

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORDS

STATE OF INDIANA 2000 055223)
COUNTY OF LAKE)

2000 JUN THE LAKE CIRCUIT COURT
CROWN POINT INDIANA

Filed in Open Court

MORRIS W. CASPER
RECORDS

JUN 23 2000

Anna M. Antos
CLERK LAKE CIRCUIT COURT

THE SANITARY DISTRICT OF THE CITY OF
HAMMOND, BOARD OF SANITARY
COMMISSIONERS,

Plaintiff,

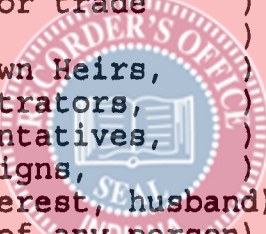
vs.

CAUSE NO: 45C01-9908-CP-02022

GURACQ, INC.; ILLIANA TRANSIT)
WAREHOUSE CORPORATION c/o)
Amy J. Faure; INDIANA HARBOR BELT)
RAILWAY COMPANY c/o Charles H.)
Allen; INDIANA BELL TELEPHONE)
COMPANY, INCORPORATED c/o)
CT Corporation; NORTHERN INDIANA)
PUBLIC SERVICE COMPANY; H. CHEMICAL)
ALSO KNOWN AS H.T. CHEMICAL Lessee)
under the terms of an unrecorded Lease)
dated June 20, 1984; NOWAK WAREHOUSES,)
INC., and all Successors in Interest,)
Assigns and Grantees of NOWAK)
WAREHOUSES, INC.; ILLIANA TRANSIT)
WAREHOUSE CORPORATION as Successor in)
Interest to Nowak Warehouses, Inc.;)
All unknown persons or entities doing)
business under the assumed or trade)
name of H. CHEMICAL)
OR H.T. CHEMICAL; All unknown Heirs,)
Devises, Legatees, Administrators,)
Executors, Personal Representatives,)
Surviving Joint Owners, Assigns,)
Grantees, Successors in Interest, husband)
or wife, widower or widow, of any person)
or persons doing business under the)
assumed or trade name of H. CHEMICAL OR)
H.T. CHEMICAL; ALL unknown Successors in)
Interest, Assigns and Grantees of the)
entity known as H. CHEMICAL OR H.T.)
CHEMICAL; ANY and all persons who might)
have some possible interest in the entity)
known as H. CHEMICAL or H.T. CHEMICAL)
JAMES E. ROGERS, JR., District)
Director Internal Revenue Service;)
PATRICIA KIRK, Chief Special Procedures)
Branch, Internal Revenue Service; JANET)
RENO, Attorney General, United States)
Department of Justice; DAVID CAPP,)

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KEY NO. 37-77-3
(TAX UNIT NO. 26)



STOP

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United States Attorney, Northern)
 District of Indiana; STATE OF INDIANA,)
 Department of Revenue, Collection)
 Division; PEGGY HOLINGA-KATONA, Treasurer)
 of Lake County Indiana; PETER BENJAMIN,)
 Auditor of Lake of Lake County, Indiana.)
 BEARING & DRIVE SYSTEMS, INC.;)
 BILLBOARDS, INC.;)
 ALL unknown tenants in)
 possession under Leasehold Estates in)
 real estate described herein; ALL unknown)
 Heirs, Devisees, Legatees, Administrators)
 Executors, Personal Representatives,)
 Surviving Joint Owners, Assigns,)
 Grantees, or Successors in Interest,)
 husband or wife, widower or widow of)
 any tenants in possession, or of any)
 tenants having any right or interest)
 under Leasehold Estates in the real)
 estate described herein; Klefstad)
 Engineering Company, Inc., an Illinois)
 corporation; ALL unknown persons,)
 corporations, partnerships, or other)
 entities in possession of the real)
 estate described herein or claiming any)
 interest therein;)

Defendants.

ORDER AND JUDGMENT QUIETING TITLE

Comes now THE SANITARY DISTRICT OF THE CITY OF HAMMOND, BOARD OF
 SANITARY COMMISSIONERS, by its attorney, G. Edward McHie, and shows the
 Court as follows:

1. That the following named defendants have been dismissed from this cause of action by Orders of this Court:

Billboards, Inc.
 Peter Benjamin, Auditor of Lake County
 Indiana Bell Telephone Company
 Northern Indiana Public Service Company
 Indiana Harbor Belt Railway Company
 State of Indiana, Department of Revenue

2. That defendant, Peggy Holinga-Katona, Treasurer of Lake County has filed herein a Stipulation for the entry of an agreed judgment

quieting title against said defendant.

