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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2011 054415

2011 OCT -3 AM 9:57

MICHELLE CAJMAN  
RECORDER

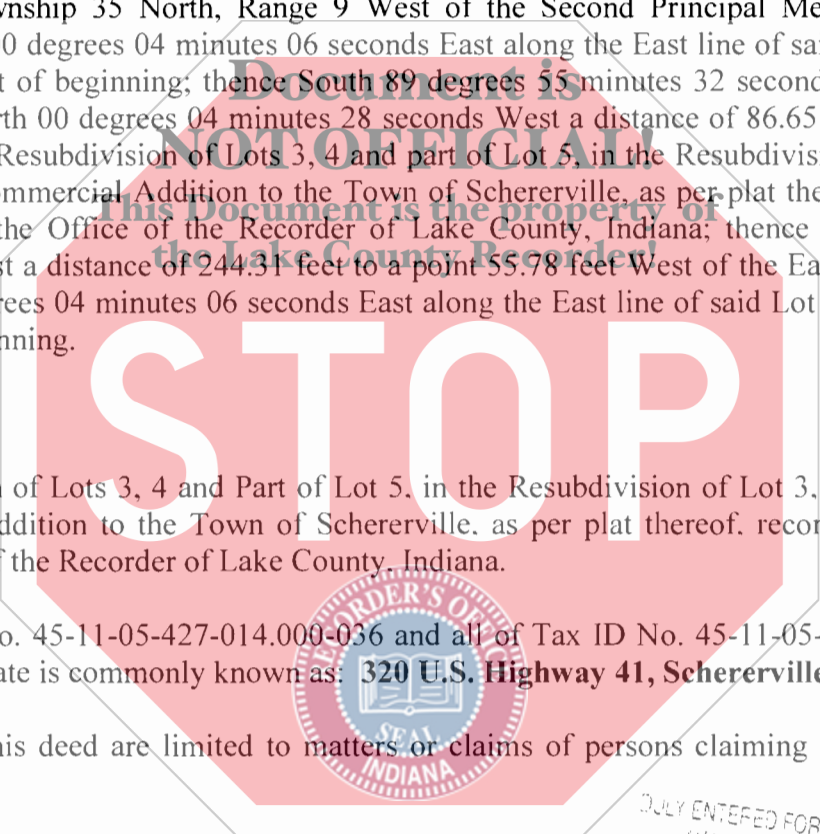
**SPECIAL WARRANTY DEED**

*Handwritten:* MICHELE (201103)

*This Indenture Witnesseth*, that **CENTIER BANK**, an Indiana Corporation (Grantor), conveys and warrants to **FRED & JOSH PROPERTIES, LLC**, an Indiana limited liability company ("Grantee") for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both Grantor and Grantee, the following described real estate in Lake County, in the State of Indiana:

Part of Lot 5 in Village Crossroads, an Addition to the Town of Schererville, as per plat thereof, recorded in Plat Book 95, Page 79 in the Office of the Recorder of Lake County, Indiana, more particularly described as follows: Commencing at the Southeast corner of said Lot 5 said corner being 55.82 feet West of the East line of Section 5, Township 35 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana; thence North 00 degrees 04 minutes 06 seconds East along the East line of said Lot 5, a distance of 288.17 feet to the point of beginning; thence South 89 degrees 55 minutes 32 seconds West, a distance of 244.29 feet; thence North 00 degrees 04 minutes 28 seconds West a distance of 86.65 feet to the Southwest corner of Lot 1, in the Resubdivision of Lots 3, 4 and part of Lot 5, in the Resubdivision of Lot 3, Block 3, Plum Creek Village Commercial Addition to the Town of Schererville, as per plat thereof, recorded in Plat Book 92, Page 83 in the Office of the Recorder of Lake County, Indiana; thence North 89 degrees 55 minutes 32 seconds East a distance of 244.31 feet to a point 55.78 feet West of the East line of said Section 5; thence South 00 degrees 04 minutes 06 seconds East along the East line of said Lot 5, a distance of 86.65 feet to the point of beginning.

CHICAGO TITLE INSURANCE COMPANY



and

Lot 1, in Resubdivision of Lots 3, 4 and Part of Lot 5, in the Resubdivision of Lot 3, Block 3, Plum Creek Village Commercial Addition to the Town of Schererville, as per plat thereof, recorded in Plat Book 92, Page 83 in the Office of the Recorder of Lake County, Indiana.

A portion of Tax ID No. 45-11-05-427-014.000-036 and all of Tax ID No. 45-11-05-281-015.000-036, the address of such real estate is commonly known as: **320 U.S. Highway 41, Schererville, Indiana 46375**

All warranties under this deed are limited to matters or claims of persons claiming by, through, or under Grantor.

Subject to: Those matters listed in Exhibit A.

The undersigned person executing this deed represents and certifies on behalf of the Grantor, that the undersigned is a duly elected officer or representative of the Grantor and has been fully empowered by

DULY ENTERED FOR TAXATION SUBJECT TO  
FINAL ACCEPTANCE FOR TRANSFER

SEP 8 0 2011

LAKE COUNTY AUDITOR  
KATONA

*Handwritten:* \$20  
CI  
CA

003502

proper resolution of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described and execute the deed; and that all necessary company action for the making of this conveyance and grant has been duly taken.

In Witness Whereof, Grantor has executed this deed this 28 day of September, 2011.

