NEW TOWNE SQUARE

This information is taken from public records filed with the Lucas County Recorder’s Office. Port Lawrence Title and Trust Company assumes no liability for the accuracy or completeness of the information contained herein.
1975

DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS

THIS DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS ("Declaration"), made and entered into this 23rd day of February, 1979, by and between LOUISVILLE TITLE AGENCY FOR M.W. OHIO, INC., Trustee ("Trustee"), NEW TOWNE MALL COMPANY, an Ohio limited partnership ("New Towne"), MERCANTILE REAL ESTATE CO., INC., a Delaware corporation ("Mercantile"), NORTH TOLEDO PROPERTIES CORP., an Ohio corporation ("Macy") and MONTGOMERY WARD DEVELOPMENT CORPORATION ("Ward"), New Towne, Mercantile, Macy and Ward collectively being hereinafter referred to as "Grantees".

WITNESSETH:

WHEREAS, Trustee has this day conveyed to New Towne the real estate described in Exhibit "A" attached hereto ("New Towne Parcel"), to Mercantile the real estate described in Exhibit "B" attached hereto ("Mercantile Parcel"), to Macy the real estate described in Exhibit "C" attached hereto ("Macy Parcel") and to Ward the real estate described in Exhibit "D" attached hereto ("Ward Parcel"), all of such real estate being located in Lucas County, Ohio (such Parcels being hereinafter collectively referred to as "Grantees' Parcels"); and

WHEREAS, Trustee is the owner of the real estate located in Lucas County, Ohio more particularly described in Exhibit "E" attached hereto ("Trustee Parcel"); and

WHEREAS, such conveyances were made subject to the execution of this Declaration.

NOW, THEREFORE, in consideration of the premises and for other good and valuable considerations, Trustee hereby declares that the Restricted Parcels (more particularly described in Exhibit "F" attached hereto and designated "Restricted Parcels" upon Exhibit "G" attached hereto ["Plot Plan"] shall be held, sold and conveyed subject to the following restrictions and protective covenants, all of which are for the purpose of inducing the development and use of the Grantees' Parcels as a regional shopping mall by insuring the compatibility of the Restricted Parcels with the same, which restrictions and protective covenants shall run with the Grantees' Parcels and the Restricted

- 79 224D08 -
Parcels, be binding on all parties having or acquiring any right, title or interest in the Restricted Parcels, or any part thereof, and inure to the benefit of the owners of the Grantees' Parcels and their respective successors and assigns, to wit:

1. That the Restricted Parcels, subject to the terms of this Declaration, may be used for any lawful purpose and for any use or uses, whether principal, accessory, conditional or otherwise, permitted by the applicable zoning ordinance, variances or amendments thereto, affecting the Restricted Parcels from time to time.

2. That not more than one (1) building shall be constructed or located within each of the areas upon the Restricted Parcels, which are designated as "Permissible Building Area" on the site plan attached hereto as Exhibit "G".

3. That no building constructed or located within any Permissible Building Area within the Restricted Parcels shall be greater in height than the lesser of two (2) stories or thirty-five (35) feet, exclusive of chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, lighthouses, solariums, steeples, penthouses, stacks, stage towers or scenery lifts, tanks, water towers, ornamental towers and spires, wireless television or radio towers, or necessary mechanical appurtenances.

4. That not more than one (1) pylon sign shall be erected for each Permissible Building Area. No pylon sign shall exceed twenty (20) feet in height, any such pylon sign shall conform and comply in all respects with all applicable zoning laws and ordinances and all other laws, ordinances, rules, regulations and codes applicable thereto, no pylon sign erected in the Restricted Parcels shall be of the flashing, blinking, rotating, moving, animated or audible type.

5. That no pylon sign shall be built within two hundred fifty (250) feet of Aluxitown Drive right-of-way lines as shown on Exhibit "G".

6. That within each Restricted Parcel sufficient parking spaces shall be provided so that within each of such Restricted Parcels there shall be the greater of:
(a) five (5) parking spaces (as defined in the Toledo/Lucas County Zoning Code) for each one thousand (1,000) square feet of gross leasable area within the building located in the Permissible Building Area; or

(b) that number of parking spaces required by the Toledo/Lucas County Zoning Code.

7. That the aforesaid restrictions and protective covenants are intended for the benefit of the Grantees' Parcels only, and further, that the covenants, easements, restrictions, agreements, promises and duties set forth herein shall be construed as covenants and not as conditions, and that, to the fullest extent legally possible, all such covenants and restrictions shall run with the land constituting the Grantees' Parcels and the Restricted Parcels, or shall constitute equitable servitudes as between the Restricted Parcels, as the servient tenement, and the Grantees' Parcels, as the dominant tenement.

8. That the invalidation of any one of the aforesaid protective covenants or restrictions, by statute, ordinance or court order, shall in no wise affect any other provision of this Declaration, which provisions shall continue to remain in full force and effect. It is understood and agreed that those covenants and restrictions shall inure solely to the benefit of the owners of Grantees' Parcels and their respective successors and assigns, may be enforced only by them, their successors and assigns, and may be modified, amended, released and/or waived only by all of the owners at any given time of the Grantees' Parcels, and by no other person or entity; the rights and benefits hereunder accruing for the benefit of Grantees' Parcels may be exercised by any owner of any Parcel included within Grantees' Parcels or some or all of them, individually or collectively.

9. That it is understood and agreed that the violation of any of the protective covenants or restrictions contained herein shall not result in the forfeiture or reversion of title to the real estate or otherwise affect such title. The sole right and remedy of the owners of Grantees' Parcels and their respective successors and assigns, in the event of the violation or breach of any of the foregoing protective covenants or restrictions, shall be by way of injunctive relief and/or specific performance; PROVIDED, HOWEVER, that in the event of any such violation or breach of any of the foregoing protective covenants or restrictions, neither such owners, or any of them, or their respective successors or assigns, shall commence any action for the enforcement or redress thereof without first giving to the record owner of
the violating or breaching portion of the restricted parcels at least thirty (30) days' written notice and opportunity to cure, correct and abate any such violation or breach, or to commence such cure, correction and abatement of any violation or breach which cannot be cured, corrected and abated within said thirty (30) day period and diligently prosecute the same to curing.

10. That the protective covenants and restrictions contained herein shall remain in full force and effect so long as the Grantees' Parcels, or part of them, are being used or operated as a regional shopping center. These protective covenants and restrictions shall terminate, expire and become null and void and of no further force and effect upon the permanent cessation and termination of the use and operation of the Grantees' Parcels as a regional shopping center.

11. That for the consideration herein expressed, Grantees join in the execution of this Declaration for the purpose of accepting, consenting to and agreeing to the aforesaid covenants and restrictions.

12. That for good and valuable considerations, American Fletcher Mortgage Company, Inc., joins in the execution of this Declaration for the purpose of binding its beneficial interest in the Restricted Parcels, and hereby subordinates its interest as the Mortgagor under that certain Mortgage executed by Philip A. Porteus and Malinda J. Porteus, husband and wife, to American Fletcher Mortgage Company, Inc., an Indiana corporation, dated June 20, 1972, and recorded on June 20, 1972, in Volume 2508 of Mortgages, Page 52, as amended by Instrument dated October 13, 1972, and recorded on October 17, 1972, in Volume 2573 of Mortgages, Page 167, as further amended by Instrument dated June 4, 1974, and recorded on June 17, 1974, in Volume 2880 of Mortgages, Page 119, all in the Land Records of Lucas County, Ohio, to this Declaration so that hereafter all of such interest shall be subordinate and junior in all respects to this Declaration.

13. That this Declaration shall be binding upon and shall inure to the benefit of all parties signatory hereto and their respective successors and assigns.

14. That all modifications to this Declaration must be in writing and signed by all owners of the land referred to herein. This Declaration shall be construed and governed in accordance with the laws of the State of Ohio.

15. That the undersigned, Louisville Title Agency for N.W. Ohio, Inc., executing this Declaration as Trustees, represents and certifies that it is duly authorized under said Trust and fully empowered to execute and deliver this Declaration, and further represents and certifies that the execution and delivery of this Declaration satisfies the terms of said Trust.
IN WITNESS WHEREOF the parties have executed this agreement as of the date

and year first above written.

LOUISVILLE TITLE AGENCY FOR
R.W. OHIO, INC.

ATTEST:
Bernadine Anderson
Secretary

By: 

NEW TOWNE HALL COMPANY, an Ohio
limited partnership
By: 

ATTEST:

MERCANTILE REAL ESTATE CO., INC.

By: 

NORTH TOLEDO PROPERTIES CORP.

By: 

ATTEST:

MONTGOMERY WARD DEVELOPMENT CORPORATION

By: 

AMERICAN FLETCHER MORTGAGE COMPANY, INC.

By: 

CARTER B. THARP  SECRETARY

STATE OF OHIO  
COUNTY OF LUCAS 

Before me, a Notary Public in and for said County and State aforesaid, personally
appeared LOUISVILLE TITLE AGENCY FOR R.W. OHIO, INC., by Kenneth I. White, Sr., Executive
Vice President, and by Bernadine Anderson, its Secretary, and they acknowledged that they,
being thereunto duly authorized, signed the foregoing instrument and that the same is
their free act and deed and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed by name at Toledo, Ohio, this 22nd
day of February, 1979.

Theressa Jones, Notary Public

My commission expires:
February 13, 1980.

