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STATE OF INDIANA)
COUNTY OF NEWTON)

SS:

NEWTON CIRCUIT COURT
KENTLAND, INDIANA

FILED

NORTHERN TRUST COMPANY,

JAN 28 1998

Plaintiff

vs.

Anna M. Antos
AUDITOR LAKE COUNTY

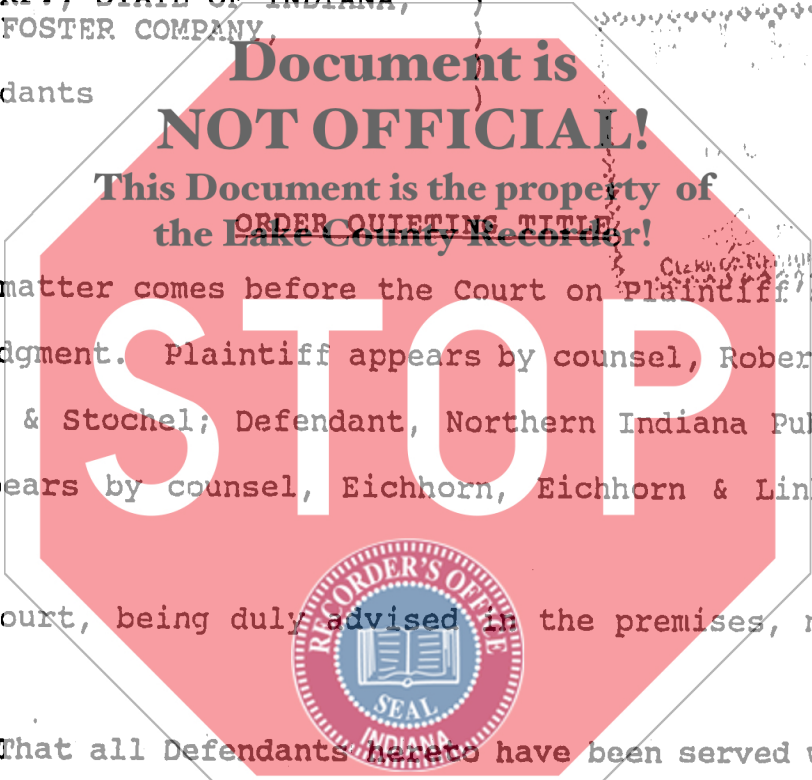
CAUSE NO. 56C01-8911 CP-270

ERIE LACKAWANNA RAILWAY
COMPANY, NORTHERN INDIANA PUBLIC
SERVICE CORP., STATE OF INDIANA,
and L. B. FOSTER COMPANY,

Defendants

JAN 28 1998
S.A. RECORDED
INDEXED
CLERK OF THE COURT
LAKE COUNTY, INDIANA

STATE OF INDIANA
LAKE COUNTY
CLERK OF THE COURT



This matter comes before the Court on Plaintiff's Motion for Summary Judgment. Plaintiff appears by counsel, Robert E. Stochel of Hoffman & Stochel; Defendant, Northern Indiana Public Service Corp., appears by counsel, Eichhorn, Eichhorn & Link by Jon M. Pinnick.

The Court, being duly advised in the premises, now finds as follows:

1. That all Defendants hereto have been served with process pursuant to the return of service of summons by the Sheriff of Lake County and pursuant to the publication notice of these proceedings in the Lake County Star;

2. That Defendant, Northern Indiana Public Service Corp., is the successor in interest to United States Steel Corporation, pursuant to the Motion to Substitute filed by said Defendant;

*Hoffman & Stochel
95 1/2 Main St Suite 308 C.P. 46307*

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3. That the State of Indiana pursuant to it's Answer to Plaintiff's Complaint has abandoned all rights, title and interest in and to the property which is the subject matter of this litigation;

4. That the Defendants, Erie Lackawanna Railway Company and L. B. Foster Company, have failed to appear, plead or otherwise Answer Plaintiff's Complaint;

5. That Plaintiff, Northern Trust Company, is the owner of the following described property:

Parcel 1: The south half of Lot 4, Lots 5 to 10, both inclusive, Hixon Acres Addition, as shown in Plat Book 23, page 12, in Lake County, Indiana.

Parcel 2: The south half of the northwest quarter and the north half of the southwest quarter of Section 32, Township 35 North, Range 8 West of the 2nd P.M., excepting the east 70 feet thereof and excepting therefore, however, the right of way of the Chicago and Erie Railroad, also excepting from said premises, a tract of land bounded and described as follows: commencing at a point 70 feet west of the northeast corner of the south half of the northwest quarter of Section 32, and running thence west 1907.52 feet to the easterly right of way of the Chicago and Erie Railroad, running thence southeasterly along the said easterly right of way line of said Railroad 1669.80 feet, thence east 1096.81 feet on a line parallel with the north line of the south half of the northwest quarter of Section 32, to a point 70 feet west of the north and south centerline of said Section 32, thence north parallel to said north and south centerline of said Section, 1449.50 feet to the place of beginning in Lake County, Indiana.

6. That Erie Lackawanna Railway Company is a successor in interest to the Chicago Atlantic Railway which obtained a railroad right of way easement over and across the real estate described above;

7. That the Erie Lackawanna Railway Company has abandoned it's railroad operations over and across said easement;

8. That there are no material issues of fact which would preclude the entry of Summary Judgment for and on behalf of the Plaintiff, so,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. That the law is in favor of Plaintiff.

2. That Plaintiff, ~~Northern Trust Company~~, is the owner in fee simple of the following described real estate:

Parcel 1: The south half of Lot 4, Lots 5 to 10, both inclusive, Hixon Acres Addition, as shown in Plat Book 23, page 12, ~~County of Indiana~~.

Parcel 2: The south half of the northwest quarter and the north half of the southwest quarter of Section 32, Township 35 North, Range 8 West of the 2nd P.M., excepting the east 70 feet thereof and excepting therefore, however, the right of way of the Chicago and Erie Railroad, also excepting from said premises, a tract of land bounded and described as follows: commencing at a point 70 feet west of the northeast corner of the south half of the northwest quarter of Section 32, and running thence west 1907.52 feet to the easterly right of way of the Chicago and Erie Railroad, running thence southeasterly along the said easterly right of way line of said Railroad 1669.80 feet, thence east 1096.81 feet on a line parallel with the north line of the south half of the northwest quarter of Section 32, to a point 70 feet west of the north and south centerline of said Section 32, thence north parallel to said north and south centerline of said Section, 1449.50 feet to the place of beginning in Lake County, Indiana.

and that such ownership is free and clear of any rights, title or interest claimed by Defendants, Erie Lackawanna Railway Company, Northern Indiana Public Service Corp., State of Indiana and L. B. Foster Company, all successors and assigns.

3. That the right-of-way easement claimed by any or all of said Defendants over and across the real estate described above is hereby extinguished and declared of no further force or effect.

SO ORDERED this 7th day of December, 1992.

George Vann

JUDGE, NEWTON CIRCUIT COURT

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the Lake County Recorder!**

APPROVED.

STOP

Robert E. Stochel, #1686-45
Attorney for Northern Trust
Company

Jon M. Pinnick
Attorney for Northern Indiana
Public Service Corp.

