

FILED IN OPEN COURT

K. Peek

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FEB 14 1994

STATE OF INDIANA)

SS:

COUNTY OF LAKE)

Robert E. Carter
CLERK LAKE SUPERIOR COURT
IN THE LAKE SUPERIOR COURT
ROOM NUMBER ONE

AMERICAN MAIZE PRODUCTS
COMPANY,

FILED

Plaintiff,

NOV 30 1995

-vs-

CAUSE NUMBER:

THE SHEDD TRUST, et al

AUDITOR LAKE COUNTY

45001-9308-CT-1182

Defendant.

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ORDER OF DEFAULT JUDGMENT AGAINST UNITED STATES OF AMERICA AND

DEPARTMENT OF TRANSPORTATION OF UNITED STATES OF AMERICA

This Court, having considered plaintiff's Motion for Default Judgment against defendants, United States of America and Department of Transportation of United States of America, and being duly advised, now FINDS:

1. Defendants have been duly served with process in this matter and have failed to appear.
2. Defendants have failed to timely answer or otherwise respond to the plaintiff's Complaint.
3. This Court has jurisdiction over the subject matter of this dispute and over the property interest, if any, of defendants as described in plaintiff's Amended Complaint.
4. Plaintiff is entitled to judgment by default against defendants.
5. Pursuant to such judgment, plaintiff is entitled to have

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STATE OF INDIANA
LAKE COUNTY
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this Court grant plaintiff the relief its seeks against defendants in its Amended Complaint.

It is, therefore, ORDERED, ADJUDGED AND DECREED by this Court that plaintiff is hereby awarded a judgment against defendants that, as described in Counts I and II of plaintiff's Amended Complaint:

1. Plaintiff has an easement for 2 underground water pipelines and accompanying electrical conduit and above-ground access points and pump station, running between its property held in fee simple and Lake Michigan, which easement has the following legal description:



A strip of land 60 feet wide, being 30 feet each side of a centerline produced in the East Half (E 1/2) of Section One (1), Township Thirty-seven North (37 N), Range Ten West (10 W), and the Southeast Quarter (SE 1/4) of Section Thirty-six (36), Township Thirty-eight North (38 N), Range Ten West (10 W) of the Second Principal Meridian, in the County of Lake, State of Indiana, the centerline being described as follows:

Commencing at a monument at the Southeast corner of Section 1; thence North 0°00'00" West (Said bearing taken from a description of a parcel of land conveyed to The Hammond Port Authority by quit claim deed dated April 3, 1991, and recorded April 17, 1991 as Document No. 91018107, and all subsequent bearings are relative thereto) along the East line of said Section 1, 2180.44 feet to the original centerline of the 80 feet right-of-way of Indianapolis Boulevard; thence North 39°07'01" West, 2446.88 feet along the original centerline of the 80 feet right-of-way of Indianapolis Boulevard; thence South 50°52'59" West, 40.00 feet to the Southwesterly right-of-way line of Indianapolis Boulevard; thence South 36°52'40" West, 14.96 feet; thence North 53°07'20" West, 62.46 feet; thence South 36°01'17" West, 1557.44 feet; thence South

54'20'38" East, 60.98 feet to the POINT OF BEGINNING OF THE EASEMENT:

thence North 54'20'38" West, 60.98 feet;

thence North 36'01'17" East, 1557.44 feet;

thence South 53'07'20" East, 62.46 feet;

thence North 36'52'40" East, 118.02 feet;

thence North 17'52'40" East, 331.98 feet;

thence North 29'44'21" East, 999.24 feet;

thence North 40'57'45" East, 2376.00 feet to the POINT OF ENDING THE EASEMENT.