- 79 224D12 -
STATE OF INDIANA )
) SS:
COUNTY OF MARION )

Before me, a Notary Public in and for the County and State aforesaid, personally appeared

and acknowledged that he, being thereunto duly authorized, signed, sealed and delivered the
foregoing instrument, and set his hand thereto, for the purposes and consideration thereina
expressed, and sworn to the truth of the facts and matters set forth therein.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at

this ___ day of ______, 1979.

Q. C. Queen
Notary Public

County of Residence: ____________

My commission expires: ____________

STATE OF ______________
COUNTY OF ______________

Before me, a Notary Public in and for the County and State aforesaid, personally appeared

and acknowledged that she, being thereunto duly authorized, signed, sealed and delivered the
foregoing instrument, and set her hand thereto, for the purposes and consideration thereina
expressed, and sworn to the truth of the facts and matters set forth therein.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at

this ___ day of ______, 1979.

L. K. Kimbrell
Notary Public

County of Residence: ______________

My commission expires: ______________

STATE OF ______________
COUNTY OF ______________

Before me, a Notary Public in and for the County and State aforesaid, personally appeared

and acknowledged that she, being thereunto duly authorized, signed, sealed and delivered the
foregoing instrument, and set her hand thereto, for the purposes and consideration thereina
expressed, and sworn to the truth of the facts and matters set forth therein.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at

this ___ day of ______, 1979.

L. K. Kimbrell
Notary Public

County of Residence: ______________

My commission expires: ______________

79 224 E01
STATE OF (Missouri)
COUNTY OF (Cock)

Before me, a Notary Public in and for the County and State aforesaid, personally appeared J.C. Walker and J.C. Thrall, the Sr. Vice President and Sec. Treasurer of Montgomery Ward Development Corporation, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and sworn to the truth of the facts and matters set forth therein.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name at Chicago, this 22nd day of March, 1979.

(My Signature)
Notary Public

County of Residence:

My commission expires:

STATE OF INDIANA
COUNTY OF MARION

Before me, Genevieve McCutcheon, a Notary Public, this 22nd day of February, 1979, personally appeared American Fletcher Mortgage Company, Inc., by J.E. Johnson and Carter Tharp, its Vice-President and Secretary respectively, and acknowledged the execution of the foregoing instrument.

(Notary Signature)
Genevieve McCutcheon, Notary Public

My commission expires:

August 31, 1980

My county of residence is:

Marion

This instrument was prepared by Philip D. Pecar, Attorney-at-Law, 1600 Market Square Center, Indianapolis, Indiana 46204.
A parcel of land being part of Fractional Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Towne Square, a Subdivision in the City of Toledo, Lucas County, Ohio, dated November 14, 1978, recorded in Volume 79, Pages 51-53, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northerly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero hundredths (564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road, thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the said centerline of Telegraph Road, a distance of two hundred and zero hundredths (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and forty-eight hundredths (2441.48) feet, a delta angle of nine (09) degrees, thirty-three (33) minutes, forty (40) seconds, a tangent length of two hundred forty and eighteen hundredths (240.18) feet and a chord length of four hundred sixty-four and ninety-four hundredths (464.94) feet; thence South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet to the TRUE POINT OF BEGINNING; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred fifty-five and zero hundredths (255.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred seventy and eighty-five hundredths (170.85) feet, said arc of curve to the left having a radius of three hundred twenty-five and zero hundredths (325.00) feet, a delta angle of nineteen (19) degrees, zero (00) minutes, forty-nine (49) seconds, a tangent length of fifty-four and forty-three hundredths (54.43) feet and a chord length of one hundred seven and thirty-six hundredths (107.36) feet, said chord having a bearing of North eighty (80) degrees, twenty-nine (29) minutes, thirty-five (35) seconds East; thence North twenty-one (21) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of fifty-eight and forty-six hundredths (58.46) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of four hundred twenty-two and ninety-three hundredths (422.93) feet; thence North twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds East along a line, a distance of one hundred twenty and seventy hundredths (120.70) feet; thence North zero (00) degrees, zero (00) minutes,
zero (00) seconds East along a line, a distance of five hundred thirty and sixteen hundredths (530.16) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred six and thirty-three hundredths (106.33) feet; thence North thirty (30) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred eighty-two and ninety-six hundredths (282.96) feet; thence North sixty-eight (68) degrees, thirty (30) minutes, twelve (12) seconds West along a line, a distance of one hundred fourteen and twenty-eight hundredths (114.28) feet to a point of curve; thence in a southwesterly direction along an arc of curve to the left, an arc distance of seven hundred three and seventeen hundredths (703.17) feet, said arc of curve to the left having a radius of three hundred ninety and zero hundredths (390.00) feet, a delta angle of one hundred three and ten degrees, eighteen (18) minutes, fourteen (14) seconds, a tangent length of four hundred ninety-two and ninety-two hundredths (492.92) feet and a chord length of six hundred eleven and seventy-two hundredths (611.72) feet, said chord having a bearing of South fifty-nine (59) degrees, fifty (50) minutes, forty-one (41) seconds West; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty-one and ninety-eight hundredths (41.98) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of five hundred forty-eight and seventy-five hundredths (548.75) feet; thence South eighty-three (83) degrees, forty-nine (49) minutes, sixteen (16) seconds East along a line, a distance of two thousand three hundred thirty-nine and forty-five hundredths (2339.45) feet to a point of curve; thence in a southwesterly direction along an arc of curve to the right, an arc distance of five hundred sixty and four hundredths (560.04) feet, said arc of curve to the right having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of ninety-seven (97) degrees, fourteen (14) minutes, nine (09) seconds, a tangent length of three hundred seventy-four and fifty-five hundredths, (374.55) feet and a chord length of four hundred ninety-five and twenty-one hundredths (495.21) feet, said chord having a bearing of South thirty-five (35) degrees, twelve (12) minutes, eleven (11) seconds East; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of two hundred eighty-five and sixty-two hundredths (285.62) feet; to a point on curve thence in a northwesterly direction along an arc of curve to the left, an arc distance of fifty-nine and thirty-nine hundredths (59.39) feet, said arc of curve to the left having a radius of four hundred fifty and zero hundredths (450.00) feet, a delta angle of seven (07) degrees, thirty-three (33) minutes, forty-three (43) seconds, a tangent length of twenty-nine and seventy-four hundredths (29.74) feet and a chord length of fifty-nine and thirty-five hundredths (59.35) feet, said chord having a bearing of North twenty-eight (28) degrees, forty-eight (48) minutes, fifty-six (56) seconds West; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of five hundred ninety-four and nineteen hundredths (594.19) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred thirty-six and eighty-four hundredths (136.84) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of nine and fifty hundredths (9.50) feet; thence South zero (00) degrees, zero (00) minutes,
zero (00) seconds West along a line, a distance of three hundred twenty-two and eighty-four hundredths (322.84) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty-one and fifty hundredths (41.50) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of four hundred twenty and thirty-two hundredths (420.32) feet; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line, a distance of one hundred forty-four and eighty-four hundredths (144.84) feet; thence South zero (00) degrees, thirty-three (33) minutes, ten (10) seconds East along a line, a distance of one hundred fifteen and zero hundredths (115.00) feet; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line, a distance of twenty-seven and zero hundredths (27.00) feet; thence North zero (00) degrees, thirty-three (33) minutes, ten (10) seconds West along a line, a distance of one hundred sixty-four and zero hundredths (164.00) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred thirty-two and zero hundredths (132.00) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred sixty-four and zero hundredths (164.00) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred ninety-eight and sixty-nine hundredths (198.69) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of twenty-six and ninety-nine hundredths (26.99) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred twenty-eight and sixty-nine hundredths (128.69) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of thirty-nine and forty-two hundredths (39.42) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of eighty-six and sixty-nine hundredths (86.69) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty and zero hundredths (40.00) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of seventy and zero hundredths (70.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty and zero hundredths (40.00) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of seventy-one and zero hundredths (71.00) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00)
seconds West along a line, a distance of twenty-eight and zero hundredths (28.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of twenty-one and forty-two hundredths (21.42) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred fifty-one and eighty-three hundredths (151.83) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty-seven and seventeen hundredths (47.17) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line a distance of seven and sixty-nine hundredths (7.69) feet; thence South twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds West along a line, a distance of three hundred ninety-one and fifty-four hundredths (391.54) feet; thence North sixty-nine (69) degrees, seven (07) minutes, thirty (30) seconds West along a line, a distance of two hundred fifteen and zero hundredths (215.00) feet; thence South twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds West along a line, a distance of two hundred eighty-four and forty-six hundredths (284.46) feet; thence North eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds West along a line, a distance of two hundred eighty and thirty-five hundredths (280.35) feet to the TRUE POINT OF BEGINNING, containing 38.619 acres of land, more or less.
A parcel of land being part of Fractional Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Towne Square, a Subdivision in the City of Toledo, Lucas County, Ohio, dated November 14, 1978, recorded in Volume 79, Pages 51-55, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northerly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero hundredths (564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road, thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred and zero hundredths (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and forty-eight hundredths (2411.48) feet, a delta angle of nine (09) degrees, thirty-three (33) minutes, forty (40) seconds, a tangent length of two hundred fourteen and eighteen hundredths (214.18) feet and a chord length of four hundred six and ninety-four hundredths (406.94) feet; thence South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet; thence continuing South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of three hundred twenty-seven and thirty-five hundredths (327.35) feet to a point of curve; thence in an easterly direction along an arc of curve to the left, an arc distance of three hundred ninety and fourteen hundredths (390.14) feet, to a point of tangency said arc of curve to the left having a radius of two thousand two hundred ten and fifteen hundredths (2210.15) feet, a delta angle of ten (10) degrees, six (06) minutes, fifty (50) seconds, a tangent length of one hundred ninety-five and fifty-eight hundredths (195.58) feet and a chord length of three hundred eighty-nine and sixty-three hundredths (389.63) feet; thence North eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds East along a line drawn parallel with the said centerline of Alexis Road, a distance of one thousand two hundred eleven and forty-three hundredths (1211.43) feet to a point; thence North sixty-nine (69) degrees, fifty-nine (59) minutes, forty-two (42) seconds East along a line a distance of two hundred eighteen and ninety-six hundredths (218.96) feet to a point of curve; thence in a northeasterly direction along an arc of curve to the left, an arc distance of eighty-nine and two hundredths (89.02) feet to the TRUE POINT OF BEGINNING, said arc of curve to the left having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of fifteen (15) degrees, twenty-seven (27) minutes, twenty (20) seconds, a tangent length of forty-four and seventy-eight hundredths (44.78) feet and a chord length of eighty-eight and seventy-five hundredths (88.75) feet, said chord having a bearing of
North sixty-two (62) degrees, sixteen (16) minutes, two (02) seconds East; thence North thirty-four (34) degrees, forty-four (44) minutes, twenty (20) seconds West along a line, a distance of one hundred twenty-two and thirty-nine hundredths (122.39) feet, to a point on curve thence in a southwesterly direction along an arc of curve to the right, an arc distance of two hundred eighty-eight and sixty-four hundredths (288.64) feet to a point of tangency, said arc of curve having a radius of four hundred and forty degrees, twenty (20) minutes, forty (40) seconds, a tangent length of one hundred fifty and ninety-three hundredths (150.93) feet and a chord length of two hundred eighty-two and forty-two hundredths (282.42) feet, said chord having a bearing of South sixty-eight (68) degrees, forty-six (46) minutes, thirty (30) seconds West; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line a distance of two hundred three and zero hundredths (203.00) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line a distance of four hundred twenty and thirty-two hundredths (420.32) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty-one and fifty hundredths (41.50) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line a distance of three hundred twenty-two and eighty-four hundredths (322.84) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of nine and fifty hundredths (9.50) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of five hundred ninety-four and nineteen hundredths (594.19) feet; to a point on curve thence in a southeasterly direction along an arc of curve to the right, an arc distance of fifty-nine and thirty-nine hundredths (59.39) feet to a point on curve, said arc of curve to the right having a radius of four hundred fifty and zero hundredths (450.00) feet, a delta angle of seven (07) degrees, thirty-three (33) minutes, forty-three (43) seconds, a tangent length of twenty-nine and seventy-four hundredths (29.74) feet and a chord length of fifty-five and thirty-five hundredths (55.35) feet, said chord having a bearing of South twenty-eight (28) degrees, forty-eight (48) minutes, fifty-six (56) seconds East; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred eighty-five and sixty-two hundredths (285.62) feet; to a point on curve; thence in a southwesterly direction along an arc of curve to the right, an arc distance of fifty-eight and nine hundredths (58.09) feet to a point of tangency, said arc of curve to the right having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of ten (10) degrees, five (05) minutes, twelve (12) seconds, a tangent length of twenty-nine and twelve hundredths (29.12) feet and a chord length of fifty-eight and two hundredths (58.02) feet, said chord having a bearing of South eighteen (18) degrees, twenty-seven (27) minutes, twenty-nine (29) seconds West; thence South twenty-three (23) degrees, thirty (30) minutes, five (05) seconds West along a line, a distance of six hundred eighty-nine and thirty-two hundredths (689.32) feet.
feet to a point of curve; thence in a southwesterly direction along an arc of curve to the right, an arc distance of one hundred seventy-eight and seventy-seven hundredths (178.77) feet to the TRUE POINT OF BEGINNING, said arc of curve having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of thirty-one (31) degrees, two (02) minutes, seventeen (17) seconds, a tangent length of ninety-one and sixty-four hundredths (91.64) feet, and a chord length of one hundred seventy-six and fifty-nine hundredths (176.59) feet, said chord having a bearing of South thirty-nine (39) degrees, one (01) minute, thirteen (13) seconds West, containing 14.562 acres of land, more or less.
A parcel of land being part of Fractional Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Town Square, a Subdivision of the City of Toledo, Lucas County, Ohio, dated November 14, 1978, recorded in Volume 79, Pages 51-55, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northerly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero hundredths (564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred and zero hundredths (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and forty-eight hundredths (2441.48) feet, a delta angle of nine (09) degrees, thirty-eight (38) minutes, forty (40) seconds, a tangent length of two hundred forty and eighteen hundredths (240.18) feet and a chord length of four hundred sixty and ninety-four hundredths (460.94) feet; thence South eighty-eight (88) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet; thence continuing South eighty-eight (88) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of two hundred eighty and thirty-five hundredths (280.35) feet to the TRUE POINT OF BEGINNING; thence North twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds East along a line, a distance of two hundred eighty-four and forty-nine hundredths (284.49) feet; thence South sixty-nine (69) degrees, seven (07) minutes, thirty (30) seconds East along a line, a distance of two hundred fifteen and zero hundredths (215.00) feet; thence North twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds East along a line, a distance of three hundred ninety-one and fifty-four hundredths (391.54) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of seven and sixty-nine hundredths (7.69) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty-seven and seventeen hundredths (47.17) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred fifty-one and eighty-three hundredths (151.83) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty-one and forty-nine hundredths (21.49) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty-eight and zero hundredths (28.00) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of sixty-three and nineteen hundredths (63.19) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty and zero hundredths (40.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of
seventy and zero hundredths (70.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty and zero hundredths (40.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of seventy-three and ninety-two hundredths (73.92) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of eighty-four and zero hundredths (84.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty-eight and zero hundredths (28.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of thirty-nine and forty-two hundredths (39.42) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred twenty-eight and sixty-six hundredths (128.66) feet; thence South forty-five (45) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of thirty and twenty-nine hundredths (30.29) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of twenty-six and ninety hundredths (26.90) feet; thence South forty-five (45) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of three hundred twenty and ninety-eight hundredths (320.98) feet; thence South forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of twenty and zero hundredths (20.00) feet; thence South forty-five (45) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred thirty-two and zero hundredths (132.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of ninety-four and zero hundredths (94.00) feet; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line, a distance of one hundred sixteen and zero hundredths (116.00) feet; thence South zero (00) degrees, thirty-three (33) minutes, ten (10) seconds East along a line, a distance of one hundred fifty-three and zero hundredths (153.00) feet; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line, a distance of seven hundred eighty-nine and zero hundredths (789.00) feet to a point of curve; thence in a Westerly direction along an arc of curve to the right, an arc distance of three hundred ninety and fourteen hundredths (390.14) feet, to a point of tangency said arc of curve to the right having a radius of four thousand two hundred ten and fifteen hundredths (4210.15) feet, a delta angle of ten (10) degrees, zero (00) minutes, fifty (50) seconds, a tangent length of one hundred ninety-five and fifty-eight hundredths (195.58) feet and a chord length of three hundred eighty-nine and sixty-three hundredths (389.63) feet; thence North eighty (80) degrees twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of forty-seven and zero hundredths (47.00) feet to the TRUE POINT OF BEGINNING, containing 14.362 acres of land, more or less.

