

1 TITLE DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ELKHART, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

TRACT I:

PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST, IN ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 36&THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST (ASSUMED), A DISTANCE OF 429.79 FEET&THENCE NORTH 89 DEGREES, 01 MINUTES 21 SECONDS WEST, FOR A DISTANCE OF 1035.09 FEET TO THE POINT OF BEGINNING&THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST, A DISTANCE OF 289.55 FEET&THENCE NORTH 00 DEGREES, 03 MINUTES, 58 SECONDS WEST, FOR A DISTANCE OF 2222.39 FEET TO AN IRON PIN FOUND AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 33&THENCE SOUTH 49 DEGREES, 18 MINUTES, 42 SECONDS EAST, FOR A DISTANCE OF 1151.30 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE&THENCE LEAVING THE SAID SOUTHERLY RIGHT-OF-WAY LINE AND PROCEEDING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 36.04 FEET BEING SUBTENDED BY A CHORD OF SOUTH 10 DEGREES, 11 MINUTES, 13 SECONDS WEST, FOR A DISTANCE OF 34.47 FEET&THENCE SOUTH 49 DEGREES, 41 MINUTES, 18 SECONDS WEST, FOR A DISTANCE OF 14.58 FEET&THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 35.27 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 20 DEGREES, 28 MINUTES, 08 SECONDS WEST, FOR A DISTANCE OF 34.54 FEET&THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 241.95 FEET&THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 38.94 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 44 DEGREES, 20 MINUTES, 46 SECONDS EAST, FOR A DISTANCE OF 35.12 FEET&THENCE SOUTH 88 DEGREES 58 MINUTES, 09 SECONDS EAST, FOR A DISTANCE OF 244.19 FEET&THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 55.37 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 69 DEGREES, 08 MINUTES, 25 SECONDS EAST, FOR A DISTANCE 54.27 FEET&THENCE NORTH 40 DEGREES 41 MINUTES, 18 SECONDS EAST, FOR A DISTANCE OF 90.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U. S. HIGHWAY 33&THENCE SOUTH 49 DEGREES, 18 MINUTES, 42 SECONDS EAST, FOR A DISTANCE OF 179.93 FEET ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 33 TO ITS INTERSECTION WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST&THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 1099.48 FEET ALONG THE SAID EAST LINE TO A POINT SITUATED 429.79 FEET NORTH OF THE CENTER OF SAID SECTION 36&THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST, FOR A DISTANCE OF 50.00 FEET&THENCE NORTH 00 DEGREES 16 MINUTES 38 SECONDS EAST, FOR A DISTANCE OF 1028.86 FEET&THENCE NORTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST, FOR A DISTANCE OF 484.00 FEET&THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST, FOR A DISTANCE OF 26.52 FEET&THENCE NORTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST, FOR A DISTANCE OF 468.00 FEET&THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 567.65 FEET&THENCE SOUTH 45 DEGREES, 18 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 46.67 FEET&THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 462.28 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST, IN ELKHART COUNTY INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 36&THENCE NORTH 00 DEGREES 16 MINUTES 38 SECONDS EAST (ASSUMED), A DISTANCE OF 1529.27 FEET TO A 4-INCH BY 4-INCH CONCRETE RIGHT-OF-WAY MONUMENT FOUND IN THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 33&THENCE NORTH 49 DEGREES 18 MINUTES 42 SECONDS WEST, A DISTANCE OF 1416.66 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 33 TO THE POINT OF BEGINNING&THENCE SOUTH 49 DEGREES 18 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 173.84 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 33 TO A POINT&THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 34.00 FEET AND AN ARC LENGTH OF 34.73 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 11 DEGREES 36 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 33.24 FEET TO A POINT&THENCE SOUTH 40 DEGREES 41 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 20.18 FEET TO A POINT&THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 81.00 FEET AND AN ARC LENGTH OF 97.13 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 20 DEGREES 28 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 55.95 FEET TO A POINT&THENCE SOUTH 00 DEGREES 16 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 48.28 FEET TO A POINT&THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 39.00 FEET AND AN ARC LENGTH OF 61.26 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 45 DEGREES 16 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 55.15 FEET TO A POINT&THENCE NORTH 89 DEGREES 43 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 250.47 FEET TO A POINT&THENCE NORTH 00 DEGREES 16 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 70.00 FEET TO A POINT&THENCE NORTH 40 DEGREES 41 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 302.49 FEET TO THE POINT OF BEGINNING.

AND FURTHER EXCEPTING:

A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 36&THENCE NORTH 00 DEGREES 16 MINUTES 38 SECONDS EAST (ASSUMED), A DISTANCE OF 1529.27 FEET TO A 4-INCH BY 4-INCH CONCRETE RIGHT-OF-WAY MONUMENT FOUND IN THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 33&THENCE NORTH 49 DEGREES 18 MINUTES 42 SECONDS WEST (AT 1737.38 FEET PASSING A RIGHT-OF-WAY MARKER FOUND) A DISTANCE OF 1757.09 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 33 TO A PIN FOUND, WHICH IS THE POINT OF BEGINNING&THENCE SOUTH 49 DEGREES 18 MINUTES 42 SECONDS EAST, A DISTANCE OF 340.42 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 33&THENCE SOUTH 40 DEGREES 41 MINUTES 18 SECONDS WEST, A DISTANCE OF 302.49 FEET&THENCE SOUTH 00 DEGREES 16 MINUTES 38 SECONDS WEST, A DISTANCE OF 70 FEET&THENCE NORTH 89 DEGREES 43 MINUTES 22 SECONDS WEST, A DISTANCE OF 60 FEET&THENCE NORTH 00 DEGREES 03 MINUTES 58 SECONDS WEST, A DISTANCE OF 521 FEET TO THE POINT OF BEGINNING.

AND FURTHER EXCEPTING:

THAT PART CONVEYED BY WARRANTY DEED RECORDED OCTOBER 27, 2017 AS INSTRUMENT NO. 2017-23332, DESCRIBED AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST, SECOND PRINCIPAL MERIDIAN, CONCORD CIVIL TOWNSHIP, ELKHART COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT EXHIBIT B--AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 00 DEGREES 27 MINUTES 38 SECONDS WEST (BASIS OF BEARINGS IS THE EAST LINE OF SAID QUARTER SECTION AS SHOWN ON A LOCATION CONTROL ROUTE SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 2017-03142 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA), ALONG SAID EAST LINE, ALSO BEING THE EAST LINE OF SAID GRANTOR'S LAND, A DISTANCE OF 1216.96 FEET TO POINT 40737 DESIGNATED ON SAID PARCEL PLAT AND THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 32 MINUTES 22 SECONDS WEST A DISTANCE OF 10.00 FEET TO POINT 40793 DESIGNATED ON SAID PARCEL PLAT; THENCE NORTH 00 DEGREES 27 MINUTES 38 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, A DISTANCE OF 20.00 FEET TO POINT 40807 DESIGNATED ON SAID PARCEL PLAT, THENCE NORTH 89 DEGREES 32 MINUTES 22 SECONDS EAST A DISTANCE OF 10.00 FEET TO POINT 40811 DESIGNATED ON SAID PARCEL PLAT AND BEING ON THE EAST LINE OF SAID QUARTER SECTION, ALSO BEING THE EAST LINE OF SAID GRANTOR'S LAND; THENCE SOUTH 00 DEGREES 27 MINUTES 38 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.005 ACRES, MORE OR LESS.