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2. Plaintiff has a 40' wide easement for egress and ingress onto Indianapolis Blvd. from its property, lying adjacent to Indianapolis Blvd., with the following legal description:

A tract of land being a part of the South-west Quarter of the Northeast Quarter of Fractional Section One (1) Township Thirty-seven (37) North, Range Ten (10) West of the Second Principal Meridian, in Lake County, Indiana, and more particularly described as follows, to-wit: Commencing at the Northeast corner of the 10.146 acres conveyed to the American Maize Products Company by deed dated November 15, 1918, and recorded in the Recorder's office of Lake County, Indiana, in Book No 251 Page 395 thence North 495.33 feet, and Northeasterly 208-17 feet along the center of the Wolf River Channel (as the same is established by agreement dated December 3, 1901 between Oliver O. Forsyth and others with Edward A. Shedd and others) to the center line of Indiana Boulevard (now called Indianapolis Avenue) as now located; thence Northwesterly along said center line of said Boulevard 471.64 feet; thence Southwesterly at an angle of 74 degrees 53 minutes 40 seconds, 248.82 feet to the Northeast line of the four acres conveyed by warranty deed dated July 18, 1877 by Dayton S. Morgan and others to Edward A. Shedd and Charles D. Shedd recorded December 17, 1878 in Book 28, Pages 20, 21, 22 and 23; thence Southeasterly along said Northeast line 192.79 feet to the East corner of said four acres; thence Southwesterly along the Southeast line of said four acres 422.4 feet more or less, to the South corner of said four acres; thence Southeasterly along the Northerly line of said 10.146 acres, 589.8 feet to the place of beginning,

containing 6.4521 acres, more or less, situated in the City of Hammond, in Lake County, Indiana. That certain parcel of land and rights appurtenant thereto lying in the Southwest Quarter of the Northeast Quarter of Fractional Section One (1), Township Thirty-seven (37) North, Range Ten (10), West of the Second Principal Meridian, and more particularly described as follows: Beginning at a point where the Southwesterly line of the four acre tract so called, conveyed by Warranty Deed dated July 18, 1878, by Dayton S. Morgan and others to Edward A. Shedd and others, and recorded December 17, 1878, in deed record 28, at pages 20, 21, 22 and 23, in Lake County, Indiana, intersects the Southeasterly side of the railroad track immediately Northwest of the premises herein conveyed; running thence Northeasterly on the line of the Southeasterly side of said railroad track to a point where said Southeasterly line of said railroad track is intersected by the Northeasterly line of said four acre tract described in said aforementioned deed; thence Southeasterly on the said Northeasterly line of said four acre tract, and said Northeasterly line of said tract extended, to the center line of Wolf River channel as the same is established by agreement dated December 3, 1901, between Oliver O. Forsyth and others and Edward A. Shedd and others, said agreement being recorded in deed record No. 92 at pages 439 to 442, in Lake county, Indiana; thence Southwesterly and Southerly on said center line of Wolf River channel to a point on said center line where the Southwesterly line of said four acre tract if extended to said center line, would intersect said center line; thence Northwesterly along said southwesterly line of said four acre tract extended, and along the Southwesterly line of said four acre tract to the point of beginning, a plat of which premises is hereto attached and made a part hereof for the purpose of showing more clearly the outline of said property, the same being included within the red lines on said plat.

All those certain premises conveyed to Albert Eugene Smith by Edward A. Shedd, Charles B. Shedd and Margaret B. Shedd by deed dated the 26th day of March 1898, and recorded in Lake County, Indiana, on the 27th day of April A.D. 1898, at 5:00 o'clock P.M., in record 89 at page 15, said premises being described in said deed as follows:

All that portion of land southeast of railroad track bought by Edward A. Shedd and Charles B. Shedd from Dayton S. Morgan and E. Ashley Smith July 18, 1878, by deed recorded December 17, 1878 at 2:00 P.M. in book 28 of deeds, pages 20, 21, 22 and 23 in Lake County,

Indiana, subject to all the conditions in said deed, containing two acres of land, more or less, being a part of fractional Section One (1) in Township Thirty-seven (37) North, Range Ten (10), west of the Second Principal Meridian, situated in the County of Lake in the State of Indiana.

3. Defendants have no right, title or interest in this property which is adverse to plaintiff's interests,

4. Plaintiff's easements are valid and good as against defendants and as against all who may claim under defendants any property interest in this property which is adverse to plaintiff's easements, and

5. Defendants and all persons claiming under defendants are hereby permanently enjoined from asserting any right, title or interest adverse to plaintiff's easements.

