

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
CAUSE NO. 45C01-0011-CP-1558

STATE OF INDIANA,)

Plaintiff,)

v.)

JAMES D. WOZNIEWSKI,)
LINDA R. WOZNIEWSKI,)
EQUICREDIT,)
and LAKE COUNTY, INDIANA,)

Defendants.)

Filed in Open Court

JAN 22 2002

Anna M. Antos **NOT-TAXABLE**
CLERK LAKE CIRCUIT COURT

FEB 05 2002

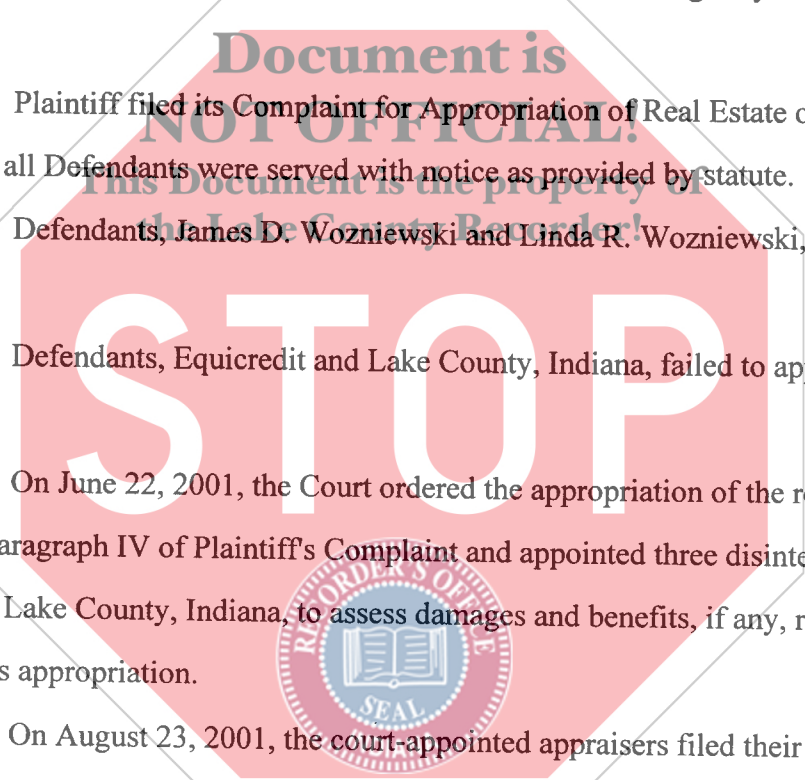
PETER BENJAMIN
LAKE COUNTY AUDITOR

JUDGMENT

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 on November 27, 2000, and all Defendants were served with notice as provided by statute.
2. Defendants, James D. Wozniewski and Linda R. Wozniewski, now appear in this case.
3. Defendants, Equicredit and Lake County, Indiana, failed to appear in this case.
4. On June 22, 2001, the Court ordered the appropriation of the real estate described in paragraph IV of Plaintiff's Complaint and appointed three disinterested freeholders of Lake County, Indiana, to assess damages and benefits, if any, resulting from Plaintiff's appropriation.
5. On August 23, 2001, the court-appointed appraisers filed their Report of Appraisers, in which they assessed One Hundred Seventy-eight Thousand Five Hundred Dollars (\$178,500.00) as total just compensation due to Defendants as a result of Plaintiff's appropriation.



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6. On November 5, 2001, the Clerk of the Court sent notice of the Report of Appraisers, to all parties and attorneys of record.

7. Indiana Code § 32-11-1-8 mandates that Exceptions to the Report of Appraisers shall be filed within twenty days of the clerk's mailing of the report. Thus, any exceptions were due on November 25, 2001.

8. No party has filed Exceptions to the Report of Appraisers in this case.

9. When, as here, no exceptions are filed, the Report of Appraisers is conclusive as a matter of law and there is no issue remaining for trial. *Southern Indiana Gas & Elec. Co. v. Decker*, 307 N.E.2d 51 (Ind. 1974); *State v. Redmon*, 186 N.E. 328 (Ind. 1933).

