RECORDING REQUESTED BY FIDELITY NATIONAL TITLE

2019 037329

STATE OF INDIANA LAKE COUNTY FILED FOR RECORD

2019 JUH 21 AM 8: 44

MICHAEL B. BROWN RECORDER

FIDELITY NATIONAL TITLE ATTN: MICHELLE BURTON 1 E. WASHINGTON ST., SUITE 450

AND WHEN RECORDED MAIL TO:

PHOENIX, AZ 85004

Master Escrow: Z1929387 Escrow No.: Z1929389

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# SPECIAL WARRANTY DEED

DULY ENTERED FOR TAXATION SUBJECT FINAL ACCEPTANCE FOR TRANSFER

JUN 2 0 2019

JOHN E. PETALAS LAKE COUNTY AUDITOR

041857

AMOUNT \$\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_AMOUNT \$\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_\_\_\_AMOUNT \$\_\_\_\_\_\_\_\_\_\_\_AMOUNT \$\_\_

THIS INSTRUMENT WAS PREPARED BY: Rhonda M. Weaver, Esquire McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108

AND SHOULD BE RETURNED TO: Christopher P. Tessitore, Esquire National Retail Properties, Inc. 450 S. Orange Avenue, Suite 900 Orlando, Florida 32801

Parcel No. 45-12-22-276-001.000-030 1335 East 79<sup>th</sup> Street, Merrillville, IN

### SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT **OBO VENTURES**, **INC.**, a Pennsylvania corporation, whose mailing address is 6295 Allentown Boulevard, Suite 1, Harrisburg, Pennsylvania. 17112, hereinafter referred to as "<u>Grantor</u>," for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash, and other good and valuable consideration to Grantor in hand paid by **NATIONAL RETAIL PROPERTIES**, **LP**, a Delaware limited partnership, whose mailing address is 450 South Orange Avenue, Suite 900, Orlando, Florida 32801, hereinafter referred to as "<u>Grantee</u>," has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee all that certain lot, tract, or parcel of land situated in Lake County, Indiana, more particularly described on **Exhibit A** attached hereto;

TOGETHER WITH all of the improvements, tenements, hereditaments, mineral rights and appurtenances belonging or in any way appertaining to such real property, and all of Grantor's right, title and interest in and to (i) any and all property lying in a bed of any street, road or avenue, open or proposed, in front of or adjoining such real property to the center line thereof, (ii) any strips and gores of land adjacent to, abutting or used in connection with such real property, mineral rights, and (iii) any easements and rights, if any, inuring to the benefit of such real property or to Grantor in connection therewith (the land and all of the foregoing being hereinafter referred to as the "Property");

PROVIDED, HOWEVER, that this conveyance is made and accepted subject to those matters of public record;

TO HAVE AND TO HOLD the Property, subject to the exceptions and reservation hereinafter stated, together with all and singular the rights and appurtenances thereto in anywise belonging to Grantor, unto the said Grantee, Grantee's successors and assigns forever, and Grantor does hereby bind itself and its successors to Specially Warrant and Forever Defend all and singular the Property unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming by, through or under the said Grantor but against no other subject, however, to all matters of public record.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

# Signed, sealed and delivered in the presence of: Name: Superior Relation Send Tax Statements To: National Retail Properties, LP, 450 South Orange Avenue, Suite 900, Orlando, FL 32801 I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Signature: John Surgert Title: Executive Vice President and COO Printed Name: Printed Name: Printed Name: Printed Name: Printed Name:

EXECUTED as of this 10 day of May, 2019 but effective as of the 10 day of May, 2019.

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF DAUPHIN

On this, the 15th day of May, 2019, before me, a Notary Public, the undersigned officer, personally appeared John Swygert, who acknowledged himself to be the Executive Vice President and COO of OBO Ventures, Inc., a Pennsylvania corporation, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

(SEAL

My Commission Expires: \-\5-2-3

Commonwealth of Pennsylvania - Notary Seal Lisa J. Crawford, Notary Public Dauphin County

My commission expires January 15, 2023 Commission number 1032464

Member, Pennsylvania Association of Notaries

## EXHIBIT A

## Legal Description

Site #33, Store 9294, Lake County, IN Street Address: 1355 E 79th Street, Merrillville, IN 46410 Parcel ID: 5-12-22-276-001.000-030

TRACT I:

Lot 4 in Cypress Equities Phase III, being an addition to the Town of Merrillville, as per plat thereof, recorded in Plat Book 90, page 33, in the Office of the Recorder of Lake County, Indiana, also being described as: That part of the Northeast Quarter of Section 22, Township 35 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana, described as follows:

