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Lawyers (LLC)

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RECORDED ON
07/10/2007 08:12:20AM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

REC FEE: 34.00
TRANS # 1448

02-08-22-351-005-000-072
SPECIAL WARRANTY DEED

This Deed is from **SV Ventures**, an Indiana General Partnership, having its principal office in the City of Eden Prairie, Minnesota ("Grantor") to **Kroger Limited Partnership I**, an Ohio limited partnership, having its principal office in the City of Cincinnati, Ohio ("Grantee") and to Grantee's successors and assigns.

FOR VALUE RECEIVED, Grantor hereby grants, remises, aliens and conveys unto Grantee, and to Grantee's successors and assigns forever, but without recourse, representation or warranty, except as expressed herein, all of Grantor's right, title and interest in and to that certain tract or parcel of land situated in the County of Allen, State of Indiana, legally described in Exhibit A attached hereto (the "Premises").

And Grantor, for itself and its successors does covenant, promise and agree, to and with Grantee, Grantee's successors and assigns, that Grantor has not done or suffered to be done anything whereby the Premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited in Exhibit B attached hereto (collectively the "Permitted Exceptions"); and that Grantor will warrant and forever defend title to the Premises, against all persons lawfully claiming or who may claim the same, by, through or under Grantor, except for the Permitted Exceptions, but not otherwise.

The undersigned person executing this Deed represents and certifies solely and only on behalf of the Grantor that the undersigned is a duly elected officer of the general partner of the Grantor and has been fully empowered by proper resolution, or the governing instruments of the Grantor, to execute and deliver this Deed; that the Grantor is a partnership in good standing in the State of its origin and, where required, in the State where the Premises is situate; that the

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

FILED

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JUL 06 2007

JUL 06 2007

Lizabeth A. Glass
AUDITOR OF ALLEN COUNTY

SALES DISCLOSURE
FORM

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33719

Grantor has full capacity to convey the real estate described; and that all necessary partnership action by Grantor for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed this 21st day of June, 2007.

SV VENTURES

By: SUPERVALU HOLDINGS, INC., a Missouri corporation
Its: General Partner

By: [Signature]
John P. Braedlove
Its: Vice-President

State of Minnesota)
County of Hennepin)

I, Joan M Kuschke, a Notary Public of said county, do certify that John P.

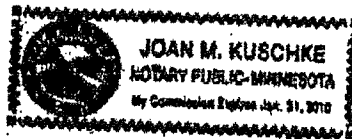
Braedlove, Vice-President of SUPERVALU Holdings, Inc., a Missouri corporation, General Partner of SV Ventures, an Indiana general partnership, whose name is signed to the writing hereto annexed, bearing date the 21st day of June, 2007, did personally appear before me this day and acknowledged the same to be the act and deed of said corporation pursuant to the authority conferred upon him/her by the Board of Directors of said corporation, as general partner and on behalf of said partnership.

Given under my hand and seal this 21 day June, 2007.

My commission expires: 1/31/2010

[Signature]
Notary Public
(Notarial Seal)


Send tax bills to: Kroger Limited Partnership I
c/o The Kroger Co.
2620 Elm Hill Pike
P.O. Box 305103
Nashville, TN 37230



This instrument was prepared by: Jeffrey Carlson, Attorney at Law, SUPERVALU INC., 11840 Valley View Road, Eden Prairie, MN 55344.

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I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



Joan M. Kuschke

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EXHIBIT A

Legal Description of Premises

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EXHIBIT "A"

PARCEL I:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, AS NOW ESTABLISHED; THENCE NORTH 0 DEGREES 00 MINUTES EAST (BEARING BASIS FOR DESCRIPTION) ALONG THE WEST LINE OF SAID SOUTHWEST ONE QUARTER AS NOW ESTABLISHED, A DISTANCE OF 566.28 FEET; THENCE NORTH 89 DEGREES 34 MINUTES EAST, A DISTANCE OF 282.29 FEET TO THE POINT OF BEGINNING.

BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE NORTH 15 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 474.44 FEET; THENCE NORTH 83 DEGREES 30 MINUTES EAST, A DISTANCE OF 177.15 FEET; THENCE SOUTH 74 DEGREES 49 MINUTES 38 SECONDS EAST, A DISTANCE OF 145.37 FEET; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 28.0 FEET; THENCE SOUTH 74 DEGREES 49 MINUTES 38 SECONDS EAST, A DISTANCE OF 126.85 FEET; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 295.0 FEET; THENCE SOUTH 74 DEGREES 49 MINUTES 38 SECONDS EAST, A DISTANCE OF 108.68 FEET; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 346.20 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 00 SECONDS WEST, A DISTANCE OF 140.76 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 200.0 FEET, AN ARC LENGTH OF 54.99 FEET AND BEING SUBTENDED BY A CHORD OF 54.82 FEET BEARING NORTH 82 DEGREES 33 MINUTES 25 SECONDS WEST; THENCE NORTH 74 DEGREES 40 MINUTES 49 SECONDS WEST, A DISTANCE OF 85.46 FEET; THENCE NORTH 54 DEGREES 11 MINUTES 26 SECONDS WEST, A DISTANCE OF 65.54 FEET; THENCE NORTH 44 DEGREES 24 MINUTES 49 SECONDS WEST, A DISTANCE OF 63.78 FEET; THENCE NORTH 31 DEGREES 45 MINUTES 55 SECONDS WEST, A DISTANCE OF 39.38 FEET; THENCE NORTH 38 DEGREES 27 MINUTES 56 SECONDS WEST, A DISTANCE OF 155.32 FEET TO THE POINT OF BEGINNING, CONTAINING 7.37 ACRES OF LAND, MORE OR LESS.

PARCEL II:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS GRANTED IN THE CORPORATE DEED FROM MACKIDS, INC. TO SV VENTURES, AN INDIANA GENERAL PARTNERSHIP, RECORDED MAY 8, 1996 AS INSTRUMENT NUMBER 960025025 BENEFITTING PARCEL I DESCRIBED ABOVE, OVER AND ACROSS THE FOLLOWING DESCRIBED TWO TRACTS IN ALLEN COUNTY, INDIANA:

TRACT 1:

LOCATED IN THE SOUTHWEST ONE QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST; THENCE NORTH 0 DEGREES 00 MINUTES EAST (BEARING BASIS FOR DESCRIPTION) ALONG THE WEST LINE OF SAID SOUTHWEST ONE QUARTER, A DISTANCE OF 250.0 FEET; THENCE NORTH 89 DEGREES 34 MINUTES EAST AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST ONE QUARTER, A DISTANCE OF 50.0 FEET TO THE EAST RIGHT-OF-WAY LINE OF MAPLECREST ROAD; THENCE NORTH 0 DEGREES 00 MINUTES EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 340.06 FEET TO THE POINT OF BEGINNING.

BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE CONTINUING NORTH 0 DEGREES 00 MINUTES EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 54.0 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 15 SECONDS EAST, A DISTANCE OF 62.28 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 243.0 FEET, AN ARC LENGTH OF 153.77 FEET AND BEING SUBTENDED BY A CHORD OF 151.21 FEET BEARING SOUTH 71 DEGREES 36 MINUTES 35 SECONDS EAST; THENCE SOUTH 53 DEGREES 28 MINUTES 55 SECONDS EAST, A DISTANCE OF 35.35 FEET; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 7.25 FEET; THENCE SOUTH 38 DEGREES 27 MINUTES 56 SECONDS EAST, A DISTANCE OF 155.32 FEET; THENCE SOUTH 31 DEGREES 45 MINUTES 55 SECONDS EAST, A DISTANCE OF 39.38 FEET; THENCE SOUTH 44 DEGREES 24 MINUTES 49 SECONDS EAST, A DISTANCE OF 63.78 FEET; THENCE SOUTH 54 DEGREES 11 MINUTES 26 SECONDS EAST, A DISTANCE OF 65.54 FEET; THENCE SOUTH 74 DEGREES 40 MINUTES 49 SECONDS EAST, A DISTANCE OF 85.46 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 200.0 FEET, AN ARC LENGTH OF 54.99 FEET AND BEING SUBTENDED BY A CHORD OF 54.82 FEET BEARING SOUTH 82 DEGREES 33 MINUTES 25 SECONDS EAST; THENCE NORTH 89 DEGREES 34 MINUTES EAST, A DISTANCE OF 140.76 FEET; THENCE NORTH 15 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 12.59 FEET; THENCE ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 88.5 FEET, AN ARC LENGTH OF 35.05 FEET AND BEING SUBTENDED BY A CHORD OF 34.82 FEET BEARING NORTH 75 DEGREES 25 MINUTES 03 SECONDS EAST; THENCE NORTH 64 DEGREES 04 MINUTES 17 SECONDS EAST, A DISTANCE OF 48.49 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 138.5 FEET, AN ARC LENGTH OF 61.63 FEET AND BEING SUBTENDED BY A CHORD OF 61.12 FEET BEARING NORTH 76 DEGREES 49 MINUTES 09 SECONDS EAST; THENCE NORTH 89 DEGREES 34 MINUTES EAST, A DISTANCE OF 264.04 FEET; THENCE SOUTH 0 DEGREES 04 MINUTES 32 SECONDS EAST, A DISTANCE OF 290.0 FEET TO A POINT ON THE NORTH 60 FOOT RIGHT-OF-WAY LINE OF STELLHORN ROAD; THENCE SOUTH 89 DEGREES 34 MINUTES WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 60.0 FEET; THENCE NORTH 0 DEGREES 04 MINUTES 32 SECONDS WEST, A DISTANCE OF 240.0 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES WEST, A DISTANCE OF 203.72 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 88.5 FEET, AN ARC LENGTH OF 39.38 FEET AND BEING SUBTENDED BY A CHORD OF 39.06 FEET BEARING SOUTH 76 DEGREES 49 MINUTES 09 SECONDS WEST; THENCE SOUTH 64 DEGREES 04 MINUTES 17 SECONDS WEST, A DISTANCE OF 48.49 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 138.5 FEET, AN ARC LENGTH OF 62.68 FEET AND BEING SUBTENDED BY A CHORD OF 62.14 FEET BEARING SOUTH 77 DEGREES 02 MINUTES 09 SECONDS WEST; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST,