TRACT II (SAMS):

A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST, IN ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 36; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST (ASSUMED), A DISTANCE OF 429.79 FEET; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST FOR A DISTANCE OF 537.05 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST, FOR A DISTANCE OF 491.17 FEET TO A POINT; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST FOR A DISTANCE OF 53.00 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 531.13 FEET; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST FOR A DISTANCE OF 484.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST FOR A DISTANCE OF 1028.86 FEET TO THE POINT OF BEGINNING.

TRACT III (WAL-MART):

A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST, IN ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 36; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST (ASSUMED), A DISTANCE OF 429.79 FEET; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST, A DISTANCE OF 587.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST FOR A DISTANCE OF 448.04 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 452.28 FEET; THENCE NORTH 45 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 46.67 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 557.65 FEET; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST FOR A DISTANCE OF 468.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST FOR A DISTANCE OF 557.24 FEET; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST FOR A DISTANCE OF 53.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 491.17 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: THAT PART CONVEYED BY SPECIAL WARRANTY DEED RECORDED JUNE 21, 2017 AS INSTRUMENT NO. 2017-12571, DESCRIBED AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 5 EAST, IN ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A CONCRETE MONUMENT WITH COPPER PIN MARKING THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 36; THENCE NORTH 89 DEGREES 33 MINUTES 40 SECONDS WEST (BEARINGS BASED UPON INDIANA S.P.C. EAST ZONE, NAD 83), 1324.97 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER TO THE WEST LINE OF THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED MAY 23, 1997 AS INSTRUMENT NO. 97-012513 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, SAID LINE ALSO BEING THE EAST LINE OF PARCEL II DESCRIBED IN WARRANTY DEED RECORDED OCTOBER 27, 2011 AS INSTRUMENT NO. 2011-020178 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA AND THE WEST LINE, AS MONUMENTED AND OCCUPIED, OF THE EAST HALF OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 20 MINUTES 50 SECONDS WEST, 425.50 FEET ALONG SAID COMMON LINE TO AN IRON PIPE WITH AND UNMARKED CAP MARKING THE SOUTHWEST CORNER OF TRACT I DESCRIBED IN WARRANTY DEED RECORDED DECEMBER 30, 2002 AS INSTRUMENT NO. 2002-048161 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, SAID LINE ALSO BEING THE EAST LINE OF PARCEL II DESCRIBED IN WARRANTY DEED RECORDED DECEMBER 30, 2002 AS INSTRUMENT NO. 2002-048161 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA; THENCE NORTH 77 DEGREES 15 MINUTES 39 SECONDS EAST, 76.63 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 56.96 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 40 SECONDS WEST, 139.37 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 269.14 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 139.37 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 50.22 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 13.18 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 46 SECONDS EAST, 31.84 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 00 SECONDS EAST, 492.05 FEET TO THE SOUTH LINE OF TRACT I DESCRIBED IN WARRANTY DEED RECORDED DECEMBER 30, 2002 AS INSTRUMENT NO. 2002-048161 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, SAID LINE ALSO BEING THE NORTH LINE OF THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED MAY 23, 1997 AS INSTRUMENT NO. 97-012513 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA; THENCE NORTH 89 DEGREES 38 MINUTES 47 SECONDS WEST, 803.51 FEET ALONG SAID COMMON LINE TO THE POINT OF BEGINNING.

TRACT IV (EASEMENT):

RECIPROCAL NON-EXCLUSIVE AND PERPETUAL EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS AS DESCRIBED IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT DATED AS OF OCTOBER 13, 1994, RECORDED OCTOBER 14, 1994 AS DOCUMENT NO. 94025805.

The land shown in this survey is the same as that described in First American Title Insurance Company, Commitment #3020-1237302, Dated October 07, 2024.

2 TITLE INFORMATION

The Title Description and Schedule B Items hereon are from FIRST AMERICAN TITLE INSURANCE COMPANY, commitment #3020-1237302, Dated OCTOBER 07, 2024.

6 CEMETERY

There is no visible evidence of cemeteries on the subject property at the time of survey.

AS-SURVEYED DESCRIPTION

TRACT I:

COMMENCING AT THE CENTER OF SAID SECTION 36; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST (ASSUMED), A DISTANCE OF 429.79 FEET; THENCE NORTH 89 DEGREES, 01 MINUTES 21 SECONDS WEST, FOR A DISTANCE OF 1324.64 FEET; THENCE NORTH 00 DEGREES, 03 MINUTES, 58 SECONDS WEST, FOR A DISTANCE OF 481.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES, 03 MINUTES, 58 SECONDS WEST 1220.24 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 22 SECONDS EAST 310.47 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 39.00 FEET AND AN ARC LENGTH OF 61.25 FEET BEING SUBTENDED BY A CHORD OF NORTH 45 DEGREES, 16 MINUTES, 36 SECONDS EAST, FOR A DISTANCE OF 55.15 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 38 SECONDS EAST 48.28 FEET TO A CURVE; THENCE PROCEEDING ALONG SAID TO CURVE TO THE RIGHT HAVING A RADIUS OF 81.00 FEET AND AN ARC LENGTH OF 57.13 FEET BEING SUBTENDED BY A CHORD OF NORTH 20 DEGREES, 28 MINUTES, 58 SECONDS EAST, FOR A DISTANCE OF 55.95 FEET; THENCE NORTH 40 DEGREES, 41 MINUTES, 18 SECONDS EAST 20.18 FEET TO A CURVE; THENCE PROCEEDING ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 34.00 FEET AND AN ARC LENGTH OF 34.73 FEET BEING SUBTENDED BY A CHORD OF NORTH 11 DEGREES, 36 MINUTES, 19 SECONDS EAST, FOR A DISTANCE OF 33.24 FEET; THENCE SOUTH 49 DEGREES, 18 MINUTES, 42 SECONDS EAST 637.15 FEET TO A CURVE; THENCE PROCEEDING ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND AN ARC LENGTH OF 36.04 FEET BEING SUBTENDED BY A CHORD OF SOUTH 70 DEGREES, 11 MINUTES, 13 SECONDS WEST, FOR A DISTANCE OF 34.47 FEET; THENCE SOUTH 40 DEGREES, 41 MINUTES, 18 SECONDS WEST, FOR A DISTANCE OF 14.58 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 35.27 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 20 DEGREES, 28 MINUTES, 08 SECONDS WEST, FOR A DISTANCE OF 34.54 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 241.95 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 38.94 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 44 DEGREES, 20 MINUTES, 46 SECONDS EAST, FOR A DISTANCE OF 35.12 FEET; THENCE SOUTH 88 DEGREES 58 MINUTES, 09 SECONDS EAST, FOR A DISTANCE OF 244.19 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 55.37 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 69 DEGREES, 08 MINUTES, 25 SECONDS EAST, FOR A DISTANCE 54.27 FEET; THENCE NORTH 40 DEGREES 41 MINUTES, 18 SECONDS EAST, FOR A DISTANCE OF 90.00 FEET; THENCE SOUTH 49 DEGREES, 18 MINUTES, 42 SECONDS EAST, FOR A DISTANCE OF 179.93 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 292.30 FEET; THENCE NORTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST 10.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST 20.00 FEET; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST 10.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 787.18 FEET; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST, FOR A DISTANCE OF 50.00 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 38 SECONDS EAST, FOR A DISTANCE OF 1028.86 FEET; THENCE NORTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST, FOR A DISTANCE OF 494.00 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST, FOR A DISTANCE OF 26.52 FEET; THENCE NORTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST, FOR A DISTANCE OF 468.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST, FOR A DISTANCE OF 557.65 FEET; NORTH 89 DEGREES, 49 MINUTES, 41 SECONDS WEST 325.41 FEET TO THE POINT OF BEGINNING.

