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STATE OF INDIANA)

IN THE LAKE SUPERIOR COURT

COUNTY OF LAKE)

SS:

SAMUEL ORLICH
RECORDER

ROOM NUMBER THREE,
SITTING AT GARY, INDIANA

LAKE COUNTY TRUST COMPANY, an
Indiana Corporation, as Trustee
Under the Provisions of a Trust
Agreement dated May 1, 1974 and
known as Trust No. 2100; QUALIZZA
PARTNERSHIP, JAMES E. QUALIZZA,
JERRY D. QUALIZZA, DOROTHY
QUALIZZA, as Trustee for Dorothy
Qualizza Trust, JOHN QUALIZZA and
JANIS QUALIZZA, as Beneficiaries
Under Trust No. 2100,

Plaintiff,

vs.

GOTTLIEB HOLTZWORTH, also known as
GODLIEB HOLTZWORTH, and SARAH
HOLTZWORTH, his wife; MATHIAS
HOLTZWORTH, also known as MATTHIAS
HOLTZWORTH, and if married, his
wife, whose given name is unknown;
CATHARINE HOLTZWORTH, MADALENA
HOLTZWORTH; ROSINA HOLTZWORTH;
MADGE STUART, and if married, her
husband, whose given name is
unknown; SURVIVING SPOUSES,
SURVIVING CHILDREN, SURVIVING
PARENTS, SURVIVING BROTHERS OR
SISTERS AND ALL UNKNOWN HEIRS,
SUCCESSORS AND ASSIGNS OF SAID
DEFENDANTS; AND ALL OTHER PERSONS
UNKNOWN, CLAIMING ANY RIGHT, TITLE,
ESTATE, LIEN OR INTEREST IN THE
REAL PROPERTY DESCRIBED IN THE
COMPLAINT ADVERSE TO PLAINTIFF'S,
LAKE COUNTY TRUST COMPANY, under
Trust No. 2100, OWNERSHIP, OR ANY
CLOUD UPON PLAINTIFF'S TITLE
THERETO,

Defendants.

Filed in Open Court

AUG. 5 1992

Samuel Orlich
SUPERIOR COURT OF LAKE COUNTY
ONE JEROME COURT ROOM 9

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NOT OFFICIAL!

CAUSE NO. 45D03-9205-CP-1631

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the Lake County Recorder!

STOP

FILED

APR 28 1994

K15-120-398.47

Anna M. Anton
AUDITOR LAKE COUNTY

JUDGMENT

Comes now the plaintiff, Lake County Trust company, an Indiana
corporation, as Trustee Under the Provisions of a Trust Agreement

PD:Q Maintenance
401 W. 82nd Pl.
Metzville IN 46410

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14/100

dated May 1, 1974 and known as Trust No. 2100, Qualizza Partnership, James E. Qualizza, Jerry D. Qualizza, Dorothy Qualizza, as Trustee for Dorothy Qualizza Trust, John Qualizza and Janis Qualizza, as Beneficiaries under Trust No. 2100, by counsel, James A. Holcomb, and shows the Court that Summons was served in this cause pursuant to an Affidavit of Publication on all the defendants shown, which Publication was published in the Info Newspaper, a weekly newspaper published in Gary, Lake County, Indiana, which publications occurred on June 11, 1992, June 18, 1992 and June 25, 1992.

Said plaintiff Trust shows that no appearance has been entered in this cause by any of the defendants pursuant to publication, and requests default. The defendants and each of them are now three times called in open court and appearing not, are defaulted.

This cause is submitted to the Court for hearing on Counts I and II of the Complaint. Plaintiff submits the evidentiary Affidavit of James E. Qualizza, which Affidavit is in the following words, (H. I.).

The Court now finds that a Summons was served in this cause by publication as required by law in the State of Indiana on June 11, 18, and 25, 1992.

That the time within which the said defendants were to appear and plead has expired; that said defendants have not appeared; and that no answer, pleadings or other motion have been filed herein, and that the default of the defendants has been duly and regularly entered.

That no taxes were assessed against the real estate described in paragraph 1 herein, and taxes assessed on the real estate in paragraph 3 have been paid by plaintiff.

The Court has examined and heard proof of the allegations of the Complaint and evidence of the beneficiaries of the plaintiff, Lake County Trust Company, an Indiana Corporation, as Trustee Under the Provisions of a Trust Agreement dated May 1, 1974 and known as Trust No. 2100 has been received. The Court is satisfied that the allegations of the Complaint are true and that the relief asked for in the Complaint should be granted.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the plaintiff, Lake County Trust Company, an Indiana Corporation, as Trustee Under the Provisions of a Trust Agreement dated May 1, 1974 and known as Trust No. 2100 is entitled to the quiet and peaceful possession in fee simple of that certain parcel of land and situated in the County of Lake, State of Indiana, and described as:

Part of the Northwest Quarter of the Southeast Quarter of Section 21, Township 35 North, Range 8 West of the 2nd Principal Meridian, described as follows: Commencing at a point 971 feet South of the Northeast corner thereof; thence South 352.45 feet to the Southeast corner thereof; thence West along the South line of said Quarter Quarter a distance of 247.5 feet to the point of beginning; thence North 181.5 feet; thence West parallel to the South line of said Quarter Quarter 99 feet; thence South 181.5 feet to the South line of said Quarter Quarter; thence East along the South line of said Quarter Quarter Section 99 feet to the point of beginning, in Lake County, Indiana.