A DISTANCE OF 7.30 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES WEST, A DISTANCE OF 230.49 FEET; THENCE NORTH 49 DEGREES 09 MINUTES 49 SECONDS WEST, A DISTANCE OF 154.09 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET, AN ARC LENGTH OF 9.06 FEET AND BEING SUBTENDED BY A CHORD OF 8.23 FEET BEARING SOUTH 87 DEGREES 33 MINUTES 50 SECONDS WEST; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 152.46 FEET, AN ARC LENGTH OF 87.58 FEET AND BEING SUBTENDED BY A CHORD OF 86.38 FEET BEARING SOUTH 27 DEGREES 50 MINUTES 04 SECONDS WEST; THENCE SOUTH 13 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 84.16 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 50.0 FEET, AN ARC LENGTH OF 12.05 FEET AND BEING SUBTENDED BY A CHORD OF 12.02 FEET BEARING SOUTH 6 DEGREES 34 MINUTES 50 SECONDS WEST; THENCE SOUTH 0 DEGREES 19 MINUTES 19 SECONDS EAST, A DISTANCE OF 141.65 FEET TO A POINT ON THE NORTH 40 FOOT RIGHT-OF-WAY LINE OF STELLHORN ROAD; THENCE SOUTH 89 DEGREES 34 MINUTES WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 25.0 FEET; THENCE NORTH 0 DEGREES 19 MINUTES 19 SECONDS WEST, A DISTANCE OF 142.30 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 70.0 FEET, AN ARC LENGTH OF 16.87 FEET AND BEING SUBTENDED BY A CHORD OF 16.83 FEET BEARING NORTH 6 DEGREES 34 MINUTES 50 SECONDS EAST; THENCE NORTH 13 DEGREES 28 MINUTES 59 SECONDS EAST, A DISTANCE OF 88.46 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 175.0 FEET, AN ARC LENGTH OF 79.70 FEET AND BEING SUBTENDED BY A CHORD OF 79.01 FEET BEARING NORTH 26 DEGREES 31 MINUTES 46 SECONDS EAST; THENCE NORTH 39 DEGREES 34 MINUTES 33 SECONDS EAST, A DISTANCE OF 17.34 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET, AN ARC LENGTH OF 7.69 FEET AND BEING SUBTENDED BY A CHORD OF 7.17 FEET BEARING NORTH 2 DEGREES 51 MINUTES 55 SECONDS EAST; THENCE NORTH 33 DEGREES 50 MINUTES 43 SECONDS WEST, A DISTANCE OF 98.77 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 150.0 FEET, AN ARC LENGTH OF 51.41 FEET AND SUBTENDED BY A CHORD OF 51.16 FEET BEARING NORTH 43 DEGREES 39 MINUTES 49 SECONDS WEST; THENCE NORTH 53 DEGREES 28 MINUTES 55 SECONDS WEST, A DISTANCE OF 92.61 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 190.0 FEET, AN ARC LENGTH OF 120.23 FEET AND BEING SUBTENDED BY A CHORD OF 118.23 FEET BEARING NORTH 71 DEGREES 36 MINUTES 35 SECONDS WEST; THENCE NORTH 89 DEGREES 44 MINUTES 15 SECONDS WEST, A DISTANCE OF 63.40 FEET TO THE POINT OF BEGINNING.

TRACT 2:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST; THENCE NORTH 0 DEGREES 00 MINUTES EAST ALONG THE WEST LINE OF SAID SOUTHWEST ONE QUARTER, A DISTANCE OF 1126.5 FEET; THENCE NORTH 89 DEGREES 36 MINUTES EAST, A DISTANCE OF 50.0 FEET TO THE POINT OF BEGINNING.

