

43-247-3, 4, 5,

IN PORTER SUPERIOR COURT
CIVIL DIVISION
SITTING AT VALPARAISO, INDIANA

STATE OF INDIANA
LAKE COUNTY
FILED **FILED**
IN OPEN COURT

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Station

JOSEPH BELOVICH and 000 060701
BERNICE BELOVICH
Plaintiffs

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AUG 26 1999

MORRIS W. WALKER
JUDGE PORTER SUPERIOR COURT

vs.
CITY OF GARY, INDIANA and
CITY OF GARY, INDIANA, FIRE
DEPARTMENT
Defendants

CAUSE NO: 86 PSC 2706-D

CITY OF GARY, INDIANA, and
CITY OF GARY, INDIANA, FIRE
DEPARTMENT,
Counterplaintiffs,

FILED

AUG 22 2000

vs.
JOSEPH BELOVICH and
BERNICE BELOVICH,
Counterdefendants.

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PETER BENJAMIN
LAKE COUNTY AUDITOR

ORDER VESTING TITLE IN THE CITY OF GARY
NUNC PRO TUNC AS OF MARCH 24, 1988

This matter is before the Court on Motion by the City of Gary to Amend this Court's Summary Judgment entered March 24, 1988 in regard to the condemnation of certain real estate located in the City of Gary in order to clarify the vesting of title in the City, to wit:

Lots 3,4, and 5, both inclusive, Block 7, Gateway of the Dunes, in the City of Gary, as shown in Plat Book 20, page 4, in Lake County, Indiana.

The Court having reviewed the City's motion and the record and having been advised on the premises, now FINDS THAT:

1. This Court entered Summary Judgment on March 24, 1988 finding, inter alia, at page 2, paragraph 1:

That the Plaintiffs are the owners in fee simple of the following described real estate described in their Complaint, which is as follows, to wit:

Lots 3,4, and 5, both inclusive, Block 7, Gateway of the Dunes, in the City of Gary, as shown in Plat Book 20, page 4, in Lake County, Indiana.

2. This Court further found at page 2, paragraph 5:

That the defendant City of Gary was entitled to appropriate said real estate under its power of eminent domain and said property should now be condemned to the Defendant's use.

3. The Record does not reflect, however, specific language sufficient to vest title to said property in the City of Gary as of the date of the Order, which was clearly the intent of the Order.

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4. That although the City of Gary has caused the Court's prior order to be properly recorded in Lake County, the plaintiffs, Mr. and Mrs. Belovich, continue to be shown as the legal owner and the property is listed on the Lake County Treasurer's Tax Sale due to alleged delinquent property taxes assessed in the Belovich's name since the date of this Court's prior order.

5. For the above reasons the City has shown cause for amendment of this Court's prior March 24, 1988 order nunc pro tunc in regard to title to said property and expunging of any real estate property tax assessed on said property since that date in order to clear title and to protect the interests of the plaintiffs, Mr. and Mrs. Belovich.

IT IS THEREFORE ORDERED THAT the defendant's Verified Request For Amended Order Of Condemnation Nunc Pro Tunc is GRANTED.

IT IS FURTHER ORDERED THAT this Court's Order Granting Plaintiffs' Motion for Summary Judgment and counterdefendants' Motion to Dismiss entered March 24, 1988, is hereby amended, nunc pro tunc, to wit:

Effective March 24, 1988 title to the following real estate is hereby vested in the City of Gary :

Lots 3,4, and 5, both inclusive, Block 7, Gateway of the Dunes, in the City of Gary, as shown in Plat Book 20, page 4, in Lake County, Indiana

and the Lake County Auditor is Ordered to transfer title on the records of Lake County and remove said property from the property tax rolls accordingly and to expunge any real estate property tax liability which has been assessed to said property since March 24, 1988.

THE PORTER COUNTY CLERK IS ALSO ORDERED to serve a certified copy of this Order upon the Lake County Auditor instanter.

SO ORDERED, ADJUDGED AND DECREED THIS 26 DAY OF AUGUST, 1999.

[Signature]
JUDGE, PORTER SUPERIOR COURT

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mek
DISTRIBUTION:
Lake County Auditor
Attorney Judith Stanton

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IN TESTIMONY, that the foregoing is a true copy taken from the records of Porter Circuit/Superior Court, I, Douglas W. Olson, Clerk thereof set my hand and affix Seal of Said Court.

This August 27, 1999
Douglas W. Olson CLERK
CIRCUIT/SUPERIOR COURTS, COUNTY OF PORTER, INDIANA
[Signature] Deputy Clerk