Also a parcel of land being part of Fractional Section 1, Towne nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Towne Square, a Subdivision in the City of Toledo, Lucas County, Ohio, dated November 14, 1978, recorded in Volume 79, Pages 51-55, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northerly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero hundredths
(564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road, thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred and zero hundredths (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and sixty-eight hundredths (2441.68) feet, a delta angle of nine (09) degrees, thirty-three (33) minutes, forty (40) seconds, a tangent length of two hundred fourteen and eighteen hundredths (214.18) feet and a chord length of four hundred six and ninety-four hundredths (406.94) feet; thence South eighty (80) degrees, sixty-six (66) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet; thence continuing South (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of three hundred twenty-seven and thirty-five hundredths (327.35) feet to a point of curve; thence in an easterly direction along an arc of curve to the left, an arc distance of three hundred ninety and fourteen hundredths (390.14) feet, said arc of curve to the left having a radius of two thousand two hundred ten and fifteen hundredths (2251.05) feet, a delta angle of ten (10) degrees, six (06) minutes, fifty (50) seconds, a tangent length of one hundred ninety-five and fifty-eight hundredths (195.58) feet and a chord length of three hundred eighty-nine and sixty-three hundredths (389.63) feet; thence North eighty-nine (89) degrees, twenty-six (26) minutes, fifty (55) seconds East along a line drawn parallel with the said centerline of Alexis Road, a distance of eight hundred sixty-four and zero hundredths (864.00) feet to the True Point of Beginning; thence North zero (00) degrees, thirty-three (33) minutes, ten (10) seconds West along a line, a distance of one hundred fifteen and zero hundredths (115.00) feet; thence North eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds East along a line, a distance of three hundred forty-seven and eighty-four hundredths (347.84) feet to a point of curve; thence in a northeasterly direction along an arc of curve to the left, an arc distance of two hundred eighty-eight and seventy-six hundredths (288.44) feet, to a point on curve said arc of curve to the right having a radius of four hundred and zero hundredths (400.00) feet, a delta angle of forty-one (41) degrees, twenty (20) minutes, forty (40) seconds, a tangent length of one hundred eighty and thirty-three hundredths (180.33) feet and a chord length of two hundred eighty-two and forty-two hundredths (282.42) feet, said chord having a bearing of North sixty-eight (68) degrees, forty-six (46) minutes, thirty (30) seconds East; thence South thirty-four (34) degrees, forty-four (44) minutes, twenty (20) seconds East along a line, a distance of one hundred twenty-two and thirty-nine hundredths (122.39) feet to a point on curve; thence in a southerly direction along an arc of curve to the right, an arc distance of eighty-nine and two hundredths (89.02) feet, to a point of tangency said arc of curve to the right having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of fifteen (15) degrees, twenty-seven (27) minutes, twenty (20) seconds, a tangent length of forty-four and seventy-eight hundredths (44.78) feet, and a chord length of one hundred seventy-eight and seventeen hundredths (178.17) feet, said chord having a bearing of South sixty-two (62) degrees.
sixteen (16) minutes, two (02) seconds west; thence south sixty-nine (69) degrees, fifty-nine (59) minutes, forty-two (42) seconds west along a line, a distance of two hundred eighteen and ninety-six hundredths (218.96) feet; thence south eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds west along a line, a distance of three hundred ninety-five and forty-three hundredths (395.43) feet to the true point of beginning, containing 1.728 acres of land, more or less.
A parcel of land being part of Fractional Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Towne Square, a Subdivision in the City of Toledo, Lucas County, Ohio, dated 'November 14, 1978, recorded in Volume 79, Pages 51-55, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northerly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero hundredths (564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred and zero hundredths (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and forty-eight hundredths (2441.48) feet, a delta angle of nine (09) degrees, thirty-three (33) minutes, forty (40) seconds, a tangent length of two hundred four and eighteen hundredths (204.18) feet and a chord length of four hundred six and ninety-four hundredths (406.94) feet; thence South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred fifty-five and zero hundredths (255.00) feet to the TRUE POINT OF BEGINNING; thence continuing North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of seven hundred twenty and zero hundredths (720.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty-one and ninety-eight hundredths (41.98) feet to a point on curve; thence in a northeasterly direction along an arc of curve to the right, an arc distance of seven hundred three and seventeen hundredths (703.17) feet, to a point of tangency said arc of curve to the right having a radius of three hundred ninety-nine and zero hundredths (399.00) feet, a delta angle of one hundred three (103) degrees, eighteen (18) minutes, fourteen (14) seconds, a tangent length of four hundred ninety-two and ninety-four hundredths (492.97) feet and a chord length of four hundred eleven and seventy-two hundredths (411.72) feet, said chord having a bearing of North fifty-nine (59) degrees, fifty (50) minutes, forty-one (41) seconds East; thence South sixty-eight (68) degrees, thirty (30) minutes, twelve (12) seconds East along a line, a distance of one hundred fourteen and twenty-eight hundredths (114.28) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of two hundred eighty-two and ninety-six hundredths (282.96) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds.
seconds West along a line, a distance of one-hundred six
and thirty-three hundredths (106.33) feet; thence South
zero (00) degrees, zero (00) minutes, zero (00) seconds
West along a line, a distance of five hundred thirty and
sixteen hundredths (530.16) feet; thence South twenty (20)
degrees, fifty-two (52) minutes, thirty (30) seconds West
along a line, a distance of one hundred ten and seventy
hundredths (110.70) feet; thence South ninety (90) degrees,
zero (00) minutes, zero (00) seconds West along a line,
a distance of four hundred twenty-two and ninety-three
hundredths (422.93) feet; thence South twenty-nine (29)
degrees, zero (00) minutes, zero (00) seconds East along
a line, a distance of fifty-eight and forty-six hundredths
(58.46) feet to a point on curve; thence in a westerly
direction along an arc of curve to the right, an arc dis-
tance of one hundred seven and eighty-five hundredths
(107.85) feet, to a point of tangency said arc of curve
to the right having a radius of three hundred twenty-five
and zero hundredths (325.00) feet, a delta angle of nine-
teen (19) degrees, zero (00) minutes, forty-nine (49)
seconds, a tangent length of fifty-four and forty-three
hundredths (54.43) feet and a chord length of one hundred
seven and thirty-six hundredths (107.36) feet, said chord
having a bearing of South eighty (80) degrees, twenty-nine
(29) minutes, thirty-five (35) seconds West; thence South
ninety (90) degrees, zero (00) minutes, zero (00) seconds
West along a line, a distance of thirty-one and zero hun-
dredths (31.00) feet to the TRUE POINT OF BEGINNING, con-
taining 12.729 acres of land, more or less.
EXHIBIT "E"

