

SPLIT FROM
KEY

27-195-4

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
CIVIL DIVISION, ROOM SEVEN
CAUSE NO. 45D11-0105-CP-488

STATE OF INDIANA,

NOT-TAXABLE

Filed in Open Court

Plaintiff,

MAY 21 2004

FEB 12 2004

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

SAND RIDGE BANK AS TRUSTEE OF TRUST #13-500
and LAKE COUNTY, INDIANA,

Thomas R. Philpott
CLERK LAKE SUPERIOR COURT

Defendants.

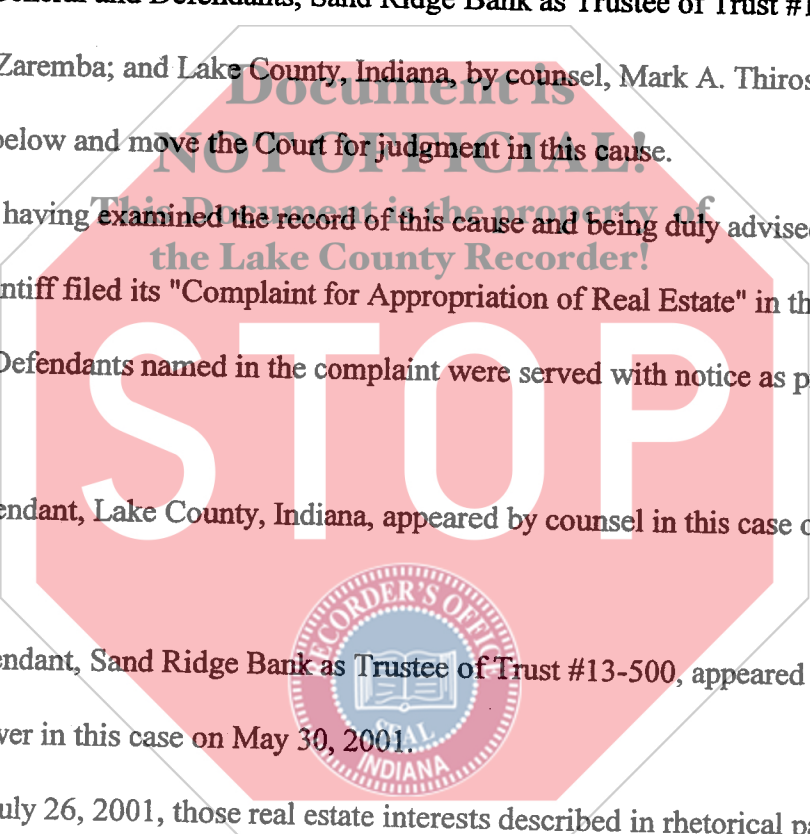
AGREED FINDING AND JUDGMENT

Plaintiff, State of Indiana, by Steve Carter, Attorney General of Indiana, and Malik Swift, Deputy Attorney General and Defendants, Sand Ridge Bank as Trustee of Trust #13-500, by counsel, Allen B. Zaremba; and Lake County, Indiana, by counsel, Mark A. Thiros, concur in the findings set forth below and move the Court for judgment in this cause.

The Court, having examined the record of this cause and being duly advised, now finds:

1. Plaintiff filed its "Complaint for Appropriation of Real Estate" in this cause on May 7, 2001, and Defendants named in the complaint were served with notice as provided by statute.
2. Defendant, Lake County, Indiana, appeared by counsel in this case on May 16, 2001.
3. Defendant, Sand Ridge Bank as Trustee of Trust #13-500, appeared by counsel and filed their Answer in this case on May 30, 2001.
4. On July 26, 2001, those real estate interests described in rhetorical paragraph IV of the Plaintiff's complaint were ordered appropriated and appraisers were appointed to assess the benefits and damages, if any, resulting from the Plaintiff's appropriation.

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5. On September 5, 2001, the court-appointed appraisers reported to the Court in their Report of Appraisers that the Defendants were entitled to total just compensation of Eight Thousand Four Hundred Dollars (\$8,400.00) due to the Plaintiff's appropriation.

