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STATE OF INDIANA
LAKE COUNTY

IN THE LAKE SUPERIOR COURT 4

STATE OF INDIANA)

) SS:

COUNTY OF LAKE)

2000 060110

CAUSE NO. 2000 SD04-0003 CP 2010

STATE OF INDIANA,)

MORRIS W. CARTER
RECORDER

Plaintiff,)

NOT-TAXABLE Filed in Open Court

v.)

AUG 18 2000

JUL 10 2000

JOHN KOLONCZIC, and
LAKE COUNTY, INDIANA,)

PETER BENJAMIN
LAKE COUNTY AUDITOR

Gerald M. Svetanoff
JUDGE
SUPERIOR COURT OF LAKE COUNTY

Defendants.)

NOT OFFICIAL!

JUDGMENT

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The Court, having examined the record of this case and being duly advised, now

finds:

1. Plaintiff filed its Complaint for Appropriation of Real Estate in this cause on March 8, 2000, and the Defendants named in the complaint were served with notice as provided by statute.
2. The Defendant, John Kolondzic, failed to appear in this case.
3. The Defendant, Lake County, Indiana, appeared by counsel on March 22, 2000.
4. On April 18, 2000, the Court ordered the appropriation of the real estate described in rhetorical paragraph IV of Plaintiff's complaint and it appointed three disinterested freeholders of Lake County, Indiana, to assess the benefits and damages, if any, resulting from the Plaintiff's appropriation.
5. On June 2, 2000, the court-appointed appraisers filed with the Court their Report of Appraisers in which they assessed Five Hundred Dollars (\$500.00) total damages due to the Plaintiff's appropriation.
6. On or about June 2, 2000, the Clerk of the Court sent notice of the Report of Appraisers to all parties and attorneys of record by certified mail.

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Gerald Svetanoff 15 W. 4th Ave. Gary 46402

MC

7. I.C. 32-11-1-8 mandates that Exceptions to the Report of Appraisers shall be filed within twenty days of mailing.

8. None of the parties have filed timely Exceptions to the Report of Appraisers in this case.

9. When, as here, no Exceptions are filed within the Statutory period, the court-appointed appraisers' report is conclusive as a matter of law, and there is no issue left for trial. *State v. Redmon*, 186 N.E. 328 (Ind. 1933); *Southern Indiana Gas Elec. Co. v. Decker*, 307 N.E. 2d 51 (Ind. 1974).

10. On or about June 9, 2000, the Plaintiff paid the court-appointed fees and deposited the court award in the amount of Five Hundred Dollars (\$500.00) with the Clerk of the Court in this case.

11. Defendants, John Kolondzic and Lake County, Indiana, should now recover Five Hundred Dollars (\$500.00) as total just compensation from Plaintiff in this case.

IT IS FURTHERED ORDERED, ADJUDGED AND DECREED that the Plaintiff, State of Indiana, now holds fee simple title, and temporary right of way, including all rights of possession, to the real estate described as:

The following described right of way is temporary right of way for sidewalk construction (working room only) and will revert to the owner on December 31, 2003:

36-122-33

A part of Lot 74 in Stafford and Trankle's Fifth Addition to the City of Hammond, Indiana, the plat of which is recorded in Plat Book 5, page 37, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at a point on the south line of said lot North 88 degrees 47 minutes 18 seconds East 3.049 meters (10.00 feet) from the southwest corner of said lot, which point of beginning is on the east boundary of U.S. R. 41; thence North 0 degrees 20 minutes 03 seconds East 7.620 meters (25.00 feet) along the boundary of said U.S.R. 41 to the north line of said lot; thence North 88 degrees 47 minutes 18 seconds East 2.607 meters (8.55 feet) along said north line; thence South 0 degrees 21 minutes 18 seconds West 7.620 meters (25.00 feet) to the south line of said lot; thence South 88 degrees 47 minutes 18 seconds West 2.605 meters (8.55 feet) along said south line to the

point of beginning and containing 19.9 square meters (214 square feet), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, John Kolondzic and Lake County, Indiana, should now recover Five Hundred Dollars (\$500.00) as total just compensation in this case, all of which has been paid to the Clerk of the Court in full satisfaction of this Judgment and all of Defendants' claims in this case.

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Judgment to the Auditor and Recorder of Lake County, Indiana; that the Auditor shall remove the above-described real estate from the tax records and rolls of the County and cancel all 2000 and subsequent years' taxes thereon; that the Recorder shall, pursuant to IC 8-23-7-31 and without payment of fee, record the transfer of the above-described real estate to the State of Indiana; and that the Recorder shall submit evidence of the recorded transfer, by United States mail, to the Office of Attorney General of Indiana, 402 West Washington Street, Indianapolis, Indiana 46204-2770.

SO ORDERED this 10th day of July, 2000.


Gerald N. Svetanoff
Judge, Lake Superior Court No. 4

Date: JUL 10 2000

Copies to:

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