Lot numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and B in NEW TOWNE SQUARE, the Plat of which is dated November 14, 1970, and recorded in the Office of the Lucas County, Ohio Recorder in Volume 79, Pages 51-55, Book of Plats.
EXHIBIT "F"

Lot numbers 1, 4, 5, 6, 7, 8 and 9 in NEW TOWNE SQUARE, the Plat of which is dated November 14, 1978, and recorded in the Office of the Lucas County, Ohio Recorder in Volume 79, Pages 51-55, Book of Plats.
AMENDMENT OF DECLARATION OF
RESTRICTIONS AND PROTECTIVE COVENANTS

WHEREAS, the undersigned, New Towne Mall Company, Mercantile Real
Estate Co., Inc., The Elder-Beerman Stores Corp. ("Elder-Beerman") and
Montgomery Ward Development Corporation (collectively the "Owners"),
respectively, are the owners of the real estate located in Lucas County,
Ohio and more particularly described in Exhibits A, B, C, and D attached
hereeto (the "Grantee Parcels").

WHEREAS, on February 22, 1979, the Owners (other than
Elder-Beerman), North Toledo Properties Corp. (the predecessor in interest
to Elder Beerman), and Louisville Title Agency for N.H. Ohio, Inc., entered
into a Declaration of Restrictions and Protective Covenants for the purpose
of placing certain restrictions and protective covenants on the real
property described in Exhibit E attached hereto (the "Restricted Parcels"),
which included as Exhibit G thereto a Plot Plan of the Grantee Parcels and
the Restricted Parcels (the said Declaration and all Exhibits thereto are
hereinafter referred to as the "Declaration"). The Declaration was recorded
in Lucas County, Ohio Mortgage Records 79-224008 and the Plot Plan was
recorded on March 12, 1979 at Volume 80, Page 5 of the Book of Plats of
Lucas County, Ohio.

WHEREAS, the original purpose of the Declaration was to induce the
owners of the Grantee Parcels to develop a regional shopping mall and to
insure that the Restricted Parcels would not be developed or used in a
manner which would impair the development or use of the Grantee Parcels.

WHEREAS, Toys R Us, Inc. ("Toys"), the prospective purchaser of
Lot 6 and a portion of Lot 7 of the Restricted Parcels (the "Toys Parcel"),
has requested certain restrictions in the Declaration be amended as they
apply to Lots 6 and 7, and the Owners have agreed to amend certain
restrictions applicable to Lots 6 and 7.

NOW, THEREFORE, in consideration of the premises and other good and
valuable consideration, the Owners hereby covenant and agree as follows:

1. Paragraphs 2 of the Declaration is hereby amended by adding
the following sentence at the end thereof:

"Notwithstanding the foregoing restrictions, with respect
to Lots 6 and 7 of the Restricted Parcels as shown on
Exhibit G hereof, one (1) building (the "Toys Building")
may be constructed on Lot 6 and that certain portion of
Lot 7 (remaining adjoining to Lot 6 after the Lot Split
approved by the Toledo-Lucas County Plan Commission
to accommodate a sale of a portion of Lot 6 to the owner of
the ComFort Hotel Inn building) outside the boundaries of
the Permissible Building Area within each Lot (in
addition to the existing Comfort Inn Motel building on Lot 7, provided that the Toys Building is constructed according to the Toys R Us (a) Site Plan for Project No. 81358, dated April 10, 1990, (b) Landscape Plan on Sheet 11 dated April 10, 1990, and (c) Exterior Elevations Plan on Sheet No. A-8 dated April 10, 1990 (collectively the "Approved Plans") copies of which are attached as Exhibit "H" hereto. If Toys shall not open the Toys Building for business as a Toys "R" Us store by November 15, 1991, then this Amendment shall be null and void. Except for Permissible Changes (as defined below), all changes to the Approved Plans and all changes, expansions, additions or alternations to the Toys Building shall require the approval of the owners of the Grantee Parcels. The site plan for any building to be constructed on the Toys Parcel which does not comply with the Approved Plans and the Permissible Changes or the restrictions of this paragraph 2 shall require the approval of the owners of the Grantee Parcels.

For the purpose hereof, Permissible Changes shall mean: any expansion, addition, change or alteration to the Toys Building, other than as shown on the Approved Plans, so long as (1) the total square footage of the Toys Building after completion of the said expansion, addition, change or alteration does not exceed 120% of the original square footage of the Toys Building, (2) the height of the Toys Building, including roof top units, signage and parapets, does not exceed thirty (30) feet, (3) the number of parking spaces for use with the Toys Building shall be at least five (5) parking spaces for each one thousand (1,000) square feet of total building area, (v) the Toys Parcel shall be owned by, or leased to Toys, any other nationally recognized retail chain, or a retail chain with at least three (3) retail stores in Michigan and/or Ohio, and any such user other than Toys shall have a net worth equal to or greater than $25,000,000 at the time it acquires or leases the Toys Parcel, and (v) Toys shall have been the owner of the Toys Parcel for at least one (1) day after the date hereof.

