

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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STATE OF INDIANA)
2000) 055224)
COUNTY OF LAKE)

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IN THE LAKE CIRCUIT COURT
CROWN POINT, INDIANA
MORRIS W. G. RECORDS

Filed in Open Court

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

Plaintiff,)

vs.)

JUN 23 2000
Anna M. Antos
CLERK LAKE CIRCUIT COURT

CAUSE NO: 45CO1 9908 CP 02020

MERCANTILE NATIONAL BANK OF INDIANA, A)
NATIONAL BANKING ASSOCIATION, As Trustee)
under the provisions of Trust No. 3545)
dated January 31st, 1977;)
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;)
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; JON DE GUILIO,)
United States Attorney, Northern)
District of Indiana; STATE OF INDIANA,)
Department of Revenue, Collection)
Division; TRANSPORT INTERNATIONAL POOL,)
Lessee under the terms of an)
unrecorded Lease dated April 1, 1980;)
All unknown persons or entities doing)
business under the assumed or trade name)
of TRANSPORT INTERNATIONAL POOL;)
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 TRANSPORT INTERNATIONAL POOL;)
all unknown Successors in Interest,)
Assigns and Grantees of the entity)
known as TRANSPORT INTERNATIONAL POOL;)
any and)

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KEY NO. 37-77-13
(TAX UNIT NO. 26)

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all persons who might have some possible)
interest in the entity known as)
TRANSPORT INTERNATIONAL POOL;)
PEGGY KATONA, Treasurer of)
Lake County Indiana; PETER BENJAMIN,)
Auditor of Lake of Lake County, Indiana.)
County, Indiana; 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, 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; All unknown)
persons or entities claiming an interest)
as beneficiary of Mercantile National Bank)
of Indiana Trust No. 3545 dated January)
31st, 1977; 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 claiming an interest)
as beneficiary of Mercantile National)
Bank of Indiana Trust No. 3545 dated)
January 31st, 1977, Klefstad Engineering)
Company, Inc., an Illinois corporation)

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,

Mercantile National Bank of Indiana, A National Banking Association, as Trustee under the provisions of Trust No. 3545 dated January 31st, 1977

Guracq, 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

Transport International Pool

Klefstad Engineering Company, Inc.

Bearing & Drive Systems, 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.I.);

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 Successors in Interest, Assigns and Grantees of NOWAK WAREHOUSES, INC.; TRANSPORT INTERNATIONAL POOL; All unknown persons or entities doing business under the assumed or trade name of TRANSPORT INTERNATIONAL POOL,; 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 TRANSPORT INTERNATIONAL POOL; ALL unknown Successors in Interest, Assigns and Grantees of the entity known as TRANSPORT INTERNATIONAL POOL; ANY and all persons who might have some possible interest in the entity known as TRANSPORT INTERNATIONAL POOL; All unknown tenants in possession under Leasehold Estates in the real estate described herein; 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 or entities claiming an interest as beneficiary of Mercantile National Bank of Indiana Trust No. 3545, dated January 31st, 1977; 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 claiming an interest as beneficiary of Mercantile National Bank of Indiana Trust No. 3545, dated January 31st, 1977; 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:

26-37-0077-0013

PT. NW. NW. S.31 T.37 R.9 3.117A7

more particularly described as follows:

Key No. 37-77-13 (Tax Unit No. 26)

THE EAST 235.16 FEET OF THAT PART OF GOVERNMENT LOT 4 OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF HAMMOND, LAKE COUNTY, INDIANA, LYING AND BEING SOUTH OF THE SOUTH RIGHT OF WAY OF THE EAST CHICAGO BELT RAILROAD COMPANY.

The street and county address of 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. 99004496.

3. That Mercantile National Bank of Indiana as Trustee under the provisions of a certain Trust Agreement dated January 31, 1977, and known as Trust No. 3545, claims an interest in the aforesaid real estate by

virtue of being owner of record of a part thereof.

4. 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, and as an optionee of a part thereof by virtue of a purchase option agreement dated August 1, 1988 and recorded August 31, 1988 as Document No. 995210.

