

Gary, IN (#711554)

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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2015 070407

2015 OCT 16 AM 10:04

MICHAEL B. BROWN
RECORDER

THIS SPACE FOR USE BY RECORDING OFFICIAL

Prepared by and mail after recording to:

Anthony Winchester, Esquire
Family Dollar Stores, Inc.
Post Office Box 1017
Charlotte, NC 28201-1017
Phone: (704) 847-6961

Gary, IN (#709965)

STATE OF INDIANA

COUNTY OF LAKE

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NOT OFFICIAL!

THIS SHORT FORM LEASE is made and entered into this 1st day of April, 2014, by and between FD GARY INDIANA 15TH AVENUE AND JENNINGS STREET LLC, an Indiana limited liability company ("Landlord"), and FAMILY DOLLAR STORES OF INDIANA, L.P., an Indiana limited partnership ("Tenant").

This Document is the property of the Lake County Recorder!

WITNESSETH:

In consideration of the covenants set forth in this Lease, to all of which Landlord and Tenant agree, Landlord demises to Tenant, and Tenant leases from Landlord, that certain property, building and other improvements described below that are located on the north side of 15th Avenue at its intersection with Jennings Street, in the City of Gary, County of Lake, State of Indiana. The property is irregularly shaped fronting approximately 397.0 feet on 15th Avenue and extending in a northerly direction approximately 200.0 feet along its longest side boundary line as shown on Exhibit A - Site Plan (the "Property"). The Property includes an existing building (the "Building"). Tenant will utilize a portion of the Building containing approximately 10,251 (83' 4" x 120' 1") square feet for the operation of Tenant's retail store and the paved, marked, lighted parking, service and access areas shown on Exhibit A - Site Plan. The remainder of the Building (the "Remainder Space"), or any portion thereof, may be sublet by Tenant at Tenant's option on the terms and conditions set forth in Paragraph 36 of the Lease. The Remainder Space is shown shaded in gray on Exhibit A - Site Plan. The Property, Building and other improvements are the "Demised Premises." The Demised Premises are shown with a dashed gray outline on Exhibit A - Site Plan and more particularly described on Exhibit B - Legal Description.

FIDELITY NATIONAL
TITLE COMPANY

92014-2823

929.00
M-E
FW

INITIAL
A.W.
HERE

Tenant will have and hold the Demised Premises for an initial term ending on the 30th day of June, 2025, upon the rents, terms, covenants and conditions contained in a certain Lease Agreement between the parties and bearing even date herewith (the "Lease"), which Lease is incorporated herein by reference. The Lease will be automatically extended, in accordance with the terms of the Lease, one period at a time, for five (5) successive periods of five (5) years each unless Tenant cancels the Lease. The Tenant has been and is hereby granted, in accordance with the terms of the Lease, certain exclusive use rights with respect to its business in the Demised Premises.

Landlord's Address:
FD GARY INDIANA 15TH AVENUE
AND JENNINGS STREET LLC
Attn: Nicholas G. Stratigakes
19 South LaSalle, Suite 1007
Chicago, Illinois 60603

Tenant's Address:
FAMILY DOLLAR STORES OF INDIANA,
L.P.
Post Office Box 1017
Charlotte, North Carolina
Attn: Lease Administration Department

[REMAINDER OF PAGE IS INTENTIONALLY BLANK]

[SIGNATURE PAGES FOLLOW]



IN WITNESS WHEREOF, this Short Form Lease has been duly executed by said parties in manner and form provided by law, this the day and year first above written.

WITNESSES:

Briana O'Neill
Print Name: Briana O'Neill
Jennifer Hughes
Print Name: Jennifer Hughes

LANDLORD:

FD GARY INDIANA 15TH AVENUE AND JENNINGS STREET LLC, an Indiana limited liability company

By: *Nicholas G. Stratigakes*
Nicholas G. Stratigakes, Manager

STATE OF ILLINOIS)