TRACT II:

COMMENCING AT THE CENTER OF SAID SECTION 36; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST (ASSUMED), A DISTANCE OF 429.79 FEET; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST FOR A DISTANCE OF 537.05 FEET; THENCE NORTH 00 DEGREES, 26 MINUTES, 26 SECONDS EAST, FOR A DISTANCE OF 492.05 FEET TO A POINT; THENCE SOUTH 89 DEGREES, 46 MINUTES, 48 SECONDS EAST FOR A DISTANCE OF 14.50 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 531.13 FEET; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST FOR A DISTANCE OF 484.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST FOR A DISTANCE OF 1028.86 FEET TO THE POINT OF BEGINNING.

TRACT III:

COMMENCING AT THE CENTER OF SAID SECTION 36; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST (ASSUMED), A DISTANCE OF 429.79 FEET; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST, A DISTANCE OF 587.05 FEET; THENCE NORTH 89 DEGREES, 01 MINUTES, 21 SECONDS WEST FOR A DISTANCE OF 448.04 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 452.28 FEET; THENCE NORTH 45 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 46.67 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST FOR A DISTANCE OF 557.65 FEET; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST FOR A DISTANCE OF 468.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST FOR A DISTANCE OF 557.24 FEET; THENCE NORTH 89 DEGREES, 46 MINUTES, 48 SECONDS WEST 139.37 FEET; THENCE NORTH 89 DEGREES, 22 MINUTES, 34 SECONDS WEST 269.14 FEET; THENCE SOUTH 00 DEGREES, 18 MINUTES, 46 SECONDS WEST 139.37 FEET; THENCE NORTH 89 DEGREES, 22 MINUTES, 34 SECONDS WEST 56.96 FEET; THENCE SOUTH 77 DEGREES, 53 MINUTES, 05 SECONDS WEST 76.63 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 885, ARTICLE 1.1, CHAPTER 12 (RULE 12), OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE THEORY OF LOCATION APPLIED IN ESTABLISHING OR RETRACING THE LINES AND CORNERS OF THE SURVEYED PARCEL, AND GIVES THE REGISTERED LAND SURVEYOR'S PROFESSIONAL OPINION OF THE CAUSE AND THE AMOUNT OF UNCERTAINTY IN THOSE LINES AND CORNERS BECAUSE OF THE FOLLOWING:

- AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS; VARIANCES IN REFERENCE MONUMENTS.
- OCCUPATION OR POSSESSION LINES; INCONSISTENCIES IN LINES OF OCCUPATION OR POSSESSION.
- CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USED AND OF ADJOINERS' DESCRIPTIONS AND THE RELATIONSHIP OF THE LINES OF THE SUBJECT TRACT WITH ADJOINERS' LINES.
- THE RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS.

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THIS SURVEY IS WITHIN THE ACCEPTABLE RELATIVE ACCURACIES FOR AN URBAN SURVEY.

THE THEORY OF LOCATION OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE STANDARDS AND SPECIFICATIONS FOR AN ALTA SURVEY.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED, VARIANCE IN REFERENCE MONUMENTS USED TO ESTABLISH THE PROPERTY LINES FOR THE PARCELS, INCONSISTENCIES IN LINES OF OCCUPATION, AND DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS CLOSED AND APPEARED TO CONTAIN NO AMBIGUITIES WITH RESPECT TO THE ADJOINERS.

THIS IS A RETRACEMENT ALTA/NSPS LAND TITLE SURVEY OF A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 05 EAST, IN ELKHART COUNTY, INDIANA.

SURVEY IS BASED ON THE FOLLOWING DOCUMENTS:

ALTA COMMITMENT FOR TITLE INSURANCE NUMBER 3020-1237302 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH A COMMITMENT DATE OF OCTOBER 07, 2024.

THE FOLLOWING DEED DOCUMENTS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA: VESTING DEED 200248161, VESTING DEED 200248162, VESTING DEED 201723332, AND VESTING DEED 201712571.

THE FOLLOWING DEED DOCUMENTS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA:

2017-03142, 97-012513, 2011-020178, AND 97-012513.

LOCATION CONTROL ROUTE SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 2017-03142 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

PARCEL MAP ELKHART CO PARCEL MAP: 06-36-127-006-013 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

LOCATION CONTROL ROUTE SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 2017-03142 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALTA/NSPS LAND TITLE SURVEY PREPARED BY MANHARD CONSULTING, LTD DATED 05/31/17 AND SIGNED BY BRIAN J. POHL, INDIANA SURVEYOR NO. 20500026 ON JUNE 14, 2017 AS PROJECT WALGSI 120678, AND BOUNDARY SURVEY PREPARED BY MANHARD CONSULTING, LTD DATED 03/15/18 AND LAST UPDATED JUNE 14, 2018.

4 SURVEYOR CERTIFICATION

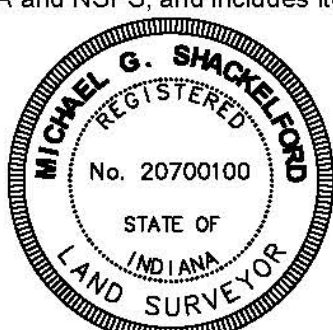
To: First American Title Insurance Company, HK New Plan ERP Property Holdings, LLC, a Delaware limited liability company; IN-Goshen Market, LLC, a Delaware limited liability company; and Wells Fargo Bank, a National Association.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items Table A items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 13, 14, 16, 17, 18 and 19 of Table A thereof.

The fieldwork was completed on 11/06/2024.

Date of Plat or Map: 11/11/2024

Michael G. Shackelford, PLS
Indiana Registration No. 20700100
surveyor@firstam.com



13 LAND AREA

TRACT 1 - 19.65 ACRE
TRACT 2 - 11.24 ACRE
TRACT 3 - 4.99 ACRE

14 BUILDING AREA

Blgd 1: 101,024 square feet
Blgd 2: 34,070 square feet
Blgd 3: 10,454 square feet
Blgd 4: 5655 square feet
Blgd 5: 106,113 square feet
Blgd 6: 2,475 square feet

15 BUILDING HEIGHT

Blgd 1: 21 feet or 1 Story
Blgd 2: 21 feet or 1 Story
Blgd 3: 20 feet or 1 Story
Blgd 4: 16 feet or 1 Story
Blgd 5: 27 feet or 1 Story
Blgd 6: 20 feet or 1 Story

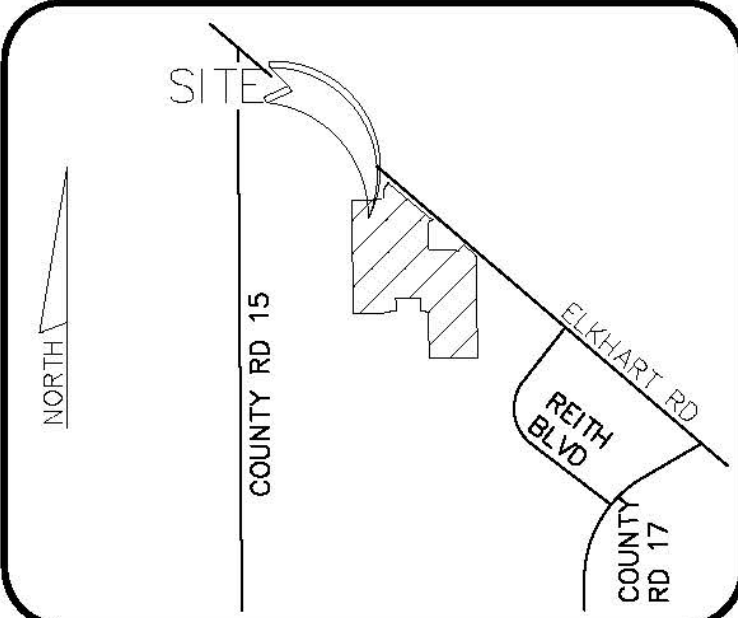
12 PARKING INFORMATION

1686 Standard Spaces
53 Disabled Spaces
1739 Total Parking Spaces

10 BASIS OF BEARINGS

The bearing S49°18'42"E, being the southwestern right of way line of Elkhart Road (City of Goshen, County of Elkhart, State of Indiana) was used as the Basis of Bearing for this survey.

