

94026877 DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER.

Gerald Smetanoff, Judge
Civil Div. Room 4
15 W. 4th Ave
Gary 46402

STATE OF INDIANA APR 7 1994
COUNTY OF LAKE

IN THE LAKE SUPERIOR COURT #4
CAUSE NO. 45D04-9212-CP-1242

Anna N. Carter
AUDITOR LAKE COUNTY

STATE OF INDIANA,
Plaintiff,
v.

Filed in Open Court

FEB 11 1994

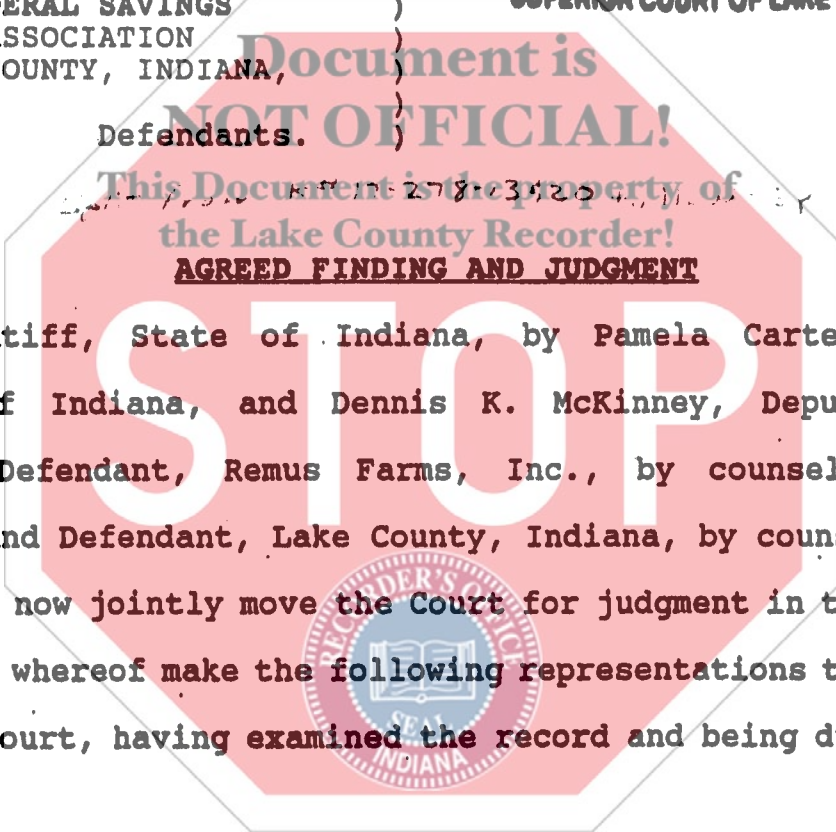
REMUS FARMS, INC.,
CHESTERTON STATE BANK,
HOBART FEDERAL SAVINGS
AND LOAN ASSOCIATION
and LAKE COUNTY, INDIANA,

Gerald Smetanoff
JUDGE
SUPERIOR COURT OF LAKE COUNTY

Defendants.

APR 11 10 08 AM '94
STATE RECORDER

STATE OF INDIANA
FILED IN COURT



Plaintiff, State of Indiana, by Pamela Carter, Attorney General of Indiana, and Dennis K. McKinney, Deputy Attorney General; Defendant, Remus Farms, Inc., by counsel, James A. Cheslak; and Defendant, Lake County, Indiana, by counsel, Charles D. Brooks, now jointly move the Court for judgment in this case and in support whereof make the following representations to the Court.

The Court, having examined the record and being duly advised, now finds:

1. Plaintiff filed its Complaint For Appropriation Of Real Estate on December 4, 1992 and all Defendants were served with notice as provided by statute.

2. Defendant Remus Farms, Inc. appeared by counsel on December 18, 1992.

3. Defendant Lake County, Indiana appeared by counsel.

4. Defendant Chesterton State Bank and Hobart Federal

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Savings and Loan Association have not appeared in this case.

5. Those real estate interests described in rhetorical paragraph four of Plaintiff's Complaint were ordered appropriated by the Court and appraisers were appointed to assess damages on February 19, 1993.

6. On April 7, 1993 those appraisers reported to the court that Defendants had sustained total damages of Five Thousand Four Hundred Eight-five Dollars (\$5,485.00) due to Plaintiff's appropriation.

7. Exceptions to that report were filed by Defendant Remus Farms, Inc.

8. Plaintiff deposited the appraisers' fees and funds equal to the appraisers' award with the Clerk of this Court on June 7, 1993.

9. Plaintiff and said Defendants agree to Plaintiff's appropriation of the real estate as described below and further agree that Defendant Remus Farms, Inc. shall recover, for the real estate acquired by Plaintiff and for any and all damages resulting from that acquisition, total just compensation and damages of Eight Thousand One Hundred Three Dollars (\$8,103.00) from Plaintiff in this case and that no other Defendant is entitled to recover any damages due to the acquisition.