2. Paragraph 6 of the Declaration is hereby amended by adding the following sentence at the end thereof.

"Lot 7 of the Restricted Parcels as shown in Exhibit "C" hereof shall not be required to comply with subparagraph (a) of this paragraph 6, but Lot 7 (as such Lot has been reduced by the split approved by the Toledo-Lucas County Plan Commission to accommodate the sale of a portion thereof to the owner of the Comfort Motel Inn building) shall, in all cases, comply with the Toledo/Lucas County Zoning Code as provided in subparagraph (b)."
3. This Amendment is being executed by the Owners pursuant to the terms of paragraph 8 of the Declaration as the sole beneficiaries of the covenants and restrictions contained in the Declaration.

4. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original and all of which shall constitute one instrument.

5. Except as modified by the terms of this Amendment, the terms of the Declaration shall remain in full force and effect.

6. This Amendment shall run with the Grantee Parcels and the Restricted Parcels, and shall be binding upon the owners and their successors and assigns and on the owner of the Toys Parcel and its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed and delivered this Amendment of Declaration of Restrictions and Protective Covenants as of the date and year set forth under their signature hereto.

WITNESSES:

REBECCA K. HANSEN

CHRISSIE LUDENBURGER

NEW TOWNE MALL COMPANY, an Ohio Limited Partnership
By: NEW TOWNE DEVELOPERS, an Ohio Limited Partnership,
a General Partner of New Towne Mall Company

By: ____________________________

Its: Herbert Simon, General Partner

Dated: June 8, 1990

Address: 115 W. Washington Blvd
Indianapolis, Ind. 46204
The foregoing instrument was acknowledged before me on June 8, 1990, by Herbert Simon, General Partner of NEW TOWNE DEVELOPERS, an Ohio Limited Partnership, a General Partner of NEW TOWNE MAIL COMPANY, an Ohio Limited Partnership, on behalf of said corporation.

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

[SEAL]

[SEAL]

The foregoing instrument was acknowledged before me on ______, 1990, by _______ of MERCANTILE REAL ESTATE CO., INC., a _________ corporation, on behalf of said corporation.

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

[SEAL]
STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me on __________, 1990, by ______________, the ______________ of NEW TOWNE MALL COMPANY, a ______________ corporation, on behalf of said corporation.

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

______________________________
Notary Public

[SEAL]

MERCANTILE REAL ESTATE CO., INC.

By:______________________________

Its: ________________

Dated: ____________

Address: MERCANTILE STORES CO., INC. (NY)
125 West 31st Street
New York, N.Y. 10001

STATE OF New York
COUNTY OF New York

The foregoing instrument was acknowledged before me on __________, 1990, by ______________, the ______________ of MERCANTILE REAL ESTATE CO., INC., a ______________ corporation, on behalf of said corporation.

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

______________________________
Notary Public

FREDERICK F. NOCELLA
Notary Public, State of New York
No. 41-4522000
Qualified in Queens County
Commission Expires Dec. 31, 1997

- 4 -

90 761B09
THE ELDER-BEERMAN STORES CORP.

By: __________________________

Its: __________________________

Dated: ________________________

Address: ______________________

STATE OF ______________________

COUNTY OF ____________________

The foregoing instrument was acknowledged before me on __________, 1990, by ______________________ of THE ELDER-BEERMAN STORES CORP., a corporation, on behalf of said corporation.

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

______________________________
Notary Public

[SEAL]

______________________________
Eileen Wall

______________________________
Eileen Wall

MONTGOMERY HARD DEVELOPMENT CORPORATION

By: __________________________

Its: __________________________

Dated: ____________

Address: ______________________

- 5 -
STATE OF  
COUNTY OF  

The foregoing instrument was acknowledged before me on 6/7/1990, by  
[Name], the  

of  

MONTGOMERY HARD DEVELOPMENT CORPORATION, a  

corporation, on  
behalf of said corporation.

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

[Signature]
Notary Public

[Seal]

Drafted by and When Recorded  
Return To:  

Richard A. Zussman, Esq.  
Jaffe, Snider, Raitt & Heuer, P.C.  
One Woodward Avenue, Suite 2400  
Detroit, Michigan 48226
THE ELDER-BEERMAN STORES CORP.

By: David H. McDonald
Its: Vice President, Dir. of Real Estate

Dated: June 7, 1990
Address: The Elder-Beerman Stores Corp.
3155 El-Bee Road
Dayton, OH 45401-1448

STATE OF Ohio  SS
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me on 6-7-1990, by David H. McDonald, the Vice President of the Elder-Beerman Stores Corp., a Ohio corporation, on behalf of said corporation.

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

[SEAL]

EVELYN L. COLLIER, Notary Public
In and for the State of Ohio
My Commission Expires October 25, 1991

