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2023-517601
06/07/2023 03:25 PM
TOTAL FEES: 25.00
BY: JAS
PG #: 6
RECORDED AS PRESENTED

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
GINA PIMENTEL
RECORDER

ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS

CHI REAL ESTATE FUNDING INC., a New York corporation
(Assignor)

to

COMPUTERSHARE TRUST COMPANY, N.A., AS TRUSTEE, FOR THE BENEFIT OF THE
HOLDERS OF BENCHMARK 2023-B38 MORTGAGE TRUST COMMERCIAL
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2023-B38
(Assignee)

Effective as of April 21, 2023

Property Address: 9200 Calumet Avenue, Munster, IN 46321
County of Lake
State of Indiana

DOCUMENT PREPARED BY AND WHEN RECORDED, RETURN TO:

McCoy & Orta, P.C.
100 North Broadway, 26th Floor
Oklahoma City, Oklahoma 73102
Telephone: 888-236-0007

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ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS

Effective as of the 21st day of April, 2023, CITI REAL ESTATE FUNDING INC., a New York corporation, having an address at 388 Greenwich Street, 8th Floor, New York, NY 10013 ("Assignor"), as the holder of the instrument hereinafter described and for valuable consideration hereby assigns, sells, transfers and delivers to COMPUTERSHARE TRUST COMPANY, N.A., AS TRUSTEE, FOR THE BENEFIT OF THE HOLDERS OF BENCHMARK 2023-B38 MORTGAGE TRUST COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2023-B38, having an address at 9062 Old Annapolis Road, Columbia, MD 21045 ("Assignee"), its successors, participants and assigns, without recourse or warranty, all right, title and interest of Assignor in and to that certain:

ASSIGNMENT OF LEASES AND RENTS made by LBCOI OWNER LLC, a Delaware limited liability company to Assignor, dated as of November 3, 2022 and recorded on November 9, 2022, as Instrument Number 2022-545210 in the Recorder's Office of Lake County, Indiana (as the same may have been amended, modified, restated, supplemented, renewed or extended), securing payment of note(s) of even date therewith, in the original principal amount of \$29,500,000.00, and creating a first lien on the property described in Exhibit A attached hereto and by this reference made a part hereof.

Together with any and all other liens, privileges, security interests, rights, entitlements, equities, claims and demands as to which Assignor hereunder possesses or to which Assignor is otherwise entitled as additional security for the payment of the notes and other obligations described herein.

This instrument shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

[SIGNATURE PAGE(S) TO FOLLOW]

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IN WITNESS WHEREOF, the Assignor has caused this instrument to be executed this 26th day of April, 2023, to be effective as of the date first written above.

ASSIGNOR:

**CITI REAL ESTATE FUNDING INC., a
New York corporation**

By: *Jason Mercandetti*
Name: Jason Mercandetti
Title: Vice President

STATE OF NEW YORK

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§
§

COUNTY OF NEW YORK

On the 26th day of April, 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Jason Mercandetti, as Vice President of Citi Real Estate Funding Inc., a New York corporation, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

Signature: *Sofia Rivera*

Notary Public



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EXHIBIT A LEGAL DESCRIPTION

Parcel 1:

LOT 2 IN LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 20 AS DOCUMENT NUMBER 2013-019681, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA.

Parcel 2 (PER TITLE COMMITMENT NO CCHI2205970NT DATED 5/15/22, REVISED 9/27/22):

THAT PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS DOCUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N 88° 17' 28" W ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 1367.55 FEET TO THE WEST OF LINE OF SAID LOT 1; THENCE, N 36° 18' 08" W FOR A DISTANCE OF 481.36 FEET; THENCE CONTINUING ALONG SAID WEST LINE N 01° 54' 44" E FOR A DISTANCE OF 1194.58 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE ALONG SAID NORTH LINE, S 88° 17' 28" E FOR A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 IN SAID LAKE BUSINESS CENTER; THENCE ALONG THE WEST LINE OF SAID LOT 9, S 01° 41' 34" W FOR A DISTANCE OF 148.14 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE ALONG SAID SOUTH LINE, S 76° 10' 49" E FOR A DISTANCE OF 243.96 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, S 88° 18' 13" E FOR A DISTANCE OF 243.42 FEET; THENCE, S 25° 46' 04" E FOR A DISTANCE OF 68.10 FEET; THENCE, S 88° 18' 23" E FOR A DISTANCE OF 178.22 FEET; THENCE, S 01° 35' 38" W FOR A DISTANCE OF 137.34 FEET; THENCE, S 88° 24' 22" E FOR A DISTANCE OF 47.87 FEET; THENCE, S 01° 37' 19" W FOR A DISTANCE OF 697.65 FEET; THENCE N 88° 10' 22" W FOR A DISTANCE OF 3.00 FEET; THENCE S 01° 54' 55" W FOR A DISTANCE OF 451.30 FEET; THENCE S 88° 17' 28" E FOR A DISTANCE OF 491.61 FEET TO THE EAST LINE OF SAID LOT 1; THENCE, S 01° 54' 38" W FOR A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.

