

STATE OF INDIANA)
) SS;
COUNTY OF LAKE)
STATE OF INDIANA,

IN THE LAKE SUPERIOR COURT
CAUSE NO. 45D04-9508-CP-00928

RECEIVED
SEP 20 1996
LAKE SUPERIOR COURT
CIVIL DIVISION, ROOM FOUR

FILED

Plaintiff,

~~NOV 25, 1997~~ **Filed in Open Court**

v.

SAM ORLICH AUG 28 1996
AUDITOR LAKE COUNTY

VINCENT J. KIRRIN, ANGELIKI
KAMBOURIS, NANCY ZARONIAS,
and LAKE COUNTY, INDIANA,

Arnold M. Avetianoff
JUDGE

SUPERIOR COURT OF LAKE COUNTY

Defendants.

SPLIT KEY 15-36-6,7,8,9,10

96059751

AGREED FINDING AND JUDGMENT FOR STATE OF INDIANA

Plaintiff, State of Indiana, by Pamela Carter, Attorney General of Indiana, and Jeffrey L.

Simnick, Deputy Attorney General; Defendant, Vincent J. Kirrin, by counsel, Nick Katich;

Defendants, Nancy Zaronias and Angeliki Kambouris, by counsel, Max A. Cohen; and Lake

County, Indiana, by counsel, Charles D. Brooks, Jr.; now jointly move the Court for judgment

for State of Indiana in this case and in support whereof make the following representations to the

Court.

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
96 SEP -5 AM 9:28
RECORDED
97082341

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

1. Plaintiff filed its Complaint for Appropriation of Real Estate on August 28, 1995,
and all Defendants were served with notice as provided by statute.

2. Defendant, Vincent J. Kirrin., appeared by counsel in this case on or about
September 8, 1995.

3. Defendants, Nancy Zaronias and Angeliki Kambouris, appeared by counsel in this
case on or about September 18, 1995.

NOT-TAXABLE

DEC 01 1997

SAM ORLICH
AUDITOR LAKE COUNTY

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
DEC -3 AM 8:49
PAMELA CARTER

Office Attorney General
102 W. Washington St. Ind. Government Center 511 floor
000185
Indpls 46204

4. Defendant, Lake County, Indiana, appeared by counsel in this case on or about September 19, 1995.

5. On September 20, 1995, Defendant, Vincent J. Kirrin, filed his Objections to Complaint for Appropriation of Real Estate and Offer of Settlement.

6. On November 21, 1995, Defendant, Vincent J. Kirrin, filed his Motion for Summary Judgment.

7. On January 16, 1996, Plaintiff, State of Indiana, filed its Motion for Summary Judgment on Defendant, Vincent J. Kirrin's Objections and its Response to Defendant, Vincent J. Kirrin's Motion for Summary Judgment.

8. On April 4, 1996, the Court granted the State's Motion for Summary Judgment on Defendant, Vincent J. Kirrin's Objections; and denied Defendant, Vincent J. Kirrin's Motion for Summary Judgment.

9. On April 4, 1996, the Court found that Defendants were duly served with notice of the proceedings which notice was returnable on September 20, 1995, that the Judge of the Court, having examined the Complaint for Appropriation of Real Estate, found that the Court had jurisdiction of the subject matter of this case and Defendants herein, that Plaintiff's Complaint was proven and true and complies with Indiana eminent domain law, and that the State of Indiana is entitled by law to condemn and appropriate the real estate and temporary right-of-way described in rhetorical paragraph IV of Plaintiff's Complaint for highway purposes as alleged in said Complaint; and that the real estate that Plaintiff seeks to appropriate and condemn is appropriated and condemned; which real estate so appropriated and condemned is set forth in this Agreed Finding and Judgment.

10. Plaintiff and Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris., and Lake County, Indiana, agree to Plaintiff's appropriation of the real estate interests as described below and further agree that Defendants, Vincent J. Kirrin, Nancy Zaronias, and Angeliki Kambouris, shall recover, for the real estate and temporary right-of-way acquired by Plaintiff and any and all damages resulting from that acquisition, total just compensation of Four Hundred Seventy-four Thousand Five Hundred Eighty-one Dollars (\$474,581.00); and further agree that said amount shall be distributed according to their respective real estate interests to be determined by the Court that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition.

11. The parties have agreed that the State may take and appropriate fee simple title to the real estate interests and a temporary right-of-way in those real estate interests set forth in this Agreed Finding and Judgment.

12. The parties further agree that the State shall deposit the total amount of Four Thousand Seventy-four Thousand Five Hundred Eighty-one Dollars (\$474,581.00) apportioned as Three Hundred Sixty-four Thousand and One Dollars (\$364,001.00) for the real estate interests and One Hundred Ten Thousand Five Hundred Eighty-one Thousand (\$110,581.00) for the personal property interests.

13. The parties further agree that none of these sums can be withdrawn by any of the Defendants without the mutual consent of the other Defendants or until such time as this Court has ruled upon the respective claims of the Defendants Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris.

14. The parties further agree that the State shall obtain fee simple title to the real estate interests and temporary right-of-way set forth in this Agreed Finding and Judgment free and clear of all claims of the Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris; and that no further participation by the State is required in this condemnation action.

15. The Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris, agree that there is a dispute among these Defendants regarding the respective claims of the Defendants, Nancy Zaronias and Angeliki Kambouris, to the Defendant, Vincent J. Kirrin's portion of this amount deposited by the State of Indiana and that the Defendants, Nancy Zaronias and Angeliki Kambouris, claim an interest in the real estate by virtue of a claimed leasehold interest in the real estate owned by Defendant, Vincent J. Kirrin.