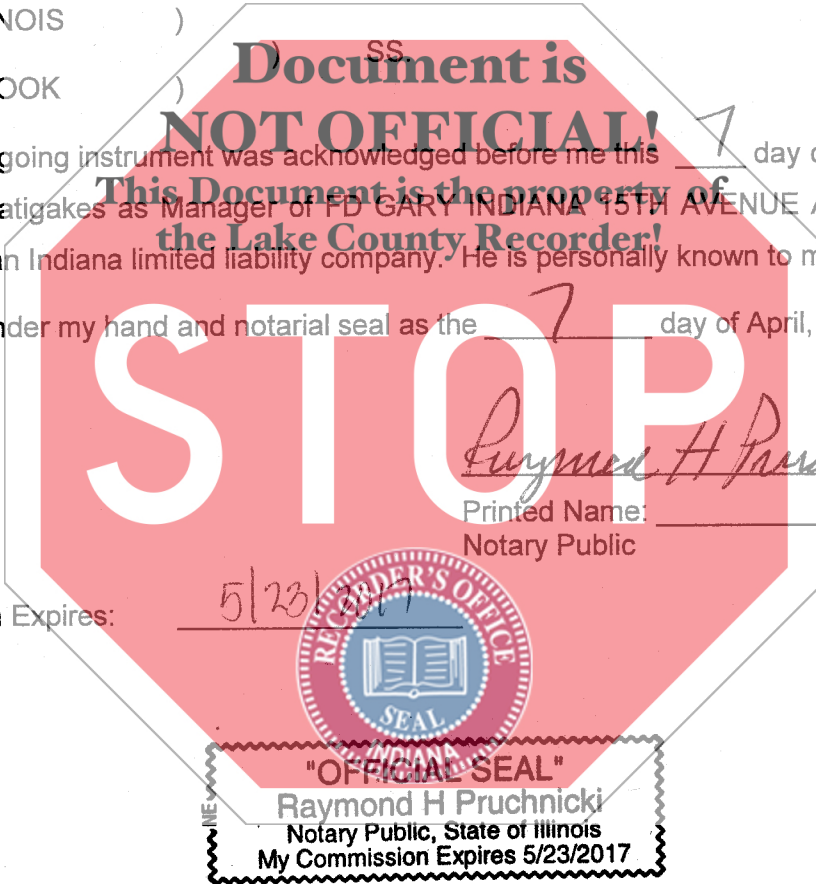
COUNTY OF COOK)

The foregoing instrument was acknowledged before me this 7 day of April, 2014, by Nicholas G. Stratigakes as Manager of FD GARY INDIANA 15TH AVENUE AND JENNINGS STREET LLC, an Indiana limited liability company. He is personally known to me.

Given under my hand and notarial seal as the 7 day of April, 2014.

(SEAL)

My Commission Expires: 5/23/2017

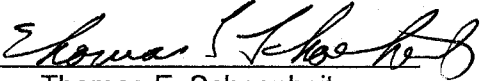


TENANT:

FAMILY DOLLAR STORES OF INDIANA, L.P., an Indiana limited partnership

ATTEST:

By: Family Dollar Holdings, Inc., a North Carolina corporation, Its General Partner

By: 
Thomas E. Schoenheit
Assistant Secretary

By: 
Jose M. Luis
Vice President
Real Estate Development

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

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

I, Jennifer C. Cook, a Notary Public in and for the aforesaid State and County, do hereby certify that JOSE M. LUIS and THOMAS E. SCHOENHEIT, Vice President – Real Estate Development and Assistant Secretary, respectively, of Family Dollar Holdings, Inc., General Partner of FAMILY DOLLAR STORES OF INDIANA, L.P., personally appeared before me this day and that by the authority duly given and as the act of the corporation, the foregoing instrument was signed and executed by them for the purposes therein expressed.

WITNESS my hand and notarial seal this the 1st day of April, 2014.




Jennifer C. Cook
Notary Public

My Commission Expires:
February 25, 2019

JENNIFER C. COOK
NOTARY PUBLIC
Mecklenburg County
North Carolina



Exhibit B

LEGAL DESCRIPTION

PARCEL 1:

LOTS 24 TO 28, BOTH INCLUSIVE, IN BLOCK 3, IN TOLLESTON REAL ESTATE CO'S FIRST ADDITION TO GARY, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 12, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; AND

THE SOUTH HALF OF THAT PART OF THE ALLEY LYING NORTH OF AND ADJACENT TO SAID LOTS 24 TO 28, VACATED BY CONFIRMATORY RESOLUTION 9762 ADOPTED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF GARY ON OCTOBER 18, 1960 AND RECORDED DECEMBER 14, 1961, IN BOOK 817 PAGE 314, AS DOCUMENT NO. 373610; AND

THE EAST HALF OF THE FOLLOWING DESCRIBED PART OF JENNINGS STREET VACATED BY CONFIRMATORY RESOLUTION 9537 ADOPTED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF GARY ON DECEMBER 22, 1959, AND RECORDED FEBRUARY 16, 1960, IN BOOK 768, PAGE 358, AS DOCUMENT NO. 235317;

