

STATE OF INDIANA )  
 ) IN THE LAKE SUPERIOR COURT  
 ) SS:  
COUNTY OF LAKE ) CAUSE NO. 45D01-2302-MF-000126

CONSOLIDATED WITH: 45D01-2305-PL-000337  
45C01-2305-PL-000350

GARY LAKE PARK, LLC,

Plaintiff,

v.

REENERGIZE USA, LLC,  
PETER J. SHIRK, COMMERCIAL IN-SITES,  
LLC, EVERGREEN CAPITAL MANAGEMENT  
LLC, AND POLICE TRONICS, INC.  
Defendants.

EVERGREEN CAPITAL MANAGEMENT, LLC,  
Counterclaim and Third-Party Plaintiff,

v.

REENERGIZE USA, LLC,  
6 POINT CAPITAL FUND I, LLC, CHARLIES  
BROWN PROPERTY MANAGEMENT &  
SERVICES, LLC, COMMERCIAL IN-SITES,  
LLC, EVERGREEN CAPITAL MANAGEMENT  
LLC, POLICE TRONICS, INC., AMAZON.COM  
SERVICES, INC., METAL RESOURCES  
STEEL FRAMING, LLC, GARY LAKE PARK,  
LLC, AND MILESTONE NORTH  
CONTRACTORS, INC.  
Defendants.

GINA PIMENTEL  
RECORDER  
STATE OF INDIANA  
LAKE COUNTY  
RECORDED AS PRESENTED

2024-021522

8:47 AM 2024 Aug 16

Filed in Open Court  
August 5, 2024

CLERK LAKE SUPERIOR COURT  
AA

**AGREED ORDER ON REQUEST FOR ORDER AUTHORIZING  
TENANT TO WITHHOLD RENT UNDER TERMS OF LEASE**

Plaintiff, Gary Lake Park, LLC ("Gary Lake") and MRI Metal Resources Steel Framing,

LLC d/b/a MRI Steel Framing ("MRI"), stipulate to the entry of the following order:

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Proprietary Lake County Recorder

25-  
CL. 1213217  
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And the Court, being duly advised in the premises, hereby approves said Agreed Order.

**IT IS ORDERED, ADJUDGED AND DECREED** that:

1. Beginning August 1, 2024, and continuing for a period of twelve months, MRI is authorized to abate \$10,000 of its monthly rent payment owed under the Commercial Lease Agreement dated January 14, 2022 ("Lease"). The total amount of abated rent will be \$120,000 ("Agreed Rent Abatement").

2. MRI shall resume normal monthly rent payments in accordance with the terms of the Lease on August 1, 2025.

3. The parties agree that the Agreed Rent Abatement fully satisfies any and all obligations of ReEnergize USA, LLC, Gary Lake, or any subsequent Landlord or Lessor under the Lease, with regard to the claimed repairs, improvements, and abatement as alleged in MRI's Request for Order Authorizing Tenant to Withhold Rent under Terms of the Lease filed on June 5, 2024 (the "Abatement Motion"), to the extent such claims arose prior to the filing of the Abatement Motion.

4. The parties further agree that the Agreed Rent Abatement shall run with the land, shall be binding on any subsequent Landlord or Lessor, and that this Order may be recorded by MRI in the records of the Lake County Recorder.

5. MRI shall otherwise fully comply with all of its obligations under the Lease.

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AMUNDSEN DAVIS, LLC



/s/ Keith D. Mundrick

Martha R. Lehman (#14287-49)  
Keith D. Mundrick (#30783-49)  
201 N. Illinois Street, Suite 1400  
Indianapolis, IN 46204  
Telephone: (317) 464-4142  
mlehman@amundsendavislaw.com  
kmundrick@amundsendavislaw.com

*Attorneys for MRI Metal Resources Steel  
Framing, LLC d/b/a MRI Steel Framing*

DINSMORE & SHOHL LLP

/s/ John Waller

John D. Waller, #17600-49  
David W. Patton, #35333-82  
211 North Pennsylvania Street  
One Indiana Square, Suite 1800  
Indianapolis, IN 46204-4208  
Telephone: (317) 639-6151  
John.Waller@Dinsmore.com  
David.Patton@Dinsmore.com

*Attorneys for Gary Lake Park, LLC*

WEISS, SCHMIDGALL AND HIRES, PC

/s/ Jessica McPheeters

Jessica L. McPheeters (#35020-45)  
Amanda C. Hires  
Christopher R. Schmidgall  
6 W. 73<sup>rd</sup> Avenue  
Merrillville, IN 46410  
ahires@wshlegal.com  
cschmidgall@wshlegal.com  
jheine@wshlegal.com

*Attorneys for ReEnergize USA, LLC*

KRIEG DEVAULT LLP

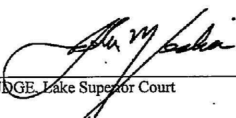
/s/ Kay Dee Baird

Kay Dee Baird (#28821-73)  
Krieg DeVault LLP  
One Indiana Square, Suite 2800  
Indianapolis, IN 46204  
kbaird@kdlegal.com

*Attorney for Receiver, Resource  
Commercial Real Estate, LLC d/b/a  
Bradley Company*

The hearing set August 13, 2024 at 1:00 p.m. is vacated.

SO ORDERED: August 5, 2024

  
\_\_\_\_\_  
JUDGE, Lake Superior Court

Electronic distribution via IEFs.

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## Exhibit "A"

Part of the Northwest Quarter of Section 11, Township 36 North, Range 8 West of the Second Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter of said Section 11 and 300.04 feet South of the Northwest corner thereof; thence East and parallel with the North line of the Northwest Quarter of said Section 11, a distance of 776.36 feet to a point of curve; thence Southeasterly along a curve to the right with a radius of 278 feet, a distance of 432.42 feet to a point of tangent, said point being 1,050 feet East of the West line of the Northwest Quarter of said Section 11 (measured at right angles thereto); thence South tangential to the afore described curve, parallel to and 1,050 feet East of the West line of the Northwest Quarter of said Section 11, a distance of 1,146.73 feet; thence West and parallel to the North line of the Northwest Quarter of said Section 11, a distance of 50.00 feet; thence South and parallel to the West line of the Northwest Quarter of said Section 11, a distance of 79.68 feet; thence West and parallel with the North line of the Northwest Quarter of said Section 11, a distance of 890.11 feet, to a point being 1,800 feet South of the North line (measured at right angles thereto) of the Northwest Quarter of said Section 11 and 110 feet East of the West line (measured at right angles thereto) of the Northwest Quarter of said Section 11; thence North parallel to and 110 feet East of the West line of the Northwest Quarter of said Section 11, a distance of 334.42 feet to a point of curve; thence Northwesterly along a curve to the left with a radius of 1,196.95 feet, a distance of 517.17 feet to the West line of the Northwest Quarter of said Section 11, to a point being 966.26 feet South of the Northwest corner thereof; thence North along the West line of the Northwest Quarter of said Section 11, a distance of 665.22 feet to the Place of Beginning, in the City of Gary, Lake County, Indiana. EXCEPT the part deeded to Gary Industrial Foundation, Inc. by Deed Record 1191, page 448.

City of Lake County Recorder