16. Defendant, Lake County, Indiana, by agreement disclaims any and all interest in the proceeds of this case.

17. Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris, shall immediately vacate the premises of the subject property thirty days (30) after the deposit of the amount of the judgment of Four Hundred Seventy-four Thousand Five Hundred Eighty-one Dollars (\$474,581.00) by the State of Indiana upon notification provided by the State of Indiana to Defendants, Nancy Zaronias and Angeliki Kambouris, and their attorney of record, Max Cohen, by certified mail, return receipt requested, at their last known address of record in this case, and to Defendant, Vincent J. Kirrin, and his attorney of record, Nick A. Katich, by certified mail, return receipt requested, at their last known address in this case.

18. The entry of this Agreed Finding and Judgment by the Court shall not constitute a waiver of any claims any of the Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris, may have against one another as a result of their respective real estate interests.

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 those real estate interests described as:

The East 10.00 feet of Lots 6, 7, 8, 9 and 10 in Block 1, and the East 10.00 feet of the North Half of vacated 60th Street; all in the First Addition to Gary Annex, an addition to the City of Gary, Indiana, the plat of which addition is recorded in Plat Book 9, page 34, in the Office of the Recorder of Lake County, Indiana. Containing 1,557 square feet, more or less.

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 owner on December 31, 1999. Lots 7, 8, 9, and 10 (excepting the East 10.00 feet) in Block 1, and the North Half of vacated 60th Street adjacent to the south line of said Lot 10 (excepting the East 10.00 feet); all in the First Addition to Gary Annex, an addition to the City of Gary, Indiana, the plat of which addition is recorded in Plat Book 9, page 34, in the Office of the Recorder of Lake County, Indiana. Containing 15,030 square feet, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendants, Vincent J. Kirrin, Nancy Zaronias, and Angeliki Kambouris, shall have and recover, as total just compensation, for the State's appropriation in this case, the amount of Four Hundred Seventy-four Thousand Five Hundred Eighty-one Dollars (\$474,581.00) by agreement to be distributed according to their respective real estate interests to be determined by the Court; in full satisfaction of this judgment and any and all of Defendants' claims against the State of Indiana in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendant, Lake County, Indiana, by agreement, shall take nothing in this case.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that the parties have agreed that the State may take and appropriate fee simple title to the real estate interests and a temporary right-of-way in those real estate interests set forth in this Agreed Finding and Judgment.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that the parties further agree that the State shall deposit the total amount of Four Thousand Seventy-four Thousand Five Hundred Eighty-one Dollars (\$474,581.00) apportioned as Three Hundred Sixty-four Thousand and One Dollars (\$364,001.00) for the real estate interests and One Hundred Ten Thousand Five Hundred Eighty-one Thousand (\$110,581.00) for the personal property interests.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that the parties further agree that none of these sums can be withdrawn by any of the Defendants without the mutual consent of the other Defendants or until such time as this Court has ruled upon the respective claims of the Defendants Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that the parties further agree that the State shall obtain fee simple title to the real estate interests and temporary right-of-way in those real estate interests set forth in this Agreed Finding and Judgment free and clear of all claims of the Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris; and that no further participation by the State is required in this condemnation action.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that the Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris, agree that there is a dispute among these Defendants regarding the respective claims of the Defendants, Nancy Zaronias and Angeliki Kambouris, to the Defendant, Vincent J. Kirrin's portion of this amount deposited by the State of Indiana and that the Defendants, Nancy Zaronias and Angeliki Kambouris, claim an interest in the real estate by virtue of a claimed leasehold interest in the real estate owned by Defendant, Vincent J. Kirrin.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendants, Vincent J. Kirrin, Nancy Zaronias and Angeliki Kambouris, shall vacate the premises of the subject property thirty days (30) after the deposit of the amount of the judgment of Four Hundred Seventy-four Thousand Five Hundred Eighty-one Dollars (\$474,581.00) by the State of Indiana upon notification provided by the State of Indiana to Defendants, Nancy Zaronias and Angeliki Kambouris, and their attorney of record, Max Cohen, by certified mail, return receipt requested, at their last known address of record in this case, and to Defendant, Vincent J. Kirrin and his attorney of record, Nick A. Katich, by certified mail, return receipt requested, at their last known address of record 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 Lake County and cancel all 1996 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




Nick A. Katich, Attorney for
Defendant, Vincent J. Kirrin
Atty. No. 5081-45

By: 


Jeffrey L. Simnick
Deputy Attorney General
Atty. No. 1817-49
Plaintiff, State of Indiana




Defendant, Vincent J. Kirrin

By: 

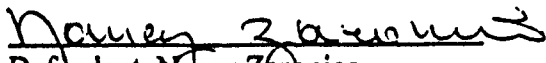
Jay D. Marks, Chief
Division of Land Acquisition
Indiana Department of Transportation



Max A. Cohen, Attorney for
Defendants, Nancy Zaronias
and Angeliki Kambouris
Atty. No. 3286-45



Charles D. Brooks, Jr.
Attorney for Defendant,
Lake County, Indiana
Atty No. 4231341




Defendant, Nancy Zaronias



Defendant, Angeliki Kambouris

Date: August 28, 1996



Judge, Lake Superior Court No. 4
GERALD N. SVETANOFF
715 W. 4th Ave
Gary, IN 46402-1224