2. That Lake County Trust Company, an Indiana Corporation, as Trustee Under the Provisions of a Trust Agreement dated May 1, 1974 and known as Trust No. 2100, is entitled to the quiet and peaceful possession of a fee simple legal title to that portion of the cemetery where graves appear which is described as follows:

A parcel of land 30 ft. by 30 ft. in the Northwest Quarter of the Southeast Quarter of Section 21, Township 35 North, Range 8 West of the 2nd Principal Meridian more particularly described as follows: Commencing at a point 1186.39 ft. South of the Northeast corner thereof and 285 ft. West of the East line of the NW 1/4 of the SE 1/4 on a line parallel to the South line of the NW 1/4 of the SE 1/4; Thence West 30 ft. to a point on a line parallel to the said South line; Thence North along a line parallel to the East line of the NW 1/4 of the SE 1/4 30 ft. to a point; Thence 30 ft. East along a line parallel to the South line; Thence 30 ft. South to the point of commencement in Lake County, Indiana.

3. That the plaintiff owns in fee simple without an easement burden, and is entitled to the quiet and peaceful possession of that certain parcel of land located in the County of Lake, State of Indiana, and described as:

Commencing at a point fifteen rods west from the South East corner of said lot then north eleven rods then west six rods then south eleven rods then east six rods to the place of beginning, and being the same land now occupied and used as a Private Burial Ground for the said Mathias Holtzworth and heirs is to have a wagon road from the Burial ground west of the Burial ground on said line above described of one rod wide to the Road leading to Crown Point and Merrillville.

That title to the wagon road easement is quieted in said Trust as against the world, and confirmed as an absolute title in fee simple in said plaintiff with no impression of the road easement remaining

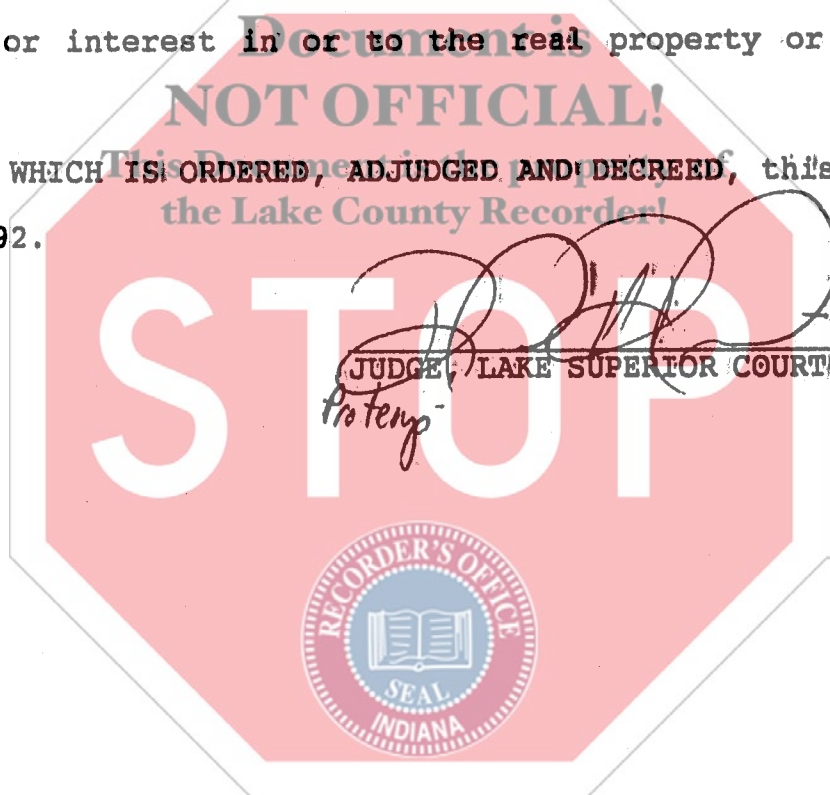
in any other person whether living or dead. The wagon road easement is extinguished and gone.

4. The plaintiff's title to the real property is forever quieted against any and all claims or demands of the defendants in this cause and any person claiming under the said defendants to any estate, right, title, lien or interest in the real property.

5. That the defendants and any persons claiming under said defendants are permanently enjoined and restrained from asserting any claims or interest in or to the real property or any part thereof.

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED, this 5th day of August, 1992.

Pro temp
JUDGE, LAKE SUPERIOR COURT, ROOM III



THIS INSTRUMENT PREPARED BY: James A. Holcomb
LUCAS, HOLCOMB & MEDREA
300 East 90th Drive
Merrillville, IN 46410
(219) 769-3561