**Centier Bank**

By: Donald R. Kiszka  
Donald R. Kiszka  
Its: Vice President

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.

By: Donald R. Kiszka  
Donald R. Kiszka

STATE OF INDIANA

COUNTY OF LAKE

ACKNOWLEDGEMENT  
Document is NOT OFFICIAL!  
This Document is the property of the Lake County Recorder!

Before me, a Notary Public in and for the said County and State, personally appeared Centier Bank, by Donald R. Kiszka, its Vice President, who acknowledged the execution of the foregoing Deed, and who, having been duly sworn, stated that any representations therein contained are true

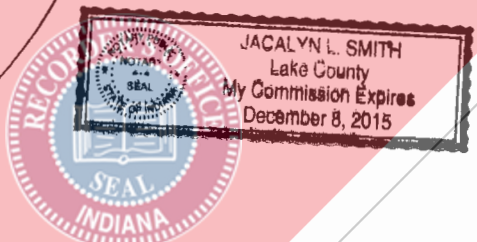
Witness my hand and notarial seal this 28 day of September, 2011.

My Commission Expires: \_\_\_\_\_, Notary Public

Resident of \_\_\_\_\_ County.

After Recording Mail Deed and Tax Bills to

Fred & Josh Properties, LLC  
711 Main Street  
Scherville, IN 46375



THIS DOCUMENT PREPARED BY:  
GREG A. BOUWER, ATTORNEY ID. NUMBER 16368-53  
KORANSKY, BOUWER & PORACKY, P.C., 425 JOLIET STREET, SUITE 425, DYER, IN 46311

### Exhibit A

1. Grant by Azalia P. Youche to Illiana Company, dated March 23, 1939, and recorded July 21, 1939, in Miscellaneous Record 310, page 303.
2. Purported assignment of the above grant to Phillips Petroleum Company recorded on August 21, 1940 in Miscellaneous Record 324, page 566.
3. Encroachment Agreement dated October 18, 2004 and recorded December 20, 2004 as Document No. 2004 108066 made by and between Phillips Pipe Line Company, successor in interest to Illiana Company and Phillips Petroleum Company and Plum Creek Investments, LLC.
4. Grant by Leonora M. Clark, a widow, to Phillips Petroleum Company dated September 14, 1940 and recorded March 21, 1945, in Miscellaneous Record 388, page 98.
5. Grant by William Zandstra, Sadie Zandstra, Arnold Zandstra, Elizabeth Zandstra, Charles B. Zandstra, Nicholas E. Leep and Hilda Leep to Phillips Petroleum Company dated October 15, 1945 and recorded December 27, 1945, in Miscellaneous Record 395, page 260, as Document No. 192513.
6. Grant by Marguerite Parry and Vernon Parry to Tecumseh Pipeline Company dated May 21, 1957 and recorded June 27, 1957 in Miscellaneous Record 695, page 330 as Document 36756. The grant was assigned to NI-Pipeline Company by assignment recorded May 12, 1993 as Document No. 93030857.
7. Easements granted and reserved in the plats recorded in Plat Book 69, page 44; Plat Book 81, Page 4; Plat Book 95, Page 79 and Plat Book 92, Page 83.
8. Covenants, conditions, and restrictions contained in the plat recorded in Plat Book 69, page 44; Plat Book 81, Page 45; Plat Book 95, Page 79 and Plat Book 92, Page 83.
9. Terms and Provisions of Maintenance Agreement by and between Steak N Shake, Inc. and Mercantile National Bank Trust No. 4684 dated October 7, 1996 and recorded October 22, 1996 as Document No. 96070346.
10. 10-foot "No-Access" strips as shown on the plats recorded in Plat Book 69, page 44; Plat Book 81, Page 45 and Plat Book 92, Page 83.
11. Building line as shown on the recorded plats recorded in Plat Book 69, page 44; Plat Book 81, Page 45; Plat Book 95, Page 79 and Plat Book 92, Page 83.
12. Two parallel Phillips Petroleum Company lines as shown on plat of Lots 2, 3 & 4, in Block 3, Plum Creek Village Commercial Addition recorded in Plat book 69, page 44.
13. Special Warranty Deed and Grant of Cross-Easement Rights between Centier Bank, as Grantor, and Toy Re 41, LLC as Grantee dated August 26, 2011 and recorded on August 31, 2011 as Document No. 2011 047867 in the Office of the Recorder of Lake County, Indiana.
14. Special Warranty Deed and Modification of Cross-Easement Rights between Centier Bank, as Grantor, and Toy Re 41, LLC as Grantee dated September \_\_, 2011 and recorded on September \_\_, 2011 as Document No. 2011 \_\_\_\_\_ in the Office of the Recorder of Lake County, Indiana.
15. Temporary Highway Easement Grant recorded on September 17, 2002, as Document Number 2002 083341.
16. Resolution No. 2008-9 of the Town of Schererville Redevelopment Commission, adopted June 3, 2008 and recorded August 29, 2008 as Document No. 2008 061460.
17. U.S. Highway 41 is a limited access highway. Access is not guaranteed.
18. Real property taxes for 2011, payable in 2012, and for all subsequent years.
19. All matters of public record, including but not limited to zoning and subdivision laws.
20. All matters shown on the survey of Torrenga Surveying, LLC dated September 9, 2011.