

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
SITTING IN HAMMOND, INDIANA

JILL ROSENSTEIN,)
)
) Plaintiff,)
)
) vs.)

Filed in Open Court

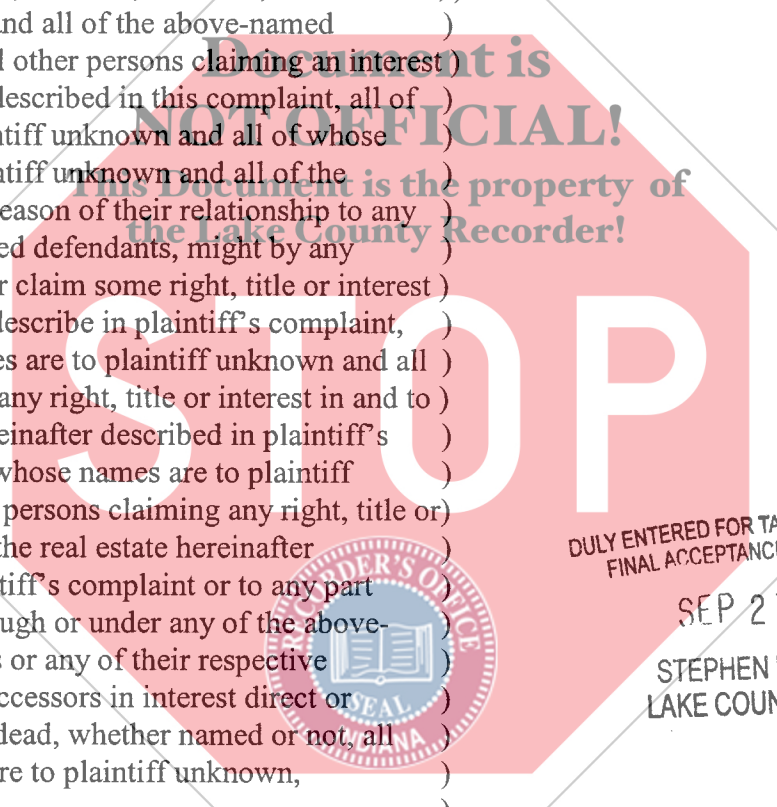
SEP 14 2004

Thomas R. Philpot
CLERK LAKE SUPERIOR COURT

UNITED RECYCLING, INC., an ILLINOIS)
CORPORATION; MERCANTILE NATIONAL)
BANK, SMALL BUSINESS ADMINISTRATION;)
ROBERT J. BRECKA; CLARENCE ROLNICK;)
GREENLEAF ACQUISITIONS, LLC a Delaware)
Corporation; UNITED STATES ATTORNEY;)
LAMAR ADVERTISING, and the HAMMOND)
SANITARY DISTRICT and the unknown heirs,)
representatives, devisees, legatees, executors,)
administrators husbands, wives, receivers, lessees,)
successors, assigns, guardians, trustees, widows,)
widowers, spouses, children, creditors, beneficiaries,)
grantees of each and all of the above-named)
defendants and all other persons claiming an interest)
in the real estate described in this complaint, all of)
whom are to plaintiff unknown and all of whose)
names are to plaintiff unknown and all of the)
persons, who by reason of their relationship to any)
of the above-named defendants, might by any)
possibility have or claim some right, title or interest)
in the real estate describe in plaintiff's complaint,)
all of whose names are to plaintiff unknown and all)
persons claiming any right, title or interest in and to)
the real estate hereinafter described in plaintiff's)
complaint, all of whose names are to plaintiff)
unknown, and all persons claiming any right, title or)
interest in and to the real estate hereinafter)
described in plaintiff's complaint or to any part)
thereof from, through or under any of the above-)
named defendants or any of their respective)
descendants or successors in interest direct or)
remote, living or dead, whether named or not, all)
of whose names are to plaintiff unknown,)

CAUSE NO: 45D01-0406-PL-64

4000004006



Defendants.)

