

→ 402 W. Washington St.
Indianapolis, Ind.
46204

STATE OF INDIANA)
) IN THE LAKE SUPERIOR COURT 4
) SS:
COUNTY OF LAKE) CAUSE NO. 45D04-0001-CP-00049
)
STATE OF INDIANA, 2002 016532 2002 FEB 15 AM 8:55

MORRIS CARTER
RECORDER
Filed in Open Court

Plaintiff,

v.

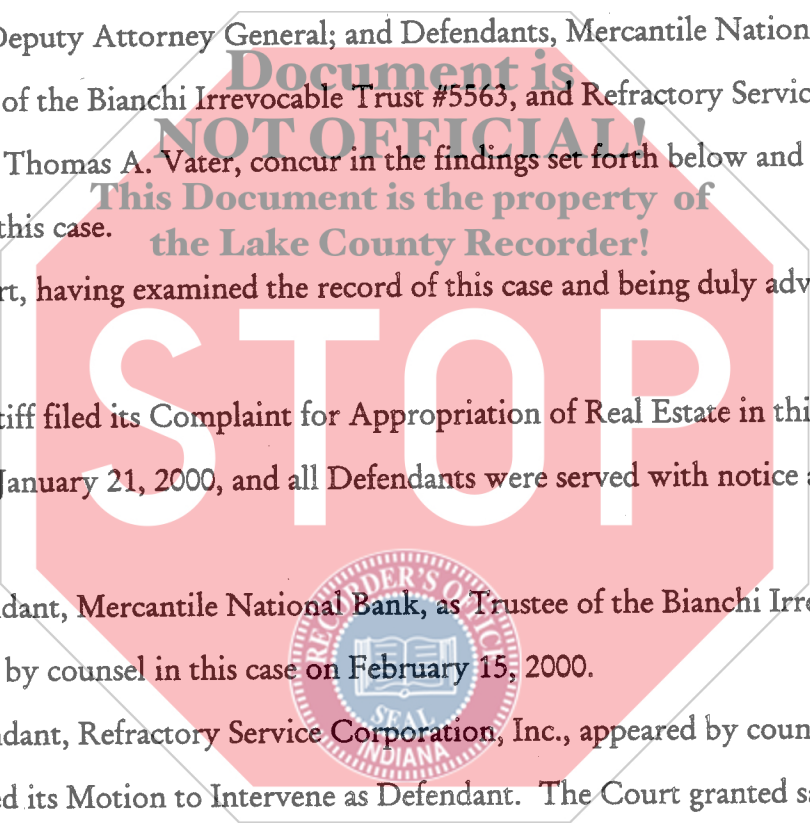
MERCANTILE NATIONAL BANK OF INDIANA,
TRUSTEE OF THE BIANCHI IRREVOCABLE TRUST
#5563 and LAKE COUNTY, INDIANA,

Defendants.

JAN 22 2002
Herald N. Swickhoff
JUDGE
SUPERIOR COURT OF LAKE COUNTY

AMENDED AGREED FINDING AND JUDGMENT

Plaintiff, State of Indiana, by Steve Carter, Attorney General of Indiana, and Marcia Avery Hanley, Deputy Attorney General; and Defendants, Mercantile National Bank of Indiana, Trustee of the Bianchi Irrevocable Trust #5563, and Refractory Service Corporation, Inc., by counsel, Thomas A. Vater, concur in the findings set forth below and move the Court for judgment in this case.



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 eminent domain case on January 21, 2000, and all Defendants were served with notice as provided by statute.
2. Defendant, Mercantile National Bank, as Trustee of the Bianchi Irrevocable Trust #5563, appeared by counsel in this case on February 15, 2000.
3. Defendant, Refractory Service Corporation, Inc., appeared by counsel on February 15, 2000 and filed its Motion to Intervene as Defendant. The Court granted said Motion on April 5, 2000.
4. Defendant, Lake County, Indiana, appeared by counsel in this case on February 8, 2000.

H. J. N.C.

5. On April 18, 2000, that real estate described in rhetorical paragraph IV of Plaintiff's Complaint was ordered appropriated and appraisers were appointed to assess damages and benefits, if any, resulting from Plaintiff's appropriation.

6. On May 10, 2000, the court-appointed appraisers filed with the Court their Report of Appraisers, in which they assessed Fifteen Thousand Dollars (\$15,000.00) total just compensation in this case.

7. Timely Exceptions to the court-appointed appraisers' report were filed in this case by Plaintiff.

8. On June 22, 2000, Plaintiff paid the court-appointed appraisers' fees and depositing the court-appointed appraisers award of Fifteen Thousand Dollars (\$15,000.00) with the Clerk of the Court.