BEGINNING AT THE ABOVE DESCRIBED POINT; THENCE NORTH 89 DEGREES 36 MINUTES EAST, A DISTANCE OF 90.82 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 151.5 FEET, AN ARC LENGTH OF 41.26 FEET AND BEING SUBTENDED BY A CHORD OF 41.13 FEET BEARING SOUTH 82 DEGREES 35 MINUTES 51 SECONDS EAST; THENCE SOUTH 74 DEGREES 47 MINUTES 42 SECONDS EAST, A DISTANCE OF 326.38 FEET; THENCE SOUTH 83 DEGREES 30 MINUTES WEST, A DISTANCE OF 90.70 FEET TO THE NORTHWEST CORNER OF THE PARCEL BEING CONVEYED TO SV VENTURES, AN INDIANA GENERAL PARTNERSHIP; THENCE SOUTH 15 DEGREES 10 MINUTES 22 SECONDS WEST ALONG THE WEST LINE OF THE

PARCEL BEING CONVEYED TO SV VENTURES, A DISTANCE OF 30.0 FEET; THENCE NORTH 39 DEGREES 06 MINUTES 13 SECONDS WEST, A DISTANCE OF 51.88 FEET; THENCE NORTH 74 DEGREES 25 MINUTES 49 SECONDS WEST, A DISTANCE OF 200.0 FEET; THENCE ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 119.5 FEET, AN ARC LENGTH OF 32.55 FEET AND BEING SUBTENDED BY A CHORD OF 32.45 FEET BEARING NORTH 82 DEGREES 35 MINUTES 51 SECONDS WEST; THENCE SOUTH 89 DEGREES 36 MINUTES WEST, A DISTANCE OF 91.04 FEET TO A POINT ON THE EAST 50 FOOT RIGHT-OF-WAY LINE OF MAPLECREST ROAD; THENCE NORTH 0 DEGREES 00 MINUTES EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 32.0 FEET TO THE POINT OF BEGINNING.

PARCEL III:

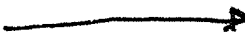
AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A COVERED STORM SEWER DRAIN GRANTED TO SV VENTURES, AN INDIANA GENERAL PARTNERSHIP, BY MACKIDS, INC. IN GRANT OF EASEMENT RECORDED MAY 8, 1996 AS INSTRUMENT NUMBER 960025028 FOR THE BENEFIT OF THE LAND DESCRIBED IN PARCEL I ABOVE, OVER AND ACROSS THAT PORTION OF THE EASEMENT LAND OWNED IN RECORD FEE SIMPLE TITLE BY MACKIDS, INC. AT THE DATE OF THIS POLICY.

Property
Address:

4522 Maplecrest Rd., Fort Wayne, IN 46835

EXHIBIT B

Permitted Exceptions

1. All easements, reservations, restrictions, covenants, agreements and other matters of record;
2. All matters which would be shown by survey or inspection of the Premises;
3. All public roads and highways;
4. All building and zoning laws, ordinances and state and federal statutes and regulations;
5. All general real estate taxes and special assessments not yet due and payable; and
6. Without limiting the generality of the foregoing, Permitted Exceptions include:
 - a. Agreement for Sewer Extension dated September 19, 1986 and recorded January 16, 1987 as Document No. 87-2665.
 - b. Restrictive Covenants dated September 1, 1993 and recorded September 7, 1993 as Document No. 93-51552.
 - c. Right of Way for drainage, flower and maintenance of Bullerman Ditch as set forth in IC 36-9-27-33.
 - d. Sewer Contract 93-S-20 by and between Mackids, Inc. and Fort Wayne Water Pollution Control Utility recorded May 7, 1993 as Document No. 93-23700.
 - e. Reciprocal Easement Agreement by and between SV Ventures and Mackids, Inc. recorded May 8, 1996 as Document No. 960025027, re-recorded July 1, 1996 as Document No. 960035981, modified by Partial Release recorded March 18, 2005, as Document No. 205016336.
 - f. Dedication of Access Easement executed by Mackids, Inc. recorded July 12, 1994 as Document No. 94-41693.
 - g. Deed of Easement by and between Mackids, Inc. and Fazoli's Joint Venture of Indiana, Ltd. Recorded August 11, 1994 as Document No. 94-47284.
 - h. Public Easement by and between Mackids, Inc. and City of Fort Wayne recorded January 30, 1995 as Document No. 95-3904.
 - i. Grant of Easement recorded May 8, 1996 as Document No. 960025028.
 -  j. Letter Agreement with MacKids, Inc. dated May 6, 1996.
 - k. Letter dated February 23, 2005 from Dennis Trowbridge of SV Ventures to Mr. Kevin Roth of Grabill Bank regarding Proposed development for Dove's Nest-N/E quadrant of Stellhorn Rd. and the access road to Stellhorn Village Shopping Center, Fort Wayne, IN

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