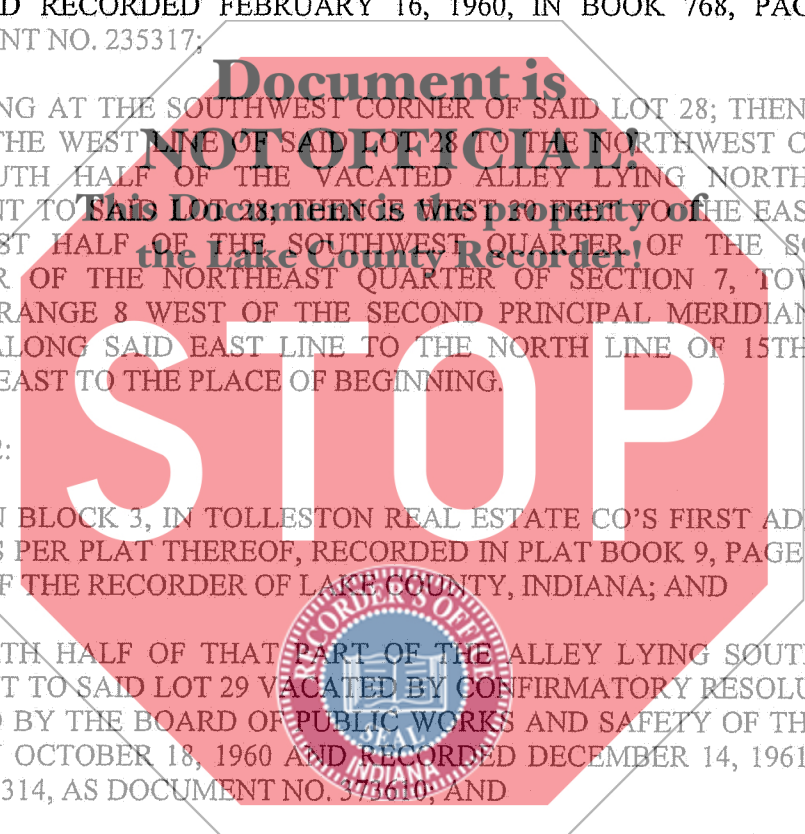
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 28; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 28 TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE VACATED ALLEY LYING NORTH OF AND ADJACENT TO SAID LOT 28; THENCE WEST 30 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN; THENCE SOUTH ALONG SAID EAST LINE TO THE NORTH LINE OF 15TH AVENUE; THENCE EAST TO THE PLACE OF BEGINNING.

PARCEL 2:

LOT 29 IN BLOCK 3, IN TOLLESTON REAL ESTATE CO'S FIRST ADDITION TO GARY, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 12, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; AND

THE NORTH HALF OF THAT PART OF THE ALLEY LYING SOUTH OF AND ADJACENT TO SAID LOT 29 VACATED BY CONFIRMATORY RESOLUTION 9762 ADOPTED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF GARY ON OCTOBER 18, 1960 AND RECORDED DECEMBER 14, 1961, IN BOOK 817 PAGE 314, AS DOCUMENT NO. 373610; AND

THE EAST HALF OF THE FOLLOWING DESCRIBED PART OF JENNINGS STREET VACATED BY CONFIRMATORY RESOLUTION 9537 ADOPTED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF GARY ON DECEMBER 22,



1959, AND RECORDED FEBRUARY 16, 1960, IN BOOK 768, PAGE 358, AS DOCUMENT NO. 235317;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 29; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 29 TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE VACATED ALLEY LYING SOUTH OF AND ADJACENT TO SAID LOT 29; THENCE WEST 30 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN; THENCE NORTH ALONG SAID EAST LINE TO THE NORTH LINE OF SAID LOT 29, EXTENDED WESTERLY; THENCE EAST TO THE PLACE OF BEGINNING.

