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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2017 006209

2017 JAN 27 AM 9:05

MICHAEL B. BROWN
RECORDER

FILED

JAN 27 2017

JOHN E. PETALAS
LAKE COUNTY AUDITOR

**AGREEMENT TO WAIVE AND/OR REVOKE CERTAIN RESTRICTIONS CONTAINED IN PREVIOUSLY
RECORDED RECIPROCAL EASEMENT AND CROSS-ACCESS EASEMENT AGREEMENT WITH COVENANTS,
CONDITIONS AND RESTRICTIONS**

COMES NOW TEIBEL'S, INC. (hereinafter TEIBEL'S) and PERCH PARTNERS, LLC and for their
Agreement to Waive and/or Revoke Certain Restrictions contained in a Reciprocal Easement and Cross-
Access Easement Agreement (hereinafter "Previous Agreement") recorded as Document Number 2000-
62159 with the Lake County Recorder's Office hereby agreed as follows:



1. That TEIBEL'S, INC. and TEIBEL'S SECOND PROPERTY OWNERS ASSOCIATION, INC. were the title owners of Parcels A and A-1 as identified in the Previous Agreement.
2. That TEIBEL'S, INC. remains an Indiana Corporation in active good standing with the State of Indiana, however, TEIBEL'S SECOND PROPERTY OWNERS ASSOCIATION, INC. was administratively dissolved by the Indiana Secretary of State on April 12, 2013 and is no longer active.
3. That pursuant to Section 11.2 and Section 11.3 of the Previous Agreement certain restrictions may be terminated by the undersigned owners of Parcels A and A-1.
4. That since 2002, Boston Pizza was established and operated as a sit-down restaurant with a full liquor bar and utilized an Indiana AFO Type 210 restaurant alcohol permit on Parcel C.
5. PARCEL C is now legally described as follows:

**Lot 1, Boston Pizza Addition to the Town of Schererville, Lake County, Indiana,
including all easements and rights-of-way.**

Commonly known as: 625 West US Highway 30, Schererville, Indiana 46375

Parcel Number: 45-11-16-102-012.000-036

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6. That Section 5.3 of the Previous Agreement provided that no portion of Parcel C "shall be used, directly or indirectly, for purposes of a cocktail lounge, bar" or "as a sit-down restaurant with a liquor license".

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7. That despite the restrictions contained in **Section 5.3** of the Previous Agreement as referenced above, the development and operation of the Boston Pizza restaurant since 2002 on **Parcel C** was done with the full consent and acquiescence of the undersigned owners of **Parcels A and A-1**.
8. That the undersigned owners of **Parcels A and A-1** do hereby consent to the continued operation of a "sit down restaurant with a liquor license" on **Parcel C** and hereby **WAIVE and/or REVOKE** any restrictions contained in the Previous Agreement disallowing a "sit down restaurant with a liquor license" to operate on **Parcel C**, now legally described as outlined in paragraph 3 above.

IN WITNESS WHEREOF, TEIBEL'S, INC. INC. and PERCH PARTNERS, LLC have executed this document on the 21st day of January, 2017.

TEIBEL'S, INC. **This Document is the property of the Lake County Recorder!** PERCH PARTNERS, LLC

By: [Signature] By: [Signature]
 STEPHEN TEIBEL, President STEPHEN TEIBEL, Member

STATE OF INDIANA)
 COUNTY OF LAKE)

Before me a Notary Public in and for said County and State, personally the above-signed, who acknowledged the execution of the foregoing Document and who, having being duly sworn, stated that any representations therein contained are true. Witness my hand and seal this 21st day of January, 2017.

My Commission Expires: May 25, 2018
 County of Residence: Lake



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.

[Signature]
 Randy H. Wyllie, Attorney

This instrument prepared by and Mail to: Randy H. Wyllie, #17621-64, 429 W. Lincoln Highway, Schererville, IN 46375, Attorney at Law

