

Judge - Gerald N. Svetanoff
15 W. 4th Ave Room 4
GARY 46402

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STATE OF INDIANA)
COUNTY OF LAKE)
SS:)
FILED IN OPEN COURT)
LAKE SUPERIOR COURT)
ROOM NUMBER FOUR)
SITTING AT GARY, INDIANA)

OCT 26 1995

STATE OF INDIANA,
Plaintiff, *Gerald N. Svetanoff*
JUDGE)
SUPERIOR COURT OF LAKE COUNTY)

vs.) CAUSE NO. 45D04-9304-CP-330)

MELVIN D. CONROY, FIRST NATIONAL
BANK OF EAST CHICAGO INDIANA and
LAKE COUNTY, INDIANA,

Defendants.

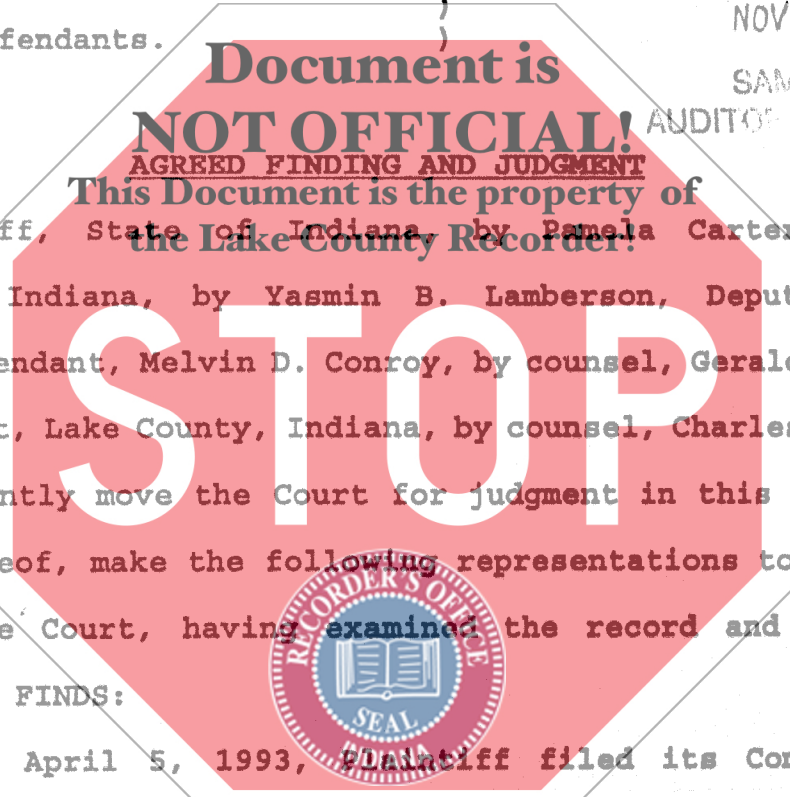
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SAM ORLICH
AUDITOR LAKE COUNTY

Plaintiff, State of Indiana, by Pamela Carter, Attorney
General of Indiana, by Yasmin B. Lamberson, Deputy Attorney
General; Defendant, Melvin D. Conroy, by counsel, Gerald M. Bishop;
and Defendant, Lake County, Indiana, by counsel, Charles D. Brooks,
Jr., now jointly move the Court for judgment in this case and in
support thereof, make the following representations to the Court:

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

1. On April 5, 1993, Plaintiff filed its Complaint for
Appropriation of Real Estate located in Lake County, Indiana, more
particularly described as follows, to-wit:

A part of the Southeast Quarter of Section 5, Township 36
North, Range 7 West, Lake County, Indiana, described as
follows: Commencing at the Southeast corner of said
section; thence North 0 degrees 48 minutes 27 seconds
West 385.92 feet along the East line of said Section to
the southern boundary of U.S.R. 20; thence North 86
degrees 00 minutes 17 seconds West 100.35 feet along the
boundary of said U.S.R. 20 to the East line of the
owner's land and the point of beginning of this
description; thence South 0 degrees 48 minutes 27 seconds
East 35.12 feet along said East line; thence North 86



STATE OF INDIANA
LAKE COUNTY
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degrees 00 minutes 17 seconds West 150.54 feet; thence North 78 degrees 24 minutes 36 seconds West 51.18 feet to the West line of the owner's land; thence North 0 degrees 48 minutes 27 seconds West 28.34 feet along said West line to the southern boundary of U.S.R. 20; thence South 86 degrees 00 minutes 17 seconds East 200.70 feet along the boundary of said U.S.R. 20 to the point of beginning and containing 0.157 acres, more or less.

(hereinafter "real estate"), and all Defendants were served with notice as provided by statute.