6. Defendant, Sand Ridge Bank as Trustee of Trust #13-500, filed their Exceptions to Appraiser's Report on September 20, 2001.

7. Plaintiff, State of Indiana, paid to the Clerk of the Court the court-appointed appraisers' award in the amount of Eight Thousand Four Hundred Dollars (\$8,400.00) and the appraisers' fees on October 16, 2001.

8. Plaintiff and Defendants, Sand Ridge Bank as Trustee of Trust #13-500 and Lake County, Indiana, now agree to Plaintiff's appropriation of the real estate described below; that said Defendants shall recover Thirty-two Thousand Dollars (\$32,000.00), as total just compensation for the real estate appropriated and for the damages resulting from the appropriation; and agree that no other Defendants are entitled to recover any damages due to Plaintiff's acquisition.

9. Plaintiff agrees to pay the total mediation cost of One Thousand Forty Dollars (\$1,040) to the Mediator,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that 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:

A part of Lot 1 in Park Addition, an addition to the Town of Highland, Indiana, the plat of which is recorded in Plat Book 28, page 22, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at a point on the west line of said lot North 0 degrees 12 minutes 47 seconds East 112.752 meters (369.92 feet) from the southwest corner of said lot, which point of beginning is the southwest corner of the North 800 feet of said lot; thence North 0 degrees 12 minutes 47 seconds East 39.624 meters (130.00 feet) along the west line of said lot to the southwest corner of the North 670 feet of said lot; thence

South 89 degrees 52 minutes 13 seconds East 3.421 meters (11.22 feet) along the south line of the North 670 feet of said lot; thence South 0 degrees 14 minutes 03 seconds West 23.849 meters (78.24 feet); thence South 2 degrees 19 minutes 16 seconds East 15.796 meters (51.82 feet) to the south line of the North 800 feet of said lot; thence North 89 degrees 47 minutes 13 seconds West 4.111 meters (13.49 feet) along said south line to the point of beginning and containing 0.0141 hectares (0.035 acres), more or less.

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, 2005:

A part of Lot 1 in Park Addition, an addition to the Town of Highland, Indiana, the plat of which is recorded in Plat Book 28, page 22, in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at the southwest corner of said lot; thence North 0 degrees 12 minutes 47 seconds East 152.376 meters (499.92 feet) along the west line of said lot to the southwest corner of the North 670 feet of said lot; thence South 89 degrees 52 minutes 13 seconds East 3.421 meters (11.22 feet) along the south line of the North 670 feet of said lot; thence South 0 degrees 14 minutes 03 seconds West 23.849 meters (78.24 feet) to the point of beginning of this description: thence South 89 degrees 45 minutes 57 seconds East 4.500 meters (14.76 feet); thence South 0 degrees 14 minutes 03 seconds West 11.000 meters (36.09 feet); thence North 89 degrees 45 minutes 57 seconds West 4.009 meters (13.15 feet); thence North 2 degrees 19 minutes 16 seconds West 11.011 meters (36.13 feet) to the point of beginning and containing 0.0047 hectares (0.012 acres), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that


Defendants, Sand Ridge Bank as Trustee of Trust #13-500 and Lake County, Indiana, shall have and recover, as total just compensation, for the State's appropriation in this case, the amount of Thirty-two Thousand Dollars (\$32,000.00), plus all accrued interest; that the State shall deposit an additional Twenty-three Thousand Six Hundred Dollars (\$23,600.00), which is the difference between the court-appointed appraisers award previously deposited and the judgment amount; in full satisfaction of this judgment and any and all of Defendants' claims in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff shall pay the total mediation cost of One Thousand Forty Dollars (\$1,040) to the Mediator in this case.

IT IS FURTHER ORDERED 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 remove the above-described fee simple real estate from the tax records and rolls of the county and cancel all 2003 and subsequent years' taxes thereon; that the Auditor shall submit evidence of this removal from the tax records by United States mail, to the undersigned Deputy, Office of the Attorney General, Indiana Government Center South, 302 W. Washington Street, Fifth Floor, Indianapolis, Indiana, 46204; 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 this recorded transfer, by United States mail, to the undersigned Deputy, Office of the Attorney General of Indiana, Indiana Government Center South, 5th Floor, 302 West Washington Street, Indianapolis, Indiana 46204.