10. Plaintiff is in the process of paying the appraisers' fees and depositing the amount of the court-appointed appraisers' award with the Clerk of the Court.

11. Defendants, James Wozniowski and Linda R. Wozniowski, should recover One Hundred Seventy-eight Thousand Five Hundred Dollars (\$178,500.00) as total just compensation in this case.

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

A part of the Northwest Quarter of the Northwest Quarter of Section 28, Township 35 North, Range 9 West, Lake County, Indiana, described as follows: Beginning at a point on the west line of said section North 1 degree 34 minutes 33 seconds West 99.097 meters (325.12 feet) from the southwest corner of said quarter-quarter section, which point of beginning is the southwest corner of the owners' land; thence North 1 degree 34 minutes 33 seconds West 35.065 meters (115.04 feet) along said west line; thence North 89 degrees 59 minutes 47 seconds East 16.155 meters (53.00 feet); thence South 0 degrees 39 minutes 44 seconds East 35.054 meters (115.01 feet) to the south line of the owners' land; thence South 89 degrees 59 minutes 47 seconds West 15.596 meters (51.17 feet) along said south line to the point of beginning and containing 0.0556 hectares (0.138 acres), more or less. The portion of the above-described real estate which is not already embraced within public rights of way contains 0.0254 hectares (0.063 acres), more or less.

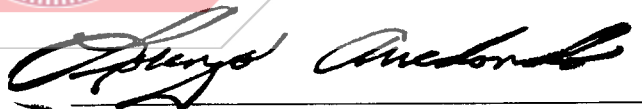
thence South 0 degrees 34 minutes 25 seconds East 7.984 meters (26.19 feet); thence North 89 degrees 24 minutes 41 seconds East 11.000 meters (36.09 feet); thence South 0 degrees 39 minutes 17 seconds East 34.906 meters (114.52 feet); thence South 89 degrees 16 minutes 46 seconds West 17.854 meters (58.58 feet) to the point of beginning and containing 0.0678 hectares (0.168 acres), more or less. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, Nicholas J. Galloway, Constance Galloway, Beverly Childs, and Lake County, Indiana, shall recover Seventy-nine Thousand Five Hundred Dollars (\$79,500.00) as total just compensation in this case, in full satisfaction of this judgment and any and all Defendants' claims in this case.

IT IS FURTHER ORDERED that the Defendants Equicredit and Lake County, Indiana are hereby defaulted and shall take nothing.

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Judgment to the Auditor of Lake County, Indiana, and that the Auditor shall remove the above-described real estate that the State acquired in fee simple from the tax records and rolls of the County and cancel all 2000 and subsequent years' taxes thereon.

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Judgment to the Recorder of Lake County, Indiana, and 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 22 day of JAN, 2002



Judge, Lake Circuit Court

Also, a part of the Northwest Quarter of the Northwest Quarter of Section 28, Township 35 North, Range 9 West, Lake County, Indiana, described as follows: Beginning at a point on the west line of said section North 1 degree 34 minutes 33 seconds West 134.162 meters (440.16 feet) from the southwest corner of said quarter-quarter section; thence North 1 degree 34 minutes 33 seconds West 27.442 meters (90.03 feet) along said west line to the northwest corner of the owners' land; thence North 89 degrees 59 minutes 47 seconds East 16.593 meters (54.44 feet) along the north line of the owners' land: thence South 0 degrees 39 minutes 44 seconds East 27.434 meters (90.00 feet); thence South 89 degrees 59 minutes 47 seconds West 16.155 meters (53.00 feet) to the point of beginning and containing 0.0449 hectares (0.111 acres), more or less. The portion of the above-described real estate which is not already embraced within public rights of way contains 0.0209 hectares (0.052 acres), more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as U. S. R. 41 and as Project NH-019-4(013)), to and from the owners' abutting lands, along the South 1.823 meters (5.98 feet) of the 35.054-meter (115.01-foot) course described above in the description of the 0.0556-hectare (0.138-acre) parcel. Also, along the North 10.983 meters (36.03 feet) of the South 28.782 meters (94.43 feet) of the 35.054-meter (115.01-foot) course described above in the description of the 0.0556-hectare (0.138-acre) parcel. Also, along the North 17.731 meters (58.17 feet) of the 27.434-meter (90.00-foot) course described above in the description of the 0.0449-hectare (0.111-acre) parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