2. On April 23, 1993, Defendant Melvin D. Conroy, appeared by counsel in this case.

3. On May 21, 1993, Defendant Lake County, Indiana, appeared by counsel in this case.

4. Defendant, First National Bank of East Chicago, Indiana, has failed to appear in this case.

5. On May 17, 1993, those real estate interests described in rhetorical paragraph IV of Plaintiff's Complaint were ordered appropriated and appraisers were appointed to assess damages.

6. On June 21, 1993, the Court-appointed appraisers reported to the Court that Defendants sustained total damages of Thirteen Thousand Sixty Two Dollars and thirty-three Cents (\$13,062.33) due to Plaintiff's appropriation.

7. On July 13, 1993, Exceptions to that Report were filed by Defendant Melvin D. Conroy.

8. On August 10, 1993, Plaintiff deposited the Court-appointed appraisers' fees and funds equal to the Court-appointed appraisers' award with the Clerk of this Court.

9. Plaintiff and Defendants, Melvin D. Conroy and Lake County, Indiana, agree to Plaintiff's appropriation of the real

estate described below and further agree that Defendant, Melvin D. Conroy, shall recover, for the real estate acquired by Plaintiff and for any and all damages resulting from that acquisition, total just compensation of Forty Five Thousand Dollars (\$45,000.00) from Plaintiff in this case and that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition.

10. Defendant, Melvin D. Conroy, files herewith his assignment of interest in the proceeds of this cause of action over to the Lake County Trust Company, as Trustee under Trust number 4389, which is attached to this Agreed Finding and Judgment as Exhibit "A".

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that there is no just reason for delay in entry of the judgment upon the terms contained herein and that Plaintiff, State of Indiana, now holds fee simple title, including all rights of possession, to that real estate described as follows:

A part of the Southeast Quarter of Section 5, Township 36 North, Range 7 West, Lake County, Indiana, described as follows: Commencing at the Southeast corner of said section; thence North 0 degrees 48 minutes 27 seconds West 385.92 feet along the East line of said Section to the southern boundary of U.S.R. 20; thence North 86 degrees 00 minutes 17 seconds West 100.35 feet along the boundary of said U.S.R. 20 to the East line of the owner's land and the point of beginning of this description; thence South 0 degrees 48 minutes 27 seconds East 35.12 feet along said East line; thence North 86 degrees 00 minutes 17 seconds West 150.54 feet; thence North 78 degrees 24 minutes 36 seconds West 51.18 feet to the West line of the owner's land; thence North 0 degrees 48 minutes 27 seconds West 28.34 feet along said West line to the southern boundary of U.S.R. 20; thence South 86 degrees 00 minutes 17 seconds East 200.70 feet along the boundary of said U.S.R. 20 to the point of beginning and containing 0.157 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Defendant First National Bank of East Chicago, Indiana is defaulted and shall take nothing in this case and that Defendant Lake County, Indiana, by agreement shall take nothing in this case.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Defendant Melvin D. Conroy shall have and recover as total just compensation for Plaintiff's appropriation of said real estate in this case, the total amount of Forty Five Thousand Dollars (\$45,000.00); that Defendant, Melvin D. Conroy has assigned his interest in said proceeds to the Lake County Trust Company as Trustee under Trust 4389; that the Clerk of the Court shall accordingly immediately pay over to the Lake County Trust Company as Trustee under Trust 4389, the sum of Thirteen Thousand Sixty Two Dollars and Thirty-three Cents (\$13,062.33), which sum is the amount of the court-appointed appraisers' award previously deposited with the Clerk of the Court by the State of Indiana.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the State of Indiana shall additionally pay to the Clerk of the Court for the benefit of said Defendant, the amount of Thirty One Thousand Nine Hundred Thirty Seven Dollars and Sixty-seven Cents (\$31,937.67), which sum is the difference between the judgment amount and the amount of the court-appointed appraisers' award; and that the Clerk of the Court shall upon receipt of said amount, immediately pay to the Lake County Trust Company as Trustee under Trust 4389 said Thirty One Thousand Nine Hundred Thirty Seven Dollars and Sixty-

seven Cents (\$31,937.67), in full satisfaction of this judgment and any and all of Defendants' claims in this case.

IT IS FURTHER ORDERED that the Clerk of this Court shall promptly send a certified 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 years' taxes thereon; that said Recorder shall, pursuant to I.C. § 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 Indiana Government Center South, Fifth Floor, 402 West Washington Street, Indianapolis, IN 46204.