16 VICINITY MAP



VICINITY MAP
NO SCALE

11 SURVEYOR'S NOTES

1. No observable evidence of earth moving work, building construction or building additions within recent months.

2. No observable evidence of changes in street right of way lines completed, and available from the controlling jurisdiction and no observable evidence of recent street or sidewalk construction or repairs.

3. Property has physical access to Elkhart Road, a duly dedicated public right of way.

4. All statements within the certification, and other references located elsewhere hereon, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.

Key to CDS ALTA Survey

1 TITLE DESCRIPTION

2 TITLE INFORMATION

3 SCHEDULE 'B' ITEMS

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- 5 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN ELKHART MARKET CENTRE, L.P., AN INDIANA LIMITED PARTNERSHIP, LESSOR, AND OCB REALTY CO., A MINNESOTA CORPORATION, LESSEE, DATED OCTOBER 03, 1994 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED NOVEMBER 07, 1994 AS **DOCUMENT 94-027619** AND RECORDED NOVEMBER 21, 1994 AS **DOCUMENT 94-028620**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE TERM EXPIRING ON DECEMBER 31, 2009.

NOTE: SAID LEASE HAS OPTION TO EXTEND FOR TWO (2) ADDITIONAL PERIODS OF FIVE (5) YEARS EACH.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 6 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN G & R FELPAUSCH COMPANY, A MICHIGAN CORPORATION, LESSOR, AND STAPLES, INC., A DELAWARE CORPORATION, LESSEE, DATED APRIL 21, 1995 AS DISCLOSED BY A MEMORANDUM OF SUBLEASE RECORDED MAY 05, 1995 AS **DOCUMENT 95-008471**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE IS FOR A PERIOD OF 10 YEARS.

NOTE: SAID LEASE HAS OPTION TO EXTEND FOR THREE (3) ADDITIONAL PERIODS OF FIVE (5) YEARS EACH.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 7 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN ELKHART MARKET CENTRE, L.P., AN INDIANA LIMITED PARTNERSHIP, LESSOR, AND PIER 1 IMPORTS (U.S.), INC., A DELAWARE CORPORATION, LESSEE, DATED JUNE 13, 2000 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED JUNE 26, 2000 AS **DOCUMENT 2000-17363**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE IS FOR A PERIOD OF 10 YEARS.

NOTE: SAID LEASE HAS OPTION TO EXTEND FOR TWO (2) ADDITIONAL PERIODS OF FIVE (5) YEARS EACH.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 8 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, LESSOR, AND DEALS-NOTHING OVER A DOLLAR, L.L.C, LESSEE, DATED JUNE 24, 2004 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED JANUARY 20, 2005 AS **DOCUMENT 2005-01778**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE SHALL END ON THE LAST DAY OF THE FIFTH (5TH) LEASE YEAR.

NOTE: SAID LEASE TERM HAS RIGHT TO EXTEND FOR TWO (2) SUCCESSIVE EXTENSIONS PERIODS OF FIVE (5) YEARS EACH.

(AFFECTS LAND AND OTHER PROPERTY)
(AFFECTS, BLANKET IN NATURE.)

- 9 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, LESSOR, AND SOUTHWEST DINING, INC., LESSEE, DATED SEPTEMBER 01, 2004 AS DISCLOSED BY A MEMORANDUM OF LEASE AGREEMENT RECORDED JANUARY 19, 2011 AS **DOCUMENT 2011-01165**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE COMMENCES ON OCTOBER 13, 2005 AND EXPIRING ON OCTOBER 31, 2015

NOTE: SAID LEASE TERM HAS RIGHT TO EXTEND FOR THREE (3) OPTIONS TERMS OF SIXTY (60) MONTHS EACH.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- 10 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, LESSOR, AND JO-ANN STORES, LLC, LESSEE, DATED JUNE 21, 2018 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED JULY 30, 2018 AS **DOCUMENT 2018-15368**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE HAS AN INITIAL TERM OF 10 YEARS.

NOTE: SAID LEASE TERM HAS RIGHT TO EXTEND FOR TWO (2) ADDITIONAL PERIODS OF FIVE (5) YEARS EACH.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 11 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, LESSOR, AND BURLINGTON COAT FACTORY WAREHOUSE CORPORATION, A FLORIDA CORPORATION, LESSEE, DATED DECEMBER 31, 2019 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED JANUARY 08, 2020 AS **DOCUMENT 2020-00230**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE HAS AN INITIAL TERM OF 10 YEARS.

NOTE: SAID LEASE TERM HAS RIGHT TO EXTEND FOR FOUR (4) ADDITIONAL PERIODS OF FIVE (5) YEARS EACH.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 12 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, LESSOR, AND ROSS DRESS FOR LESS, INC, LESSEE, DATED JANUARY 30, 2020 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED MARCH 03, 2020 AS **DOCUMENT 2020-04739**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE HAS AN INITIAL TERM OF 10 YEARS.

NOTE: SAID LEASE TERM HAS RIGHT TO EXTEND FOR FOUR (4) ADDITIONAL PERIODS OF FIVE (5) YEARS EACH.

(AFFECTS TRACT 1)
(AFFECTS, BLANKET IN NATURE.)

- 13 TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, LESSOR, AND AUTOZONE DEVELOPMENT LLC, A NEVADA LIMITED LIABILITY COMPANY, LESSEE, DATED SEPTEMBER 26, 2023 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED OCTOBER 19, 2023 AS **DOCUMENT 2023-17606**, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

NOTE: SAID LEASE HAS AN INITIAL TERM OF TEN (10) YEARS.

(AFFECTS TRACT 1, II & PART OF TRACT III)
(AFFECTS, BLANKET IN NATURE.)