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

SEP 27 2004

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

ORDER AND JUDGMENT QUIETING TITLE TO REAL ESTATE

0445065x

→ **Stewart Title Services**
of Northwest Indiana
The Pointe
5521 W. Lincoln Hwy.
Crown Point, IN 46307

002085

25-DG
STS

Comes now the plaintiff, Jill Rosenstein, by counsel, Pinkerton & Friedman, P.C. , and having filed her Petition to quiet the title to certain real property which Petition is in the following words and figures to-wit:

(H.I.)

1. That service of Summons was made upon Defendant, Lamar Adverting, by Sheriff on June 3, 2004, which Summons and return thereon is in the following words and figures to-wit: (H.I.).

2. That service of Summons was made upon Defendant, Hammond Sanitary District, by Sheriff on June 7, 2004, which Summons and return thereon is in the following words and figures to-wit: (H.I.).

3. That service of Summons was made upon Defendant, Mercantile National Bank, by Sheriff on June 7, 2004, which Summons and return thereon is in the following words and figures to-wit: (H.I.).

4. That service of Summons was made upon Defendant, Small Business Administration, by Certified Mail Return Receipt Requested, on June 7, 2004, which Summons and return thereon is in the following words and figures to-wit: (H.I.).

5. That service of Summons was made upon Defendant, Greenleaf Acquisitions, LLC, Certified Mail Return Receipt Requested, on June 10, 2004, which Summons and return thereon is in the following words and figures to-wit: (H.I.).

6. That service of Summons was made upon Defendant, United States Attorney, by Certified Mail Return Receipt Requested, on June 9, 2004, which Summons and return thereon is in the following words and figures to-wit: (H.I.).

7. Comes further the plaintiff, by counsel, and shows the Court that the following named defendants cannot be found within the State of Indiana and that their whereabouts are unknown and that personal service upon them was not able to be effectuated.

UNITED RECYCLING, INC., an ILLINOIS CORPORATION; ROBERT J. BRECKA; and CLARENCE ROLNIK; representatives, devisees, legatees, executors, administrators husbands, wives, receivers, lessees, successors, assigns, guardians, trustees, widows, widowers, spouses, children, creditors, beneficiaries, grantees of each and all of the above-named defendants and all other persons claiming an interest in the real estate described in this complaint, all of whom are to plaintiff unknown and all of whose names are to plaintiff unknown and all of the persons, who by reason of their relationship to any of the above-named defendants, might by any possibility have or claim some right, title or interest in the real estate describe in plaintiff's complaint, all of whose names are to plaintiff unknown and all persons claiming any right, title or interest in and to the real estate hereinafter described in plaintiff's complaint, all of whose names are to plaintiff unknown, and all persons claiming any right, title or interest in and to the real estate hereinafter described in plaintiff's complaint or to any part thereof from, through or under any of the above-named defendants or any of their respective descendants or successors in interest direct or remote, living or dead, whether named or not, all of whose names are to plaintiff unknown.

8. Comes further the plaintiff, by counsel, and shows the Court that said defendants were duly served by Summons and Publication appearing in the Lowell Tribune on July 6th, 2004, July 13, 2004 and July 20, 2004, which Service by Publication and the Publisher's Affidavit of such publication are in the following words and figures, to-wit: (H.I.).

9. Comes further the plaintiff, by counsel, and shows the Court that Defendant, **SMALL BUSINESS ADMINISTRATION** has been dismissed as a Defendant, after having tendered a Release Deed to the property.

