

Attorney General Office
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Ft. Wayne 46204

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STATE OF INDIANA)
COUNTY OF LAKE)

SS:

IN THE LAKE SUPERIOR COURT
CAUSE NO. 45D04-9211-CP-1132 *flow*

8/2/58

STATE OF INDIANA,
Plaintiff,

v.

SOL R. KAUFMAN, LOIS A. KAUFMAN,
LAKE FEDERAL SAVINGS & LOAN
ASSOCIATION OF HAMMOND, PEOPLES
FEDERAL SAVINGS & LOAN ASSOCIATION
n/k/a PEOPLES BANK, FSB and
LAKE COUNTY,

Defendants.

FILED IN OPEN COURT

AUG 12 1994

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Robert E. Carter
CLERK LAKE SUPERIOR COURT

SOL R. KAUFMAN,

Counterclaim Plaintiff,

v.

STATE OF INDIANA,

Counterclaim Defendant.

STOP

AGREED FINDING AND JUDGMENT

The Plaintiff-Counterclaim Defendant, State of
Indiana, by Pamela Carter, Attorney General of Indiana, and
Lawrence R. Miedema, Deputy Attorney General, the
Defendant-Counterclaim Plaintiff, Sol R. Kaufman, by counsel
Robert J. Oates, the Defendant, Lake Federal Savings & Loan
Association of Hammond, by counsel, Lowell E. Enslin, and the
Defendant, Lois A. Kaufman, concur in the findings set forth
below and move the Court for judgment in this cause.

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

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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

MADE-RECORD AND
RECORDED

NC

1. The Plaintiff filed its "Complaint for Appropriation of Real Estate" in this cause on November 17, 1992, and the Defendants were served with notice as provided by statute.

2. The Defendant, Sol R. Kaufman, appeared by counsel in this cause on December 2, 1992.

3. The Defendant, Lake Federal Savings & Loan Association of Hammond, appeared by counsel in this cause on December 7, 1992.

4. The Defendant, Lake County, appeared by counsel in this cause on December 29, 1992.

5. The Defendant, Peoples Federal Savings & Loan Association n/k/a Peoples Bank, FSB, has not appeared in this cause.

6. On March 3, 1993, the real estate interests described in rhetorical paragraph IV of the Plaintiff's Complaint were ordered appropriated by the Court and appraisers were appointed to assess the benefits and damages, if any, resulting from the Plaintiff's appropriation.

7. On May 13, 1993, the appointed appraisers reported to the Court that the Defendants had sustained total damages of Two Hundred Ninety-six Thousand Dollars (\$296,000.00) due to the Plaintiff's appropriation.

8. The Plaintiff and the Defendant, Sol R. Kaufman, filed timely exceptions to the court-appointed appraisers' report.

9. The Defendant-Counterclaim Plaintiff, Sol R. Kaufman, filed his "Counterclaims" in this cause on June 1, 1993.

10. The Plaintiff-Counterclaim Defendant paid the court-appointed appraisers' fees and deposited funds in the amount of Two Hundred Ninety-six Thousand Dollars (\$296,000.00) with the Clerk of the Court on June 23, 1993.

11. The Defendant-Counterclaim Plaintiff, Sol R. Kaufman, pursuant to the "Judgment for Dissolution of Marriage" entered in the Circuit Court of Cook County, Illinois under Cause No. 91-D-14113, assigned his rights, titles and interests in this cause to the Defendant, Lois A. Kaufman.

12. The Plaintiff-Counterclaim Defendant, the Defendant-Counterclaim Plaintiff, Sol R. Kaufman, and the Defendants, Lois A. Kaufman, Lake Federal Savings & Loan Association of Hammond, and Lake County, now agree to the Plaintiff-Counterclaim Defendant's appropriation of the real estate interests described below; that the Defendants, Lois A. Kaufman, Lake Federal Savings & Loan Association of Hammond, and Lake County, shall recover, for the real estate acquired by the Plaintiff and for the damages resulting from that acquisition, total just compensation of Two Hundred Ninety-six Thousand Dollars (\$296,000.00); and that the Plaintiff-Counterclaim Defendant owes the Defendant-Counterclaim Plaintiff, Sol R. Kaufman, and the Defendants, Lois A. Kaufman, Lake Federal Savings & Loan Association of Hammond, Peoples Federal Savings & Loan Association n/k/a Peoples Bank, FSB and Lake County, no other amounts in this cause.

. 13. The Plaintiff-Counterclaim Defendant and the Defendant-Counterclaim Plaintiff, Sol R. Kaufman, withdraw their requests that this cause be tried before a jury.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff-Counterclaim Defendant, State of Indiana, now holds fee simple title to the real estate described as:

A part of Lot 29 in Keilman's First Addition to Dyer, Indiana, the plat of which addition is recorded in Plat Book 12, page 31, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at a point on the west line of said lot North 2 degrees 37 minutes 53 seconds West 16.32 feet from the southwest corner of said lot, which point is the beginning of where said west line meets the northern boundary of U.S.R. 30; thence North 2 degrees 37 minutes 53 seconds West 50.14 feet along said west line; thence North 83 degrees 04 minutes 45 seconds East 121.88 feet to the east line of said lot; thence South 2 degrees 53 minutes 52 seconds East 50.12 feet along said east line to the northern boundary of said U.S.R. 30; thence South 83 degrees 04 minutes 45 seconds West 122.12 feet along the boundary of said U.S.R. 30 to the point of beginning and containing 0.140 acres, more or less.