- 14 ASSIGNMENT AND ASSUMPTION OF LEASES MADE BY AND BETWEEN THE ANIS COMPANY, AN OHIO CORPORATION, AS ASSIGNOR, AND ELKHART MARKET CENTRE, L.P., AN INDIANA LIMITED PARTNERSHIP, AS ASSIGNEE, RECORDED DECEMBER 23, 1992 AS **DOCUMENT 92-031442**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 15 ASSIGNMENT AND ASSUMPTION OF LEASES MADE BY AND BETWEEN THE ANIS COMPANY, AN OHIO CORPORATION, AS ASSIGNOR, AND ELKHART MARKET CENTRE, L.P., AN INDIANA LIMITED PARTNERSHIP, AS ASSIGNEE, RECORDED DECEMBER 23, 1992 AS **DOCUMENT 92-031443**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 16 AGREEMENT IN LIEU OF ANNEXATION BETWEEN THE CITY OF GOSHEN, INDIANA, HUTCHENS COMPANY, INC., EDNA HOOVER, ET AL., RECORDED AUGUST 4, 1989 AS **DOCUMENT 89-014399**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 17 ACCESSWAY EASEMENT BY AND BETWEEN EDNA HOOVER, SURVIVING SPOUSE OF ROBERT A. HOOVER, AND TENNESSEE & ASSOCIATES-XIX (MARKET CENTRE), AN OHIO GENERAL PARTNERSHIP, RECORDED OCTOBER 5, 1989, AS **DOCUMENT 89-019248**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- 18 EASEMENT FOR WATER AND SEWER LINES AND PUMP STATION IN FAVOR OF THE CITY OF GOSHEN, ITS SUCCESSORS AND ASSIGNS, RECORDED JUNE 18, 1990 AS **DOCUMENT 90-011429**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 19 EASEMENT FOR WATER AND SEWER LINES IN FAVOR OF THE CITY OF GOSHEN, ITS SUCCESSORS AND ASSIGNS, RECORDED JUNE 18, 1990 AS **DOCUMENT 90-011430**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 20 TELECOMMUNICATIONS LINE EASEMENT IN FAVOR OF GTE NORTH INCORPORATED, ITS SUCCESSORS AND ASSIGNS, RECORDED MARCH 28, 1991 AS **DOCUMENT 91-004818**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 21 RIGHT OF WAY IN FAVOR OF SINCLAIR REFINING COMPANY, ITS SUCCESSORS AND ASSIGNS, RECORDED JULY 10, 1943 IN **DEED RECORD 172, PAGE 176**, AND THE TERMS AND PROVISIONS THEREOF; ASSIGNED TO SINCLAIR PIPE LINE COMPANY BY INSTRUMENT DATED DECEMBER 14, 1950 AND RECORDED JANUARY 22, 1951 IN **DEED RECORD 192, PAGE 143**; AGREEMENT AMENDING RIGHT OF WAY EASEMENT RECORDED SEPTEMBER 29, 1989 AS **DOCUMENT 89-018671**; AND ADDENDUM TO AGREEMENT AMENDING RIGHT OF WAY EASEMENT RECORDED SEPTEMBER 29, 1989 AS **DOCUMENT 89-018672**.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 22 RIGHT-OF-WAY AGREEMENT IN FAVOR OF TRUNKLINE GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, RECORDED NOVEMBER 13, 1959 IN **DEED RECORD 223, PAGE 68**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 23 EASEMENT IN FAVOR OF AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF INDIANA, ITS SUCCESSORS AND ASSIGNS, RECORDED JUNE 19, 1925 IN **MISC. RECORD 18, PAGE 620**, AND THE TERMS AND PROVISIONS THEREOF; ASSIGNED TO INDIANA BELL TELEPHONE COMPANY, INCORPORATED BY INSTRUMENT RECORDED JUNE 23, 1977 IN **MISC. RECORD 117, PAGE 264**; AND ASSIGNMENT OF COMMUNICATION SYSTEMS, EASEMENTS, RIGHTS OF WAY AND LICENSES FROM INDIANA BELL TELEPHONE COMPANY, INCORPORATED TO A. T. & T. COMMUNICATIONS OF INDIANA, INCORPORATED, RECORDED MAY 29, 1984 IN **MISC. RECORD 163, PAGE 626**; NOTE: A PORTION OF AFORESAID EASEMENT APPEARS TO BE RELEASED BY PARTIAL RELEASE OF EASEMENT RECORDED NOVEMBER 28, 1994 AS **DOCUMENT 94-028867** AND BY RELEASE OF EASEMENT RECORDED FEBRUARY 10, 1995 AS **DOCUMENT 95-002134**.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(DOES NOT AFFECT.)

- 24 LIMITED ACCESS FACILITY IN FAVOR OF THE STATE OF INDIANA SET FORTH IN WARRANTY DEED MADE BY TENNESSEE AND ASSOCIATES-XIX (MARKET CENTRE), RECORDED JUNE 13, 1991 AS **DOCUMENT 91-010291**.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 25 AGREEMENT MADE BY AND AMONG ELKHART MARKET CENTRE, L.P., AN INDIANA LIMITED PARTNERSHIP AND THE ANIS COMPANY, AN OHIO CORPORATION, RECORDED DECEMBER 23, 1992 AS **DOCUMENT 92-031444** AND AS **DOCUMENT 92-031445**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 26 RECIPROCAL EASEMENT AGREEMENT MADE BY AND AMONG ELKHART MARKET CENTRE, L.P., AN INDIANA LIMITED PARTNERSHIP, AND STEAK N SHAKE, INC., AN INDIANA CORPORATION, RECORDED OCTOBER 14, 1994 AS **DOCUMENT 94-025805**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 27 RECIPROCAL EASEMENT AGREEMENT MADE BY AND BETWEEN ELKHART MARKET CENTRE, L.P., AN INDIANA LIMITED PARTNERSHIP AND LAKE CITY BANK, AN INDIANA CORPORATION, RECORDED JANUARY 21, 1995 AS **DOCUMENT 95-000771**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- 28 DEFAULT JUDGMENT AND PERMANENT INJUNCTION FILED JULY 26, 1995, IN THE ELKHART COUNTY SUPERIOR COURT NO. 3 AS CAUSE NO. 20D03-9506-CP-060, "IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT JERRIE SLENTZ D/B/A FASRAK RACING BE, AND HE HEREBY IS, PERMANENTLY RESTRAINED AND ENJOINED FROM USING OR PERMITTING THE USE OF THE SUBJECT REAL ESTATE AT AND COMMONLY KNOWN AS 4024 ELKHART ROAD, GOSHEN, ELKHART COUNTY, INDIANA, AND AS MORE PARTICULARLY DESCRIBED HEREINABOVE OR ANY PART OF SAID REAL ESTATE IN VIOLATION OF ARTICLE V, SECTION 5100.6(1) AND (3) AND ARTICLE V, SECTION 5100.9(1) OF THE ZONING ORDINANCE, CITY OF GOSHEN, INDIANA RELATING TO TEMPORARY MOBILE SIGNS, AND MORE PARTICULARLY HE IS PERMANENTLY ENJOINED FROM: (A) PLACING, OR CAUSING TO BE PLACED, TEMPORARY MOBILE SIGNS ON THE SUBJECT REAL ESTATE WITHOUT VALID TEMPORARY SIGN PERMITS. IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT JERRIE SLENTZ D/B/A FASRAK RACING BE, AND HE IS HEREBY, ORDERED TO REMOVE ALL TEMPORARY MOBILE SIGNS WITHOUT VALID TEMPORARY SIGN PERMITS FROM THE SUBJECT REAL ESTATE FORTHWITH, AS DISCLOSED IN SPECIAL WARRANTY DEED RECORDED DECEMBER 30, 2002 AS **DOCUMENT 2002-48161**.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 29 EASEMENT & RIGHT OF WAY IN FAVOR OF INDIANA MICHIGAN POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, RECORDED JULY 20, 2016 AS **DOCUMENT 2016-14162**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 30 EASEMENT FOR GAS FACILITIES IN FAVOR OF NORTHERN INDIANA PUBLIC SERVICE COMPANY, ITS SUCCESSORS AND ASSIGNS, RECORDED JANUARY 12, 2017 AS **DOCUMENT 2017-00804**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 31 AGREEMENT RELATED TO NEW OUTPARCELS MADE BY AND BETWEEN WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST AND HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED JUNE 2, 2016 AS **DOCUMENT 2016-10218**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 32 EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND MADE BY AND BETWEEN WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST AND HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED JUNE 21, 2017 AS **DOCUMENT 2017-12572**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

