



**PLEWS SHADLEY
RACHER & BRAUN**^{LLP}
ATTORNEYS AT LAW

1346 North Delaware Street
Indianapolis, Indiana 46202
Phone: (317) 637-0700
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S. Curtis DeVoe
cdevoe@psrb.com

December 7, 2016

RECEIVED

DEC 07 2016

INDIANA FINANCE AUTHORITY
ENVIRONMENTAL PROGRAMS

HAND-DELIVERED

Indiana Brownfields Program
100 North Senate Avenue, Room 1275
Indianapolis, Indiana 46204

Re: Request for Comfort Letter, LCM Realty XI, LLC, Mishawaka, Indiana

Dear Indiana Brownfields Program Staff:

We represent LCM Realty XI, LLC ("LCM Realty XI"), an entity formed for the purpose of acquiring land in Mishawaka, St. Joseph County, Indiana. The property being purchased (the "Site") contains approximately 25.5 acres and includes commercial and industrial buildings, asphalt parking lots, and vacant land. The Site is comprised of twelve (12) parcels:

71-09-14-301-002.000-023
71-09-14-301-001.000-023
71-09-14-301-013.000-023
71-09-14-301-003.000-023
71-09-14-301-021.000-023
71-09-15-285-005.000-023
71-09-15-428-006.000-023
71-09-15-428-007.000-023
71-09-15-428-008.000-023
71-09-15-428-009.000-023
71-09-15-428-010.000-023
71-09-15-428-011.000-023

Legible copies of the deeds for these parcels are enclosed, along with a black and white site map depicting property boundaries, parcels, and parcel numbers.

The applicant intends to close on the acquisition of the Site on December 7, 2016, at 1:00pm EST. The applicant intends to acquire the Site for expansion of its existing business in the area, which it is anticipated will involve primarily warehousing and storage and may include some light manufacturing. The applicant does not currently have any specific redevelopment plans for the Site.

The applicant seeks a Comfort Letter as a bona fide prospective purchaser of the Site pursuant to IC 13-25-4-8(b) and as a party that satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997).

The application form for the Comfort Letter, along with the Comfort Letter Request Supplemental Information Form, deeds and map referenced above, and a copy of the December 2, 2016 Phase I ESA Report are also enclosed. An electronic copy of the Phase I Report and two of the larger appendices containing prior environmental reports (App. C and F) are saved on the disk enclosed within the Phase I report.

Thank you for your consideration of this request. The current tenant leasing the property will be remaining onsite for a brief time after acquisition to complete the process of vacating the property. LCM Realty XI is taking steps to ensure reasonable steps are maintained by the tenant through the end of its occupancy. In addition, as referenced in the Phase I Report, the current occupant performed defense contracting work for the U.S. government and there were some relatively small areas of the Site that could not be accessed during the Phase I site visit due to national security concerns. Accordingly, LCM Realty XI intends to perform a supplemental site visit following the tenant's departure, which is currently anticipated in February 2017. The Phase I would then be updated as appropriate. Accordingly, we request that the Comfort Letter be provided by March 1, 2017, once you have had the opportunity to review and incorporate the results of the supplemental site visit.

In the meantime, we would appreciate the opportunity to meet with representatives from IBP in the near future to review this project, answer any questions, and provide any additional information that may be helpful to you. Please contact me, LCM Realty XI's consultant, Roberts Environmental, or our client representative, Shawn Lewis, listed on the application form, with any questions.

Indiana Brownfields Program
December 7, 2016
Page | 3

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Curtis DeVoe".