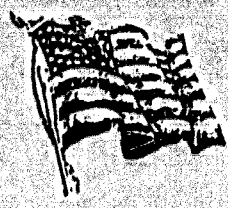
DATED this 14th day of February, 1994



[Handwritten Signature]

JUDGE, Lake Superior Court
Room Number One

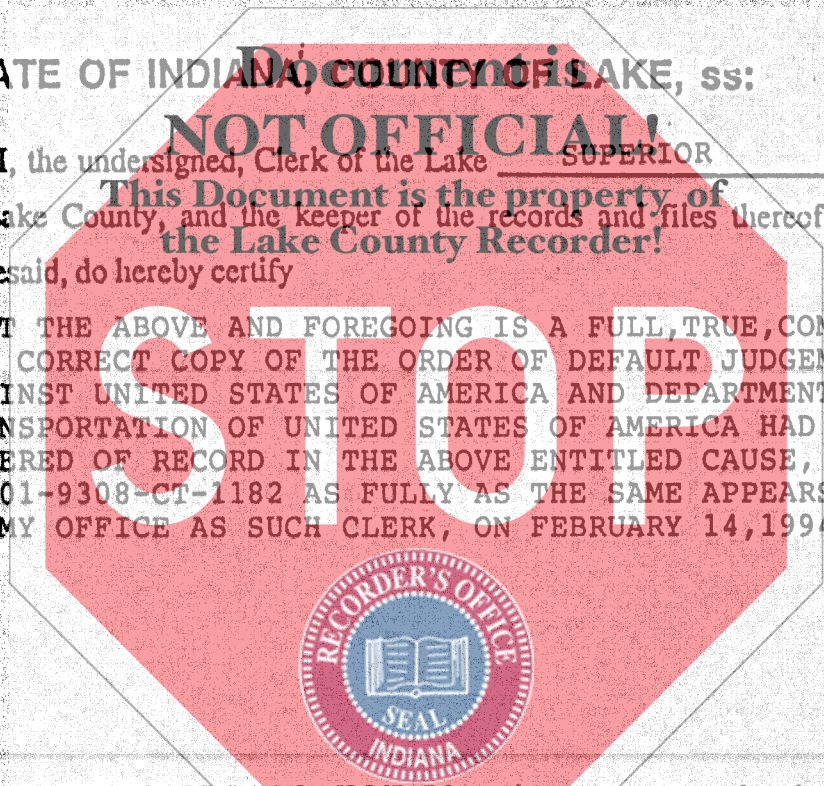
The United States of America



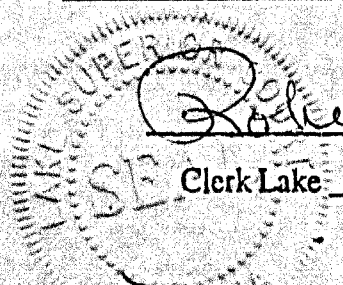
STATE OF INDIANA, COUNTY OF LAKE, ss:

I, the undersigned, Clerk of the Lake SUPERIOR Court of Lake County, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify

THAT THE ABOVE AND FOREGOING IS A FULL, TRUE, COMPLETE AND CORRECT COPY OF THE ORDER OF DEFAULT JUDGEMENT AGAINST UNITED STATES OF AMERICA AND DEPARTMENT OF TRANSPORTATION OF UNITED STATES OF AMERICA HAD AND ENTERED OF RECORD IN THE ABOVE ENTITLED CAUSE, TO-WIT 45D01-9308-CT-1182 AS FULLY AS THE SAME APPEARS OF RECORD IN MY OFFICE AS SUCH CLERK, ON FEBRUARY 14, 1994.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in HAMMOND INDIANA in the said County, this 2ND day of NOVEMBER, A.D., 1995.



Robert C. Antich
Clerk Lake SUPERIOR Court.

By Margaret Dillon
Deputy