

STATE OF INDIANA)

IN THE LAKE SUPERIOR COURT NO. 1

COUNTY OF LAKE)

CAUSE NO. 45D01-9505-CP-550

STATE OF INDIANA,)

Plaintiff,)

Filed in Open Court

v.)

NOT-TAXABLE

OCT 02 1997

PAULSON BROTHERS ENTERPRISES,)
ROBERT A. PAULSON, PETER E.)
PAULSON and LAKE COUNTY,)
INDIANA,)

OCT 14 1997

Anna M. Anton
CLERK LAKE SUPERIOR COURT

Defendants.)

SAM C
AUDITOR LAKE COUNTY

97069676

AGREED FINDING AND JUDGMENT

Plaintiff, State of Indiana, by Pamela Carter, Attorney General of Indiana, and Marcia Avery Hanley, Deputy Attorney General, and Defendants, Paulson Brothers Enterprises, Robert A. Paulson and Peter E. Paulson, by counsel, Robert A. Welsh, now jointly move the Court for judgment in this case and in support whereof make the following representations to the Court

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

1. Plaintiff filed its Complaint for Appropriation of Real Estate on May 12, 1995 and all Defendants were served with notice as provided by statute.
2. Defendants, Paulson Brothers Enterprises, Robert A. Paulson and Peter E. Paulson, appeared by counsel in this case on June 13, 1995.
3. Defendant, Lake County, Indiana, appeared by counsel in this case on June 27, 1995.

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
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MORRIS W. CARTER
RECORDER

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M/C
DR

4. On June 19, 1995, those real estate interests described in rhetorical paragraph IV of Plaintiff's Complaint were ordered appropriated and appraisers were appointed to assess damages and benefits, if any, resulting from Plaintiff's appropriation.

5. On August 28, 1995, the court-appointed appraisers reported to the Court that total damages as a result of Plaintiff's appropriation in this case are Five Thousand Two Hundred Dollars (\$5,200.00).

6. Defendants, Paulson Brothers Enterprises, Robert A. Paulson and Peter E. Paulson, filed timely Exceptions to the Report of Appraisers on September 7, 1995.

7. On October 17, 1995, Plaintiff paid to the Clerk of Court the full amount of the court-appointed appraisers' award and the court-appointed appraisers' fees.

8. On May 6, 1996, Defendant, Lake County, Indiana, filed its Motion To Be Excused from this case, disclaiming any further interest in this case.

9. Plaintiff and Defendants, Paulson Brothers Enterprises, Robert A. Paulson and Peter E. Paulson, agree to Plaintiff's appropriation of the real estate interests described below and further agree that Defendants, Paulson Brothers Enterprises, Robert A. Paulson and Peter E. Paulson, shall recover, no compensation in this case, including but not limited to any damages resulting from that acquisition for the real estate acquired by Plaintiff, and that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition.

10. 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:

SPLIT
KEY 15-77-30

A part of Lot 24 in Block 6 in the Knollwood Subdivision, an addition to the Town of Merrillville, Indiana, the plat of which is recorded in Plat Book 22, Page 45, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning on the west line of said lot South 0 degrees 04 minutes 18 seconds West 21.00 feet from the northwest corner of said lot, which point is also the intersection of the east boundary of S.R. 53 (also known as Broadway Street) and the south boundary of 61st Avenue; thence South 89 degrees 40 minutes 27 seconds East 14.72 feet along the boundary of said 61st Avenue; thence South 34 degrees 05 minutes 16 seconds West 26.31 feet to the west line of said lot, which point is on the east boundary of S.R. 53; thence North 0 degrees 04 minutes 18 seconds East 21.88 feet along said west line to the point of beginning and containing 161 square feet, more or less.

The following-described right of way is temporary right of way for drive construction and lawn grading will revert to the owner on December 31, 2000: A part of Lots 23 & 24 and a part of the North Half of a vacated alley in Block 6 in the Knollwood Subdivision, an addition to the Town of Merrillville, Indiana, the plat of which is recorded in Plat Book 22, Page 45, in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at a point on the west line of said Lot 24 South 0 degrees 04 minutes 18 seconds West 21.00 feet from the northwest corner of said Lot 24, which point is also the intersection of the east boundary of S.R. 53 (also known as Broadway Street) and the south boundary of 61st Avenue; thence South 89 degrees 40 minutes 27 seconds East 14.72 feet along the boundary of said 61st Avenue; thence South 34 degrees 05 minutes 16 seconds West 17.38 feet; thence South 0 degrees 04 minutes 18 seconds West 99.55 feet parallel with the west line of said Lots 23 & 24 to the centerline of a vacated alley adjacent to the south line of said Lot 23; thence North 89 degrees 40 minutes 27 seconds West 5.00 feet along said centerline of the west prolonged west line of said Lot 23; thence North 0 degrees 04 minutes 18 seconds East 92.12 feet along said prolonged west line of said Lots 23 & 24; thence North 34 degrees 05 minutes 16 seconds East 8.93 feet to the point of beginning and containing 479 square feet, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant,

Lake County, Indiana, has filed its Motion To Be Excused and shall take nothing in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendants, Paulson Brothers Enterprises, Robert A. Paulson and Peter E. Paulson, shall recover no compensation, for the State's appropriation in this case, that Defendants have agreed to the acquisition of the above-described real estate in full satisfaction of this judgment and any and all of Defendants' claims in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall immediately refund to the State the amount of Five Thousand Two Hundred Dollars (\$5,200.00), plus any and interest, which may have accrued, by mailing a check made payable to the State of Indiana, to the undersigned Deputy Attorney General at the address listed below.

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 1995 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:

JEFFREY L. MODISETT
Attorney General of Indiana
Atty. No. 14704-49

Robert A. Welsh
Robert A. Welsh, Attorney for
Defendants, Paulson Brothers Enterprises,
Robert A. Paulson and Peter E. Paulson
Atty. No. _____

By: Marcia Avery Hanley
Marcia Avery Hanley
Deputy Attorney General
Atty. No. 16988-49

Defendant, Paulson Brothers Enterprise

Plaintiff, State of Indiana

By: Peter E. Paulson
Printed Name
Title: Partner

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


Peter E. Paulson
Defendant, Peter E. Paulson

Date: ~~9-2-97~~ OCT 02 1997

Jeffrey J. Byrnes
Judge, Lake Superior Court No. 1

Copies to:

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