3. That service of summons was made upon the following named defendants by certified mail, return receipt requested, on August 17, 1999,

Guracq, Inc.
Bearing & Drive Systems, Inc.
Illiana Transit Warehouse Corporation
Illiana Transit Warehouse Corporation, as Successor
in interest to Nowak Warehouses, Inc.
Acting Chief, Special Procedures Branch, Internal Revenue Service
James E. Rogers, Jr., District Director, Internal Revenue Service
Janet Reno, Attorney General, U.S. Department of Justice
Dave Capp, U.S. Attorney
Klefstad Engineering Co., Inc.
Peggy Holinga-Katona, Treasurer of Lake County, Indiana

which summonses and the returns thereon are in the following words and figures, to-wit: (H.T.);

4. Comes further the plaintiff, by counsel, and shows the Court that the following named defendants could not be found within the State and that their whereabouts are unknown and that personal service upon them was not able to be effectuated:

NOWAK WAREHOUSES, INC., and all Successor in Interest, Assigns and Grantees of Nowak Warehouses, Inc.;
H. CHEMICAL, also know as H.T. CHEMICAL, Lessee under the terms of an unrecorded Lease dated June 20, 1984; All unknown persons or entities doing business under the assumed or trade name of H. CHEMICAL or H.T. CHEMICAL; All unknown Heirs, Devisees, Legatees, Administrators, Executors, Personal Representatives, Surviving Joint Owners, Assigns, Grantees, Successors in Interest, husband or wife, widower or widow of any person or persons doing business under the assumed or trade name of H. CHEMICAL or H.T. CHEMICAL; ALL unknown Successors in Interest, Assigns and Grantees of the entity known as H. CHEMICAL or H.T. Chemical; ANY and all persons who might have some possible interest in the entity known as H. CHEMICAL or H.T. CHEMICAL; ALL unknown heirs, devisees, legatees, Administrators, Executors, Personal Representatives, Surviving Joint Owners, Assigns, Grantees, Successors in Interest, husband or wife, widower or widow of any tenants in possession, or of any tenants having any right or interest in the real estate described herein; ALL unknown persons, corporations, partnerships, or other entities in possession of the real estate described herein or claiming any interest

therein,

comes further the Plaintiff and shows the Court that said defendants were duly served with summons by publication appearing in the Crown Point Star on August 26, 1999, September 2, 1999 and on September 9, 1999, which service by publication and the Publisher's Affidavit of such publication are in the following words and figures, to-wit: (H.I.)

5. Comes further the Plaintiff and shows the Court that all defendants, except Peggy Holinga-Katona, Treasurer of Lake County, have failed to appear or otherwise plead herein and that more than thirty (30) days have passed since the date of the last publication against the defendants named in Paragraph 4 above. Defendant Peggy Holinga, Katona, Treasurer of Lake County has consented to the entry of this judgment.

Upon motion of the Plaintiff, all defendants, except Peggy Holinga-Katona, are duly called in open court three times and having failed to answer, upon motion of the Plaintiff, said Defendants and all of them are hereby wholly and totally defaulted.

And this cause being now at issue, is submitted to the Court for hearing and trial without the intervention of a jury and the Court having heard the evidence and being duly advised in the premises, NOW FINDS AND ORDERS AS FOLLOWS:

1. That the Plaintiff is the owner in fee simple of the following described real estate, located in Lake County, Indiana, to-wit:

Key No. 37-77-3 (Tax Unit No. 26)

ALL THAT PART LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF THE EAST CHICAGO BELT RAILROAD (SOMETIMES CALLED INDIANA HARBOR RAILROAD), IN GOVERNMENT LOT 4 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, EXCEPT THE WEST 480 FEET THEREOF, AND ALSO EXCEPT THE EAST 235.16 FEET THEREOF, AND ALSO EXCEPT

THAT PART WHICH WAS DEEDED TO KLEFSTAD ENGINEERING CO., INC., AN ILLINOIS CORPORATION BY DEED DATED APRIL 15, 1962 AND RECORDED JUNE 25, 1962, IN DEED RECORD 1206, PAGE 154, AS DOCUMENT NO. 412733, ALL SOUTH OF THE ABOVE MENTIONED RIGHT OF WAY AND EXTENDING TO THE GRAND CALUMET RIVER, IN THE CITY OF HAMMOND, LAKE COUNTY, INDIANA.

The street and county address for the above real property is:
5009 Calumet Avenue, Hammond, Lake County, Indiana 46327.

2. That the Plaintiff acquired title to said real estate pursuant to an order of this Court ordering the Auditor of Lake County, Indiana to issue a Tax Deed to Plaintiff, which Order was entered in Cause No. 45-CO1-9709-MI-02197; that the Auditor of Lake County, Indiana did execute and deliver a tax deed dated December 8, 1998 conveying said real estate to Plaintiff, and said tax deed was duly recorded on January 20, 1999 as Document No. 99004499.