MONTGOMERY HARD DEVELOPMENT CORPORATION

By: ____________________________
Its: ____________________________

Dated: __________________________
Address: ________________________

- 5 -
A parcel of land being part of Fractional Section one (1), Township nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Towne Square, a Subdivision in the City of Toledo, Lucas County, Ohio, dated November 14, 1975, recorded in Volume 79, Pages 51-55, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northerly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero hundredths (564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred and zero hundredths (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and forty-eight hundredths (2441.48) feet, a delta angle of nine (09) degrees, thirty-two (32) minutes, forty (40) seconds, a tangent length of two hundred forty and eighteen hundredths (240.18) feet and a chord length of four hundred six and ninety-four hundredths (406.94) feet; thence South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet to the TRUE POINT OF BEGINNING; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred fifty-five and zero hundredths (255.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of thirty-on and zero hundredths (31.00) feet to a point of curve; thence in an easterly direction along an arc of curve to the left, an arc distance of one hundred seventy-six and eighty-five hundredths (107.85) feet, said arc of curve to the left having a radius of three hundred twenty-five and zero hundredths (325.00) feet, a delta angle of nineteen (19) degrees, zero (00) minutes, forty-nine (49) seconds, a tangent length of fifty-four and forty-three hundredths (54.43) feet and a chord length of one hundred seven and thirty-six hundredths (107.36) feet, said chord having a bearing of North eighty (80) degrees, twenty-nine (29) minutes, thirty-five (35) seconds East; thence North twenty-nine (29) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of fifty-eight and forty-six hundredths (58.46) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of four hundred twenty-two and ninety-three hundredths (422.93) feet; thence North twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds East along a line, a distance of one hundred ten and seventy (110.70) feet; thence North zero (00) degrees, zero (00) minutes,
zero (00) seconds East along a line, a distance of five hundred thirty and sixteen hundredths (530.16) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred six and thirty-three hundredths (106.33) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred eighty-two and ninety-six hundredths (282.96) feet; thence North sixty-eight (68) degrees, thirty (30) minutes, twelve (12) seconds West along a line, a distance of one hundred fourteen and twenty-eight hundredths (114.28) feet to a point of curve; thence in a southwesterly direction along an arc of curve to the left, an arc distance of seven hundred three and seventeen hundredths (703.17) feet, said arc of curve to the left having a radius of three hundred ninety and zero hundredths (390.00) feet, a delta angle of one hundred three (103) degrees, eighteen (18) minutes, fourteen (14) seconds, a tangent length of four hundred ninety-two and ninety-seven hundredths (492.97) feet and a chord length of six hundred eleven and seventy-two hundredths (611.72) feet, said chord having a bearing of South fifty-nine (59) degrees, fifty (50) minutes, forty-one (41) seconds West; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty-one and ninety-eight hundredths (41.98) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of five hundred forty-eight and seventy-five hundredths (548.75) feet; thence South eighty-three (83) degrees, forty-nine (49) minutes, sixteen (16) seconds East along a line, a distance of two thousand three hundred thirty-nine and forty-five hundredths (2339.45) feet to a point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of five hundred sixty and four hundredths (560.04) feet, said arc of curve to the right having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of ninety-seven (97) degrees, fourteen (14) minutes, nine (09) seconds, a tangent length of three hundred seventy-four and fifty-five hundredths (374.55) feet and a chord length of four hundred ninety-five and twenty-one hundredths (495.21) feet, said chord having a bearing of South thirty-five (35) degrees, twelve (12) minutes, eleven (11) seconds East; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of two hundred eighty-five and sixty-two hundredths (285.62) feet; to a point on curve thence in a northwesterly direction along an arc of curve to the left, an arc distance of fifty-nine and thirty-nine hundredths (59.39) feet, said arc of curve to the left having a radius of four hundred fifty and zero hundredths (450.00) feet, a delta angle of seven (07) degrees, thirty-three (33) minutes, forty-three (43) seconds, a tangent length of twenty-nine and seventy-four hundredths (29.74) feet and a chord length of fifty-nine and thirty-five hundredths (59.35) feet, said chord having a bearing of North twenty-eight (28) degrees, forty-eight (48) minutes, fifty-six (56) seconds West; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of five hundred ninety-four and nineteen hundredths (594.19) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred thirty-six and eighty-four hundredths (136.84) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of nine and fifty hundredths (9.50) feet; thence South zero (00) degrees, zero (00) minutes,
zero (00) seconds West along a line, a distance of three hundred twenty-two and eighty-four hundredths (322.84) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty-one and fifty hundredths (41.50) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of four hundred twenty and thirty-two hundredths (420.12) feet; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line, a distance of one hundred forty-four and eighty-four hundredths (144.84) feet; thence South zero (00) degrees, thirty-three (33) minutes, ten (10) seconds East along a line, a distance of one hundred fifteen and zero hundredths (115.00) feet; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line, a distance of twenty-seven and zero hundredths (27.00) feet; thence North zero (00) degrees, thirty-three (33) minutes, ten (10) seconds West along a line, a distance of one hundred fifty-one and zero hundredths (151.00) feet; thence North eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds East along a line, a distance of one hundred sixteen and zero hundredths (116.00) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of ninety-four and zero hundredths (94.00) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred thirty-two and zero hundredths (132.00) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty and zero hundredths (20.00) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of twenty and ninety-eight hundredths (20.98) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty-six and ninety-six hundredths (26.96) feet; thence North forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of thirty and twenty-nine hundredths (30.29) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred twenty-eight and sixty-six hundredths (128.66) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of eight and forty-two hundredths (8.42) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty and zero hundredths (40.00) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of seventy and zero hundredths (70.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of seventy-one and zero hundredths (71.00) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of seventy-one and zero hundredths (71.00) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of seventy-one and zero hundredths (71.00) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence South zero (00) degrees, zero (00)
seconds West along a line, a distance of twenty-eight and zero hundredths (28.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of twenty-one and forty-two hundredths (21.42) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of one hundred fifty-one and eighty-three hundredths (151.83) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of forty-seven and seventeen hundredths (47.17) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of seven an sixty-nine hundredths (7.69) feet; thence South twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds West along a line, a distance of three hundred ninety-one and fifty-four hundredths (391.54) feet; thence North sixty-nine (69) degrees, seven (07) minutes, thirty (30) seconds West along a line, a distance of two hundred fifteen and zero hundredths (215.00) feet; thence South twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds West along a line, a distance of two hundred eighty-four and forty-six hundredths (284.46) feet; thence North eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds West along a line, a distance of two hundred eighty and thirty-five hundredths (280.35) feet to the TRUE POINT OF BEGINNING, containing 38.619 acres of land, more or less.
A parcel of land being part of Fractional Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Towne Square, a Subdivision in the City of Toledo, Lucas County, Ohio, dated November 14, 1978, recorded in Volume 79, Pages 51-55, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northeasterly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero (564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred and two (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and forty-eight hundredths (2441.48) feet, a delta angle of nine (9) degrees, thirty-three (33) minutes, forty (40) seconds, a tangent length of two hundred four and eighteen hundredths (204.18) feet and a chord length of four hundred and sixty-nine and forty-two hundredths (469.42) feet; thence South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred fifty-five and zero hundredths (255.00) feet to the TRUE POINT OF BEGINNING; thence North twenty (20) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty and two hundredths feet (20.02) feet to a point on curve; thence in a northeasterly direction along an arc of curve to the right, an arc distance of seven hundred and seventeen hundredths (703.17) feet, to a point of tangency said arc of curve to the right having a radius of three hundred ninety and one hundred seven and two hundredths (391.72) feet, a delta angle of one hundred thirty-three (133) degrees, eighteen (18) minutes, fourteen (14) seconds, a tangent length of four hundred ninety-two and ninety-seven hundredths (492.97) feet and a chord length of six hundred eleven and seventy-two hundredths (611.72) feet, said chord having a bearing of North fifty-nine (59) degrees, fifty (50) minutes, forty-one (41) seconds East; thence South sixty-eight (68) degrees, thirty (30) minutes, twelve (12) seconds East along a line, a distance of one hundred fourteen and twenty-eight hundredths (114.28) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of two hundred eighty-two and ninety-six hundredths (282.96) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds.
North sixty-two (62) degrees, sixteen (16) minutes, two (02) seconds East; thence North thirty-four (34) degrees, forty-four (44) minutes, twenty (20) seconds West along a line, a distance of one hundred twenty-two (122.39) feet; to a point on curve thence in a southwesterly direction along an arc of curve to the right, an arc distance of two hundred eighty-eight (288) feet and forty-four (44) feet of curve to a point of tangency, said arc of curve having a radius of four hundred and zero (400.00) feet, a delta angle of forty-one (41) degrees, twenty (20) minutes, forty (40) seconds, a tangent length of one hundred fifty and nine-three hundredths (150.93) feet and a chord length of one hundred eighty-nine (289.42) feet, said curve having a bearing of South sixty-eight (68) degrees, forty-six (46) minutes, thirty (30) seconds West; thence South (00) degrees, zero (00) minutes, zero (00) seconds East along a line a distance of two hundred eighty-nine (289.42) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty-one (41) degrees, fifty and nine-three hundredths (41.50) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of three hundred twenty-two and eighty-four hundredths (322.84) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of nine and fifty (95) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred thirty-six and eighty-four (136.84) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of five (5) feet; thence North ninety-four and nineteen hundredths (94.19) feet; to a point on curve thence in a southwesterly direction along an arc of curve to the right, an arc distance of eighty-nine (89) degrees, thirty-nine (39) feet; and eighty-nine (89) feet of curve to a point of tangency, said arc of curve to the right having a radius of four hundred and zero (400.00) feet, a delta angle of eighty-two (82) degrees, twelve (12) minutes, a tangent length of twenty-nine and seventeen (29.17) feet and a chord length of fifty-nine and fourteen (59.14) feet, said curve having a bearing of South twenty-eight (28) degrees, forty-eight (48) minutes, fifty-six (56) seconds East; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of two hundred eighty-two and sixty-two (282.62) feet; thence in a southwesterly direction along an arc of curve to the right, an arc distance of fifty-eight and nine hundredths (58.09) feet; said arc of curve to the right having a radius of three hundred thirty and zero (330.00) feet, a delta angle of ten (10) degrees, five (05) minutes, twelve (12) seconds, a tangent length of twenty-nine and twelve hundredths (29.12) feet and a chord length of fifty-eight and two hundredths (58.02) feet; and said chord having a bearing of South eighteen (18) degrees, twenty-seven (27) minutes, twenty-nine (29) seconds, thirty (30) West; thence South twenty-three (23) degrees, thirty (30) seconds West along a line, a distance of six hundred eighty-nine and thirty-two hundredths (689.32)
foot to a point of curve; thence in a southwesterly direction along an arc of curve to the right, an arc distance of one hundred seventy-eight and seventy-seven hundredths (178.77) feet to the TRUE POINT OF BEGINNING, said arc of curve having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of thirty-one (31) degrees, two (02) minutes, seventeen (17) seconds, a tangent length of ninety-one and sixty-four hundredths (91.64) feet and a chord length of one hundred seventy-six and fifty-nine hundredths (176.59) feet, said chord having a bearing of South thirty-nine (39) degrees, one (01) minute, thirteen (13) seconds West, containing 14.562 acres of land, more or less.
A parcel of land being part of Fractional Section one (1), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, and being a part of Lot A in the Plat of New Towns Square, a Subdivision of the City of Toledo, Lucas County, Ohio, dated November 14, 1978, recorded in Volume 79, Pages 51-55, Book of Plats, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline of Alexis Road and the centerline of Telegraph Road; thence in a northerly direction along the said centerline of Telegraph Road, having an assumed bearing of North zero (00) degrees, zero (00) minutes, zero (00) seconds East, a distance of five hundred sixty-four and zero hundredths (564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred (200.00) feet past the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet to a point of tangency, said arc of curve having a radius of two thousand four hundred forty-one and forty-eight hundredths (2441.48) feet, a delta angle of nine (09) degrees, thirty-three (33) minutes, forty (40) seconds, a tangent length of two hundred and fourteen and eight hundredths (141.01) feet and a chord length of four hundred six and ninety-four hundredths (406.94) feet; thence South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet; thence continuing South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of two hundred eighty and thirty-five hundredths (280.35) feet to the TRUE POINT OF BEGINNING; thence North twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds East along a line, a distance of two hundred eighty and forty-six hundredths (284.46) feet; thence South sixty-nine (69) degrees, seven (07) minutes, thirty (30) seconds East along a line, a distance of two hundred fifteen and zero hundredths (215.00) feet; thence North twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds East along a line, a distance of three hundred ninety-one and fifty-four hundredths (391.54) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of seven and sixty-nine hundredths (7.69) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty-seven and seven hundredths (47.71) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one hundred fifty-one and eighty-three hundredths (151.83) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty-one and forty-two hundredths (21.42) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of twenty-eight and zero hundredths (28.00) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of seventy-one and zero hundredths (71.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet; thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of forty and zero hundredths (40.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of
seventy and zero hundredths (70.00) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds
West along a line, a distance of forty and zero hundredths (40.00) feet; thence North ninety (90) degrees, zero (00)
minutes, zero (00) seconds East along a line, a distance of sixty-three and ninety-two hundredths (63.92) feet;
thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of eighty-four
and zero hundredths (84.00) feet; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along
a line, a distance of twenty-eight and zero hundredths (28.00) feet; thence South zero (00) degrees, zero (00)
minutes, zero (00) seconds West along a line, a distance of thirty-nine and forty-two hundredths (39.42) feet; thence
North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of one-hundred twenty-
eight and sixty-six hundredths (128.66) feet; thence South forty-five (45) degrees, zero (00) minutes, zero (00) seconds
East along a line, a distance of thirty and twenty-nine hundredths (30.29) feet; thence North ninety (90) degrees,
zero (00) minutes, zero (00) seconds West along a line, a distance of twenty-six and ninety hundredths (26.90) feet;
thence South forty-five (45) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of twenty-
and zero hundredths (20.00) feet; thence South forty-five (45) degrees, zero (00) minutes, zero (00) seconds East
along a line, a distance of one hundred thirty-two and zero hundredths (132.00) feet; thence South zero (00) degrees,
zero (00) minutes, zero (00) seconds West along a line, a distance of ninety-four and zero hundredths (94.00) feet;
thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty-five (55) seconds West along a line, a distance
of one hundred sixteen and zero hundredths (116.00) feet; thence South zero (00) degrees, thirty-three (33) minutes,
ten (10) seconds East along a line, a distance of one hundred fifty-one and zero hundredths (151.00) feet; thence
South eighty-nine (89) degrees, twenty-six (26) minutes, fifty-five (55) seconds West along a line, a distance of seven
hundred eighty-nine and zero hundredths (789.00) feet to a point of curve; thence in a westerly direction along an arc
of curve to the right, an arc distance of three hundred ninety and fourteen hundredths (390.14) feet, to a point
of tangency said arc of curve to the right having a radius of two thousand two hundred ten and fifteen hundredths
(2210.15) feet, a delta angle of ten (10) degrees, six (06) minutes, fifty (50) seconds, a tangent length of one
hundred ninety-five and fifty-eight hundredths (195.58) feet and a chord length of three hundred eighty-nine and
sixty-three hundredths (389.63) feet; thence North eighty (80) degrees twenty-six (26) minutes, twenty (20)
seconds West along a line, a distance of forty-seven and zero hundredths (47.00) feet to the TRUE POINT OF BEGINNING, containing 14.362 acres of land, more or less.