S. Curtis DeVoe

SCD/esk
Enclosure

cc: Daniel P. Cory
Shawn Lewis
Erick Click
Jeff Roberts

RECEIVED

DEC 07 2016



INDIANA BROWNFIELDS PROGRAM
COMFORT / SITE STATUS LETTER REQUEST
State Form 51493 (R3 / 5-14)
Indiana Finance Authority

INDIANA FINANCE AUTHORITY
ENVIRONMENTAL PROGRAMS

Return this form to:
INDIANA BROWNFIELDS PROGRAM
100 N. Senate Avenue, Room 1275
Indianapolis, IN 46204
For questions: 317-234-4293
Submit form electronically to: brownfields@ifa.in.gov
FAX: 317-234-1338

Pursuant to the Indiana Department of Environmental Management (IDEM) Nonrule Policy Document W-0051, "Brownfields Program Comfort and Site Status Letters Policy" (April 18, 2003), the Indiana Brownfields Program may issue a Comfort or Site Status Letter to stakeholders at brownfields sites that satisfy the eligibility criteria and conditions of the policy.

Brownfield Site Definition

A brownfield site is defined as a parcel of real estate that is abandoned or inactive; or may not be operated at its appropriate use; and on which expansion or redevelopment is complicated because of the presence or potential presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that poses a risk to human health and the environment. IC 13-11-2-19.3

Comfort Letter

A Comfort Letter is issued to a party that qualifies for an applicable exemption to liability found in Indiana law or IDEM policy, but is not a legal release from liability. The Comfort Letter explains the applicable liability exemption or IDEM's exercise of enforcement discretion under an applicable IDEM policy. Potentially applicable liability exemptions or IDEM policies include:

- ✓ the Stakeholder is a government entity exempt from liability under IC 13-25-4-8(e), IC 13-11-2-150(d), or IC 13-11-2-151(b);
- ✓ the Stakeholder is a creditor, lender, or fiduciary exempt from liability under IC 13-23-13-14, IC 13-23-13-15, IC 13-24-1-10, IC 13-24-1-11, or IC 13-25-4-8(c);
- ✓ the Stakeholder is not the statutory owner of an underground storage tank pursuant to IC 13-11-2-150(a) because the tanks were not used after November 8, 1984 and the Stakeholder was not the person who owned the tank immediately before the discontinuation of the tank's use;
- ✓ the Stakeholder is a nonprofit corporation exempt from liability under IC 13-25-4-8(h), IC 13-11-2-150(e), or IC 13-11-2-151(f);
- ✓ the Stakeholder is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser, contiguous property owner or innocent landowner pursuant to IC 13-25-4-8(b), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h); and
- ✓ the Stakeholder satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997), or IDEM Nonrule Policy Document W-0038 "Property Containing Contaminated Aquifers/Underground Storage Tanks" (23 IR 2141, April 20, 2000).

Site Status Letter

A Site Status Letter is issued to a party that did not cause or contribute to or knowingly exacerbate the contamination and can demonstrate that current levels of contaminants of concern at the brownfield meet current cleanup criteria as established by IDEM under the Remediation Closure Guide. The potential liability of the party requesting the letter is not addressed. The Site Status Letter states that based on a technical analysis of information submitted to IDEM pertaining to site conditions, IDEM concludes that current site conditions do not present a threat to human health or the environment and that IDEM does not plan to take or require a response action at the brownfield site.

INSTRUCTIONS: Please complete this form (type or print legibly) and return it to the Indiana Brownfields Program to begin the process of assessing eligibility to receive a letter. Each request will be reviewed by Indiana Brownfields Program staff. Determinations of eligibility are made based on facts and data provided with the request. A decision on whether or not to issue a Comfort or Site Status Letter will be made approximately 60 days from receipt of the request. The complexity of technical issues pertaining to site conditions may increase staff review time. Please attach any additional documentation required if space on the form does not allow for a complete response.

