

Gerald Svetanoff
15 West 4th Ave
GARY 46402

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT NO. 4
CAUSE NO. 45DO4-9210-CP-1014

STATE OF INDIANA,)
)
) Plaintiff,)
)

Filed in Open Court

v.)

FEB 29 1996

CENTIER BANK (f/k/a First Bank of)
Whiting) as Trustee of Trust Numbers)
1582 and 1601, EDWARD IGNAS,)
and LAKE COUNTY, INDIANA,)

Arnold M. Svetanoff
JUDGE

SUPERIOR COURT OF LAKE COUNTY

Defendants.)

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the Lake County Recorder.
AGREED FINDING AND JUDGMENT

Plaintiff, State of Indiana, by Pamela Carter, Attorney General of Indiana, and

Yasmin B. Lamberson, Deputy Attorney General, and Defendants, Centier Bank (f/k/a first Bank of Whiting) as Trustee of Trust Numbers 1582 and 1601, Centier Bank (f/k/a First Bank of Whiting) (collectively "Centier Bank"), and Edward Ignas, by counsel, Zeff A. Weiss and Michael A. Wukmer, and Lake County, Indiana, by counsel, Charles D. Brooks, Jr., now jointly move the Court for judgment in this case and in support whereof make the following representations to the Court.

LAKE COUNTY RECORDER

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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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

1. Plaintiff filed its Complaint for Appropriation of Real Estate on October 14, 1992, and all Defendants were served with notice as provided by statute.
2. Defendant, Centier Bank, appeared by counsel in this case on or about November 12, 1992.

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SAM ORLICH
AUDITOR LAKE COUNTY

MC

JA

3. Defendant, Lake County, Indiana, appeared by counsel in this case on or about November 12, 1992.

4. On November 19, 1992, that real estate described in rhetorical paragraph II of Plaintiff's Complaint was ordered appropriated and appraisers were appointed to assess damages and benefits, if any, resulting from Plaintiff's appropriation.

5. On January 20, 1993, in their Amended Report of Appraisers, the court-appointed appraisers reported to the Court that total damages as a result of Plaintiff's appropriation in this case are Six Hundred Ten Thousand Dollars (\$610,000.00).

6. Plaintiff and Defendant, Centier Bank, filed Exceptions to the Report of Appraisers.

7. Plaintiff paid to the Clerk of the Court the court-appointed appraisers' fees and the court-appointed appraisers' award on March 9, 1993.

8. On March 10, 1993, Defendant, Centier Bank, withdrew Six Hundred Thousand Seven Hundred Thirty-two Dollars and Twenty-two Cents (\$600,732.22) of those funds deposited by the State with the Clerk.

9. On October 6, 1994, Defendant, Centier Bank, withdrew One Thousand Sixty-six Dollars and Forty-three Cents (\$1,066.43) of those funds remaining on deposit with the Clerk.

10. On October 6, 1994, Defendant, Lake County, Indiana, withdrew Eight Thousand Two Hundred One Dollars and Thirty-five Cents (\$8,201.35) of those funds remaining on deposit with the Clerk.

11. The parties agree to substitute Edward Ignas for Centier Bank as a party-Defendant in this case.

12. Plaintiff and Defendants, Edward Ignas and Lake County, Indiana, agree to Plaintiff's appropriation of the real estate as described below and further agree that Defendants, Edward Ignas and Lake County, Indiana, shall recover, for the real estate acquired by Plaintiff and any and all damages resulting from that acquisition, total just compensation of Seven Hundred Sixty Thousand Dollars (\$760,000.00), of which amount, Defendant, Edward Ignas shall recover Seven Hundred Fifty-one Thousand Seven Hundred Ninety-eight Dollars and Sixty-five Cents (\$751,798.65), and Defendant, Lake County, Indiana, shall recover Eight Thousand Two Hundred One Dollars and Thirty-five Cents (\$8,201.35). The parties further agree that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition in this case.