10. Comes further the plaintiff, by counsel, and shows the Court that the following defendants failed to appear and otherwise answer the complaint: **UNITED RECYCLING, INC;** **ROBERT J. BRECKA; and CLARENCE ROLNIK;** and that more than thirty (30) days have passed since the last notice by publication was made and more than twenty three (23) days have passed since the date of service to the defendants, **MERCANTILE NATIONAL BANK;** **GREENLEAF ACQUISITIONS, LLC;** **HAMMOND SANITARY DISTRICT;** **LAMAR ADVERTISING AND UNITED STATES ATTORNEY.**

And this cause being now at issue, is submitted to the Court for hearing and trial without intervention of jury and the Court having heard evidence and being duly advised in the premises, **NOW FINDS AND ORDERS AS FOLLOWS:**

1. That the plaintiff is owner in fee simple of the following described real estate located in Lake County, Indiana, to-wit:

PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2ND PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF AND ADJACENT TO THE NORTHERLY LINE OF SUMMER STREET AND LYING WEST OF AND ADJACENT TO THE WEST LINE OF FORSYTH AVENUE (INDIANAPOLIS BOULEVARD) AS SAID STREET EXISTED ON JULY 13, 1973; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PART: BEGINNING AT A POINT OF INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER WITH THE NORTHEASTERLY LINE OF SUMMER STREET, THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SUMMER STREET A DISTANCE OF 509 FEET, THENCE NORTHEASTERLY PERPENDICULAR TO THE NORTHERLY LINE OF SUMMER STREET A DISTANCE OF 342.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, SAID

POINT BEING 613.50 FEET EAST OF THE INTERSECTION OF THE NORTHEASTERLY LINE OF SUMMER STREET WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, THENCE WEST ALONG SAID NORTH LINE 613.50 FEET TO THE POINT OF BEGINNING, IN THE CITY OF HAMMOND, LAKE COUNTY, INDIANA. ALSO EXCEPT, THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN IN CITY OF HAMMOND, NORTH TOWNSHIP, LAKE COUNTY, INDIANA, DESCRIBED AS BEGINNING AT A POINT IN THE NORTHERLY LINE OF 80-FOOT WIDE DEDICATED SUMMER STREET AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHWEST QUARTER WITH SAID NORTHERLY LINE OF SUMMER STREET; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE OF SUMMER STREET 509.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ON SAID NORTHERLY LINE OF SUMMER STREET 200 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES TO SAID NORTHERLY LINE OF SUMMER STREET 477.88 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 5; THENCE WESTERLY ON THE NORTH LINE OF SAID SOUTHWEST QUARTER 241.05 FEET TO THE NORTHEAST CORNER OF THE PROPERTY OWNED BY MEADE ELECTRIC; THENCE SOUTHWESTERLY ON THE SOUTHEAST LINE OF MEADE ELECTRIC CO.'S PROPERTY, SAID LINE BEING PARALLEL TO AND 200 FEET NORTHWEST OF AFORESAID 477.88 FOOT LINES, 343.32 FEET TO THE POINT OF BEGINNING.

2. That the plaintiff, Jill Rosenstein, acquired title to said real estate pursuant to a Commissioners' Quit Claim Deed granted and delivered to the plaintiff which Deed was duly recorded on the 9th day of August, 2001, as document number 2001 063605.

3. That defendant, **UNITED RECYCLING, INC.**, claim an interest in the aforesaid real estate by virtue of being a previous owner of record of said real estate.

4. That defendant, **CLARENCE ROLNIK.**, claims an interest in the aforesaid real estate by virtue of being a previous owner of record of said real estate.

5. That defendant, **ROBERT J. BRECKA**, claims an interest in the aforesaid real estate by virtue of being a previous owner of record of said real estate.

6. That defendant, **HAMMOND SANITARY DISTRICT**, claims an interest in the aforesaid real estate by virtue of a possible lien on said real estate.

7. That defendant, **LAMAR ADVERTISING**, claims an interest in the aforesaid real estate by virtue of a having three (3) recorded leases with the plaintiff for signs on said real estate.

8. That defendant, **UNITED STATES ATTORNEY**, claims an interest in the aforesaid real estate by virtue of a recorded Order of the United States District Court for the Northern District of Illinois which affects said real estate.

9. That defendant, **MERCANTILE NATIONAL BANK**, claims an interest in the aforesaid real estate by virtue of a recorded mortgage on said real estate.

10. That defendant, **GREENLEAF ACQUISITIONS, LLC**, claims an interest in said real estate by virtue of its recorded Lease Option.

