

STATE OF INDIANA  
LAKE COUNTY  
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MICHAEL B. BROWN  
RECORDER

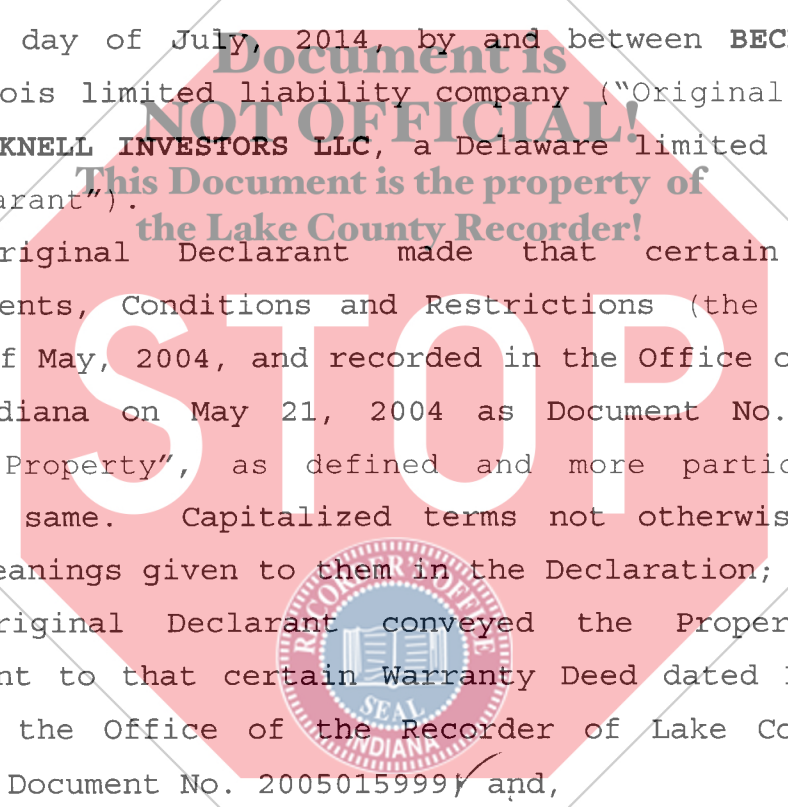
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**ASSIGNMENT OF DECLARANT'S RIGHTS AND FIRST AMENDMENT TO DECLARATION OF COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS**

This Assignment of Declarant's Rights and First Amendment to Declaration of Covenants, Easements, Conditions and Restrictions is made as of this 21 day of July, 2014, by and between **BECKNELL DEVELOPMENT L.L.C.**, an Illinois limited liability company ("Original Declarant"), and **INDIANA LAND BECKNELL INVESTORS LLC**, a Delaware limited liability company ("Successor Declarant").

**WHEREAS**, Original Declarant made that certain Declaration of Covenants, Easements, Conditions and Restrictions (the "Declaration") as of the 10<sup>th</sup> day of May, 2004, and recorded in the Office of the Recorder of Lake County, Indiana on May 21, 2004 as Document No. 2004042450 and subjected the "Property", as defined and more particularly described therein, to the same. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Declaration; and,

**WHEREAS**, Original Declarant conveyed the Property to Successor Declarant pursuant to that certain Warranty Deed dated February 15, 2005 and recorded in the Office of the Recorder of Lake County, Indiana on March 4, 2005 as Document No. 2005015999 and,



LAKE COUNTY  
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**PEGGY HOLINGA KATONA**  
LAKE COUNTY AUDITOR

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**WHEREAS**, the above referenced conveyance included all of Original Declarant's right, title and interest as "Declarant" under the Declaration, however there was not a document made of record at the time reflecting the same; and,

**WHEREAS**, for purposes of record title, Original Declarant now desires to reflect its conveyance of all of its right, title, and interest as Declarant to Successor Declarant as set forth hereunder; and,

**WHEREAS**, Original Declarant, and Successor Declarant, acting jointly, also wish to amend the Declaration as set forth hereunder, which they have the authority to do pursuant to Article X, Section 10.2 of the Declaration; and,

**WHEREAS**, such amendment does not materially and adversely affect the rights and obligations of the Owners, pursuant to the meaning set forth in Article I, Section 1.5 of the Declaration;

**NOW, THEREFORE**, Original Declarant and Successor Declarant declare and agree as follows:

1. For value received, Original Declarant hereby transfers and assigns unto Successor Declarant, all of Original Declarant's right, title and interest as Declarant in and to the Declaration, and the Successor Declarant hereby accepts the foregoing assignment, and agrees to assume all of Original Declarant's obligations under the Declaration. Successor Declarant shall be deemed the Declarant under the Declaration for all purposes.