The following described right of way is temporary right of way for the purpose of the removal of a building and constructing driveways for service to the owners' private property and will revert to the owners on December 31, 2003:

A part of the Northwest Quarter of the Northwest Quarter of Section 28, Township 35 North, Range 9 West, Lake County, Indiana, described as follows: Commencing at the southwest corner of said quarter-quarter section; thence North 1 degree 34 minutes 33 seconds West 99.097 meters (325.12 feet) along the west line of said section to the southwest corner of the owners' land; thence North 89 degrees 59 minutes 47 seconds East 15.596 meters (51.17 feet) along the south line of the owners' land; thence North 0 degrees 39 minutes 44 seconds West 1.823 meters (5.98 feet) to the point of beginning of this description: thence continuing North 0 degrees 39 minutes 44 seconds West 42.934 meters (140.86 feet); thence North 89 degrees 26 minutes 29 seconds East 6.871 meters (22.54 feet);

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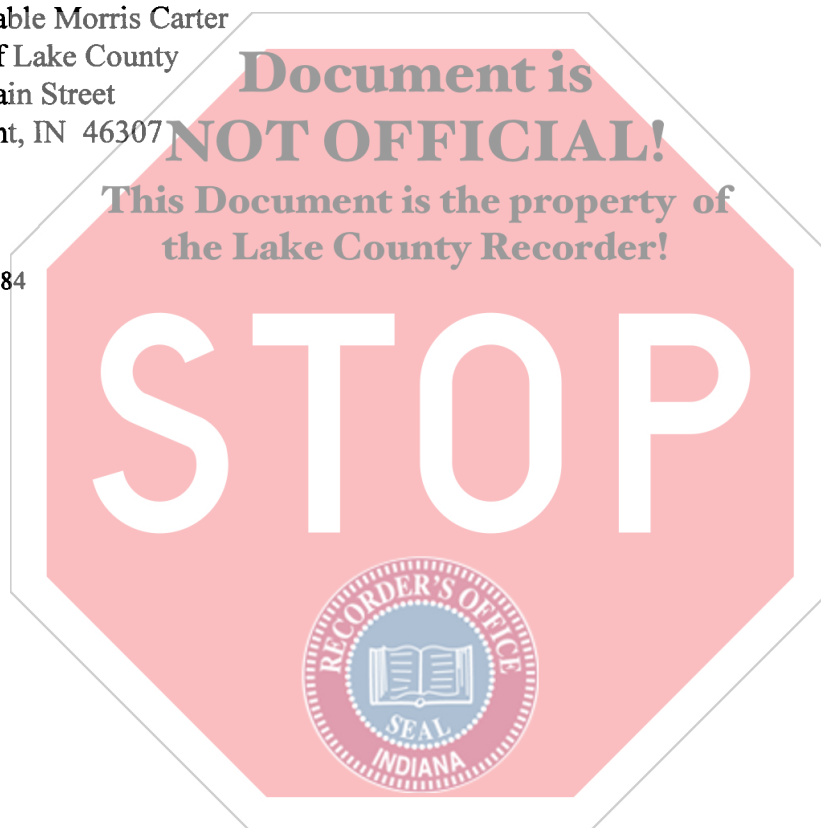
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James D. Wozniowski
Linda R. Wozniowski
8621 Wicker Avenue
St. John, IN 46373

The Honorable Peter Benjamin
Auditor of Lake County
Government Center
2293 N. Main Street
Crown Point, IN 46307

The Honorable Morris Carter
Recorder of Lake County
2293 N. Main Street
Crown Point, IN 46307

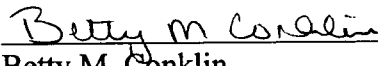
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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing Motion for Judgment has been duly served upon all parties and counsel of record listed below, by United States mail, first-class postage prepaid, on this 29th day of November, 2001:

James D. Wozniowski
Linda R. Wozniowski
8621 Wicker Avenue
St. John, IN 46373


Betty M. Conklin
Deputy Attorney General

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