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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2014 010483

2014 FEB 21 AM 9:17

MICHAEL B. BROWN
RECORDER
AMENDMENT
TO
RECIPROCAL EASEMENT AGREEMENT

This Amendment to Reciprocal Easement Agreement made as of the ___ day of November, 2012 by and between Ineos USA LLC (successor to Innovene USA LLC, successor to O & D USA, LLC), a Delaware limited liability company having offices at 2600 South Shore Blvd, League City, Texas 77573 (hereinafter referred to as "Ineos"), and Tilde Commercial Properties, LLC, an Indiana limited liability company, with offices at 5020 Columbia Avenue, Hammond, Indiana 46327 (hereinafter referred to as "Tilde").

WITNESSETH:

WHEREAS, Tilde did purchase certain property from INEOS, USA, LLC, a Delaware Limited Liability Company on or about January 13, 2010 pursuant to a certain Limited Warranty Deed (Improvements Only) dated January 13, 2010, and recorded January 25, 2010 as Document No: 2010 004395 of the Office of the Recorder of Lake County, Indiana; and

WHEREAS, Tilde's property is located on real estate described as the Land in the above referenced Limited Warranty Deed (hereinafter referred to as the "Tilde Parcel"); and

WHEREAS, simultaneously with Tilde's purchase of the property described in the above referenced Limited Warranty Deed, Tilde and Ineos entered into a certain Reciprocal Easement Agreement effective as of January 13, 2010 which was mistakenly attached to and recorded with a related but separate document styled as Agreement Relating to Reciprocal Easement Agreement recorded January 25, 2010 as Document No: 2010 004396 in the Office of the Recorder of Lake County, Indiana; and

WHEREAS, Tilde has additional rights pursuant to a certain and Limited Warranty Deed (Land Only) dated January 13, 2010 and not recorded; and

WHEREAS, Tilde and Ineos have entered into a certain Real Estate Purchase Agreement for certain real estate located in Lake County, Indiana and described as follows (hereinafter referred to as "Parcel 2"):

FIDELITY NATIONAL
TITLE COMPANY

92009-6571

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FEB 14 2014
PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

010746

1700
FN
SD

A part of the East half of the Southeast ¼ of Section 8, otherwise known as Government Lot Four, Township 37 North, Range 09 West of the 2nd Principal Meridian, in Lake County, Indiana, and being more particularly described as follows: Commencing at the Southeast corner of said Section 8, thence North 89 degrees 36 minutes 34 seconds West along the Southline of said Section 8, a distance of 1219.55 feet; thence North 00 degrees 23 minutes 26 seconds East perpendicular to the said South line, a distance of 1276.68 feet to the North Right of Way line of Standard Avenue; thence North 42 degrees 35 minutes 45 seconds East on a line that is Union Carbide monumented baseline station 0 plus 90 East for a distance of 213.48 feet to the Point of Beginning; thence North 42°35'45" East, a distance of 79.96 feet; thence South 47°24'15" East, a distance of 170.67 feet; thence South 42°35'45" West, a distance of 29.46 feet; thence North 47°24'15" West, a distance of 70.12 feet; thence South 42°35'45" West, a distance of 20.50 feet; thence Westerly on a curved line with a 30.00 foot radius concave to the North for an arc distance of 47.12 feet (Chord S 87 degrees 35 minutes 45 seconds W / Distance 42.43 feet); thence North 47°24'15" West, a distance of 70.55 feet to the Point of Beginning.

WHEREAS, the Reciprocal Easement Agreement benefits and burdens the Tilde Parcel and Ineos USA LLC's real estate described in Exhibit A to the Reciprocal Easement Agreement; and

WHEREAS, the parties wish to amend the Reciprocal Easement Agreement to add Parcel 2 to be included in the land benefitted by the Reciprocal Easement Agreement.

NOW THEREFORE, in consideration of the mutual promises, covenants, and agreements contained in this Amendment and the terms and provisions of the Real Estate Purchase Agreement, the receipt and sufficiency of which is acknowledged, Ineos and Tilde do hereby promise, covenant and agree as follows:

1. **Incorporation of Recitals.** The above and foregoing recitals are hereby incorporated in this Amendment by reference.
2. **Extension of Inspection Period.** The Reciprocal Easement Agreement is hereby amended to add and include Parcel 2, described hereinabove, in and to the Tilde Parcel as that term is defined in that certain Reciprocal Easement Agreement effective as of January 13, 2010 which was mistakenly attached to and recorded with a related but separate document styled as Agreement Relating to Reciprocal Easement Agreement recorded January 25, 2010 as Document No: 2010 004396 in the Office of the Recorder of Lake County, Indiana.
3. **Effect of This Amendment.** This Amendment shall not change, modify, amend or revise the terms, conditions and provisions of the Reciprocal Easement Agreement, the terms and provisions of which are incorporated herein by reference, except as expressly provided herein and agreed upon by the parties hereto. Seller and Purchaser

each hereby confirm and ratify, except as modified by this Amendment, all of the terms, conditions and covenants of the Reciprocal Easement Agreement.

4. **Definitions.** Terms defined in the Reciprocal Easement Agreement which are used in this Amendment shall have the meaning as set forth in the Reciprocal Easement Agreement unless otherwise expressly specified herein or the context expressly provides otherwise.
5. **Miscellaneous.**
- (a) This Amendment may be amended, modified, renewed or extended only by written instrument executed in the manner of its original execution.
 - (b) This Amendment contains the entire agreement of the parties hereto with regard to this subject matter and no representations, inducements or agreements, oral or otherwise, between the parties not contained or embodied in this Amendment shall be of any force or effect.
 - (c) Time is of the essence in the performance of all conditions hereunder of which time is a factor.
 - (d) This Amendment may be executed in several counterparts, each of which shall be deemed an original, but all of which counterparts collectively shall constitute one (1) instrument representing this Amendment between the parties.

IN WITNESS WHEREOF, the parties have caused this Amendment to Reciprocal Easement Agreement to be executed on the date first written above.

TILDE COMMERCIAL PROPERTIES, LLC

By: 

John M. Marsch
Member



INEOS USA LLC

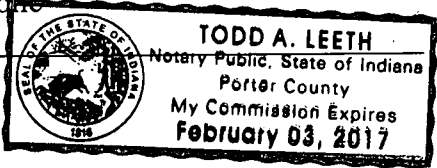
By: 

Robert (Bob) Sokol
Deputy Chief Financial Officer

STATE OF INDIANA)
)
) SS:
COUNTY OF LAKE)

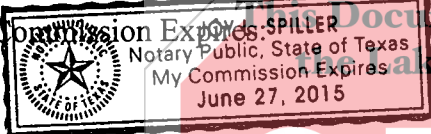
Before me, the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared John M. Marsch, Member of Tilde Commercial Properties, LLC. who acknowledged the execution of the foregoing instrument for and on behalf of said company. Signed and sealed this 17th day of January, 2014

My Commission Expires:

Todd A. Leeth
Notary Public
Printed: 

STATE OF TEXAS)
)
) SS:
COUNTY OF HARRIS)

Before me, the undersigned, a Notary Public for Harris County, State of Texas, personally appeared Robert (Bob) Sokol, Deputy Chief Financial Officer of Ineos USA LLC, who acknowledged the execution of the foregoing instrument for and on behalf of said company Signed and sealed this 3 day of DECEMBER, 2012.

My Commission Expires: 
Notary Public

Joy Spiller
Printed: Joy SPILLER

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. *Todd A. Leeth*

This Instrument Prepared By:

Todd A. Leeth
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(219) 464-4961