Contact Information			
Letter Recipient P. Shawn Lewis		Organization / Community LCM Realty XI, LLC	
Address (number and street, city, state and ZIP code) P.O. Box 2888, Elkhart, Indiana 46515			
Telephone Number 574-312-6113	Cell Number 574-349-1915	Fax Number 574-538-2951	E-mail Address SLewis@lci1.com

Environmental Consultant Representing the Letter Recipient

Name(s) David D. Jeffers, LPG		Firm Roberts Environmental Services, LLC	
Address (number and street, city, state and ZIP code) 2112 Carmen Ct., Goshen, IN 46526			
Telephone Number 574-537-0881	Cell Number 574-849-3470	Fax Number 574-537-9021	E-mail Address djeffers@robertsenvironmental.net

Attorney Representing the Letter Recipient

Name(s) Dan Cory		Firm Plews Shadley Racher & Braun LLP	
Address (number and street, city, state and ZIP code) 53732 Generatlons Drive, South Bend, IN 46635			
Telephone Number (574) 273-1010	Cell Number	Fax Number (574) 271-2050	E-mail Address dcory@psrb.com

Site Information

Site or Project Name(s) Industrial Facility/Property (occupant is currently AM General)			
Address (number and street, city, state and ZIP code) 408 S. Byrkit Ave., Mishawaka, IN 46544			
IDEM Site Number VRP Id Number: 6951001	US EPA Site Number IND982620726	Size in acres 25	
Current Owner Stag Mishawaka, LLC	Address (number and street, city, state and ZIP code) ONE FEDERAL STREET 23RD FLOOR , Boston MA 02110		
Telephone Number	Cell Number	E-mail Address	

Property Status

Current Status: (Check all that apply.)

Private Owner
 Public Owner
 In Bankruptcy
 Abandoned
 Inactive
 Underutilized
 Tax delinquent
 Other (please specify) _____

Environmental Documentation Submitted for Review: (Check all that apply.)

Phase I Environmental Site Assessment-After 11/1/06 must comply with federal All Appropriate Inquiry Rule*
 Phase II Environmental Site Assessment

Sampling Results
 Further Site Characterization
 Other (please specify) _____

*Contact the Indiana Brownfields Program if you have questions.

The Site will be:

Sold
 Leased
 Used by governmental entity
 Gifted
 Other (please specify) _____
 Undecided

Potential or intended reuse of property: (Check all that apply.)

Commercial
 Industrial
 Residential
 Mixed Use
 Park
 Green Space
 Other (please specify) _____
 Undecided

Property Acquisition:

Date of property acquisition (or proposed date) 12/7/2016

Letter Requested by:

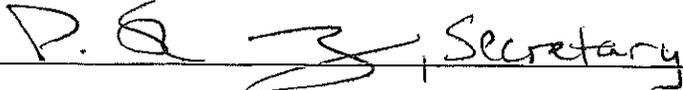
Date by which would ideally like to receive letter 3/1/2017

Signature

I hereby request an Indiana Brownfields Program:
 Comfort Letter
 Site Status Letter

Signature of Letter Recipient or Authorized Representative

Date (month, day, year)

 Secretary

12-6-16



Indiana Brownfields Program Comfort/Site Status Letter Request Supplemental Information

Please include the following information in a transmittal letter with your
Comfort and Site Status Letter Request Form to facilitate the review of your request:

1. Identify the basis in statute or enforcement discretion policy for the Comfort Letter request:
 - *the Stakeholder is a government entity exempt from liability under IC 13-25-4-8(e), IC 13-11-2-150(d), or IC 13-11-2-151(b);*
 - *the Stakeholder is a creditor, lender, or fiduciary exempt from liability under IC 13-23-13-14 (IC 13-11-2-150(b)), IC 13-23-13-15, IC 13-24-1-10 (IC 13-11-2-151(d)), IC 13-24-1-11, or IC 13-25-4-8(c);*
 - *the Stakeholder is not the statutory owner of an underground storage tank pursuant to IC 13-11-2-150(a) because the tank was not used after November 8, 1984 and the Stakeholder was not the person who owned the tank immediately before the discontinuation of the tank's use;*
 - *the Stakeholder is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser (BFPP), contiguous property owner (CPO) or innocent landowner (ILO) pursuant to IC 13-25-4-8(b), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h);*
 - *the Stakeholder is a nonprofit corporation exempt from liability under IC 13-25-4-8(h), IC 13-11-2-150(e), or IC 13-11-2-151(f); or,*
 - *the Stakeholder satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997), or IDEM Nonrule Policy Document W-0038 "Property Containing Contaminated Aquifers/Underground Storage Tanks" (23 IR 2141, April 20, 2000).*
2. Identify the parcel(s) comprising the site and the corresponding 18-digit parcel number(s)
3. A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site*
4. The date of property acquisition (or proposed property transfer/closing date)
5. A black & white site map (no aerial photos) depicting property boundaries, parcel(s) & parcel number(s)
6. Description of redevelopment project including a site redevelopment/design plan (if available)

If the basis for a Comfort Letter request is the BFPP liability exemption, please complete the attached checklist of additional information required to be submitted with your Comfort Letter request.