9. The Plaintiff and Defendants, Mercantile National Bank of Indiana, Trustee of the Bianchi Irrevocable Trust #5563, Refractory Service Corporation, Inc., and Lake County, Indiana, agree to the Plaintiff's appropriation of the real estate interests described below and further agree that Defendants, Mercantile National Bank of Indiana, Trustee of the Bianchi Irrevocable Trust #5563, Refractory Service Corporation, Inc., and Lake County, Indiana, shall recover for the real estate acquired by Plaintiff and any and all damages resulting from that acquisition, as total just compensation, Eleven Thousand Dollars (\$11,000.00), and that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition.

10. All parties withdraw their request for trial by jury in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, State of Indiana, has acquired temporary right of way to those real estate interests, including all immediate rights of possession, to the real estate described as:

The following-described right of way is temporary right of way for the purpose of constructing a driveway for service to the owner's private property and will revert to the owner on December 31, 2003:

A part of Lots 9, 10, 11, 12, 13, and 14 in Kaufmann's Industrial Addition to the City of Hammond, Lake County, Indiana, the plat of which is recorded in Plat Book 19, page 7, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at the Northeast corner of said Lot 9; thence South 0 degrees 20 minutes 03 seconds West 91.440 meters (300.00 feet) along the east line of said lots to the southeast corner of said Lot 14; thence North 89 degrees 39 minutes 57 seconds West 2.866 meters (9.40 feet) along the south line of said Lot 14; thence North 0 degrees 27 minutes 25 seconds East 91.440 meters (300.00 feet) to the north line of said Lot 9; thence South 89 degrees 39 minutes 57 seconds East 2.670 meters (8.76 feet) along said north line to the point of beginning and containing 253.1 square meters (2,725 square feet), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Mercantile National Bank of Indiana, Trustee of the Bianchi Irrevocable Trust #5563, Refractory Service Corporation, and Lake County, Indiana, shall have and recover for Plaintiff's appropriation in this case as total just compensation the sum of Eleven Thousand Dollars (\$11,000.00); that the Clerk shall, immediately upon receipt of said amount, pay to the Defendants, Mercantile National Bank of Indiana, Trustee of the Bianchi Irrevocable Trust #5563, Refractory Service Corporation, and Lake County, Indiana, in full satisfaction of this judgment and all claims in this case.

IT IS FURTHER ORDERED that the Clerk shall return Four Thousand Dollars (\$4,000.00) plus any and all interest earned to the undersigned Deputy Attorney General to the address below and the check shall be made payable to the Indiana Department of Transportation ; that the Clerk shall promptly send a certified copy of this Agreed Finding and Judgment to the Auditor and Recorder of Lake County, Indiana; that the Auditor shall not remove the above-described temporary easement from the tax recorder.



AGREED TO AND APPROVED BY:

STEVE CARTER
Attorney General of Indiana
Attorney Reg. No. 4150-64

Thomas A. Vater
Thomas A. Vater, Attorney for Defendants,
Mercantile National Bank of Indiana, Trustee
of the Bianchi Irrevocable Trust #5562 and
Refractory Service Corporation
Attorney No. 1793-45

By: Marcia Avery Hanley
Marcia Avery Hanley
Deputy Attorney General
Attorney No. 16988-49

State of Indiana

MERCANTILE NATIONAL BANK
OF INDIANA

Stephanie E. Coates
By: Stephanie E. Coates
Title: V.P. C.I.O.

By: Kevan L. McClure
Kevan L. McClure, Chief
Division of Land Acquisition
Indiana Department of Transportation

REFRACTORY SERVICE CORPORATION

Thomas A. Vater
By: Its Attorney
Title: Corp Counsel for R.S.C.

Date: January 22, 2002.

Gerald N. Svetanoff
Judge, Lake Superior Court 4
GERALD N. SVETANOFF



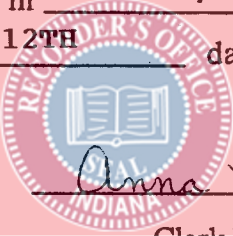
The United States of America



STATE OF INDIANA, COUNTY OF LAKE, ss:

I, the undersigned, Clerk of the Lake SUPERIOR Court of Lake County, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify that the above and foregoing is a full, true, correct and complete copy of the Order of Court dated JANUARY 22, 2002 in Cause No. 45D04-0001-CP-49 entitled, In Re ~~the~~ ~~Marriage~~ Of: STATE OF INDIANA and MERCANTILE NATIONAL BANK OF INDIANA, as fully as the same appears of record in my office as such Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in GARY, INDIANA in the said County, this 12TH day of FEBRUARY, A.D., 20 02.


Anna M. Antore
Clerk Lake SUPERIOR Court

By Arretha Haynes
Deputy