Dated: 10/26/95

Herald M. Wetanoff
Judge, Lake Superior Court
Room No. 4



APPROVAL AS TO FORM:

PLAINTIFF

STATE OF INDIANA

By: Jay D. Marks
Jay D. Marks, Chief
Division of Land Acquisition
Indiana Department of Transportation

PAMELA CARTER
Attorney General of Indiana
Atty. No. 4242-49

By: Yasmin B. Lamberson
Yasmin B. Lamberson
Deputy Attorney General
Atty. No. 14876-49

ATTORNEYS FOR PLAINTIFF

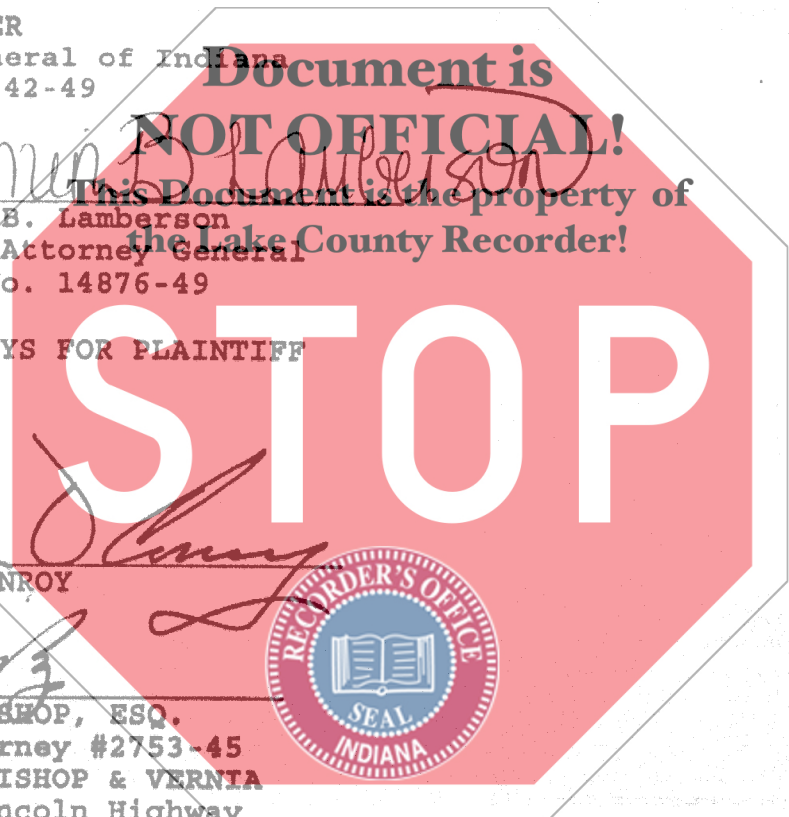
DEFENDANTS

Melvin D. Conroy
MELVIN D. CONROY

Gerald M. Bishop
GERALD M. BISHOP, ESQ.
Indiana Attorney #2753-45
GRECO PERA BISHOP & VERNIA
2115 West Lincoln Highway
Merrillville, Indiana 46410
(219) 738-2988

ATTORNEY FOR DEFENDANT
MELVIN D. CONROY

Charles D. Brooks, Jr.
CHARLES D. BROOKS, JR., ESQ.
ATTORNEY FOR DEFENDANT
LAKE COUNTY, INDIANA



Distribution Copies to:

**Yasmin B. Lamberson
Deputy Attorney General
Office of the Attorney General
Indiana Government Center south, Fifth Fl.
402 West Washington Street
Indianapolis, IN 46204**

**William H. Eichhorn
EICHHORN, EICHHORN & LINK
8585 Broadway
Suite 825
Merrillville, IN 46410**

**Gerald M. Bishop
Cheryl A. Kuechenberg
GRECO, PERA, BISHOP & VERNIA
2115 W. Lincoln Highway
Merrillville, IN 46410**

**Charles D. Books, Jr.
5857 Broadway
Merrillville, IN 46410-2666**

**Auditor of Lake County
Government Center
2293 North Main Street
Crown Point, IN 46307**

**Recorder of Lake County
Government Center
2293 North Main Street
Crown Point, IN 46307**



Filed in Open Court

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) SS:
COUNTY OF LAKE)

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**Document is
NOT OFFICIAL!**

ASSIGNMENT OF INTEREST
This Document is the property of

Melvin D. Conroy (Lake County Recorder), hereby assigns all
rights, interest, and entitlement to the proceeds in this cause of
action over to The Lake County Trust Company, as Trustee under
Trust 4389.

STOP



Melvin D. Conroy
MELVIN D. CONROY

[Handwritten signature]

I affirm under the penalties for perjury that the above and
foregoing representations are true and correct to the best of my
knowledge, information and belief.

Melvin D. Conroy
MELVIN D. CONROY

EXHIBIT "A"