**The following additional information *may* be requested following Program review
of available site investigation data/reports:**

1. Data table(s) with sample results compared to applicable IDEM screening levels (e.g., residential, commercial/industrial, recreational)
2. A black & white map (no aerial photos) with contaminant locations above applicable IDEM screening levels
3. A table with GPS coordinates of sample locations at which contaminants of concern have been detected above applicable IDEM screening levels
4. A Site map with survey or GPS coordinates establishing the boundaries of any "Affected Area" to which a land use restriction will be tied

***Note:** *if you are a prospective purchaser, and an environmental restrictive covenant is required to be recorded on the deed(s) for the site, your new deed(s) will be utilized at the time of recording.*



Indiana Brownfields Program
BFPP (Bona Fide Prospective Purchaser)
Comfort Letter Request Checklist

Date of Phase I report: 12/2/2016

Entity for which the Phase I report/Phase I Update was prepared (User): LCM Realty XI, LLC

Which of the following describes the User? (check the applicable box):

- Prospective Purchaser (has not purchased) 12/7/2016
- Prospective Tenant (has not executed lease)
- Current Owner (seller or already purchased)
- Current Tenant (seeking liability protection under existing lease or intending to buy)

Buying on land contract? Yes No Date land contract executed: _____

Is the User the stakeholder requesting the Comfort Letter? Yes No

Who answered the User-specific questions in the Phase I/Phase I Update? Shawn Lewis of LCM Realty XI, LLC

- Were the questions answered on behalf of the BFPP seeking comfort? Yes No

If the User identified above is not the BFPP, has the BFPP obtained a Phase I Update in its name and/or a reliance letter to utilize the Phase I report? Yes No

- If yes: Date of the Phase I Update or reliance letter obtained for the BFPP? / /
- If yes: Did the BFPP complete a User-questionnaire for itself when obtaining the Phase I Update or reliance letter? Yes No

Phase I report completed within 180 days of (prior to) acquisition (clock on 180 days and one-year shelf life of Phase I report begins ticking from the date on which the earliest report information is collected, NOT the date of the report)?¹ Yes No

- If no: Has the User/BFPP obtained a Phase I Update? Yes No
- If yes: Date of the Phase I Update: / /

	Date Conducted	Expiration Date
(i) interviews with owners, operators, and occupants;	<u>11/14/2016</u>	_____
(ii) searches for recorded environmental cleanup liens;	<u>11/16/2016</u>	_____
(iii) reviews of federal, tribal, state, and local government records;	<u>11/8/2016</u>	<u>05/7/2017</u>
(iv) visual inspections of the <i>property</i> and of <i>adjoining properties</i> ; and,	<u>11/14/2016</u>	_____
(v) declaration by the environmental professional	<u>12/2/2016</u>	_____

Report Viability Date (based on earliest expiration date from above-listed items): 05/7/2017

¹ The "continuing viability" component of the ASTM standard requires updates after 180 days from the earliest date of collection of interviews with owners, operators & occupants; environmental lien search; government database search; visual inspections/site reconnaissance; and, the Environmental Professional declaration. In any case, if a different User relies on the report, the new User must satisfy the User Responsibilities.



Indiana Brownfields Program
BFPP (Bona Fide Prospective Purchaser)
Comfort Letter Request Checklist (*continued*)

Do the Phase I User name and the name of the purchasing entity (to be) listed on the deed match exactly?