- 33 TEMPORARY HIGHWAY EASEMENT GRANT IN FAVOR OF THE CITY OF GOSHEN, INDIANA, ITS SUCCESSORS AND ASSIGNS, RECORDED OCTOBER 27, 2017 AS **DOCUMENT 2017-23333**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 34 EASEMENT & RIGHT OF WAY IN FAVOR OF INDIANA MICHIGAN POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, RECORDED DECEMBER 20, 2017 AS **DOCUMENT 2017-27284**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 35 WATER AND SEWER AGREEMENT BY AND BETWEEN HK NEW PLAN ERP PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND CITY OF GOSHEN, INDIANA, RECORDED APRIL 10, 2019 AS **DOCUMENT 2019-06624**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 36 EASEMENT IN FAVOR OF THE CITY OF GOSHEN, INDIANA, ITS SUCCESSORS AND ASSIGNS, RECORDED APRIL 10, 2019 AS **DOCUMENT 2019-06625**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 37 EASEMENT IN FAVOR OF THE CITY OF GOSHEN, INDIANA, ITS SUCCESSORS AND ASSIGNS, RECORDED APRIL 10, 2019 AS **DOCUMENT 2019-06626**, AND THE TERMS AND PROVISIONS THEREOF.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, AS SHOWN.)

- 38 POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN (PCSMP) ELKHART MARKET CENTER MALL, RECORDED NOVEMBER 6, 2020 AS **DOCUMENT 2020-26501**.

(FOR FURTHER PARTICULARS, SEE DOCUMENT)
(AFFECTS, BLANKET IN NATURE.)

8 ZONING INFORMATION

SITE RESTRICTION:
ZONE - "B-3PUD" Commercial District (General Commercial), within the Market Centre Planned Unit Development and "PUD" Planned Unit Development District (Overlay District)
SETBACKS
MIN. FRONT - 30'
MIN. SIDE - NORTH PROPERTY LINE - 10'
MIN. SIDE - EAST PROPERTY LINE - 10'
MAX. HEIGHT - 4 STORIES
MIN. LOT AREA - 8000 SQ.FT.
MIN. LOT WIDTH - 80'
MAX. BUILDING COVERAGE - 853,114 SQ.FT.
PARKING - 1070 REGULAR SPACES REQUIRED
28 HANDICAP SPACES REQUIRED

Zoning information was provided by Zoning Info, Inc. -
Mayumi Dawson 405.525.2998 ext. 117
Dated: 11/13/2024 - Site No. :86265

7 STATEMENT OF ENCROACHMENTS

NONE OBSERVED AT THE TIME OF SURVEY

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcds.com
Toll Free: 888.322.7371

Drwn By:	GS	Date:	
Surveyor		Revision:	
Ref No:	24429A	Date:	
Aprvd By:	MGS	Revision:	
Field Date:	November 6, 2024	Date:	
Scale:	1"=60'	Revision:	

Prepared For:
MARKET CENTER

Title No:
Site No: Property No:

20 PROJECT ADDRESS
4024 ELKHART ROAD,
GOSHEN, INDIANA

Project Name:
GOSHEN IN MARKET CENTRE
CDS Project Number:
24-10-0166

Approved CDS Surveyor
Global Land SOLUTIONS
Solutions that work for you.
Corporate Office:
9730 N. Greenville Rd,
Lakeview, Michigan 48850
(989) 352-4000
www.GlobalLandSolutions.com
Serving The Great Lakes Region
MICHIGAN * OHIO * INDIANA * WISCONSIN

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

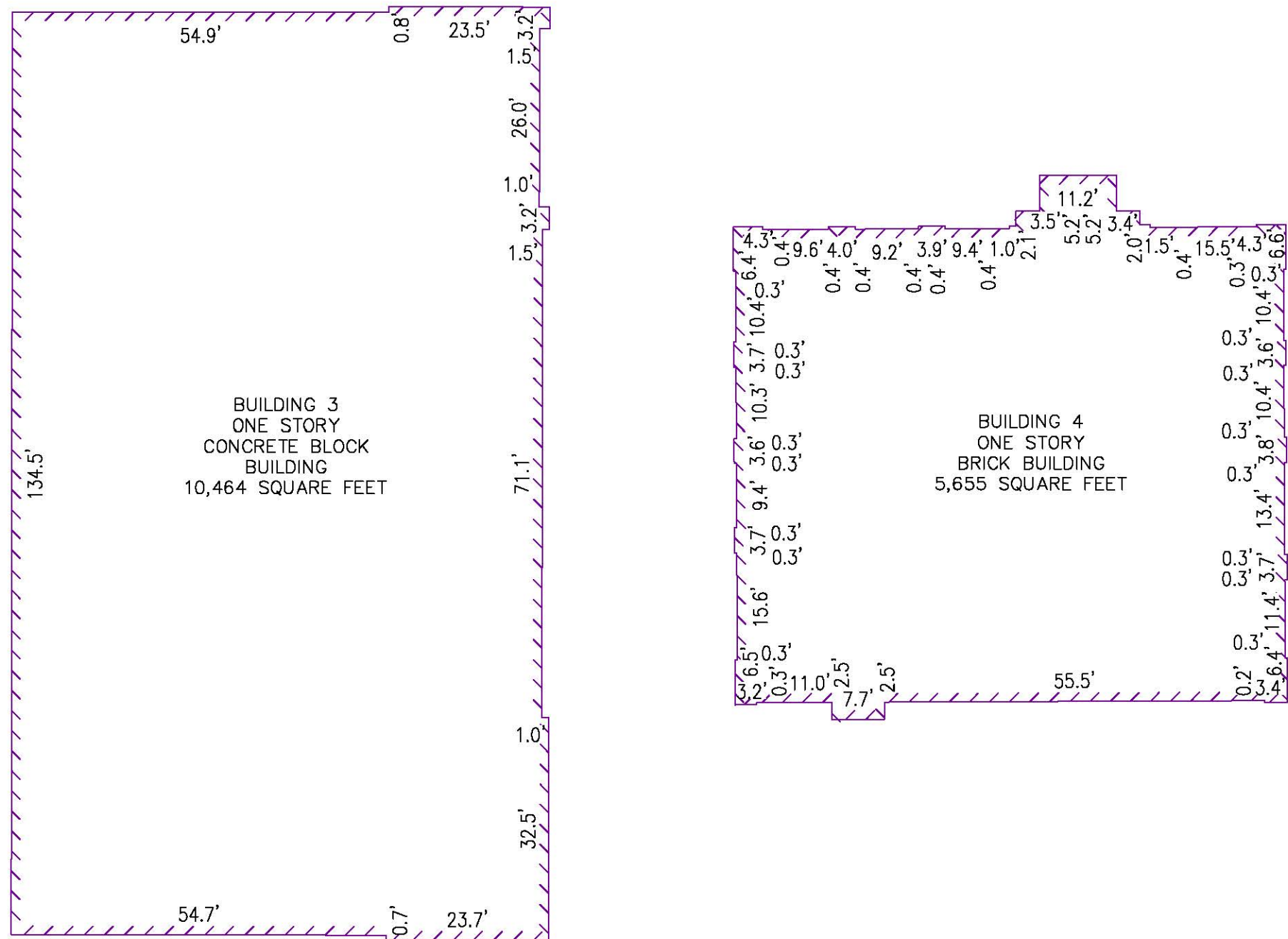
This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.



