

TERMINATION OF RIGHT OF RE-ENTRY

This Termination of Right of Re-entry (this “Termination”), is made on June 13, 2016 (the “Effective Date”), by the South Bend Redevelopment Commission, the governing body of the City of South Bend Department of Redevelopment (the “Commission”).

RECITALS

A. The Commission conveyed certain real property, commonly known as 218 Kaley Street, South Bend, Indiana, and more particularly described in attached Exhibit A (the “Property”) to G.C.A., Inc., by the Quit-Claim Deed dated January 4, 1971, and recorded on February 16, 1971, in Book 735, Page 187, in the Office of the Recorder of St. Joseph County (the “Deed”) containing certain agreements and restrictions on the development and conveyance of the Property, including the Commission’s right to re-enter and retake possession and ownership of the Property in the event of certain actions or failures to act in accordance with the terms of the Deed and applicable development plans (the “Right of Re-entry”).

B. In order to facilitate a conveyance of the Property to a potential buyer, the current owners of the Property desire for the Commission to terminate its Right of Re-entry.

C. Despite the absence of a contemporaneous certificate of completion in the public record and in light of the completion of construction on the Property as required under the Deed, the Commission desires to terminate its Right of Re-entry as stated in this Termination.

NOW, THEREFORE, in consideration of the above premises, the Commission states as follows:

1. Recitals. The above Recitals are incorporated into and made a part of this Termination.

2. Completion. Notwithstanding any provision of the Deed to the contrary, no certificate of completion will be required to evidence the satisfaction of the requirements stated in Section 1 of the Deed.

3. Termination. The Commission hereby forever relinquishes and terminates its Right of Re-entry stated in Section 2 of the Deed with respect to the Property. This Termination relates to the Property alone and has no effect on any of the Commission’s rights or remedies with respect to any other real property interest conveyed under the Deed.

4. Recordation. Promptly following execution by the Commission, this Termination will be recorded in the Office of the Recorder of St. Joseph County.

IN WITNESS WHEREOF, the Commission hereby executes this Termination to be effective on the Effective Date stated above.

SOUTH BEND REDEVELOPMENT COMMISSION

Marcia I. Jones, President

ATTEST:

Donald E. Inks, Secretary

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

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of June, 2016, personally appeared Marcia I. Jones and Donald E. Inks, personally known to me as the President and Secretary, respectively, of the South Bend Redevelopment Commission, the governing body of the City of South Bend, Indiana, Department of Redevelopment, and acknowledged the execution of the foregoing Termination of Right of Re-entry for and on behalf of the South Bend Redevelopment Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

(SEAL)

_____, Notary Public
Resident of _____ County, _____

My commission expires:

This instrument was prepared by Benjamin J. Dougherty, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., 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. Benjamin J. Dougherty.

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EXHIBIT A

Description of Property

Lot 797 as shown on the plat of the Third Plat of Summit Place Addition, recorded April 9, 1904 in the Office of the Recorder of St. Joseph County, Indiana, in Plat Book 8, page 162, together with the south half of the vacated alley lying north of and adjacent to said lot.