PARCEL 3:

THE SOUTH 233 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, EXCEPT THE WEST 99.37 FEET THEREOF. ALSO,

THE WEST HALF OF THE FOLLOWING DESCRIBED PART OF JENNINGS STREET VACATED BY CONFIRMATORY RESOLUTION 9537 ADOPTED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF GARY ON DECEMBER 22, 1959, AND RECORDED FEBRUARY 16, 1960, IN BOOK 768, PAGE 358, AS DOCUMENT NO. 235317.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 28, BLOCK 3, IN TOLLESTON REAL ESTATE CO'S FIRST ADDITION TO GARY, RECORDED IN PLAT BOOK 9, PAGE 12, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE NORTH ALONG THE WEST LINE OF LOTS 28 AND 29 IN SAID BLOCK 3 TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE WEST 30 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN; THENCE SOUTH ON SAID EAST LINE TO A POINT 33 FEET NORTH OF THE SOUTH LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7; THENCE EAST 30 FEET TO THE PLACE OF BEGINNING.

commonly known as: 3400 15th Street, Gary, IN 46404

Permanent Index Nos.: 45-08-07-280-005.000-004; 45-08-07-280-026.000-004; 45-08-07-280-025.000-004; 45-08-07-280-024.000-004; 45-08-07-280-023.000-004; and 45-08-07-280-009.000-004

Permanent Index Nos.:

45-08-07-280-003.000-004;
45-08-07-280-026.000-004;
45-08-07-280-025.000-004;
45-08-07-280-024.000-004;
45-08-07-280-023.000-004; and
45-08-07-280-009.000-004



ASSIGNMENT AND ASSUMPTION OF PURCHASE AND SALE AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION OF PURCHASE AND SALE AGREEMENTS (the "Assignment") is made this 19th day of September, 2015, by **SMR ACQUISITIONS COMPANY, LLC**, an Illinois limited liability company ("Assignor") to **FD GARY INDIANA 15TH AVENUE AND JENNINGS STREET**, an Indiana limited liability company ("Assignee").

WITNESSETH:

WHEREAS, the Assignor, as contract purchaser pursuant to that certain Purchase and Sale Agreement dated July 29, 2013, as amended from time to time, and entered into with Food Properties, LLC, an Illinois limited liability company as seller, for that certain property legally described on **Exhibit A** (the "Property");

WHEREAS, Assignor desires to assign all of its right, title and interest in and to the Agreements, and Assignee desires to obtain all of Assignor's right, title and interest in and to the Agreements upon the terms and conditions hereinafter set forth; and

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, IT IS HEREBY AGREED AS FOLLOWS:

Assignor does hereby assign, transfer, convey and set over unto Assignee all of Assignor's right, title and interest in and to the Agreements, and Assignee hereby accepts said assignment, transfer and conveys and assumes all rights and responsibilities of Assignor under the Agreements.

IN WITNESS WHEREOF, the undersigned has executed this Assignment as of the date first above written.

ASSIGNOR:
SMR ACQUISITIONS COMPANY, LLC,
an Illinois limited liability company

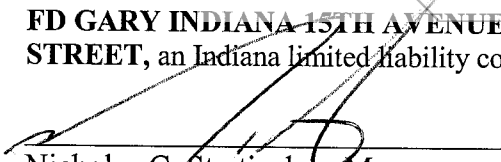


Nicholas G. Stratigakes, Manager

ACCEPTANCE OF ASSIGNMENT

FD GREENFIELD ILLINOIS MAIN AND PRAIRIE, LLC, an Illinois limited liability company, the Assignee herein, does hereby accept the foregoing Assignment and Assumption of Purchase and Sale Agreements and agrees to be bound by all the terms and conditions of the Agreements.

ASSIGNEE:
FD GARY INDIANA 15TH AVENUE AND JENNINGS STREET, an Indiana limited liability company