Also a parcel of land being part of Fractional
Section one (1), Township nine (9) South, Range seven (7)
East, in the City of Toledo, Lucas County, Ohio, and
being a part of Lot A in the Plat of New Towne Square,
a Subdivision in the City of Toledo, Lucas County, Ohio,
dated November 14, 1978, recorded in Volume 79, Pages
51-56, Book of Plats, said parcel of land being bounded
and described as follows:

Commencing at the intersection of the centerline of
Alexis Road and the centerline of Telegraph Road; thence
in a northerly direction along the said centerline of
Telegraph Road, having an assumed bearing of North zero
(00) degrees, zero (00) minutes, zero (00) seconds East,
a distance of five hundred sixty-four and zero hundredths
(564.00) feet to the intersection of a line drawn at right angles to the said centerline of Telegraph Road; thence North ninety (90) degrees, zero (00) minutes, zero (00) seconds East along said line drawn at right angles to the centerline of Telegraph Road, a distance of two hundred and zero hundredths (200.00) feet to the point of curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of four hundred seven and forty-two hundredths (407.42) feet, at a point of tangency, said arc of a circle having a radius of two thousand four hundred forty-one and forty-eight hundredths (2441.48) feet, a delta angle of nine (09) degrees, thirty-three (33) minutes, forty (40) seconds, a tangent length of two hundred four and eighteen hundredths (204.18) feet and a chord length of four hundred sixty-two and ninety-four hundredths (462.94) feet; thence South eighty (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of fourteen and five hundredths (14.05) feet; thence continuing South (80) degrees, twenty-six (26) minutes, twenty (20) seconds East along a line, a distance of three hundred twenty-seven and thirty-five hundredths (327.35) feet to a point of curve; thence in an easterly direction along an arc of curve to the left, an arc distance of three hundred ninety and fourteen hundredths (390.14) feet, said arc of curve to the left having a radius of two thousand two hundred ten and fifteen hundredths (2210.15) feet, a delta angle of ten (10) degrees, six (06) minutes, fifty (50) seconds, a tangent length of one hundred ninety-nine and fifty-eight hundredths (199.58) feet and a chord length of three hundred eighty-nine and sixty-three hundredths (389.63) feet; thence North eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds East along a line drawn parallel with the said center line of Alexis Road, a distance of eight hundred sixteen and zero hundredths (816.00) feet to the TRUE POINT OF BEGINNING; thence North zero (00) degrees thirty-three (33) minutes, ten (10) seconds West along a line, a distance of one hundred eighty-one and zero hundredths (181.00) feet; thence North eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds East along a line, a distance of three hundred forty-seven and eighty-four hundredths (347.84) feet to a point of curve; thence in a northeasterly direction along an arc of curve to the left, an arc distance of two hundred eighty-eight and sixty-four hundredths (288.64) feet, to a point on curve said arc of curve to the left having a radius of four hundred and zero hundredths (400.00) feet, a delta angle of forty-one (41) degrees, twenty (20) minutes, forty (40) seconds, a tangent length of one hundred fifty and ninety-three hundredths (150.93) feet and a chord length of two hundred eighty-two and forty-two hundredths (282.42) feet, said chord having a bearing of North sixty-eight (68) degrees, forty-six (46) minutes, thirty (30) seconds East; thence South thirty-four (34) degrees, forty-four (44) minutes, twenty (20) seconds East along a line, a distance of one hundred twenty-two and thirty-nine hundredths (122.39) feet to a point on curve; thence in a southeasterly direction along an arc of curve to the right, an arc distance of eighty-nine and two hundredths (89.02) feet, to a point of tangency, said arc of curve to the right having a radius of three hundred thirty and zero hundredths (330.00) feet, a delta angle of fifteen (15) degrees, twenty-seven (27) minutes, twenty (20) seconds, a tangent length of forty-four and seventy-eight hundredths (44.78) feet, and a chord length of eighty-eight and seventy-five hundredths (88.75) feet, said chord having a bearing of South sixty-two (62) degrees,
sixteen (16) minutes, two (02) seconds West; thence South sixty-nine (69) degrees, fifty-nine (59) minutes, forty-two (42) seconds West along a line, a distance of two hundred eighteen and ninety-six hundredths (.1896) feet; thence South eighty-nine (89) degrees, twenty-six (26) minutes, fifty (50) seconds West along a line, a distance of three hundred ninety-five and forty-three hundredths (395.43) feet to the TRUE POINT OF RE记ING, containing 1.728 acres of land, more or less.
MONTGOMERY WARD DEVELOPMENT CORPORATION SITE

A parcel of land being a part of Fractional Section one
(1), Town nine (9), South, Range seven (7) East, in the City
of Toledo, Lucas County, Ohio, and being a part of Lot A in
the Plat of New Town Square, a Subdivision in the City of
Toledo, Lucas County, Ohio, dated November 14, 1978, recorded
in Volume 79, Pages 22-25, Book of Lots, said parcel of
land being bounded and described as follows:

Commencing at the intersection of the centerline of
Alexis Road and the centerline of Telegraph Road; thence
in a northerly direction along the said centerline of Tele-
graph Road, having an assumed bearing of North zero (00)
degrees, zero (00) minutes, zero (00) seconds East, a dis-
tance of five hundred sixty-four and zero hundredths (564.00)
feet to the intersection of a line drawn at right angles to
the said centerline of Telegraph Road; thence North ninety
(90) degrees, zero (00) minutes, zero (00) seconds East
along said line drawn at right angles to the centerline of
Telegraph Road, a distance of two hundred and zero hundredths
(200.00) feet to the point of curve; thence in a southeasterly
direction along an arc of curve to the right, an arc distance of
four hundred seven and forty-two hundredths (407.42) feet
to a point of tangency, said arc of curve having a radius of
two thousand four hundred forty-one and forty-eight hundredths
(2441.48) feet, a delta angle of nine (09) degrees, thirty-
three (33) minutes, forty (40) seconds, a tangent length of
two hundred four and seventeen hundredths (204.17) feet, and a
chord length of four hundred sixty and sixty-four hundredths
(460.64) feet; thence South eighty (80) degrees, twenty-one
(21) minutes, twenty (20) seconds East along a line, a distance
of two hundred and sixty and fifty-two hundredths (260.52) feet; thence North
zero (00) degrees, zero (00) minutes, zero (00) seconds East
along a line, a distance of two hundred fifty-five and zero hundredths
(255.00) feet to the TRUE POINT OF BEGINNING;
thence continuing North zero (00) degrees, zero (00) minutes,
zero (00) seconds East along a line, a distance of seven hun-
dred twenty and zero hundredths (720.00) feet; thence North
ninety (90) degrees, zero (00) minutes, zero (00) seconds
East along a line, a distance of four hundred ninety-eight hundredths
(498.98) feet to a point on curve; thence in a northeasterly direction along an arc of curve to the right,
an arc distance of seven hundred three and seventeen hundredths
(703.17) feet, to a point of tangency said arc of curve to
the right having a radius of three hundred ninety and zero hundredths (390.00) feet, a delta angle of one hundred three
(103) degrees, eighteen (18) minutes, fourteen (14) seconds,
a tangent length of four hundred ninety-two and ninety-seven hundredths (492.97) feet and a chord length of six hundred
eleven and seventy-two hundredths (611.72) feet; said chord
having a bearing of North fifty-nine (59) degrees, fifty (50)
minutes, forty-one (41) seconds East; thence South sixty-
eight (68) degrees, thirty (30) minutes, twelve (12)
seconds East along a line, a distance of one hundred
fourteen and twenty-eight hundredths (114.28) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of two hundred
eighty-two and ninety-six hundredths (282.96) feet; thence
South ninety (90) degrees, zero (00) minutes, zero (00)
seconds West along a line, a distance of one-hundred six and thirty-three hundredths (106.33) feet; thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of five hundred thirty and sixteen hundredths (530.16) feet; thence South twenty (20) degrees, fifty-two (52) minutes, thirty (30) seconds West along a line, a distance of one hundred ten and seventy-one hundredths (110.71) feet; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of four hundred twenty-two and ninety-three hundredths (422.93) feet; thence South twenty-nine (29) degrees, zero (00) minutes, zero (00) seconds East along a line, a distance of fifty-eight and forty-six hundredths (58.46) feet to a point on curve; thence in a westerly direction along an arc of curve to the right, an arc distance of one hundred seven and eighty-five hundredths (107.85) feet, to a point of tangency said arc of curve to the right having a radius of three hundred twenty-five and zero hundredths (325.00) feet, a delta angle of nineteen (19) degrees, zero (00) minutes, forty-nine (49) seconds, a tangent length of fifty-four and forty-three hundredths (54.43) feet and a chord length of one hundred seven and thirty-six hundredths (107.36) feet, said chord having a bearing of South eighty (80) degrees, twenty-nine (29) minutes, thirty-five (35) seconds West; thence South ninety (90) degrees, zero (00) minutes, zero (00) seconds West along a line, a distance of thirty-one and zero hundredths (31.00) feet to the TRUE POINT OF BEGINNING, containing 12.729 acres of land, more or less.
EXHIBIT "E"

Lot numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 in NEW TOWN SQUARE, the Plat of which is dated November 14, 1978, and recorded in the Office of the Lucas County, Ohio Recorder in Volume 79, Pages 51-55, Book of Plats.
DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (this "Declaration") is made as of the 8th day of June, 1990, by REALMARK, INC., a Delaware corporation ("Realmark"), whose address is One Shelter Place, Greenville, South Carolina 29602 and LAKESIDE INVESTMENT COMPANY, a Michigan corporation ("Lakeside"), whose address is 21 Kercheval Avenue, Suite 370, Grosse Pointe Farms, Michigan 48236 (collectively "Declarants").

