

COMMITMENTS MODIFYING EXISTING COMMITMENTS CONCERNING
THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION
WITH A ZONE MAP CHANGE.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Westfield, Hamilton County, Indiana, which is described below, makes the following modifications of commitments concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION: See Attached "Exhibit A – Legal Description"

STATEMENT OF MODIFICATION OF COMMITMENTS:

In 2006, Commitments were made to the Westfield City Council as a part of Ordinance No. 06-49 regarding the use and development of the real estate described above and recorded in Hamilton County, Indiana, as a part of Instrument No. 20060065837 (the "Existing Commitments"). The Existing Commitments shall be modified as follows:

1. Section 4, Item E, 3. shall be modified to read "All gas pumps shall be located and covered with a canopy as depicted on the site plan attached hereto as Exhibit B."
2. Section 4, Item E, 5. shall be modified to read "Said automobile service station shall be open and operating only between the hours of 5:00 A.M. and twelve midnight."

In all other respects, the Existing Commitments shall remain in effect and unchanged.

This MODIFICATION OF COMMITMENTS shall run with the land, be binding on the Owner of the above-referenced real estate, subsequent owners of the above-referenced real estate and other persons acquiring an interest therein. This MODIFICATION OF COMMITMENTS may be modified or terminated by a decision of the Westfield City Council following a public hearing held by the Westfield - Washington Township Plan Commission.

The MODIFICATION OF COMMITMENTS contained in this instrument shall be effective upon the Westfield City Council approval of Resolution 14-XXXX.

This MODIFICATION OF COMMITMENTS may be enforced jointly or severally by:

1. The Westfield City Council;
2. Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes the City of Westfield, Indiana, to record this MODIFICATION OF COMMITMENTS in the Office of the Recorder of Hamilton County, Indiana, upon final approval of Resolution 14-XXXX by the Westfield City Council.

IN WITNESS WHEREOF, Owner has executed this instrument this ____ day of

_____, 20____.

L & Q Realty, LLC

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____
_____ as _____ of L & Q Realty, LLC, the Owner
of the real estate described above, who acknowledged the execution of the foregoing instrument
in such capacity and who, having been duly sworn, stated that any representations therein
contained are true.

Witness my hand and Notarial Seal this ____ day of _____, 20__.

Signature: _____

Printed: _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by Joseph M. Scimia, Faegre Baker Daniels LLP, 600 East 96th
Street, Suite 600, Indianapolis, IN 46240.

I affirm under the penalties for perjury, that I have taken reasonable care to redact each and every
Social Security number from this document, unless it is required by law. Joseph M. Scimia

Exhibit A – Legal Description

Lot 2 of Bridgewater Center at 146th Street per the Plat thereof recorded as Instrument Number 2013059163 on Slide 126 in Plat Cabinet 5 in the Office of the Recorder of Hamilton County, Indiana.

