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STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

IN THE PORTER SUPERIOR COURT
VALPARAISO, INDIANA

JOHN C. SKINNER and PAULETTE)
J. SKINNER,)
) Plaintiffs)

CAUSE NO. 84 PSC 748

-vs-

ERIE LACKAWANNA RAILWAY)
COMPANY, L. B. FOSTER)
COMPANY, and all unknown)
Trustees, Receivers, Assigns,)
Grantees, Lessees,)
Transferees, or other)
successors in interest of)
said Erie Lackawanna Railway)
Company and L. B. Foster)
Company, NORTHERN INDIANA)
PUBLIC SERVICE COMPANY and)
STATE OF INDIANA,)
DEPARTMENT OF NATURAL)
RESOURCES,)

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER.

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Lake County Recorder
AUDITOR LAKE COUNTY

STOPPED
FILED
IN OPEN COURT
MAY 15 1991

Defendants.

NORTHERN INDIANA PUBLIC)
SERVICE COMPANY,)
Counter-Claimant)

Thomas W. Williams
JUDGE PORTER SUPERIOR COURT

vs.
JOHN C. SKINNER and PAULETTE)
J. SKINNER,)
Counter Defendants.)



STATE OF INDIANA/S.S. NO.
LAKE COUNTY
FILED
MAY 16 2 16 PM '91
ROBERT W. BOGGS, FRENCH
RECORDER

JUDGMENT

Comes now the Plaintiffs by counsel, Herman Barber, and appears the Defendant, Northern Indiana Public Service Company, which was substituted as a party Defendant for USX Corporation, by its attorney, Paul Rake, of Eichhorn, Eichhorn & Link. Plaintiff now files Motion for Default Judgment.

Plaintiff now shows service of complaint and summons on the Defendant, Erie Lackawanna Railway Company by certified mail on the Secretary of State of Indiana on January 23, 1984. The certificate of service of the Clerk reads as follows: (H.I.). The Secretary of State

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forwarded a copy of the summons and complaint to the Defendant, Erie Lackawanna Railway Company by certified mail on February 2, 1984.

L. B. Foster Company was served summons and complaint on its resident agent by certified mail on January 23, 1984; the certificate of service of the Clerk reads as follows: (H.I.).

The State of Indiana, Department of Natural Resources was served by serving James Rideman, Director of the Department of Natural Resources, by certified mail on October 4, 1985, and by serving the Attorney General of Indiana, Linley Pearson, by certified mail on October 7, 1985, certificates of service of the Clerk read as follows: (H.I.).

Summons was served on the other Defendants by publication in the Lake County Star on February 2, 9 and 16, 1984, the affidavit of the publisher reads as follows: (H.I.)

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Plaintiff now files Affidavit of Non-Military Service which is in the following words and figures: (H.I.).

STOP
This cause having been set for trial this date and time, the Plaintiff now shows service of order setting the of trial date and time on the Defendants, L. B. Foster Company, and State of Indiana, Department of Natural Resources. The certificate of service reads as follows: (H.I.)

Defendant, L. B. Foster Company now files waiver of appearance and consent to judgment which reads as follows: (H.I.). The State of Indiana, Department of Natural Resources, now fails to appear.

All of the Defendants, except L. B. Foster Company and Northern Indiana Public Service Company are now called in open Court, appear not and are defaulted.

Plaintiff and Defendant, Northern Indiana Public Service Company, now file motion for judgment and stipulation, which is in the following words and figures: (H.I.). Cause is now submitted on motion for default judgment on the complaint of Plaintiff; on the waiver and consent to judgment of L. B. Foster Company; on answer of the State of Indiana, Department of Natural Resources; on the answer of the Defendant, Northern Indiana Public Service Company and its motion for judgment and stipulation; and the default by the Erie Lackawanna Railway Company, and all unknown trustees, receivers, assigns, grantees, lessees, transferees, or

other successor's in interest to said Erie Lackawanna Railway Company, and L. B. Foster Company.