WHEREAS, Realmark is the fee owner of that certain real property located in the City of Toledo, County of Lucas, State of Ohio, more particularly described on Exhibit A attached hereto and incorporated by reference herein ("Land").

WHEREAS, Lakeside holds an option under a certain Agreement of Sale dated October 15, 1985, as amended, to purchase the Land; and

WHEREAS, Toys "R" Us, Inc., a Delaware corporation ("Toys"), has on the date hereof purchased certain land in the vicinity of the Land ("Toy's Land"), and Toys is desirous of restricting the type and nature of businesses which may be located at the Land;

NOW, THEREFORE, as consideration for Toys to purchase the Toy's Land, which Declarants agree will be beneficial to the Land and for other good and valuable consideration, the receipt
and sufficiency of which are hereby acknowledged. Declarants, for the benefit of Toys and its "Successors and Assigns," as that term is hereinafter defined and limited, does hereby state, declare and covenant as follows:

1. Restrictions.

(a) The Land shall not be used for the operation of a store or other retail sales facility which uses more than ten (10%) percent of floor area for the sale, individually or collectively, of the following items to the extent specifically made for the use by infants or juveniles only: toys; outdoor play equipment; wheel goods (subject to 1(b) below); layettes; food; health and beauty aids; furnishings; clothing; books and records; games; computers and accompanying software and video and electronic games and equipment; candy; and sporting goods.

(b) The Land shall not be used for the operation of a store or other retail sales facility which uses more than ten (10%) percent of the floor area for the sale, individually or collectively, of juvenile bicycles specifically made for the use by juveniles only.

(c) Notwithstanding anything to the contrary herein, the Land may be used for the operation of a bicycle retail store, provided not more than ten (10%) percent of the floor area is used for bicycles specifically made for the use by juveniles only.

2. Recognition by Lender. Declarants agree to use reasonable efforts to obtain from the holder of each and all
security interests in, and mortgages or deeds of trust encumbering, the Land or the improvements thereon, an agreement, in recordable form, recognizing this Declaration and agreeing to be bound by the terms hereof. Failure of the Declarants to obtain such an agreement shall not invalidate or otherwise affect the enforcibility of the "Restrictions" set forth above.

3. In the event any governmental agency or third party shall claim or threaten the commencement of legal action or an administrative proceeding alleging that any restrictive covenant established by this Declaration of Restrictions imposed upon Declarants is or may be invalid or unlawful, Declarants shall thereupon promptly notify Toys of such threat or claim. Toys shall either, at its option, (a) respond to such threat and defend any legal action in its name or in Declarants name or (b) waive its rights hereunder and in such event such covenant shall be deleted and for the balance of the term of this Declaration of Restrictions shall be unenforceable against Declarants. In the event Toys responds to such threat and defends any legal action, it shall do so at its sole cost and expense and shall indemnify and hold Declarants harmless of and from any liability that may arise out of or result from the claim asserted or from any action or the defense of the covenants contained herein, including any expense or cost incurred or which may be incurred by Declarants for reasonable legal fees or other reasonable expenses in the defense of any such action in which it is claimed. Notwithstanding the foregoing, Declarants shall not amend, vacate, or otherwise modify this Declaration of Restrictions.
4. Term of Declaration. This Declaration and the obligations of Declarants hereunder shall be in full force and effect so long as the Toy's Land is used for the retail sale, or upon the resumption of sales after a period of disuse, of those items set forth in Sect. above. Notwithstanding anything in this Section "4" to the contrary, should the Toy's Land not be used for the operation of a store or other retail facility which sells all of the items specifically restricted in Section "1" herein for a continuous period of two (2) years, then in such event, this Declaration of Restrictions shall be deemed void and of no force and effect.

5. Binding Effect. The terms, covenants and provisions contained herein are intended to be covenants running with title to the Land and shall be binding upon Declarants and its successors and assigns as the owners of Land or any portion thereof or interest therein, including, but not limited to, each tenant or occupant of, or assignee of a leasehold estate in, the Land or any portion thereof. Declarants, and any subsequent owner of the Land or any portion thereof or interest therein, shall be liable and responsible only for the obligations of Declarants hereunder which accrue during its period of ownership of the Land, and after any conveyance of its interest in the Land, shall be relieved of all future liability hereunder. The terms, covenants and provisions hereof shall inure solely to the benefit of Toys and its Successors and Assigns. A party shall
be deemed a "Successor" or "Assign" of Toys hereunder only if such party shall succeed to all or any portion of the interest of Toys in the Toys' Land. The terms and provisions of this Declaration shall not inure to the benefit of any party hereto other than Toys and its Successors and Assigns.

6. Liability. Notwithstanding any other provision of this Declaration to the contrary, nothing herein is intended to subject Declarants to any liability under this Declaration, and Declarants' obligations hereunder shall be solely with respect to Land on the terms and conditions as contained herein. Additionally, any liability under this Declaration shall be limited to the extent of Declarants' interest in and to Land and all improvements located thereon and no other assets of Declarants, or any of its principals, shall be subject to levy, execution or other proceedings pursuant hereto.

7. Counterparts. This Declaration may be executed in two or more counterparts, each of which shall be deemed an original and all of which shall constitute one instrument.

IN WITNESS WHEREOF, Declarants have executed this Declaration the day and year first above written.

ATTEST: REALMARK, INC.

By: ____________________________  By: ____________________________
   Secretary

ATTEST: LAKEISIDE INVESTMENT COMPANY

By: ____________________________  By: ____________________________
   Secretary

4626v

[Signature]
Craig A. Welch

[Signature]
Rick A. Zussman

90 762B02
STATE OF MICHIGAN  
COUNTY OF WAYNE  

The foregoing instrument was acknowledged before me this 9th day of JUNE, 1990 by Richard S. Crawford, the President of Lakeside Investment Company, a Michigan corporation, on behalf of said corporation.

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

[SEAL]  
Cynthia A. Crawford  
Notary Public

STATE OF  
COUNTY OF

The foregoing instrument was acknowledged before me this ___ day of __________, 1990 by ______________, the _______ of Realmark, Inc., a Delaware corporation, on behalf of said corporation.

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

[SEAL]  
__________________  
Notary Public
be deemed a "Successor" or "Assign" of Toys hereunder only if such party shall succeed to all or any portion of the interest of Toys in the Toys' Land. The terms and provisions of this Declaration shall not inure to the benefit of any party hereto other than Toys and its Successors and Assigns.

6. Liability. Notwithstanding any other provision of this Declaration to the contrary, nothing herein is intended to subject Declarants to any liability under this Declaration, and Declarants' obligations hereunder shall be solely with respect to Land on the terms and conditions as contained herein. Additionally, any liability under this Declaration shall be limited to the extent of Declarants' interest in and to Land and all improvements located thereon and no other assets of Declarants, or any of its principals, shall be subject to levy, execution or other proceedings pursuant hereto.

7. Counterparts. This Declaration may be executed in two or more counterparts, each of which shall be deemed an original and all of which shall constitute one instrument.

IN WITNESS WHEREOF, Declarants have executed this Declaration the day and year first above written.

ATTEST:

BY:        REALMARK, INC.

Secretary: Douglas G. Brown

WITNESSES:

By:        C.D. Vinson, President

(Print Name) Kelley M. Buchler

LAKESIDE INVESTMENT COMPANY

By:        Nancy A. Behrens

Secretary

90 762B04
STATE OF MICHIGAN  
COUNTY OF  

The foregoing instrument was acknowledged before me this ___ day of ___, 1990, by Richard S. Crawford, the President of Lakeside Investment Company, a Michigan corporation, on behalf of said corporation.

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

[SEAL]  
Notary Public

STATE OF South Carolina  
COUNTY OF Greenville  

The foregoing instrument was acknowledged before me this ___ day of June, 1990, by C. L. Davis, the President of Realmark, Inc., a Delaware corporation, on behalf of said corporation.

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

[SEAL]  
Notary Public
EXHIBIT A

Lot & New Towne Square in the City of Toledo, Lucas County, Ohio

RECEIVED &Recorded
JUN 12 1990

BILL COPELAND
RECORDER, LUCAS COUNTY, OHIO