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BY: JAS PG #: 6 FILED FOR RECORD GINA PIMENTEL RECORDER

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

LAKE COUNTY AUDITOR

Nov 22 2022 LM JOHN E. PETALAS

RETURN DEED AFTER RECORDING TO: Scott E. Yahne, Attorney 3 Lincolnway, Suite 201 Valparaiso, IN 46383

SEND TAX BILLS TO: Merrillville Development II LLC 1009 Cambridge Lane Schererville, IN 46375

TAX KEY #: 45-12-22-278-003.000-030

PROPERTY ADDRESS: 1500 East 79th Avenue Merrillville, IN 46410

STATE OF INDIANA COUNTY OF LAKE

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SS.

SPECIAL WARRANTY DEED

CYPRESS/MERRILLVILLE I, LTD., a Texas limited partnership, having an address of 8144 Walnut Hill Lane, Suite 1200, Dallas Texas 75231 ("Grantor"), in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does convey and warrant to MERRILLVILLE DEVELOPMENT II, LLC, an Indiana limited liability company, its successors and assigns, having an address of 1009 Cambridge Lane, Schererville, IN 46375 ("Grantee"), an estate in fee simple in and to all that certain parcel or parcels of land in the County of Lake, State of Indiana, more particularly described in Exhibit A attached hereto and made a part hereof for all purposes, together with all of Grantor's right, title and interest, if any, in and to all streets and roads abutting the said parcel or parcels and all easements, rights and interests appurtenant to such land (collectively, the "Land").

TOGETHER WITH all buildings and improvements now and hereafter located on the Land and all of Grantor's right, title, and interest in all fixtures and systems located therein and thereon (all such buildings, improvements, fixtures and systems being collectively referred to as the "Improvements").

SUBJECT TO those matters affecting title to the Land and the Improvements that are described in **Exhibit B** attached hereto and made a part hereof for all purposes.

Grantor hereby binds itself and its successors to warrant and forever defend the right and title to the Land and the Improvements unto Grantee, its successors and assigns, subject to the matters described in <u>Exhibit B</u> attached hereto and made a part hereof for all purposes, against the claims of all persons owning, holding or claiming by, through or under Grantor, but against none other.

TO HAVE AND TO HOLD said Land and Improvements, and all privileges and appurtenances including, without limitation, all easements thereto belonging, unto Grantee and its successors and assigns in fee simple forever.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]



IN WITNESS WHEREOF, Grantor has caused this deed to be executed as of the 3rd day of November, 2022.

GRANTOR:

Signed, sealed and delivered in the presence of:

CYPRESS/MERRILLVILLE I, LTD., a Texas limited partnership

Cypress/Merrillville Management, Inc., a Texas corporation.

general partner

Vice President & CFO

STATE OF TEXAS

Dorlako COUNTY OF DALLAS

The foregoing instrument was acknowledged before me this /81 day of November, 2022, by Brian Parro, as Vice President & CFO of Cypress/Merrillville Management, Inc., a Texas corporation, general partner of Cypress/Merrillville I, Ltd., a Texas limited partnership, on behalf He is personally known to me or has produced of the limited partnership.

as identification.

TERRECELYN Y. HUTSON otary Public, State of Texas omm. Expires 09-02-2025 Notary ID 131186722

Printed Name: Terrecelyn Y. Hutson

Commission Number: 131186722 Commission Expires: September 2, 2025

(NOTARY SEAL)

THIS INSTRUMENT PREPARED BY: Nathan Entsminger, Esq. Liechty, McGinnis, Berryman & Bowen, LLP 11910 Greenville Avenue, Suite 400 Dallas. Texas 75243

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.

Topolity Orlate County Recorder Nathan Enterninger, Esq.

Exhibit A

Legal Description of the Land

LOT 8 IN FINAL PLAT OF CYPRESS EQUITIES PHASE VI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 91, PAGE 63 AS DOCUMENT NO. 2002-034669, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.



Exhibit B

- Real Estate Taxes for the year(s) 2022, (payable 2023) are a lien but not yet due and payable.
- Utility and Drainage Easements from Cypress/Merrillville I, Ltd. to the Town of Merrillville of the State of Indiana and to all public utility companies including Amerited and NiSource, and private utility companies, their successors and assigns, recorded July 16, 1999 as document 99058820 and recorded August 16, 1999 as document 99068332.
- Construction, Operation and Reciprocal Easement Agreement made by and among Cypress/Merrillville I Ltd., a Texas limited partnership, Lowe's Home Centers, Inc., a North Carolina corporation and AutoNation USA Corporation, a Florida corporation, recorded February 1, 2001 as document 2001 007499, and the terms and provisions thereof.
 - First Amendment to Construction, Operation and Reciprocal Easement Agreement recorded June 19, 2001 as document 2001 047654.
- Restrictions, dedications, conditions, reservations, building lines, easements and other matters shown on the plat of Final Plat of Cypress Equities Phase VI, as recorded in Plat Book 91, Page 63 as document 2002 034669.