11. That the plaintiff is entitled to have the title to the aforesaid real estate quieted against the claims of all of the defendants herein as a result of the aforesaid Commissioners' Quit Claim Deed and that the defendants should be enjoined from ever asserting any right, title or interest in the above described real estate and from, in any manner, interfering with the plaintiff in her possession and enjoyment of the aforesaid real estate, except for defendant, **GREENLEAF ACQUISITIONS, LLC'S** interest in the property by virtue of its Lease Option referenced in that certain Memorandum of Option to Lease dated December 21, 2000 and recorded March 6, 2001 as Document No. 2001 016180 with the Plaintiff which shall remain in full force and effect as provided by said Lease Option; and Defendant, **LAMAR ADVERTISING'S** interest in the property by virtue of its Leases referred to in that Lease Agreements as follows: Lease No. 75 (formerly IN-1339) dated August 26, 2002, referred to in that certain Memorandum of Lease Agreement dated August 30, 2002, and recorded September 30, 2002 as Document No. 2002 - 087870; and Lease #535

(formerly IN 1082) dated December 20, 2000 and recorded March 2, 2001, as Document No. 2001 015299; and Lease #540 (formerly IN 1083) dated August 26, 2002, referred to in that certain Memorandum of Lease Agreement dated August 30, 2002 and recorded September 30, 2002 as Document No. 2002 087868 with the Plaintiff which Leases shall remain in full force and effect as provided by said Leases.

12. That the plaintiff is the fee simple owner of said property and is entitled to the quiet and peaceful possession of the aforescribed real estate and holds her title to the property free and clear of any title, lien or interest in or to the subject real estate and that the asserted interest of any and all of the defendants herein is without any right whatsoever and said defendants do not have any right, title, lien, or interest in and to said real estate or to any part thereof in any manner, except for defendant, **GREENLEAF ACQUISITION, LLC'S** interest in the property by virtue of its Lease Option referenced in that certain Memorandum of Option to Lease dated December 21, 2000 and recorded March 6, 2001 as Document No. 2001 016180 with the Plaintiff which shall remain in full force and effect as provided by said Lease Option; and Defendant, **LAMAR ADVERTISING'S** interest in the property by virtue of its Leases referred to in that Lease Agreements as follows: Lease No. 75 (formerly IN-1339) dated August 26, 2002, referred to in that certain Memorandum of Lease Agreement dated August 30, 2002, and recorded September 30, 2002 as Document No. 2002 - 087870; and Lease #535 (formerly IN 1082) dated December 20, 2000 and recorded March 2, 2001, as Document No. 2001 015299; and Lease #540 (formerly IN 1083) dated August 26, 2002, referred to in that certain Memorandum of Lease Agreement dated August 30, 2002 and recorded

September 30, 2002 as Document No. 2002 087868 with the Plaintiff which Leases shall remain in full force and effect as provided by said Leases.

IT IS THEREFORE **ORDERED, ADJUDGED AND DECREED BY THE COURT** that judgment is hereby entered in favor of the plaintiff, Jill Rosenstein, and against the defendants, **UNITED RECYCLING, INC; ROBERT J. BRECKA; CLARENCE ROLNIK; MERCANTILE NATIONAL BANK; UNITED STATES ATTORNEY; AND HAMMOND SANITARY DISTRICT** only and that defendant, **GREENLEAF ACQUISITION, LLC'S** interest in the property by virtue of its Lease Option referenced in that certain Memorandum of Option to Lease dated December 21, 2000 and recorded March 6, 2001 as Document No. 2001 016180 with the Plaintiff shall remain in full force and effect as provided by said Lease Option; and defendant, **LAMAR ADVERTISING'S** interest in the property by virtue of its Leases referred to in that Lease Agreements as follows: Lease No. 75 (formerly IN-1339) dated August 26, 2002, referred to in that certain Memorandum of Lease Agreement dated August 30, 2002, and recorded September 30, 2002 as Document No. 2002 - 087870; and Lease #535 (formerly IN 1082) dated December 20, 2000 and recorded March 2, 2001, as Document No. 2001 015299; and Lease #540 (formerly IN 1083) dated August 26, 2002, referred to in that certain Memorandum of Lease Agreement dated August 30, 2002 and recorded September 30, 2002 as Document No. 2002 087868 with the Plaintiff which Leases shall remain in full force and effect as provided by said Leases.