AGREED TO AND APPROVED BY:

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


Allen B. Zaremba, Attorney for the Defendant
Sand Ridge Bank as Trustee of Trust #13-500
Attorney Reg. No. 1469-45


Malik Swift
Deputy Attorney General
Attorney Reg. No. 19953-49


Sand Ridge Bank as Trustee of Trust #13-500

By: Trustee's Exoneration Rider Attached Hereto And Made A Part Hereof

Printed Name: _____

Title: _____

State of Indiana, Plaintiff



Mark A. Thiros, Attorney for Defendant,
Lake County, Indiana

By: 
Kevan L. McClure, Chief

Attorney Reg. No. _____

Division of Land Acquisition
Indiana Department of Transportation

SO ORDERED THIS 12 DAY OF FEB., 2004



Judge, Lake Superior Court



Copies to:

Malik Swift
Deputy Attorney General
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770

Allen B. Zaremba
Attorney at Law
8396 Mississippi Street
Merrillville, IN 46410

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

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

acl:106711



THIS AGREED FINDINGS AND JUDGEMENT is executed by **SAND RIDGE BANK**, not personally, but as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that nothing in said document shall be construed as creating any personal liability on **SAND RIDGE BANK** to pay any indebtedness accruing thereunder, or to perform any covenants, either expressed or implied including but not limited to warranties, indemnifications and hold harmless representations in said document (all such liability, if any, being expressly waived by the parties hereto and their respective successors and assigns) and that so far as said Trustee is concerned, the owner of any indebtedness or right accruing under said document thereof, it being understood that said Trustee merely holds title to the premises described therein and has no control over the management thereof or the income therefrom, and has no knowledge respecting any factual matter with respect to said premises, except as represented to it by the beneficiary(ies) of said Trust. In event of such conflict between the terms of this rider and of the agreement to which it is attached, on any questions of apparent liability or obligation resting upon said trustee, the provisions of this rider shall be controlling.

Nothing contained herein shall be construed as creating any liability on **SAND RIDGE BANK**, personally, under the provisions of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or the Indiana Responsible Property Transfer Law (The Act) as amended from time to time, or any Federal, state or Local rule or regulation. **SAND RIDGE BANK**, personally is not a "Transferor" under the Act and makes no representations concerning any possible environmental defects. In making any warranty herein, the Trustee is relying solely on information furnished to it by the beneficiaries and not of its own knowledge and specifically exculpates itself from any liabilities, responsibilities or damages as a result of including any warranty in this instrument.

DATED: August 8, 2003

SAND RIDGE BANK, AS TRUSTEE
OF TRUST #13-5000

ATTEST:

Document is
NOT OFFICIAL

By: Deborah A. Rollo

Deborah A. Rollo
Assistant Vice President & Trust Officer

By: George J. Vande Werken
George J. Vande Werken
Executive Vice President

This Document is the property of
the Lake County Recorder.

STATE OF INDIANA)

COUNTY OF LAKE)
)SS
)

STOP

I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY, that Deborah A. Rollo, Assistant Vice President & Trust and Officer and George J. Vande Werken, Executive Vice President of the **SAND RIDGE BANK**, Highland, Indiana, an Indiana State Banking Association, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Assistant Vice President & Trust Officer and Executive Vice President did also then and there acknowledge that they, as custodians of the Corporate seal of said Indiana State Banking Association, did affix the said Corporate seal of said Indiana State Banking Association to the foregoing as his own free and voluntary act, and as the free and voluntary act of said Indiana State Banking Association, as Trustee for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this 8th day of August 2003.

Jeanne M. Bellar
JEANNE M. BELLAR
NOTARY PUBLIC STATE OF INDIANA
LAKE COUNTY
MY COMMISSION EXP. NOV. 22007