

2

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2014 048647

2014 AUG 13 AM 10:38

MICHAEL B. BROWN
RECORDER

Declaration of Restrictive Covenant

49270cm

This Declaration of Restrictive Covenant is made on the date hereinafter set forth by Prairie Square, LLC, an Indiana limited liability company (hereinafter referred to as "Declarant").

Whereas, Declarant is the owner of certain property in the Town of Highland, County of Lake, State of Indiana (hereinafter referred to as the "Property"), which is more particularly described as:

Lot 1, in Shaver's 45th Avenue Commercial Addition, Unit 1, to the Town of Highland, as per plat thereof, recorded in Plat Book 45, page 142, in the Office of the Recorder of Lake County, Indiana, EXCEPTING THEREFROM the West 100 feet and the North 80 feet thereof.

Parcel ID number: 45-07-29-458-001.000-026
Commonly known as: 2153 45th Avenue, Highland, Indiana

Whereas Declarant desires to rent "Dwelling Units" in a motel at the Property;

Whereas renting of "Dwelling Units" in a motel at the Property is a permissible and lawful use enumerated in the zoning ordinances of the Town of Highland, to wit, Town of Highland Municipal Code, title 18, Zoning, chapter 45, B-3 General Business Districts, section 30, Permitted Uses.

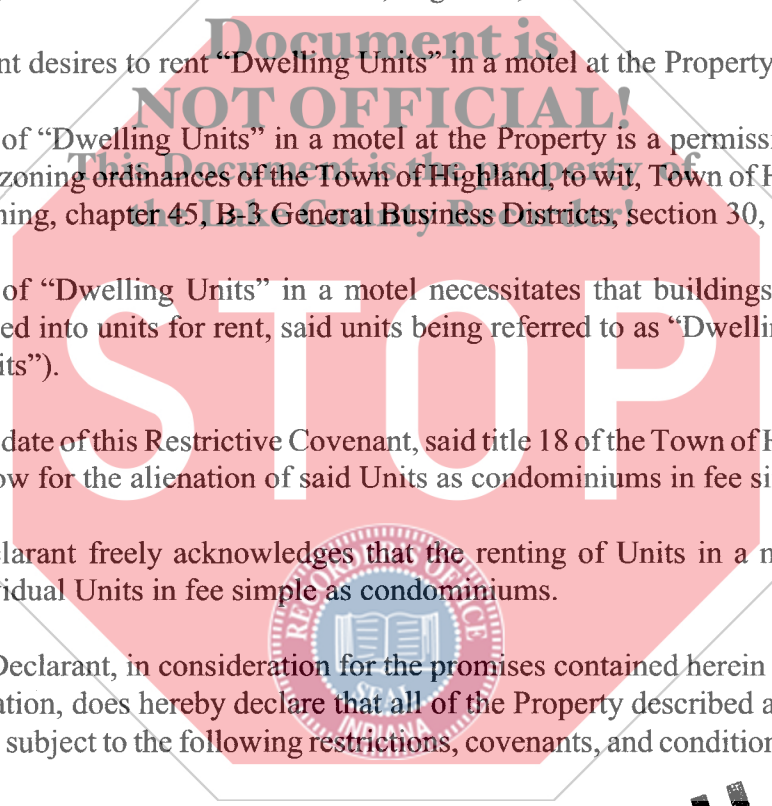
Whereas renting of "Dwelling Units" in a motel necessitates that buildings constructed at the Property be demised into units for rent, said units being referred to as "Dwelling units" (hereafter referred to as "Units").

Whereas as of the date of this Restrictive Covenant, said title 18 of the Town of Highland Municipal Code does not allow for the alienation of said Units as condominiums in fee simple.

Whereas the Declarant freely acknowledges that the renting of Units in a motel precludes the alienation of individual Units in fee simple as condominiums.

Now, therefore, Declarant, in consideration for the promises contained herein and other good and valuable consideration, does hereby declare that all of the Property described above shall be held, sold and conveyed subject to the following restrictions, covenants, and conditions, which are for the

CHICAGO TITLE INSURANCE COMPANY



3

NO SALES DISCLOSURE NEEDED

Approved Assessor's Office

AUG 08 2014

By: _____

REGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

13-
CT
A

25485

purpose of protecting the value and desirability of, and which shall run with the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

Any purported conveyance or transfer of any individual Unit or multiple Units within the Property in fee simple, so long as such conveyance would be contrary to the zoning ordinances of the Town of Highland in effect at that time, will hereafter be prohibited and rendered null and void.

In witness whereof, said Declarant, the owner of said Property described above, has caused this Declaration of Restrictive Covenant to be executed on this 6 day of August 2014.

PRAIRIE SQUARE LLC, owner

By: [Signature]
Eric T. Gastevich, Principal Member

STATE OF Indiana)
COUNTY OF Lake) SS:

BEFORE ME, the undersigned, a notary public for Lake County, State of Indiana, personally appeared Eric T. Gastevich, duly authorized representative of Prairie Square LLC, and he being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true. Signed and sealed this 6 day of August, 2014.

Notary Public

My Commission Expires: _____

Printed Name

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. Brent A. Torrenga

This instrument prepared by: Brent A. Torrenga, Esq.,
Schwerd, Fryman & Torrenga, LLP
825 E. Lincolnway
Valparaiso, Indiana 46385

