

STATE OF INDIANA ) IN THE LAKE SUPERIOR COURT  
 )SS: SITTING AT  
COUNTY OF LAKE ) GARY, INDIANA

EMELYN G. BOEHLKE as TRUSTEE )  
u/w/a dtd. 12 February 1981, )  
Plaintiffs, )

-vs-

) CAUSE NO. 45DO4-0003-CP 0105  
)

BETSEY FOSTER; SOPHIA C. )  
HARDING; ALMON FOSTER, )  
FREDRICK A. FOSTER; LIZZIE V. )  
PIERCE; MARTHA A. FOSTER; )  
JOHN H. ABRAMS; JOSEPHINE )  
WATROS; GEORGE WATROS; )  
ELLA WATROS; MARTIN )  
WATROS; HUBBARD WATROS; )  
AMERICAN TELEPHONE AND )  
TELEGRAPH CO.; AT&T )  
COMMUNICATIONS OF )  
INDIANA, INC.; U.S. RAILROAD )  
VEST CORPORATION; HERBERT )  
HALL and NORA HALL, AND )  
THE UNKNOWN WIDOWS OR )  
WIDOWERS, AS THE CASE )  
MAY BE, as well as ALL THE )  
UNKNOWN HEIRS, OR )  
DEVISEES, OR SUCCESSORS OF )  
ALL OF THE ABOVE-NAMED )  
PERSONS OR CORPORATIONS, )

Defendants. )

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County Record

Filed in Open Court

MAY 10 2000

*Arnold N. Avelinoff*  
JUDGE  
SUPERIOR COURT OF LAKE COUNTY

FILED

JUN 07 2000

PETER BENJAMIN  
LAKE COUNTY AUDITOR

ORDER  
GRANTING PLAINTIFF'S PETITION FOR  
DEFAULT JUDGMENT AS TO CERTAIN DEFENDANTS  
AND  
APPROVING PARTIES' AGREED JUDGMENT

*Cassell & Johnson 101 N. Main St. Cedar Pt 46307*

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CAUSE NO.45DO4-0003-CP 0105

This cause came on for hearing on the Motion of Plaintiff by its attorney, Marc H. Donaldson, for default judgment pursuant to Trial Rule 55 of the Indiana Rules of Civil Procedure, and it appearing to the Court the Complaint in the above cause was filed in this Court on March 7, 2000, and that the Summons and Complaint were duly served on the following of the Defendants:

Nora Hall and Herbert Hall, March 14, 2000  
AT&T Communications of Indiana, Inc, March 14, 2000  
AT&T Corp, March 14, 2000

who were duly served by Summons returned by the Sheriff of Lake County & neither Nora Hall nor Herbert Hall appeared or otherwise defended this cause. In addition thereto, Service by Publication took place on March 16, March 23, and March 30 as to all remaining Defendants whose whereabouts are unknown, as evidenced by Proof of Publication filed herein (H.I.) and that no Defendant herein, except AT&T Corp., and AT&T Communications of Indiana, Inc., has appeared in this cause, filed any Answer or other defense, and that on Plaintiffs' Motion, default is now entered against said non-appearing Defendants by the Court; Plaintiff files affidavit of non-military service in the following words and figures, to wit: (H.I.).

The Court being duly advised in the premises now finds that Plaintiff is entitled to default judgment herein. The Court further finds that the Plaintiff and appearing Defendants AT&T Corp and AT&T Communications Of Indiana, Inc., have entered into a written Agreement wherein Plaintiff is acknowledged to hold legal title to the subject real property in fee simple absolute and the Defendants AT&T Corp and AT&T Communications of Indiana, Inc are acknowledged to be entitled to an easements of record recorded on March 20, 1989 in Book 284, Page 15, and recorded on October 30, 1991 as Document No. 91055568, and the Court does now approve the Parties' Agreement and incorporates the terms of such into this Order.

And the Court, having heard the evidence and being duly advised in the premises, now finds that all the allegations of Plaintiffs' Complaint and affidavit are true; and Plaintiffs are entitled to judgment finding that they are the fee simple absolute title holders of the following described real estate, to wit:

**Parcel 1. That part of the Northwest 1/4 of Section 23, Township 34 North, Range 8 West of the Second Principal Meridian, lying Northeasterly, of the Northerly right of way line of the railroad running through said 1/4 Section, in Lake County, Indiana, except the South 1,112.96 feet of the East 532.0 feet thereof.**

CAUSE NO.45DO4-0003-CP 0105

**Parcel 2: The railroad right of way lying in the Northwest 1/4 of Section 23, Township 34 North, Range 8 West of the Second Principal Meridian, all in Lake County, Indiana.**

The Court further finds that Plaintiffs' legal title is superior to any and all claims, if any, of such defaulting Defendants herein.

The Court further finds that such defaulting Defendants are not in military service.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiffs herein have and hold fee simple absolute title to the following described parcel of real property:

**Parcel 1. That part of the Northwest 1/4 of Section 23, Township 34 North, Range 8 West of the Second Principal Meridian, lying Northeasterly, of the Northerly right of way line of the railroad running through said 1/4 Section, in Lake County, Indiana, except the South 1,112.96 feet of the East 532.0 feet thereof.**

**Parcel 2: The railroad right of way lying in the Northwest 1/4 of Section 23, Township 34 North, Range 8 West of the Second Principal Meridian, all in Lake County, Indiana.**

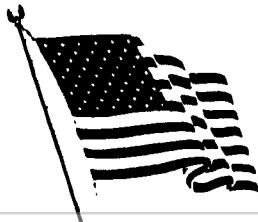
as against any and all defendants joined herein and failing to appear to defend their interests, if any, in such real property except the easement rights of Defendants AT&T Corp and AT&T Communications of Indiana, Inc, which are herein re-affirmed pursuant to the terms of the Parties' Agreement.

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED this 10<sup>th</sup> day of May, 2000..

SO ORDERED:

  
Hon. Gerald N. Svetanoff  
Judge, Lake Superior Court, Room 4

# The United States of America



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STATE OF INDIANA, COUNTY OF LAKE, ss:  
This Document is the property of  
the Lake County Recorder!

ANNA N. ANTON, Clerk of the Lake Circuit and Superior Courts of Lake County, Indiana, and the keeper of the records and files thereof, does hereby certify that the above and foregoing is a full, true, correct and complete copy of the Order of court dated the 10TH day of MAY, ~~XXX~~ 2000 in the case of EMELYN G. BOEHLKE AS TRUSTEE u/w/a dtd. 12 FEBRUARY 1981 VS BETSEY FOSTER; SOPHIA C. HARDING; ALMON FOSTER ET AL in cause number 45 Do4-0003-CP00105, as fully as the same appears of record in the office of the Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in GARY, IN in the County of Lake this 7TH day of JUNE, ~~XXX~~ 2000

*Anna N. Anton*

ANNA N. ANTON  
CLERK OF THE LAKE CIRCUIT AND SUPERIOR COURTS

By:

*Lauretha Jackson*  
Deputy Clerk