Yes No (If no, need to obtain a reliance letter or a Phase I Update and a complete a new User Questionnaire on behalf of the correct entity)

Phase I/Phase I Update completed in accordance with ASTM E1527-13 or 40 CFR Part 312? Yes No

Phase I signed by qualified Environmental Professional with the required certification statement? Yes No

Is the BFPP "affiliated with" another party who is potentially liable at the site? Yes No

1. Direct or indirect familial relationship?
2. Any contractual, corporate, or financial relationship (other than property transfer instrument)?
3. Reorganization of a business entity that was potentially liable?

For sites already acquired, has the BFPP satisfied continuing obligations since acquisition?

1. Provided all legally required notices with respect to discovery/release of hazardous substances² Yes No Not Applicable
2. Taken reasonable steps to stop continuing releases, prevent any threatened future releases, prevent or limit exposure to any previously released hazardous substances Yes No Not Applicable
3. Provided full cooperation, assistance and access to persons conducting response actions Yes No Not Applicable
4. In compliance with any land use restrictions already established and not impeding the effectiveness or integrity of any institutional control employed at the site in connection with a response action Yes No Not Applicable
5. Complied with any request for information or administrative subpoena issued by the U. S. EPA Yes No Not Applicable

² If applying for comfort based on BFPP status for a petroleum-contaminated site, evaluate these criteria for petroleum releases rather than/in addition to hazardous substances.



Indiana Brownfields Program
Lender Liability (Secured Creditor)
Comfort Letter Request Checklist

Potential lender or actual lender? _____

If financial transaction has already closed, what is the date of the financial instrument: _____

Pre-foreclosure or post-foreclosure? _____

If pre-foreclosure, please answer the following questions regarding "participation in management" of the facility on the Site:

Does the Lender exercise decision-making control regarding environmental compliance related to the facility, and, in doing so, undertake responsibility for hazardous substance and/or petroleum handling or disposal practices? Yes No

Does the Lender exercise control at a level similar to that of a manager of the facility and, in doing so, assume or manifest responsibility with respect to:

- day-to-day decision-making on environmental compliance? Yes No
- all, or substantially all, of the operational (as opposed to financial or administrative) functions of the facility other than environmental compliance? Yes No

If post-foreclosure, please answer the following:

On what date did the Lender/Owner take title to the property? _____

Does the Lender/Owner exercise decision-making control regarding environmental compliance related to the facility, and, in doing so, undertake responsibility for hazardous substance and/or petroleum handling or disposal practices? Yes No

Does the Lender/Owner exercise control at a level similar to that of a manager of the facility and, in doing so, assume or manifest responsibility with respect to:

- day-to-day decision-making on environmental compliance? Yes No
- all, or substantially all, of the operational (as opposed to financial or administrative) functions of the facility other than environmental compliance? Yes No

Has the Lender/Owner been actively marketing the Site for sale or re-lease or otherwise divesting itself of the property at the earliest practicable, commercially reasonable time using commercial reasonable means? (Please elaborate). _____

Has the Lender/Owner ever rejected a reasonable purchase offer for the property? Yes No



Indiana Brownfields Program

Lender Liability (Secured Creditor)

Comfort Letter Request Checklist (*continued*)

Has the Lender/Owner provided any Phase I and/or Phase II ESA reports to prospective purchasers?

Yes No

Does the Lender/Owner use a third party broker to manage the Site? Yes No

Does the Lender/Owner have any direct lease relationships with any of the Site tenant(s)?

Yes No

State Parcel Number Listing (12 total):

71-09-14-301-002.000-023

71-09-14-301-001.000-023

71-09-14-301-013.000-023

71-09-14-301-003.000-023

71-09-14-301-021.000-023

71-09-15-285-005.000-023

71-09-15-428-006.000-023

71-09-15-428-007.000-023

71-09-15-428-008.000-023

71-09-15-428-009.000-023

71-09-15-428-010.000-023

71-09-15-428-011.000-023

EXECUTED as of April 5, 2013.

