel; and that all necessary action for the making of such conveyance has been taken and done.



[Remainder of page intentionally left blank.]

RETURN RECORDED DEED TO:

TONY SHU.ESQ.  
208 S. LASALLE ST., SUITE 1400  
CHICAGO, IL 60604  
(312) 641-3303 EXT. 125

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

**"GRANTOR"**

**FNC Realty Corporation,**  
a Delaware corporation

By: *Raymond Edwards*  
Name: Raymond Edwards  
Title: President

STATE OF NEW YORK            )  
  SS: )  
COUNTY OF NASSAU            )

Before me, a Notary Public in and for said County and State, appeared Raymond Edwards, personally known to me to be the President of FNC Realty Corporation who acknowledged the execution of the foregoing instrument for and on its behalf.

WITNESS my hand and Notarial seal this 19<sup>th</sup> day of November 2010.

Commission Expires: 9/22/11

County of Residence: Queens

*Josephine Engle*

Notary Public **JOSEPHINE ENGLE**  
Notary Public, State of New York  
No. 01EN608873

Printed: **Qualified in Queens County**  
**Certificate on file in Nassau County**  
**My Commission Expires 9/22/2011**

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.

Name: Mark B. Hillis

Exhibit A

Legal Description of the Parcel

Parcel 1:

LOTS 2 AND 3 IN EASTLAKE INDUSTRIAL PARK, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 53, PAGE 47 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Parcel 2:

NON-EXCLUSIVE EASEMENT RIGHTS FOR INGRESS AND EGRESS CREATED BY ACCESS AGREEMENT BY AND BETWEEN HOME DEPOT, U.S.A., INC. A DELAWARE CORPORATION AND FRANK'S NURSERY CRAFTS, INC., A MICHIGAN CORPORATION, UPON THE TERMS AND CONDITIONS THEREIN PROVIDED; RECORDED FEBRUARY 16, 1995 AS DOCUMENT NO. 95008500 OVER THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE NORTHEAST CORNER OF LOT 3 OF SOUTHLAKE PLAZA ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 73, PAGE 30, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE SOUTH ON THE EAST LINE OF LOT 3 A DISTANCE OF 86 FEET TO THE POINT OF BEGINNING OF THE EASEMENT DESCRIBED HEREBY: THENCE CONTINUING SOUTH ON THE EAST LINE 24 FEET TO A POINT THENCE WEST ON A LINE PARALLEL TO AND 110 FEET SOUTH OF THE NORTH LINE OF LOT 3 A DISTANCE OF 70 FEET TO A POINT: THENCE NORTH ON A LINE PARALLEL TO AND 70 FEET WEST OF THE EAST LINE OF LOT 3 A DISTANCE OF 110 FEET MORE OR LESS TO THE NORTH LINE OF LOT 3; THENCE EAST ON THE NORTH LINE OF LOT 3 A DISTANCE OF 50 FEET; THENCE SOUTH ON A LINE PARALLEL TO AND 20 FEET WEST OF THE EAST LINE OF LOT 3 A DISTANCE OF 86 FEET; THENCE EAST 20 FEET MORE OR LESS TO THE POINT OF BEGINNING.

Address: 2999 E. Lincoln Hwy  
Merrillville IN

Parcel: 45-12-23-426-012,000-046  
45-12-23-426-009,000-046