Parcel 2 ("AS-SURVEYED"/MEASURED):

THAT PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS DOCUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N 88° 17' 28" W ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 1367.55 FEET TO THE WEST OF LINE OF SAID LOT 1; THENCE, N 36° 18' 08" W ALONG A WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 481.48 FEET TO A WEST LINE OF SAID LOT 1; THENCE ALONG SAID WEST LINE N 01° 54' 55" E FOR A DISTANCE OF 1194.48 FEET TO THE

Reference No.: 3819.011

Matter Name: 9200 Calumet Industrial

Pool: BMARK 2023-B38

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NORTH LINE OF SAID LOT 1; THENCE ALONG SAID NORTH LINE, S 88° 17' 28" E FOR A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 IN SAID LAKE BUSINESS CENTER; THENCE ALONG THE WEST LINE OF SAID LOT 9, S 01° 41' 34" W FOR A DISTANCE OF 148.16 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE ALONG SAID SOUTH LINE, S 76° 10' 53" E FOR A DISTANCE OF 243.84 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, S 88° 18' 28" E FOR A DISTANCE OF 243.61 FEET TO A NORTHWEST CORNER OF THE A TRACT OF LAND DESCRIBED IN INST. NO. 2021-062100 AS RECORDED IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, THE FOLLOWING SEVEN COURSES BEING ALONG THE WEST LINES THEREOF, (1) THENCE, S 25° 46' 04" E FOR A DISTANCE OF 68.10 FEET; (2) THENCE, S 88° 18' 23" E FOR A DISTANCE OF 178.22 FEET; (3) THENCE, S 01° 35' 38" W FOR A DISTANCE OF 137.34 FEET; (4) THENCE, S 88° 24' 22" E FOR A DISTANCE OF 47.87 FEET; (5) THENCE, S 01° 37' 19" W FOR A DISTANCE OF 697.65 FEET; (6) THENCE N 88° 10' 22" W FOR A DISTANCE OF 3.00 FEET TO THE NORTHEAST CORNER OF LOT 2 OF SAID SUBDIVISION; (7) THENCE S 01° 54' 55" W ALONG THE EAST LINE OF SAID LOT 2 FOR A DISTANCE OF 451.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S 88° 17' 28" E ALONG A NORTH LINE OF THE INGRESS AND EGRESS EASEMENT PER SAID SUBDIVISION PLAT FOR A DISTANCE OF 491.58 FEET TO THE EAST LINE OF SAID LOT 1; THENCE, S 01° 54' 38" W ALONG SAID EAST LINE FOR A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART OF LOT 1 IN LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 20 AS INSTRUMENT NUMBER 2013-019681 AND PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS INSTRUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 88 DEGREES 17 MINUTES 28 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 OF SAID LOT; THENCE SOUTH 01 DEGREE 41 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 148.16 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88 DEGREES 34 MINUTES 37 SECONDS WEST ALONG THE NORTH LINE OF ON INGRESS AND EGRESS EASEMENT AS DEPICTED ON SAID PLAT A DISTANCE OF 432.60 FEET TO THE WEST LINE OF AFORESAID LOT 1; THENCE NORTH 1 DEGREE 54 MINUTES 55 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 150.29 FEET TO THE POINT OF BEGINNING, CONTAINING 1.48 ACRES, MORE OR LESS.

Parcel 3:

A non-exclusive easement for the benefit of Parcels 1 and 2 for vehicular access, ingress, egress, cross-parking and landscaping as recited in Declaration of Easement and Restrictive Covenant by Munster Development LLC, recorded July 16, 2012 as Instrument No. 2012-046440 and amended

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by First Amendment to Declaration of Easements and Restrictive Covenant between LBC Owner LLC, Munster Development LLC and 37 Hotel Munster/MD LLC dated September 22, 2021 and recorded October 4, 2021 as Instrument No. 2021-062099.

Parcel 4:

A non-exclusive easement for the benefit of Parcel 2 for ingress, egress and parking as recited in Reciprocal Grant of Ingress/Egress and Parking Easement recorded March 15, 2018 as Instrument Number 2018 016797.

Parcel 5:

A non-exclusive easement for the benefit of Parcels 1 and 2 for party wall, garbage, and shared facilities as recited in Declaration of Party Wall & Grant of Easements Agreement between LBC Owner LLC and CAHST MUNSTER, LLC dated September 22, 2021 and recorded October 4, 2021 as Instrument Number 2021-062102.