The Court having reviewed the pleadings and having heard the evidence, and being duly advised in the premises, now finds for the Plaintiff on its complaint against the Defendants, except Defendant, Northern Indiana Public Service Company. The Court now accepts Plaintiffs' and Defendant, Northern Indiana Public Service Company's stipulation.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the fee simple title of the real estate located in Lake County, Indiana, described as follows:

KEY 10-20-
The West Half of the Northeast Quarter of Section 21, Township 34 North, Range 7 West of the Second Principal Meridian.

is quieted against all claims of each and every Defendant and against the world and that the fee simple title thereto is vested in John C. Skinner and Paulette J. Skinner, Plaintiffs herein, with the exception to Northern Indiana Public Service Company, an Indiana corporation, its successors, assigns, to have an easement, right and authority from time to time, to construct, erect, lay, install, maintain, operate, repair, replace and renew gas mains, any line or lines of pipe, and additional gas mains and lines of pipe from time to time for the transportation and distribution of gas and other utilities to the public in general and perpetually with all the necessary convenient equipment, facilities, service pipes, lines, connections thereto, and to operate by means throughout a system of transportation and distribution of gas in, upon, and along a strip of land situated in the West Half of the Northeast Quarter of Section 21, Township 34 North, Range 7 West of the Second Principal Meridian, in Lake County, State of Indiana to be 25 feet in width, being the 25 feet North of and parallel and adjacent to the South line of the original railroad right of way as deeded to the Chicago and Atlantic Railroad on September 16, 1881. Additionally, an area 40 feet in width being the 40 feet North of and parallel and adjacent to the South line of said railroad right of way which may be used as a working area. The working area may be used for all purposes which Northern Indiana Public Service Company deems necessary for the construction, maintenance of the pipe or pipeline including, but not limited to, the placement of equipment, supplies, machinery, tools, temporary structures, fences, appurtenances, vehicles and workers thereof.

Northern Indiana Public Service Company may cut down and remove from said easement any overhanging branches or undergrowth which may in its judgment endanger the safety of, or interfere with the use or enjoyment of any of its facilities. All pipelines, equipment, facilities, service pipe, lines, connections and all utilities shall be buried beneath the surface of the land, and Northern Indiana Public Service Company shall return the surface to the condition and grade which existed prior to the installation of the pipeline. Other than a fence, the Plaintiff shall not place any permanent structure over the easement. Any damage done to crops, tile or fences on the land or upon which the easement crosses shall be repaired by Northern Indiana Public Service Company.

IT IS FURTHER CONSIDERED, ADJUDGED AND DECREED that the easement rights of Northern Indiana Public Service Company over the property to which the Plaintiffs are quieting fee title are defined by this judgment, and any rights or interests conveyed by USX to Northern Indiana Public Service Company by the following conveyance:

A quit claim easement dated March 31, 1989 and recorded in the Recorder's Office of Lake County, Indiana on April 28, 1989 as Document No. 034039.

over the property to which Plaintiff is quieting fee title are modified and defined by this judgment.

Dated: May 15, 1991



[Handwritten Signature]
JUDGE, Porter Superior Court

[Handwritten Signature]
Herman Barber, Attorney for Plaintiffs
BARBER & SORBELLO, P.C.
517 North Main Street
Crown Point, Indiana 46307
(219) 663-5818

[Handwritten Signature]
Paul Rake, Attorney for Defendant,
Northern Indiana Public Service Company
EICHHORN, EICHHORN & LINK
200 Russell Street
Hammond, Indiana 46320

IN TESTIMONY, that the foregoing is a true copy taken from the records of Porter Circuit/Superior Court, I, Betty R. Cole, Clerk thereof set my hand and affix Seal of Said Court.

This 15 day of May, 1991
[Handwritten Signature] Clerk
CIRCUIT/SUPERIOR COURTS COUNTY OF PORTER, INDIANA
By *[Handwritten Signature]* Deputy Clerk