10. All parties who requested trial by jury withdraw that request.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that there is no just reason for delay in entry of judgment upon

the terms contained herein and that Plaintiff, State of Indiana, now holds fee simple title, including all rights of possession, to those real estate interests described as:

A part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 36 North, Range 7 West, Lake County, Indiana, described as follows: Commencing at the southeast corner of said section; thence North 89 degrees 24 minutes 39 seconds West 630.00 feet along the south line of said section to the southeast corner of the owner's land; thence North 0 degrees 49 minutes 30 seconds West 39.40 feet along the east line of the owner's land to the north boundary of U.S.R. 6 and the point of beginning of this description: thence North 89 degrees 28 minutes 09 seconds West 352.92 feet along the boundary of said U.S.R. 6 to the west line of the owner's land; thence North 0 degrees 49 minutes 30 seconds West 13.96 feet along said west line; thence North 89 degrees 46 minutes 46 seconds East 79.29 feet; thence South 89 degrees 28 minutes 00 seconds East 72.00 feet; thence South 0 degrees 32 minutes 00 seconds West 5.00 feet; thence South 89 degrees 28 minutes 00 seconds East 201.73 feet to the east line of the owner's land; thence South 9 degrees 49 minutes 30 seconds East 10.00 feet along said east line to the point of beginning and containing 0.097 acres, more or less.

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Also a part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 36 North, Range 7 West, Lake County, Indiana, described as follows: Commencing at the southeast corner of said section; thence North 0 degrees 49 minutes 30 seconds West 363.00 feet along the east line of said section to the southeast corner of the owner's land; thence North 89 degrees 24 minutes 39 seconds West 20.01 feet along the south line of the owner's land to the west boundary of County Line Road and the point of beginning of this description: thence continuing North 89 degrees 24 minutes 39 seconds West 15.01 feet along said south line; thence North 0 degrees 49 minutes 30 seconds West 96.14 feet; thence South 89 degrees 10 minutes 30 seconds West 35.00 feet; thence North 0 degrees 49 minutes

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30 seconds West 84.73 feet to the north line of the owner's land; thence South 89 degrees 24 minutes 39 seconds East 50.02 feet along said north line to the west boundary of said County Line Road; thence South 0 degrees 49 minutes 30 seconds East 180.00 feet along said boundary to the point of beginning and containing 0.130 acres, more or less.

And that Plaintiff, State of Indiana, holds a temporary easement in real estate, which easement is described as:

The following-described right-of-way is a temporary right-of-way for the purpose of reconstructing a parking lot and for constructing a driveway for service to the owner's private property and will revert to the owner on December 31, 1995: A part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 36 North, Range 7 West, Lake County, Indiana, described as follows: Commencing at the southeast corner of said section; thence North 89 degrees 24 minutes 39 seconds West 630.00 feet along the south line of said section to the southeastern corner of the owner's land; thence North 0 degrees 49 minutes 30 seconds West 49.40 feet along the east line of the owner's land to the point of beginning of this description: thence North 89 degrees 28 minutes 00 seconds West 201.73 feet; thence North 0 degrees 32 minutes 00 seconds East 15 feet; thence South 89 degrees 28 minutes 00 seconds East 201.37 feet to said east line; thence South 0 degrees 49 minutes 30 seconds East 15.00 feet along said east line to the point of beginning and containing 0.069 acres, more or less.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendants Chesterton State Bank and Hobart Federal Savings and Loan Association are defaulted and shall take nothing in this case and Defendant Lake County, Indiana by agreement shall take nothing in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendant Remus Farms, Inc. have and recover as total just

compensation and damages, for the State's appropriation in this case, the amount of Eight Thousand One Hundred and Three Dollars (\$8,103.00); that Plaintiff shall pay Two Thousand Six Hundred Eighteen Dollars (\$2,618.00) which is the difference between the judgment amount and the court award previously deposited, to the Clerk of this Court for the benefit of Defendant Remus Farms, Inc.; and said Clerk shall, upon receipt of said amount, pay said Defendant Remus Farms, Inc. said Eight Thousand One Hundred and Three Dollars (\$8,103.00).

IT IS FURTHER ORDERED that the Clerk of this Court shall promptly send an executed copy of this Agreed Finding and Judgment to the Auditor and Recorder of Lake County, Indiana; that said Auditor shall remove the above-described fee simple interest in real estate from the tax records and rolls of said County and cancel all 1993 and subsequent tax payments on said above-described fee simple interest in real estate; that said Recorder shall, pursuant to IC 8-23-7-31 and without payment of fee, record the transfer of the above-described real estate; and that said Recorder shall submit evidence of that recordation, by United States mail, to the Office of the Attorney General at 219 State House, 200 West Washington Street, Indianapolis, Indiana 46204.

AGREED AND APPROVED:

James A. Cheslek
James A. Cheslek, Attorney
for Defendant, Remus Farms,
Inc.
Atty. No. 3203-64

Charles D. Brooks, Jr.
Charles D. Brooks, Jr.
Attorney for Defendant,
Lake County, Indiana
Atty. NO. 4235-45

PAMELA CARTER
Attorney General of Indiana
Atty. No. 0004242-49

By: Dennis K. McKinney
Dennis K. McKinney
Deputy Attorney General
Atty. No. 0009518-49

Document is
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This Document is placed
the Lake County Recorder!

Herald N. Wetmore
Judge, Lake Superior Court

Date: 2/11/94

Copies to:

Dennis K. McKinney
Office of Attorney General
Indiana Government Center South, Fifth Floor
402 West Washington Street
Indianapolis, IN 46204-2794

James A. Cheslek
HOEPPNER, WAGNER & EVANS
P.O. Box 2357
Valparaiso, IN 46384

Charles D. Brooks, Jr.
Attorney at Law
5857 Broadway
Merrillville, IN 46410

Auditor of Lake County
Government Center
2293 N. Main St.
Crown Point, IN 46307

Recorder of Lake County
Government Center
2293 N. Main St.
Crown Point, IN 46307