A part of the Southwest Quarter of the Southeast Quarter of Section 12 and a part of the Northwest Quarter of the Northeast Quarter of Section 13 all in Township 35 North, Range 10 West of the 2nd Principal Meridian, described as: Beginning at the intersection of the centerline of Joliet Road (U.S. Highway 30) and the east line of the Northwest Quarter of the Northeast Quarter of said Section 13, thence North along the last said east line 1.6 feet, more or less, to the southwesterly right-of-way line of the L.N.A. and C.R.R. Co. (Monon R.R.); thence Northwesterly along the last said right-of-way line 464.65 feet, more or less, to the west line of the five (5) acre tract described in deed to Edward J. Burke and Mildred I. Burke, husband and wife, in Deed Record 700, Page 507; thence South along the last said west line 310.85 feet, more or

less, to the centerline of Joliet Road (U.S. Highway 30); thence Southeasterly along a curve convex to the southwest with a radius of 650 rods a distance of 288.20 feet, more or less, to the point of beginning, in the town of Dyer, Lake County, Indiana. The above-described parcel being all of a certain parcel of land conveyed April 26, 1979, to the grantors herein by virtue of Document Number 528680, in the Office of the Recorder of Lake County, Indiana.

A part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 35 North, Range 10 West of the 2nd Principal Meridian, and part of the Northeast Quarter of the Northwest Quarter of Section 13, Township 35 North, Range 10 West of the 2nd Principal Meridian, described as: Beginning at the Southeast corner of the Southwest Quarter of said Section 12; thence North on the East line of said Quarter section, 19.5 feet; thence North 80 degrees West 155 feet more or less to the East bank of the Hart Ditch (formerly Calumet Creek); thence Southerly along said East bank 43 feet more or less to the North line of the Lincoln Highway (Joliet Street); thence Easterly on said North line of said Lincoln Highway to the point on said line due South of the point of beginning; thence North to the point of beginning (except a strip 16.5 feet in width off the East end of said tract); said real estate being the Southerly parts of Lots 23, 24, 25, and 26, Block 16, Hart's Addition to Dyer, in Lake County, Indiana.

and that the Plaintiff-Counterclaim Defendant, State of Indiana, holds a temporary easement in the real estate described as:

The following-described right of way is temporary right of way for the purpose of the removal of a building and will revert to the owners on December 31, 1996: A part of Lot 29 in Keilman's First Addition to Dyer, Indiana, the plat of which addition is recorded in Plat Book 12, page 31, in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at the southwest corner of said lot; thence North 2 degrees 37 minutes 53 seconds West 66.46 feet along the

west line of said lot; thence North 83 degrees 04 minutes 45 seconds East 23.82 feet to the point of beginning of this description: thence North 13 degrees 38 minutes 07 seconds East 42.72 feet; thence North 83 degrees 04 minutes 45 seconds East 55.00 feet; thence South 6 degrees 55 minutes 15 seconds East 40.00 feet; thence South 83 degrees 04 minutes 45 seconds West 70.00 feet to the point of beginning and containing 0.057 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant, Peoples Federal Savings & Loan Association n/k/a Peoples Bank, FSB, is defaulted and shall take nothing in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants, Lois A. Kaufman, Lake Federal Savings & Loan Association of Hammond, and Lake County, shall recover total just compensation of Two Hundred Ninety-six Thousand Dollars (\$296,000.00) in this cause; that the Clerk of the Court shall pay the Defendants, Lois A. Kaufman, Lake Federal Savings & Loan Association of Hammond, and Lake County, Two Hundred Ninety-six Thousand Dollars (\$296,000.00) in full satisfaction of this judgment and all their claims in this cause; and that said Clerk shall pay the Plaintiff-Counterclaim Defendant, State of Indiana, the interest earned on the funds deposited with the Clerk of the Court.

IT IS FURTHER ORDERED that the Clerk of the 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 years real estate taxes; 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 to the State of Indiana; and that said Recorder shall submit evidence of that recordation, by United States mail, to the Office of the Attorney General of Indiana, 402 West Washington Street, Indianapolis, Indiana 46204.

AGREED TO AND APPROVED BY:

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

Robert J. Oates
Robert J. Oates, Attorney
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Sol R. Kaufman
Atty. No. 9689-45

By: *Lawrence R. Miedema*
Lawrence R. Miedema,
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Lowell E. Enslin
Lowell E. Enslin, Attorney
for the Defendant,
Lake Federal Savings & Loan
Association of Hammond
Atty. No. 6721-45
Lois A. Kaufman, Defendant



Sol R. Kaufman 8/22/94
Sol R. Kaufman, Defendant

Lois A. Kaufman
Lois A. Kaufman, Defendant

Charles D. Brooks, Jr.
Charles D. Brooks, Jr.,
Attorney for the Defendant,
Lake County
Atty. No. 4235-45

[Signature]
Judge, Lake Superior Court

Date: AUG 12 1994

Copies to:

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Peoples Bank, FSB
c/o Mr. David A. Bochnowski
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The Honorable Anna Nuzzo Anton
Auditor of Lake County, Indiana
2293 North Main Street
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The Honorable Robert Freeland
Recorder of Lake County, Indiana
2293 North Main Street
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