

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Colfax Hill Partners, LLC
Attn: Audra C. Sieradzki
1115 Burns Avenue
South Bend, Indiana 46617

Parcel Key Nos: Formerly 018-5005-0128, 018-5005-0129 and 018-5005-0130 (now combined into single Parcel Key No. 018-5005-0130)

Cross Reference: (1) Warranty Deed made by City of South Bend, Department of Redevelopment by and through South Bend Redevelopment Commission (“Commission”) in favor of Colfax Hill Partners, LLC dated January 6, 2015 and recorded with the St. Joseph County Recorder (“Recorder”) on January 9, 2015 as Instrument No. 1500621; and (2) Contract for Sale of Land for Private Development between the Commission and Colfax Hill Partners, LLC dated December 12, 2013 and recorded with the Recorder on January 6, 2015 as Instrument No. 1500173, as amended.

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

CERTIFICATE OF COMPLETION

THIS CERTIFICATE OF COMPLETION (this “Certificate”) is made and delivered by the City of South Bend, Department of Redevelopment by and through the South Bend Redevelopment Commission, 1400 S. County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana (“Commission”), as of this 10th day of November, 2016.

RECITALS

WHEREAS, Colfax Hill Partners, LLC, an Indiana limited liability company (“Owner” or “Colfax Hill”) is the owner of certain real property located on the Northwest corner of Hill Street and Colfax Avenue in South Bend, Indiana, as such real property is more particularly described on Exhibit A attached hereto and incorporated herein (the “Property”); and

WHEREAS, Colfax Hill acquired the Property pursuant to, and the Property is burdened by (1) that certain Contract for Sale of Land for Private Development between the Commission and Colfax Hill dated December 12, 2013, and recorded with the Office of the St. Joseph County Recorder (“Recorder”) on January 6, 2015 as Instrument No. 1500173, as amended by an Amendment to Contract for Sale of Land for Private Development between the Commission and Colfax Hill dated July 24, 2014 (together, the “Development Contract”), and (2) terms of a Warranty Deed made by the Commission to and in favor of Colfax Hill dated January 6, 2015 and recorded with the Recorder on January 9, 2015 as Instrument No. 1500621 (the “Deed”); and

WHEREAS, both the Development Contract and Deed provide, in part, that the Commission shall issue a "Certificate of Completion" following Owner's completion of the Project (as defined in the Development Contract); and

WHEREAS, Owner has provided evidence of its completion of the Project to the Commission, including its certificate of occupancy and other information, and the Commission desires to issue a Certificate of Completion for the Property all in accord and as required under the Development Contract and Deed.

NOW THEREFORE, in exchange for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Commission hereby declares, certifies and agrees as follows:

1. Recitals. The Recital provisions above are hereby incorporated by reference. All capitalized terms used but not otherwise defined in this Certificate shall have the meaning set forth in the Development Contract.
2. Certification. The Commission hereby certifies that Owner has timely completed the Project in substantial accordance with the Site Plan. This Certificate shall serve as a conclusive determination of Owner's satisfaction of its obligations and the termination of all covenants, requirements, obligations and restrictions set forth in the Development Contract and/or in the Deed including, without limitation, any reversionary rights or other rights or restrictions which run with the land which shall have no further force or effect after the recording of this Certificate *except for* the provisions of Section VI of the Development Contract and Section III of the Deed which may be enforced by legal actions by the Commission through December 11, 2021 (after which time all requirements of such Sections of the Development and Deed shall be deemed terminated as restrictions of public record encumbering the Property).
3. Binding Nature. This Certificate shall be binding upon the Commission and its successors and assigns and shall inure to the benefit of Owner and its successors and assigns.
4. Authority. The undersigned person executing this Certificate on behalf of the Commission certifies that he or she is the duly elected member, officer and/or authorized agent of the Commission and has been fully empowered to execute and deliver this Certificate, and that all necessary action for making this Certificate have been taken.

[Signature Page Follows]

IN WITNESS WHEREOF, the Commission has caused this Certificate to be executed as of the date first above written.

GRANTOR / COMMISSION

**CITY OF SOUTH BEND,
DEPARTMENT OF REDEVELOPMENT**

Signature

Printed Name and Title

South Bend Redevelopment Commission

ATTEST:

Signature

Printed Name and Title

South Bend Redevelopment Commission

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared _____ and _____, known to me to be the _____ and _____ respectively of the South Bend Redevelopment Commission and acknowledged the execution of the foregoing Certificate of Completion..

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the ____ day of _____, 2016.

My Commission Expires:

Notary Public
Residing in St. Joseph County, Indiana

This instrument prepared by Richard J. Deahl, BARNES & THORNBURG LLP, 600 1st Source Bank Center, 100 North Michigan Street, South Bend, Indiana 46601. 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. Richard J. Deahl.

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EXHIBIT A

Legal Description

PARCEL I: A tract of land 55 feet in width, East and West, taken off of and from the entire length of the West side of Lots Numbered Eighty-nine (89) and Ninety (90) as shown on the recorded Original Plat of the Town of Lowell, now a part of the City of South Bend, recorded May 4, 1860 in Plat Book "J", page 455 in the Office of the Recorder of St. Joseph County, Indiana.

PARCEL II; A part of Lot Numbered Eighty-nine (89) as shown on the Original Plat of the Town of Lowell, now a part of the City of South Bend, which part is bounded by a line running as follows: Beginning at the Northeast corner of said Lot 89; thence South 44 feet; thence West 110 feet; thence North 44 feet; thence East 110 feet to the place of beginning.

PARCEL III: A part of Lots Numbered Eighty-nine (89) and Ninety (90) as shown on the Original Plat of the Town of Lowell, now a part of the City of South Bend, which part is bounded by a line running as follows, viz: Beginning at the Southeast corner of said Lot 90; thence running West on South line thereof, a distance of 110 feet; thence North 88 feet; thence East 110 feet to the East line of said Lot 89; thence South on the East line of said Lots 89 and 90 a distance of 88 feet to the place of beginning.