This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

BUILDING DETAILS

NOT TO SCALE

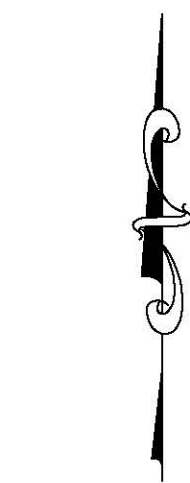
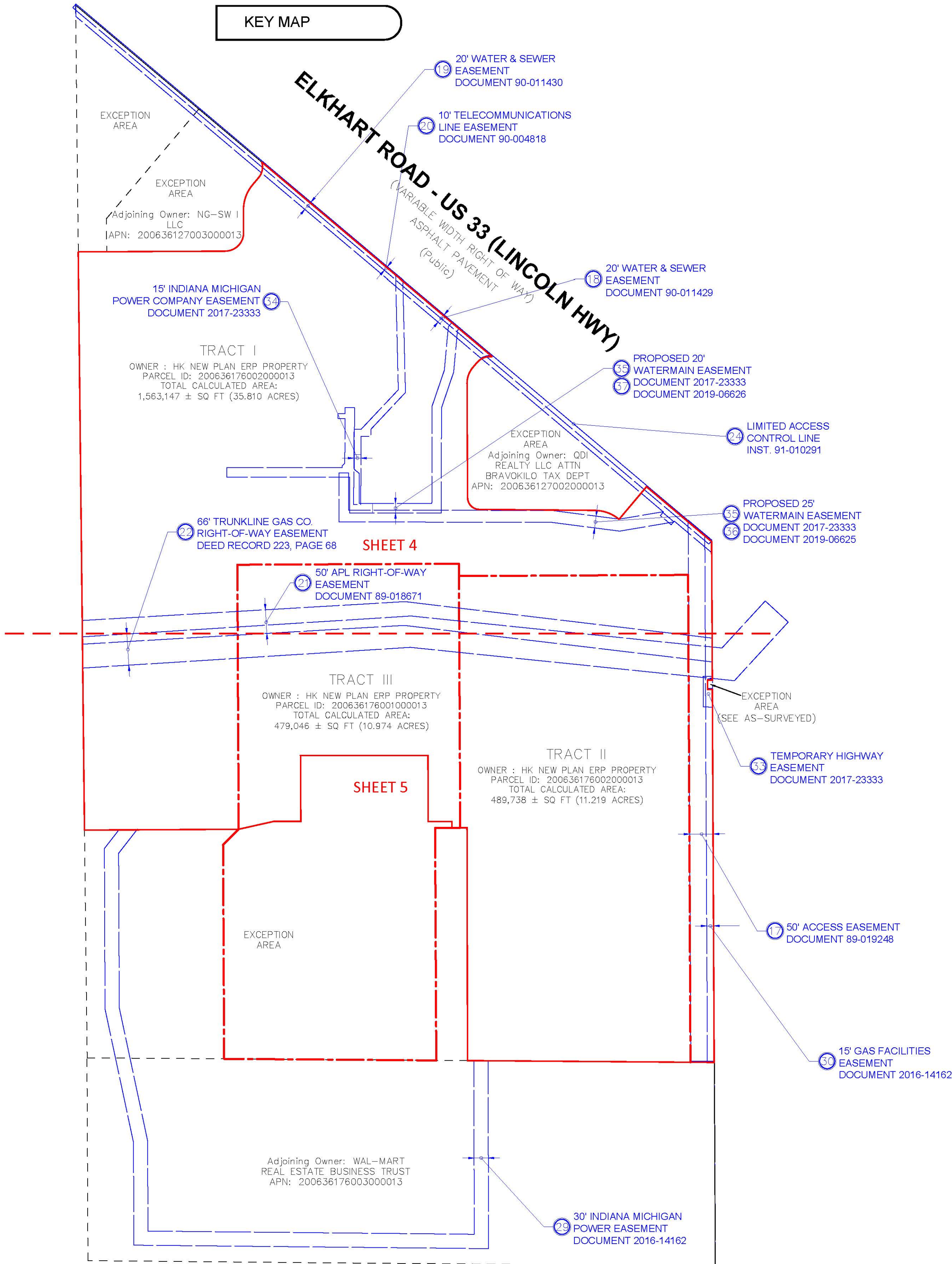


AS-SURVEYED DESCRIPTION

TRACT I: EXCEPTION AREA

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST 1216.96 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST 10.00 FEET; THENCE NORTH 00 DEGREES, 16 MINUTES, 38 SECONDS EAST 20.00 FEET; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST 10.00 FEET; THENCE SOUTH 00 DEGREES, 16 MINUTES, 38 SECONDS WEST 20.00 FEET TO THE POINT OF BEGINNING.

KEY MAP



SCALE : 1" = 150'

17 NORTH ARROW / SCALE



18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcdis.com
Toll Free: 888.322.7371

Drwn By: GS
Surveyor Ref No: 24429A
Aprvd By: MGS
Field Date: November 6, 2024
Scale: 1"=60'

Date:
Revision:
Date:
Revision:
Date:
Revision:
Date:
Revision:

Prepared For:
MARKET CENTER

Title No:
Site No:
Property No:

20 PROJECT ADDRESS

4024 ELKHART ROAD,
GOSHEN, INDIANA

Project Name:
GOSHEN IN MARKET CENTRE
CDS Project Number:
24-10-0166

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

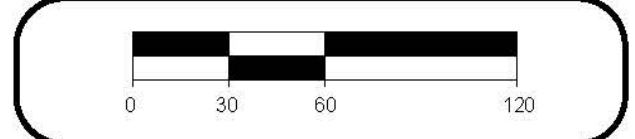
19 SURVEY DRAWING

9 LEGEND

CONCRETE MONUMENT AS NOTED	□	CLEANOUT	🔍
FOUND 1" PIPE	⦿	STORM CATCH BASIN (ROUND)	⊕
BOLLARD	•	STORM CATCH BASIN (SQUARE)	⊞
MAIL BOX	MB	MANHOLE	⊗
FLAG POLE	FP	SANITARY MANHOLE	Ⓢ
POWER POLE	Ⓢ	STORM SEWER MANHOLE	Ⓢ
LIGHT POLE	☀️	WATER VALVE	⌘
ELECTRIC MANHOLE	⦿ ELEC	WATER MANHOLE	Ⓜ
FIRE DEPARTMENT CONNECTION	🔧	FIRE HYDRANT	🔥
ELECTRIC METER	Ⓜ	MONITORING WELL	Ⓜ
ELECTRIC TRANSFORMER BOX	Ⓜ	GUY WIRE	🔌
GAS METER	Ⓜ	OVERHEAD ELECTRIC	— E —
GAS MARKER	OGMK	BUILDING LINE	— X —
FIBER OPTIC MARKER	OFOMK	FENCE	— X —
TELEPHONE PEDESTAL	Ⓜ	EASEMENT LINE	— P —
TELEPHONE UTILITY MARKER	OTMK	PROPERTY LINE	— P —
NO PARKING	🚫	RAILROAD LINE	— P —
SIGN	—	POINT OF COMMENCEMENT	P.O.C.
GROUND LIGHT	⬅️	POINT OF BEGINNING	P.O.B.