GRANTOR:

STAG II MISHAWAKA, LLC, a Delaware limited liability company

By:

[Signature]
Name: Stephen C. Mecke
Title: Vice President

COMMONWEALTH OF MASSACHUSETTS)
) SS:
COUNTY OF SUFFOLK)

Before me, a Notary Public in and for said County and State, personally appeared Stephen C. Mecke as Vice President of STAG II Mishawaka, LLC, who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

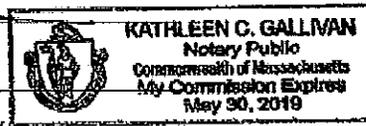
Witness my hand and Notarial Seal this 29th day of January, 2013.

My Commission Expires:

5/30/19

[Signature]
Notary Public

Printed Name
Resided in Norfolk County,



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.

Date: April 5, 2013

Signature: [Signature]

[Signature Page -- Deed for 400 S. Byrkit Street, Mishawaka, IN]

EXHIBIT A
LEGAL DESCRIPTION

Parcel I

A parcel of land in the West Half (1/2) of the West Half (1/2) of Section Fourteen (14), Township Thirty-seven (37) North, Range Three (3) East, Penn, Township, St. Joseph County, City Of Mishawaka, Indiana, more particularly described as follows: The "Point of Beginning" of said parcel of land herein described being the Northwest corner of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of said Section 14; thence North 00 degrees 00 minutes 00 seconds West, along the West line of Section 14 and the centerline of Byrkit Avenue, a distance of 332.38 feet to the Southerly right of way line of Conrail Corporation; thence along a curve, concave Southerly, whose elements are: central angle of 04 degrees 33 minutes 00 seconds, radius of 9536.76 feet, arc length of 757.34 feet, and a chord that bears North 85 degrees 33 minutes 33 seconds East, 757.14 feet; thence North 87 degrees 43 minutes 30 seconds East, along the Southerly right of way line of Conrail Corporation, a distance of 549.65 feet to the East line of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 14; thence South 00 degrees 12 minutes 30 seconds East, along the East line of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 14, a distance of 406.39 feet to the Northeast corner of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of said Section 14; thence South 00 degrees 02 minutes 30 seconds East along the East line of the West Half (1/2) of the Southwest Quarter (1/4) of said Section 14; a distance of 229.93 feet; thence North 89 degrees 59 minutes 44 seconds West a distance of 393.74 feet; thence South 00 degrees 10 minutes 42 seconds West a distance of 302.57 feet; thence South 89 degrees 51 Minutes 00 seconds West a distance of 871.05 feet to the East right of way line of Byrkit Avenue and to a point which is South 00 degrees 00 minutes 00 seconds West 528.42 feet and North 89 degrees 51 minutes 00 seconds East 40.00 feet from the Northwest corner of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of said Section 14; thence North 00 degrees 00 Minutes 00 seconds East, along the East right of way of Byrkit Avenue, a distance of 272.89 feet; thence South 89 degrees 43 minutes 00 seconds West a distance of 40.00 feet to the West line of said Section 14 and the centerline of Byrkit Avenue; thence North 00 degrees 00 minutes 00 seconds West, along the West line of said Section 14 and the centerline of Byrkit Avenue, a distance of 255.62 feet to the "Point of Beginning".

Parcel II

Part of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Fifteen (15), Township Thirty-seven (37) North, Range Three (3) East, Penn Township, St. Joseph County, City of Mishawaka, Indiana, described as follows: Commencing at the Southeast corner of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 15, Township 37 North, Range 3 East; thence North 89 degrees 28 minutes 00 seconds West, a distance of 20.00 feet to the point of beginning; thence continue North 89 degrees 28 minutes 00 seconds West on the North line of Fifth Street, a distance of 267.50 feet; thence North 00 degrees 00 minutes 00 seconds East parallel with the East line of Section 15, a distance of 310.27 feet to the Southerly right of way

EAST548626192

line of the Conrail Corporation; thence North 84 degrees 01 minutes 48 seconds East on the Southerly right of way line of the Conrail Corporation, a distance of 268.945 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 340.73 feet to the point of beginning.