3. That Guracq, Inc., a Delaware corporation, claims an interest in the aforesaid real estate by virtue of being owner of record of a part thereof.

4. That Illiana Transit Warehouse Corporation, an Illinois corporation, claims an interest by virtue of a mortgage dated August 26, 1988 and recorded August 31, 1988 as Document No. 995211 made by Guracq, Inc. to secure one note for \$625,000.00.

5. That Nowak Warehouses, Inc. claims an interest in the aforesaid real estate by virtue of the covenants, conditions and easement contained in a Warranty Deed dated April 5, 1962 and recorded June 25, 1962 in Deed Record 1206, page 154, as Document No. 412733.

6. That the defendant, Peggy Holinga-Katona, Treasurer of Lake County, Indiana claims an interest in the aforesaid real estate by virtue of a personal property tax judgment against Guracq, Inc., in the amount

of \$1,074.21, plus penalty, interest and charges, entered in Hammond Judgment Docket 7, page 82, on December 23, 1992.

7. That the defendant, Bearing & Drive Systems, Inc. claims an interest in the aforesaid real estate by virtue of being in possession thereof and operating a business thereon.

8. That Klefstad Engineering Co., an Illinois Corporation, claims an interest in the aforesaid real estate by virtue of a warranty deed dated April 5, 1962 and recorded June 25, 1962 in Deed Record 1206, page 15, as Document No. 412733.

9. That H. Chemical, also known as H.T.Chemical, claims an interest in the aforesaid real estate by virtue of an unrecorded lease as evidenced on the plat of survey dated September 16, 1985 and resurveyed December 22, 1987 and revised June 23, 1988, made by Rowland A. Fabian, registered land surveyor.

10. That the interests of all of the Defendants are unfounded and without right and a cloud upon the title of Plaintiff to said real estate in that all of said interests in and to said real estate were extinguished by the aforesaid Tax Deed received by Plaintiff pursuant to the aforesaid Order of the Lake Circuit Court.

11. That the Plaintiff has a superior, exclusive, full and complete title to said real estate as against each of said defendants.

12. That the Plaintiff has fee simple title in and to the aforescribed real state which is superior and exclusive to any interest claimed by any of the Defendants herein.

13. That the Plaintiff is entitled to have the title to the aforescribed real estate quieted against the claims of all of the

Defendants herein as a result of the aforescribed Order for a Tax Deed to Plaintiff, and that the defendants should be enjoined from ever asserting any right, title, or interest in the above described real estate and from, in any manner, interfering with the Plaintiff in its possession and enjoyment of the said real estate.

14. That the Plaintiff, The Sanitary District of the City of Hammond, Board of Sanitary Commissioners is the owner in fee simple and is entitled to the quiet and peaceful possession of the aforescribed real estate and that the asserted interests of any and all of the Defendants herein is without any right whatsoever and said Defendants do not have any right, title, lien or interest in and to said real estate or any part thereof in any manner.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Judgment is hereby entered in favor of the Plaintiff, The Sanitary District of the City of Hammond, Board of Sanitary Commissioners, and against the Defendants

Guracq, Inc.
Bearing & Drive Systems, Inc.
Illiana Transit Warehouse Corporation
Illiana Transit Warehouse Corporation, as Successor
in interest to Nowak Warehouses, Inc.
Acting Chief, Special Procedures Branch, Internal Revenue Service
James E. Rogers, Jr., District Director, Internal Revenue Service
Janet Reno, Attorney General, U.S. Department of Justice
Dave Capp, U.S. Attorney
Klefstad Engineering Co., Inc.
Peggy Holina-Katona, Treasurer of Lake County, Indiana
NOWAK WAREHOUSES, INC., and all Successor in Interest, Assigns and Grantees of Nowak Warehouses, Inc.;
H. CHEMICAL, also know as H.T. CHEMICAL, Lessee under the terms of an unrecorded Lease dated June 20, 1984; All unknown persons or entities doing business under the assumed or trade name of H. CHEMICAL or H.T. CHEMICAL; All unknown Heirs, Devisees, Legatees, Administrators, Executors, Personal Representatives, Surviving Joint Owners, Assigns, Grantees, Successors in Interest, husband or wife, widower or widow of any person or persons doing business under the

assumed or trade name of H. CHEMICAL or H.T. CHEMICAL; ALL unknown Successors in Interest, Assigns and Grantees of the entity known as H. CHEMICAL or H.T. Chemical; ANY and all persons who might have some possible interest in the entity known as H. CHEMICAL or H.T. CHEMICAL; ALL unknown heirs, devisees, legatees, Administrators, Executors, Personal Representatives, Surviving Joint Owners, Assigns, Grantees, Successors in Interest, husband or wife, widower or widow of any tenants in possession, or of any tenants having any right or interest in the real estate described herein; ALL unknown persons, corporations, partnerships, or other entities in possession of the real estate described herein or claiming any interest therein,

quieting title in said Plaintiff to the following described real estate,
to-wit:

