

Barber & Sorbello

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STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
ROOM NO. TWO
EAST CHICAGO, INDIANA

CROWN RENTALS, INC.,)
) Plaintiff)

-VS-

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TAXES
CAUSE NO. 45002-8905 CT 00223

MAY 30 1991

NORTHERN INDIANA PUBLIC)
SERVICE COMPANY; L. B. FOSTER)
COMPANY; EARL J. EWEN,)
The Unknown Heirs, Represen-)
tatives; Devises, Widows,)
Widowers, Legatees, Executors,)
Administrators, Husbands and)
Wives, Receivers, Lessors,)
Successors and Assigns of)
Earl J. Ewen, Milton E. Ewen,)
and Alma M. Ewen, deceased,)
) Defendants)

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JUDGMENT

Filed in Open Court

MAY 20 1991

Robert E. Ant...
CLERK LAKE SUPERIOR COURT

ROBERT (BOB) FREELAND
RECORDER

MAY 30 1 40 PM '91

STATE OF INDIANA/S.S.NO.
LAKE COUNTY
FILED FOR RECORD

Comes now the Plaintiff 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 summons on Defendant, L. B. Foster Company by United States mail on the 15th and 21st day of March, 1989. The certificate of service of the clerk reads as follows: (H.I.).

Summons was served on the other Defendants by publication in the Lake County Star on March 16, 23 and 30, 1989. The affidavit of the publisher reads as follows: (H.I.). Plaintiff now files Affidavit of Non-Military Service which is in the following words and figures: (H.I.). All of the Defendants except Northern Indiana Public Service Company are now called three times 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.).

01705

*14:00
ck*

Cause is now submitted on motion for default judgment and complaint of Plaintiff; on the answer of Defendant, Northern Indiana Public Service Company; parties' motion for judgment and stipulation; and default by L. B. Foster; Earl J. Ewen; the unknown heirs, representatives, devisees, widows, widowers, legatees, executors, administrators, husbands and wives; receivers, lessors, successors and assigns of Earl J. Ewen, Milton E. Ewen, and Alma M. Ewen, deceased.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the fee simple title to the real estate described as follows:

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Part of the North Half of the Southwest Quarter of Section 4, township 34 North, Range 8 West of the Second P. M., described as follows:

Beginning at a point 724.52 feet North and 30 feet East of the Southwest corner thereof, beginning the intersection of the Southerly right-of-way of the Chicago and Erie Railroad with the East line of Indiana Street; thence North along the East line of said Indiana Street 52.44 feet to the centerline of said railroad right-of-way; thence Southeasterly along the centerline of said right-of-way to a line 595.65 feet East of and parallel to the West line of the Southwest Quarter of said Section 4; thence South parallel to the West line of the Southwest Quarter of said Section 4 a distance of 52.44 feet, more or less, to the South line of the Chicago & Erie Railroad right-of-way; thence Northwest along said Southerly right-of-way to the point of beginning.

is quieted against all claims of each and every Defendant and against the world and that the fee simple title thereto is vested in Crown Rentals, Inc., Plaintiff herein, with the exception to the Northern Indiana Public Service Company, an Indiana corporation, its successors and 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 and a line or lines of pipe, and additional gas mains and lines of pipe from time to time, for the transportation and distribution of gas or other utilities to the public

in general and perpetuity with all the necessary and convenient equipment, facilities, service pipes, lines and connections thereof, and to operate by means thereof a system for transportation and distribution of gas in, upon and along a strip of land situated in the following described parcel:

Part of the North Half of the Southwest Quarter of Section 4, township 34 North, Range 8 West of the Second P. M., described as follows:

Beginning at a point 724.52 feet North and 30 feet East of the Southwest corner thereof, beginning the intersection of the Southerly right-of-way of the Chicago and Erie Railroad with the East line of Indiana Street; thence North along the East line of said Indiana Street 52.44 feet to the centerline of said railroad right-of-way; thence Southeast along the centerline of said right-of-way to a line 595.65 feet East of and parallel to the West line of the Southwest Quarter of said Section 4; thence South parallel to the West line of the Southwest Quarter of said Section 4 a distance of 52.44 feet, more or less, to the South line of the Chicago & Erie Railroad right-of-way; thence Northwest along said Southerly right-of-line to the point of beginning.

to be 15 feet in width, being 15 feet south of and parallel and adjacent to the north line of the aforescribed parcel being quieted which is also the center line of the former railroad right-of-way of the Chicago and Erie Railroad. Additionally, an area 5 feet in width being the 5 feet south of and parallel and adjacent to the aforescribed 15 foot easement, 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 or 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 hereof.

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, gas mains, equipment, facilities, service pipes, lines, connections thereof, 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 installation of the pipeline. Other than a fence, the Plaintiff shall not place any permanent structure over the easement. Any damage done to the crops,

tile or fences on the land 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 conveyed by USX to Northern Indiana Public Service Company by the following documents:


A quit claim deed dated March 31, 1989 and recorded in the Recorder's Office of Lake County, Indiana on April 28, 1989 as Document No. 034038.

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.

A grant of permanent longitudinal easement dated November 13, 1989 and recorded in the Recorder's Office of Lake County, Indiana on December 15, 1989 as Document No. 074697.


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

Dated: May 20, 1991


Herman Barber, Attorney for
Plaintiff
BARBER & SORBELLO, P.C.
517 North Main Street
Crown Point, Indiana 46307



JUDGE, Lake Superior Court
Room No. Two


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