Parcel III

Part of the Northeast Quarter (1/4) of the Southeast Quartet (1/4) of Section Fifteen (15), Township Thirty-seven (37) North, Range Three (3) East, Penn Township, St. Joseph County, City of Mishawaka, Indiana, described as follows: Commencing at the Northeast corner of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fifteen (15), Township Thirty-seven (37) North, Range Three (3) East; thence South 00 degrees 00 minutes 00 seconds East on the East line of Section 15, a distance of 66.00 feet; thence North 89 degrees 28 minutes 00 seconds West, a distance of 40.00 feet to the West line of Byrkit Avenue and the point beginning; thence South 00 degrees 00 minutes 00 seconds West parallel with the East line of Section 15 and on the West right of way line of Byrkit Avenue, a distance of 120.00 feet; thence North 89 degrees 28 minutes 00 seconds West parallel with the South right of way line of Fifth Street, a distance of 118.98 feet; thence North 00 degrees 05 minutes 44 seconds East, a distance of 120.00 feet to the South right of way line of Fifth Street, a distance of 118.78 feet to the point of beginning and being known as Lots 18 through 23 in the Broadmoor Proposed Subdivision.

Tax Parcel ID Numbers:

71-09-14-301-002.000-023
71-09-14-301-001.000-023
71-09-14-301-003.000-023
71-09-14-301-013.000-023
71-09-14-301-021.000-023
71-09-15-285-005.000-023
71-09-15-428-006.000-023
71-09-15-428-007.000-023
71-09-15-428-008.000-023
71-09-15-428-009.000-023
71-09-15-428-010.000-023
71-09-15-428-011.000-023