5. 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, and by virtue of a certain option agreement dated August 1, 1988 and recorded August 31, 1988 as Document No. 995210

6. That Transport International Pool claims an interest by virtue of an unrecorded lease dated September 16, 1985 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.

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

8. 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 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.

9. 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 412733, made by Nowak Warehouses, Inc. to Klefstad Engineering Co., Inc.

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

11. 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.

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

13. 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.

14. 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 it its possession and enjoyment of the said real estate.

15. 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

Mercantile National Bank of Indiana, A National Banking Association, as Trustee under the provisions of Trust No. 3545 dated January 31st, 1977
Guracq, 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
Transport International Pool
Klefstad Engineering Company, Inc.
Bearing & Drive Systems, Inc.
Peggy Holinga-Katona, Treasurer of Lake County, Indiana
NOWAK WAREHOUSES, INC., and all Successors in Interest, Assigns and Grantees of NOWAK WAREHOUSES, INC.; TRANSPORT INTERNATIONAL POOL; All unknown persons or entities doing business under the assumed or trade name of TRANSPORT INTERNATIONAL POOL; 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 TRANSPORT INTERNATIONAL POOL; ALL unknown Successors in Interest, Assigns and Grantees of the entity known as TRANSPORT INTERNATIONAL POOL; ANY and all persons who might have some possible interest in the entity known as TRANSPORT INTERNATIONAL POOL; All unknown tenants in possession under Leasehold Estates in the real estate described herein; 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 or entities claiming an interest as beneficiary of Mercantile National Bank of Indiana Trust No. 3545 dated January 31st, 1977; 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 claiming an interest as beneficiary of Mercantile National Bank of Indiana Trust No. 3545, dated January 31st, 1977; 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:

26-37-0077-0013
PT. NW. NW. S.31 T.37 R.9 3.117A7
more particularly described as follows:
Key No. 37-77-13 (Tax Unit No. 26)
THE EAST 235.16 FEET OF THAT PART OF GOVERNMENT LOT 4 OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF HAMMOND, LAKE COUNTY, INDIANA, LYING AND BEING SOUTH OF THE SOUTH RIGHT OF WAY OF THE EAST CHICAGO BELT RAILROAD COMPANY.

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

Mercantile National Bank of Indiana, A National Banking Association, as Trustee under the provisions of Trust No. 3545 dated January 31st, 1977

Guracq, 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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Transport International Pool

Klefstad Engineering Company, Inc.

Bearing & Drive Systems, Inc.

Peggy Holinga-Katona, Treasurer of Lake County, Indiana

NOWAK WAREHOUSES, INC., and all Successors in Interest, Assigns and

Grantees of NOWAK WAREHOUSES, INC.; TRANSPORT INTERNATIONAL POOL;

All unknown persons or entities doing business under the assumed or

trade name of TRANSPORT INTERNATIONAL POOL;; 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

TRANSPORT INTERNATIONAL POOL; ALL unknown Successors in Interest,

Assigns and Grantees of the entity known as TRANSPORT INTERNATIONAL

POOL; ANY and all persons who might have some possible interest in

the entity known as TRANSPORT INTERNATIONAL POOL; All unknown

tenants in possession under Leasehold Estates in the real estate

described herein; 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 or entities claiming an interest as beneficiary

of Mercantile National Bank of Indiana Trust No. 3545 dated January

31st, 1977; 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 claiming an interest as beneficiary of

Mercantile National Bank of Indiana Trust No. 3545, dated January

31st, 1977; All unknown persons, corporations, partnerships, or

other entities in possession of the real estate described herein or

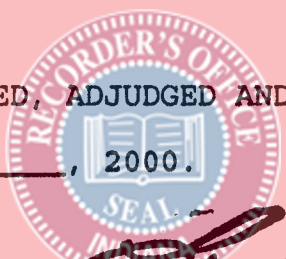
claiming any interest therein.

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.



[Signature]

JUDGE, LAKE CIRCUIT COURT

[Signature]
magr 6/23/00

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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

3rd day of May 2011

Anna M. Antton
Clerk of the Lake Circuit and Superior Courts

By Charles Stewart
Deputy Clerk