IT IS FURTHER **ORDERED, ADJUDGED AND DECREED BY THE COURT** that the plaintiff, Jill Rosenstein, is owner in fee simple of the aforescribed real estate and is entitled to

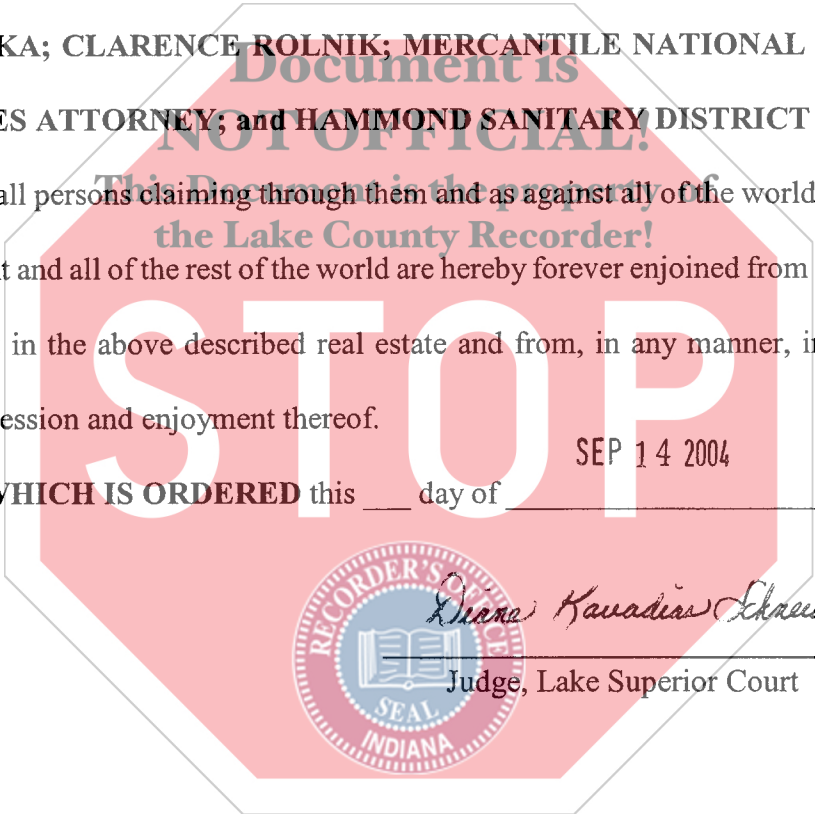
quiet and peaceful possession of the said real estate and the defendants are without right whatsoever to said real estate or any interest therein, and said defendants have no estate, right, title lien, judgment or interest in and to said real estate or to any part thereof, except for **GREENLEAF ACQUISITION, LLC's** interest and **LAMAR ADVERTISING'S** interest as previously identified in this order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the fee simple title of the plaintiff, Jill Rosenstein, is quieted against any interest of the defendants:

UNITED RECYCLING, INC., an ILLINOIS CORPORATION; ROBERT J. BRECKA; CLARENCE ROLNIK; MERCANTILE NATIONAL BANK; UNITED STATES ATTORNEY; and HAMMOND SANITARY DISTRICT

and as against all persons claiming through them and as against all of the world, and that each and every defendant and all of the rest of the world are hereby forever enjoined from asserting any right, title or interest in the above described real estate and from, in any manner, interfering with the plaintiff's possession and enjoyment thereof.

ALL WHICH IS ORDERED this _____ day of _____, 2004



Diane Kavadias Schneider

Judge, Lake Superior Court