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Key No. 37-77-3 (Tax Unit No. 26)
ALL THAT PART LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF THE EAST CHICAGO BELT RAILROAD (SOMETIMES CALLED INDIANA HARBOR RAILROAD), IN GOVERNMENT LOT 4 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, EXCEPT THE WEST 480 FEET THEREOF, AND ALSO EXCEPT THE EAST 235.16 FEET THEREOF, AND ALSO EXCEPT THAT PART WHICH WAS DEEDED TO KLEFSTAD ENGINEERING CO., INC., AN ILLINOIS CORPORATION BY DEED DATED APRIL 15, 1962 AND RECORDED JUNE 25, 1962, IN DEED RECORD 1206, PAGE 154, AS DOCUMENT NO. 412733, ALL SOUTH OF THE ABOVE MENTIONED RIGHT OF WAY AND EXTENDING TO THE GRAND CALUMET RIVER, IN THE CITY OF HAMMOND, LAKE COUNTY, INDIANA.

Commonly known as: 5009 Calumet Avenue, Hammond, Lake County, Indiana 46327.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Plaintiff is the owner in fee simple and is entitled to the quiet and peaceful possession of the aforescribed real estate and that the Defendants are without any right whatsoever to said real estate or any interest therein, and said Defendants have no estate, right, title, lien, judgment or interest in and to said real estate or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT, that the

fee simple title of the Plaintiff, The City of Hammond Sanitary District,
Board of Sanitary Commissioners is quieted against any interest of the
Defendants

Guracq, Inc.
Bearing & Drive Systems, Inc.
Illiana Transit Warehouse Corporation
Illiana Transit Warehouse Corporation, as Successor
in interest to Nowak Warehouses, Inc.
Acting Chief, Special Procedures Branch, Internal Revenue Service
James E. Rogers, Jr., District Director, Internal Revenue Service
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Dave Capp, U.S. Attorney
Klefstad Engineering Co., Inc.
Peggy Holinga-Katona, Treasurer of Lake County, Indiana
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Administrators, Executors, Personal Representatives, Surviving Joint
Owners, Assigns, Grantees, Successors in Interest, husband or wife,
widower or widow of any person or persons doing business under the
assumed or trade name of H. CHEMICAL or H.T. CHEMICAL; ALL unknown
Successors in Interest, Assigns and Grantees of the entity known as
H. CHEMICAL or H.T. Chemical; ANY and all persons who might have
some possible interest in the entity known as H. CHEMICAL or H.T.
CHEMICAL; ALL unknown heirs, devisees, legatees, Administrators,
Executors, Personal Representatives, Surviving Joint Owners,
Assigns, Grantees, Successors in Interest, husband or wife, widower
or widow of any tenants in possession, or of any tenants having any
right or interest in the real estate described herein; ALL unknown
persons, corporations, partnerships, or other entities in possession
of the real estate described herein or claiming any interest
therein,

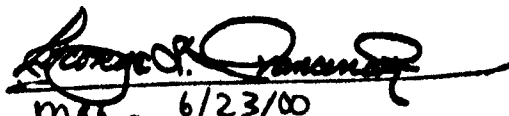
and as against all persons claiming through them and as against all the
world, and that each and every defendant and all of the rest of the world
are hereby forever enjoined from asserting any right, title, or interest
in the above described real estate and from, in any manner, interfering
with the Plaintiff's possession and enjoyment thereof

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT, that in accord with the stipulation filed herein by Plaintiff and defendant, Peggy Holinga-Katona, Treasurer of Lake County, Indiana that the Plaintiff owns in fee simple and is entitled to quiet and peaceful possession of the aforescribed real estate as against defendant Peggy Holing-Katona, Treasurer of Lake County, Indiana and that said defendant and all persons or entities claiming under her have no estate, right, title, lien or other interest in or to the aforescribed real estate, or any part thereof by virtue of that certain personal property tax judgment in the amount of \$317.90 against John Haluska entered in Hammond Judgment Docket 7, page 28 on January 23, 1991, and said defendant and all persons or entities claiming under her are permanently enjoined from asserting any adverse claim to Plaintiff's title to the aforescribed real estate.

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED this 23rd

day of June, 2000.


JUDGE, LAKE CIRCUIT COURT


mag. - 6/23/00



CERTIFICATION OF CLERK
As legal custodian I hereby certify that the above and foregoing is a true and complete copy of the original on file with this office in the cause stated thereon.
Witness my hand and the seal of the court this 31st day of August, 2000.
Clerk of the Lake Circuit and Superior Courts
By Candice Stevenson
Deputy Clerk