Commencing at a point on the North line of the West Half of said Northeast Quarter, said point being 150 feet West of the Northeast corner thereof; thence North 89 degrees 54 minutes 57 seconds West, assumed, (North 89 degrees 59 minutes 00 seconds West) 118.98 feet along said North line to a point 1,600.6 feet (1,600.54 feet) Westerly from the Northeast corner of said Northeast Quarter, said point also being on the Easterly boundary of Interstate Highway 65; thence South 10 degrees 55 minutes 35 seconds West (South 10 degrees 57 minutes 00 seconds West), 151.70 feet along said Easterly boundary to the Northwesterly corner of a tract of land, 0.049 acres, more or less, described in Cause No. 45D04-9703-CP-00230 filed in Lake County, Indiana; thence South 16 degrees 17 minutes 43 seconds East (South 16 degrees 18 minutes 49 seconds East), 44.29 feet along the Northeasterly line of said tract of land to the Northeasterly corner thereof; thence South 10 degrees 58 minutes 06 seconds West (South 10 degrees 57 minutes 00 seconds West), 42.65 feet along the Easterly line of said tract of land to the Southeasterly corner thereof; thence South 09 degrees 39 minutes 48 seconds West (South 09 degrees 40 minutes 23 seconds West), 452.33 feet along the Easterly boundary of Parcel 2 of proposed Right-of-Way taking by I.N.D.O.T. Project No. IM- 65-8(133); thence South 90 degrees 00 minutes 00 seconds East, 672.00 feet; thence South 00 degrees 00 minutes 00 seconds East, 942:70 feet; thence Easterly 33.67 feet along a non-tangential curve concave Northerly, having a redius of 120.00 feet and a chord bearing North 81 degrees 57 minutes 43 seconds East, 33.56 to a point of tengency; thence North 73 degrees 55 minutes 27 seconds East, 34.45 feet to a point on the South line of 79th Avenue per Document No. 98019340; thence Easterly 85.24 feet along said Southerly right-ofway line, being a non-tangential curve concave Northerly, having a radius of 330.00 feet and a chord bearing South 68 degrees 03 minutes 42 seconds East, 85.01 feet to the Northeast corner of Lot 1 in the amended plat of Cypress Equities/Autonation Subdivision Phase 1 per Document No. 99067680; thence South 00 degrees 12 minutes 40 seconds East, 12.19 feet along the East line of said Lot I to a point on the South right-of-way line of 79th Avenue; thence Westerly 13.04 feet along a non-tangential curve concave Southerly having a radius of 120.00 feet and a chord bearing South 85 degrees 48 minutes 07 seconds West, 13.03 fect to the point of beginning; thence continuing Westerly along said curve 18.36 feet, said continuation of curve having a chord bearing South 78 degrees 18 minutes 24 seconds West, 18.34 feet to a point of tangency; thence South 73 degrees 55 minutes 27 seconds West, 67.05 feet to a point of curvature; thence Westerly 50.50 feet

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Thase III. per survey dated April 18, 2001, the above is to be known as proposed Lot 4, Cypress Equities Merrillville, as per plat thereof, recorded in Plat Book 87, page 19, in Lake County, Indiana, which emended plat; Cypress Equities/Autonation Subdivision, Phase 1, an addition to the Town of to the Town of Merrillville, as per plat thereof, recorded in Plat Book 84, page 31, as amended by point of beginning, being a part of Lot 1 in Cypress Equities/Autonation Subdivision, an Addition thence. North 00 degrees 12 minutes 40 seconds West 246.66 feet along said parallel line to the East, 631.04 feet to a point on a line parallel to and 13.00 feet West of the East line of said Lot 1; degrees 00 minutes 00 seconds West, 217.33 feet; theoce North 90 degrees 00 minutes 00 seconds 00 along Morth \$1 degrees 26 minutes 52 seconds West, 118,67 feet; thence South 90 Westerly and Northerly 170.58 feet along a curve concave Easterly, having a radius of 60.00 feet degrees 33 minutes 08 seconds West, 29.70 feet to a point of reverse curvature; thence Southerly, 82 slong a curve concave Southeasterly, having a radius of 25,00 feet and a chord bearing South 53 18.18 [18.18] Teet to a point of curvature; thence Southwesterly 31.81 feet degrees 57 minutes 43 seconds West, 50.34 feet to a point of tangency; thence North 90 degrees along a curve concave Northerly, having a radius of 180.00 feet and a chord bearing South 81

TRACT II:

Easements for Accesa, Drainage/Water Detention and Utilities for the benefit of TRACT I as created under Construction, Operation and Reciprocal Easement Agreement, dated and recorded February I, 2001 as Document No. 2001 007499 and re-recorded April 17, 2001 as Document No. 2001 027823, as modified by First Ameridanent to Construction, Operation and Reciprocal Easement Agreement, dated June 18, 2001 and recorded June 19, 2001 and Assumption of Pylon Sign Rights (AutoMation), dated June 18, 2001 and recorded June 19, 2001 as Document No. 2001 Assumption of Pylon Sign Rights (Babies 'R' Us), dated June 18, 2001 and recorded June 19, 2001 as Document No. 2001 as Document No. 2001 and recorded June 19, 2001 as Document No. 2001 as Document No. 2001 and recorded June 19, 2001 as Document No. 2001 as Document No. 2001 and Pylon Sign Rights (Babies 'R' Us), dated June 18, 2001 and recorded June 20, 2001 as Document No. 2001 of Rylon Sign Rights (Babies 'R' Us), dated June 18, 2001 and recorded June 20, 2001 as Document No. 2001 of Rylon Sign Rights (Babies 'R' Us), dated June 18, 2001 and recorded June 20, 2001 as Document No. 2001 of Rylon Sign Rights (Babies 'R' Us), dated June 18, 2001 and recorded June 20, 2001

BEING the same premises which Toys "R" Us Property Company II, LLC, a Delaware limited liability company, by deed dated August 29, 2018 and recorded in the Lake County Recorder of Deeds Office as Instrument No.2018069628, granted and conveyed unto OBO Ventures, Inc.