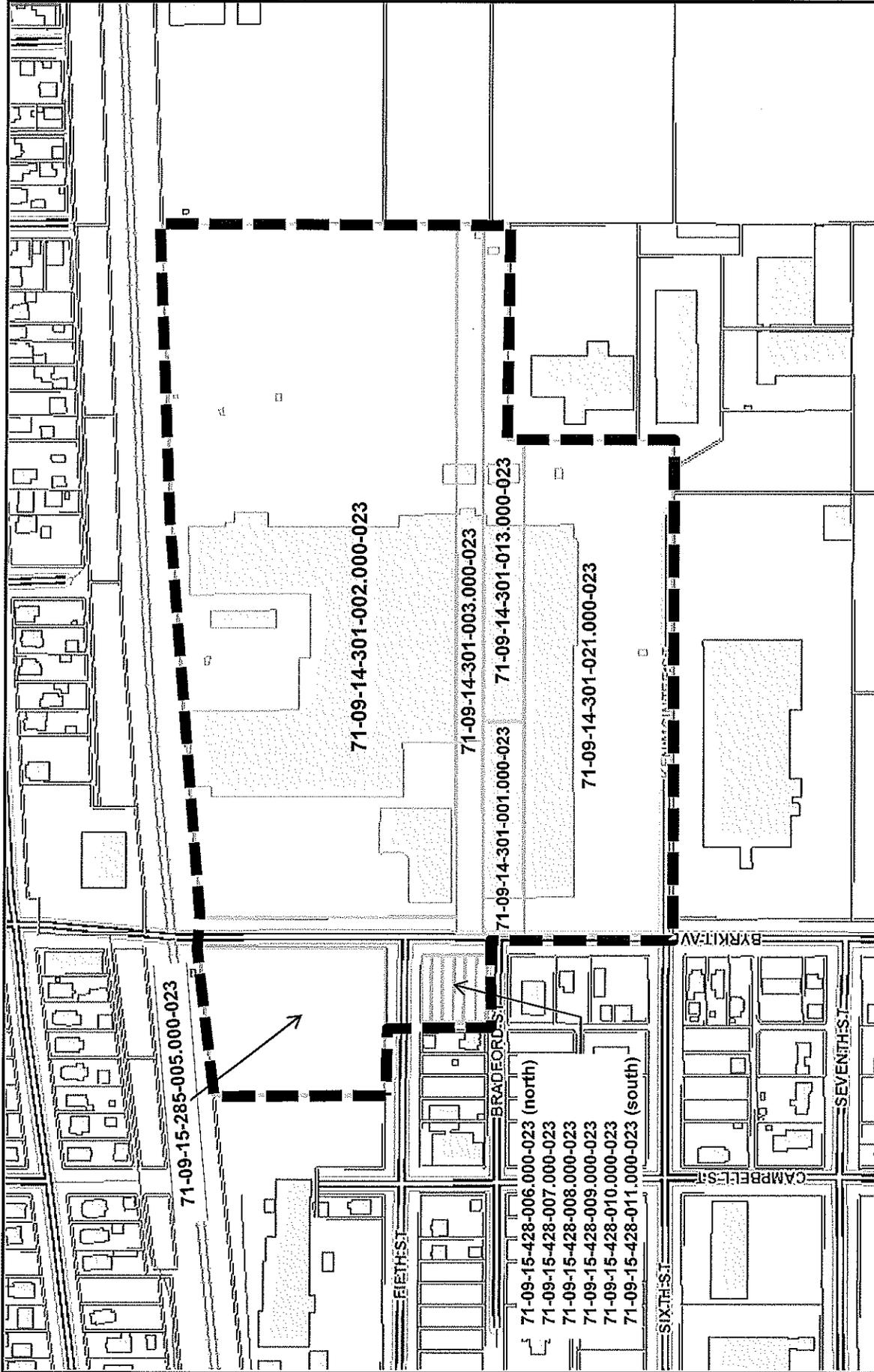
EAST54862619.2

EXHIBIT B

PERMITTED EXCEPTIONS

1. Easement as set forth in Warranty Deed in favor of The Wheelabrator Corporation, a Delaware corporation, recorded January 3, 1968, of record in Book 696, Page 289, in the Office of the Recorder of St. Joseph County, Indiana.
2. Dedication of Permanent Easement between WF Associates Limited Partnership and JRC Corporation recorded August 15, 1989, of record as Instrument Number 8921475, in the Office of the Recorder for St. Joseph County, Indiana.
3. Easement for Electric Lines between W.F. Associates and City of Mishawaka, recorded September, 1989, of record as Instrument Number 8925516, in the Office of the Recorder for St. Joseph County, Indiana.
4. Declaration and Grant of Easements between WF Associates Limited Partnership and Sealed Power Technologies Limited Partnership, recorded July, 1990, of record as Instrument Number 9017473, in the Office of the Recorder for St. Joseph County, Indiana.
5. Affidavit Regarding Easements between Holladay Partners Midwest, Inc., an Indiana corporation, and Managing General Partner of WF Associates Limited Partnership, an Indiana limited partnership, recorded May 18, 2006, of record as Instrument Number 0620745, in the Office of the Recorder for St. Joseph County, Indiana.
6. Environmental Disclosure Document for Transfer of Real Property, recorded May 18, 2006, of record as Instrument Number 0620747, in the Office of the Recorder for St. Joseph County, Indiana.
7. Easement as set forth in Quitclaim Deed in favor of The Wheelabrator Corporation, recorded May 22, 1986, of record as Instrument Number 8611121, in the Office of the Recorder of St. Joseph County, Indiana.
8. Memorandum of Lease between Charles S. Hayes, Inc., an Indiana corporation, and Denali Spectrum Operations, LLC, a Delaware limited liability company, recorded March 24, 2008, of record as Instrument Number 809668, in the Office of the Recorder for St. Joseph County, Indiana.

EAST\54862619.2



Approximate Scale:
1.0-inch ~ 250-feet

BASEMAP:
MACOG GIS Website

ROBERTS
ENVIRONMENTAL SERVICES, LLC

2112 Carmen Court ▲ Goshen, Indiana 46526
Ph: (574) 537-0881 ▲ www.robertsenvironmental.net

SITE MAP
INDUSTRIAL FACILITY
408 SOUTH BYRKIT AVE.
MISHAWAKA, INDIANA