2. The last sentence of Article V, Section 5.11(a) is hereby deleted in its entirety and replaced with a new sentence as follows:

"Metal buildings are not permitted unless the Architectural Committee approves otherwise in writing."

3. In Article X, Section 10.2, all references to "Becknell Development L.L.C." are hereby deleted in their entirety, and replaced with "Declarant."

4. Except as amended hereunder, every other provision of the Declaration is hereby restated and shall remain in full force and effect.

IN WITNESS WHEREOF, Original Declarant and Successor Declarant have executed this Assignment of Declarant's Rights and First Amendment to the Declaration of Covenants, Easement, Conditions and Restrictions as of the day and year first above written.



Becknell Development L.L.C.

By: Becknell Industrial LLC, its sole member

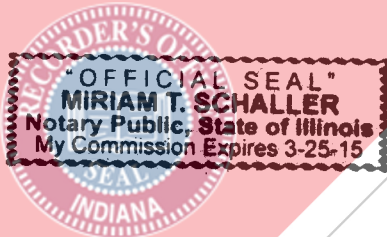
By: J. Mark Shapland  
Its: COO  
J. Mark Shapland

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that J. MARK SHAPLAND as COO of BECKNELL DEVELOPMENT L.L.C., personally known to me to be the same person whose name is subscribed to the foregoing instrument as such COO, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 15TH day of JULY, 2014.

Miriam T. Schaller  
Notary Public



Indiana Land Becknell Investors LLC

By: Becknell 2004, an Illinois general partnership, its member

By: Becknell Industrial Operating Partnership L.P., a Delaware limited partnership, its authorized partner

By: Becknell Industrial Operating Partnership GP LLC, a Delaware limited liability company, its general partner

KMD

By: [Signature]  
Its: Authorized Signatory

Stephen J. Olstein

STATE OF CONNECTICUT )

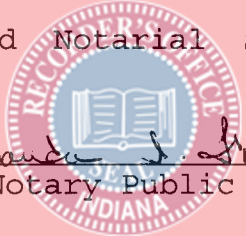
COUNTY OF HARTFORD )

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**This Document is the property of the Lake County Recorder!**

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Stephen J. Olstein as an Authorized Signatory of INDIANA LAND BECKNELL INVESTORS LLC, a Delaware limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Authorized Signatory, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 19<sup>th</sup> day of July, 2014.



Wanda I. Fongemie  
Notary Public

WANDA I. FONGEMIE  
Notary Public

5 My Commission Expires Jan. 31, 2018

**Prepared by & Return to:**

Harrington & Tock LLC  
Patrick E. Harrington  
201 W. Springfield Avenue, Suite 601  
Champaign, IL 61820

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: Patrick E. Harrington.



**CONSENT TO ASSIGNMENT OF DECLARANT'S RIGHTS AND FIRST AMENDMENT TO  
DECLARATION OF  
COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS**

The undersigned, Hanson Cold Storage Co. of Indiana, an Indiana corporation ("Hanson"), being the Owner of Lot 1 in Resubdivision of Part of Lot "E" & Part of Lot "G" in North Wind Crossings, a Planned Unit Development to the City of Hobart, Lake County, Indiana, per Plat thereof recorded in Plat Book 100, Page 84 as Document No. 2007004876 in the Office of the Recorder of Lake County, Indiana, does hereby consent to that certain Assignment of Declarant's Rights and First Amendment to Declaration of Covenants, Easement, Conditions and Restrictions by and between BECKNELL DEVELOPMENT L.L.C., and INDIANA LAND BECKNELL INVESTORS LLC.

IN WITNESS WHEREOF, Hanson has hereunto set its hand and seal as of the 22nd day of July, 2014.



Hanson Cold Storage Co. of Indiana

By: [Signature]  
Name: James A. Reits  
Its: Secretary/Treasurer

STATE OF Michigan )  
) SS  
COUNTY OF Berrien )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that James A. Reits, as Secretary/Treasurer of Hanson Cold Storage Co of Indiana personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Secretary/Treasurer, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act of said Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 22<sup>nd</sup> day of July, 2014.

[Signature]  
Notary Public

AVON M. STOWERS  
Notary Public, State of Michigan  
County of Berrien  
My Commission Expires Aug. 17, 2016  
Acting in the County of Berrien