SCALE : 1" = 60'

17 NORTH ARROW / SCALE



18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
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Drwn By:	GS	Date:	
Surveyor		Revision:	
Ref.No:	24429A	Date:	
Aprvd By:	MGS	Revision:	
Field Date:	November 6, 2024	Date:	
Scale:	1"=60'	Revision:	

Prepared For:
MARKET CENTER

Title No:
Site No:

Property No:

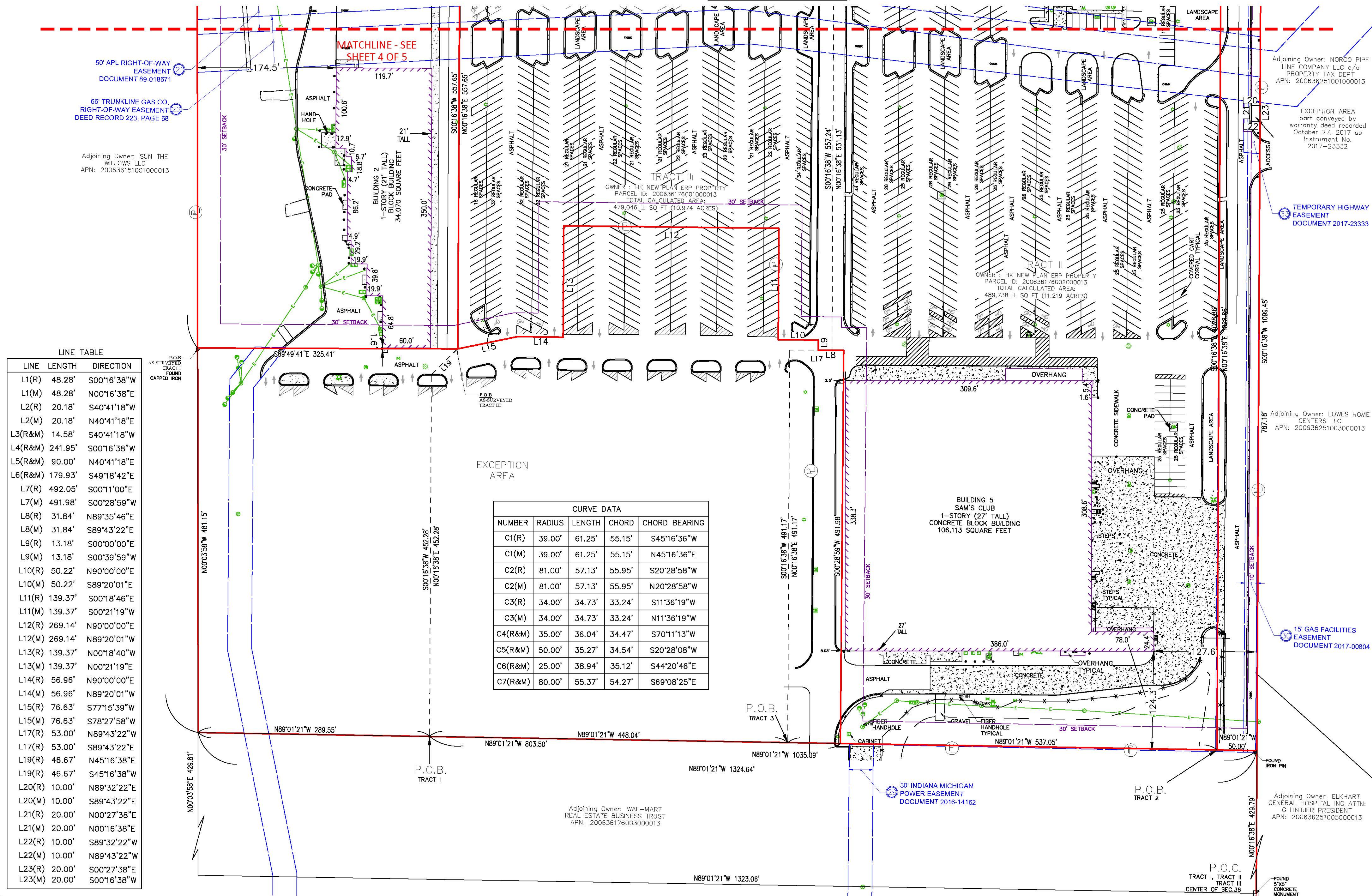
20 PROJECT ADDRESS

4024 ELKHART ROAD,
GOSHEN, INDIANA

Project Name:
GOSHEN IN MARKET CENTRE
CDS Project Number:
24-10-0166

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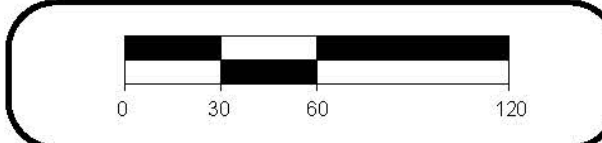
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LINE TABLE		
LINE	LENGTH	DIRECTION
L1(R)	48.28'	S00°16'38"W
L1(M)	48.28'	N00°16'38"E
L2(R)	20.18'	S40°41'18"W
L2(M)	20.18'	N40°41'18"E
L3(R&M)	14.58'	S40°41'18"W
L4(R&M)	241.95'	S00°16'38"W
L5(R&M)	90.00'	N40°41'18"E
L6(R&M)	179.93'	S49°18'42"E
L7(R)	492.05'	S00°11'00"E
L7(M)	491.98'	S00°28'59"W
L8(R)	31.84'	N89°35'46"E
L8(M)	31.84'	S89°43'22"E
L9(R)	13.18'	S00°00'00"E
L9(M)	13.18'	S00°39'59"W
L10(R)	50.22'	N90°00'00"E
L10(M)	50.22'	S89°20'01"E
L11(R)	139.37'	S00°18'46"E
L11(M)	139.37'	S00°21'19"W
L12(R)	269.14'	N90°00'00"E
L12(M)	269.14'	N89°20'01"W
L13(R)	139.37'	N00°18'40"W
L13(M)	139.37'	N00°21'19"E
L14(R)	56.96'	N90°00'00"E
L14(M)	56.96'	N89°20'01"W
L15(R)	76.63'	S77°15'39"W
L15(M)	76.63'	S78°27'58"W
L17(R)	53.00'	N89°43'22"W
L17(R)	53.00'	S89°43'22"E
L19(R)	46.67'	N45°16'38"E
L19(R)	46.67'	S45°16'38"W
L20(R)	10.00'	N89°32'22"E
L20(M)	10.00'	S89°43'22"E
L21(R)	20.00'	N00°27'38"E
L21(M)	20.00'	N00°16'38"E
L22(R)	10.00'	S89°32'22"W
L22(M)	10.00'	N89°43'22"W
L23(R)	20.00'	S00°27'38"E
L23(M)	20.00'	S00°16'38"W

CURVE DATA				
NUMBER	RADIUS	LENGTH	CHORD	CHORD BEARING
C1(R)	39.00'	61.25'	55.15'	S45°16'36"W
C1(M)	39.00'	61.25'	55.15'	N45°16'36"E
C2(R)	81.00'	57.13'	55.95'	S20°28'58"W
C2(M)	81.00'	57.13'	55.95'	N20°28'58"W
C3(R)	34.00'	34.73'	33.24'	S11°36'19"W
C3(M)	34.00'	34.73'	33.24'	N11°36'19"W
C4(R&M)	35.00'	36.04'	34.47'	S70°11'13"W
C5(R&M)	50.00'	35.27'	34.54'	S20°28'08"W
C6(R&M)	25.00'	38.94'	35.12'	S44°20'46"E
C7(R&M)	80.00'	55.37'	54.27'	S69°08'25"E

17 NORTH ARROW / SCALE



Sheet 5 of 5

18 ALTA/NSPS Land Title Survey

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