13. All parties who requested trial by jury withdraw their requests.

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 that real estate described as:

KEY 13-112-42
The West 125 feet of the East 355 feet of the North 150 feet of that part of the Northwest Quarter of the Northeast Quarter of Section 17, Township 35 North, Range 9 West of the 2nd P. M., described as follows: Commencing at a point in the original centerline of Lincoln Highway (U.S. Highway 30), said point being 202.85 feet easterly of the west line of said Northwest Quarter of the Northeast Quarter; thence Easterly along the centerline of said Lincoln Highway 469.01 feet to a point which is 651.98 feet west of the east line of said Northwest Quarter of the Northeast Quarter; thence South, parallel with the east line of said Northwest Quarter of the Northeast Quarter, 313.20 feet, more or

less. to the centerline of the Joliet and La Porte Road; thence West, along the centerline of said Joliet and La Porte Road, 504.70 feet, more or less, to a point which is 200 feet Easterly of the west line of said Northwest Quarter of the Northeast Quarter (said 200 feet being measured along the centerline of said Joliet and La Porte Road); thence Northeasterly 268.20 feet, more or less, to the point of beginning, in Lake County, Indiana.

KEY 13-112-64

Also, the East 230 feet of the North 150 feet, excepting the South 10 feet of the West 105 feet of the East 230 feet thereof, of that part of the Northwest Quarter of the Northeast Quarter of Section 17, Township 35 North, Range 9 West of the 2nd P. M., described as follows: Commencing at a point in the original centerline of Lincoln Highway (U.S. 30), said point being 202.85 feet easterly of the west line of said Northwest Quarter of the Northeast Quarter; thence Easterly along the centerline of said Lincoln Highway 469.01 feet to a point which is 651.98 feet west of the east line of said Northwest Quarter of the Northeast Quarter; thence South, parallel with the east line of said Northwest Quarter of the Northeast Quarter, 313.20 feet, more or less, to the centerline of the Joliet and La Porte Road; thence West, along the centerline of said Joliet and La Porte Road, 504.70 feet, more or less, to a point which is 200 feet Easterly of the west line of said Northwest Quarter of the Northeast Quarter (said 200 feet being measured along the centerline of said Joliet and La Porte Road); thence Northeasterly 268.20 feet, more or less, to the point of beginning, in Lake County, Indiana.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Edward Ignas is substituted for Centier Bank as a party-Defendant in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendants, Edward Ignas and Lake County, Indiana, shall have and recover, as total just compensation, for the State's appropriation in this case, the amount of Seven Hundred Sixty Thousand Dollars (\$760,000.00); of the total judgment amount, Defendant, Lake County, Indiana, shall have and recover Eight Thousand Two Hundred One Dollars and Thirty-five Cents (\$8,201.35), which has already been paid to said Defendant in full satisfaction of this judgment

and all its claims in this case; of the total judgment amount, Defendant, Edward Ignas, shall have and recover Seven Hundred Fifty-one Thousand Seven Hundred Ninety-eight Dollars and Sixty-five Cents (\$751,798.65); the State shall pay to the Clerk of the Court, for the benefit of Defendant, Edward Ignas, One Hundred Fifty Thousand Dollars (\$150,000.00), which is the difference between the judgment amount and the amount of the court-appointed appraisers' award, deposited by the State with the Clerk and withdrawn by Defendants; and the Clerk shall, immediately upon receipt of said amount, pay Defendant, Edward Ignas, said One Hundred Fifty Thousand Dollars (\$150,000.00), in full satisfaction of this judgment and any and all of Defendant's 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 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 undersigned Deputy Attorney General at the Office of the Attorney General, Indiana Government Center South, Fifth Floor, 402 West Washington Street, Indianapolis, Indiana 46204.

AGREED TO AND APPROVED BY:

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

Michael A. Wukmer

Zeff A. Weiss
Atty. No. 2025-49
Michael A. Wukmer
Atty. No. 2223-49

Attorneys for Defendant, Edward Ignas

By: Yasmin B. Lamberson

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

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Charles D. Brooks, Jr.

Charles D. Brooks, Jr., Attorney for
Defendant, Lake County, Indiana
Atty. No. _____

Herald N. Melanoff

Judge, Lake Superior Court No. 4

FEB 29 1996

Date: _____