Nicholas G. Stratigakes, Manager

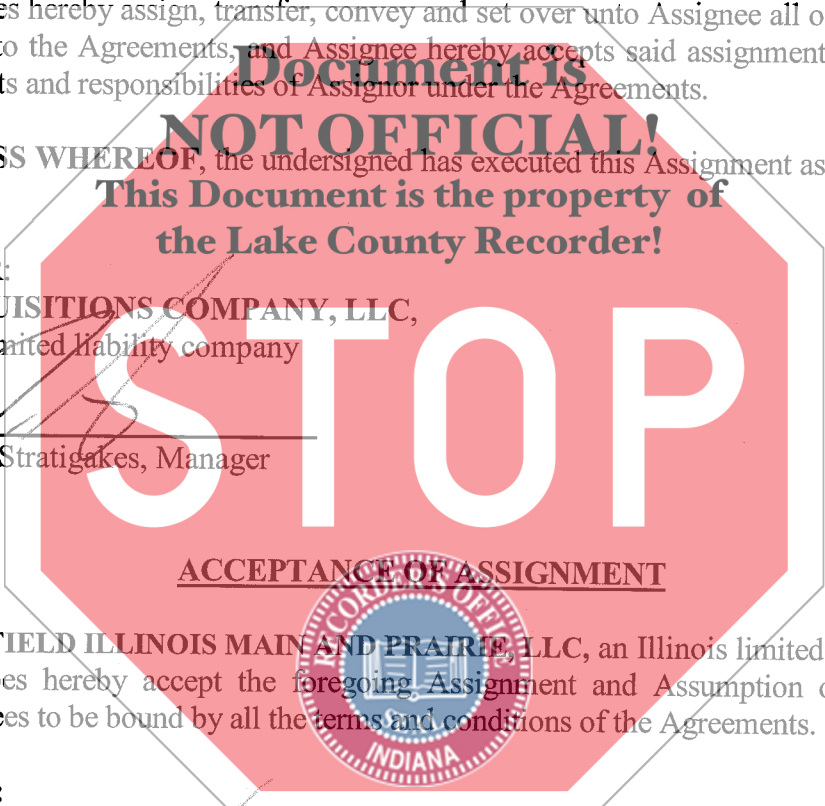


Exhibit A
Legal Description

Parcel 1:

Lots 24 to 28, both inclusive, in Block 3, in Tolleston Real Estate Co's First Addition to Gary, as per plat thereof, recorded in Plat Book 9, page 12, in the Office of the Recorder of Lake County, Indiana; AND

The South half of that part of the Alley lying North of and adjacent to said Lots 24 to 28, vacated by Confirmatory Resolution 9762 adopted by the Board of Public Works and Safety of the City of Gary on October 18, 1960 and recorded December 14, 1961, in Book 817 page 314, as Document No. 373610; AND

The East half of the following described part of Jennings Street vacated by Confirmatory Resolution 9537 adopted by the Board of Public Works and Safety of the City of Gary on December 22, 1959, and recorded February 16, 1960, in Book 768, page 358, as Document No. 235317:

Beginning at the Southwest corner of said Lot 28; thence North along the West line of said Lot 28 to the Northwest corner of the South half of the vacated Alley lying North of and adjacent to said Lot 28; thence West 30 feet to the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 7, Township 36 North, Range 8 West of the Second Principal Meridian; thence South along said East line to the North line of 15th Avenue; thence East to the Place of Beginning.

Parcel 2:

Lot 29 in Block 3, in Tolleston Real Estate Co's First Addition to Gary, as per plat thereof, recorded in Plat Book 9, page 12, in the Office of the Recorder of Lake County, Indiana; AND the North half of that part of the Alley lying South of and adjacent to said Lot 29 vacated by Confirmatory Resolution 9762 adopted by the Board of Public Works and Safety of the City of Gary on October 18, 1960 and recorded December 14, 1961, in Book 817 page 314, as Document No. 373610; AND

The East half of the following described part of Jennings Street vacated by Confirmatory Resolution 9537 adopted by the Board of Public Works and Safety of the City of Gary on December 22, 1959, and recorded February 16, 1960, in Book 768, page 358, as Document No. 235317:

Beginning at the Northwest corner of said Lot 29; thence South along the West line of said Lot 29 to the Southwest corner of the North half of the vacated Alley lying South of and adjacent to said Lot 29; thence West 30 feet to the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 7, Township 36 North, Range 8 West of the Second Principal Meridian; thence North along said East line to the North line of said Lot 29, extended Westerly; thence East to the Place of Beginning.

Parcel 3:

The South 233 feet of the West Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 7, Township 36 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana, EXCEPT the West 99.37 feet thereof.

ALSO, the West half of the following described part of Jennings Street vacated by Confirmatory Resolution 9537 adopted by the Board of Public Works and Safety of the City of Gary on December 22, 1959, and recorded February 16, 1960, in Book 768, page 358, as Document No. 235317:

Beginning at the Southwest corner of Lot 28, Block 3, in Tolleston Real Estate Co's First Addition to Gary, recorded in Plat Book 9, page 12, in the Office of the Recorder of Lake County, Indiana; thence North along the West line of Lots 28 and 29 in said Block 3 to the Northwest corner of said Lot 29; thence West 30 feet to the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 7, Township 36 North, Range 8 West of the Second Principal Meridian; thence South on said East line to a point 33 feet North of the South line of the West half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 7; thence East 30 feet to the Place of Beginning.