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STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

IN THE LAKE SUPERIOR COURT 4  
CAUSE NO. 45D04-0207-PL-29

STATE OF INDIANA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MILFORD P. CHRISTENSON, and )  
DALE R. CHRISTENSON, SR., as Trustee )  
Under Provisions of a Trust Agreement Dated the )  
5<sup>th</sup> Day of August 1983, Known as Indiana )  
Hoosier Trust, and )  
LAKE COUNTY, INDIANA, )  
 )  
Defendants. )

**FILED IN OPEN COURT**

NOV 04 2004

*Herald N. Wetland*  
JUDGE  
SUPERIOR COURT OF LAKE COUNTY

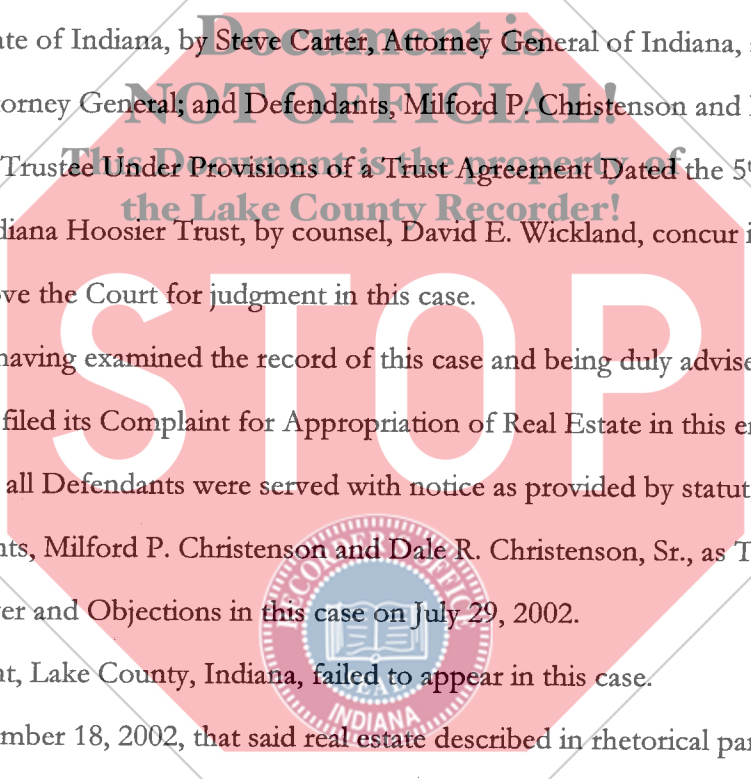
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**AGREED FINDING AND JUDGMENT**

Plaintiff, State of Indiana, by Steve Carter, Attorney General of Indiana, and Marcia Avery Hanley, Deputy Attorney General; and Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustee Under Provisions of a Trust Agreement Dated the 5<sup>th</sup> day of August 1983, Known as Indiana Hoosier Trust, by counsel, David E. Wickland, 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 July 3, 2002, and all Defendants were served with notice as provided by statute.
2. Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, appeared and filed their Answer and Objections in this case on July 29, 2002.
3. Defendant, Lake County, Indiana, failed to appear in this case.
4. On November 18, 2002, that said 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.



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LAKE COUNTY  
STATE OF INDIANA

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5. On December 16 2002, the court-appointed appraisers filed with the Court their Report of Appraisers, in which they assessed Five Hundred Twenty-nine Thousand Two Hundred Dollars (\$529,200.00) total just compensation for Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, in this case.

6. Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, filed their Exceptions to the Report of Appraisers in this case on December 26, 2002.

7. Plaintiff filed its Exceptions to the Report of Appraisers in this case on January 10, 2003.

8. Plaintiff paid the court-appointed appraisers' fees and deposited the court-appointed appraisers' award of Five Hundred Twenty-nine Thousand Two Hundred Dollars (\$529,200.00) with the Clerk of the Court on January 14, 2003.

9. Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, withdrew from the sum deposited by plaintiff pursuant to the agreement of the parties in that certain Stipulation and Order dated June 10, 2003 the sum of Three Hundred Forty-eight Thousand Five Hundred Dollars (\$348,500.00) of said foregoing Five Hundred Twenty-nine Thousand Two Hundred Dollars (\$529,200.00) sum, leaving in the Clerk's Office a balance in the sum of One Hundred Eight Thousand Seven Hundred Dollars (\$180,700.00).

10. The Plaintiff and Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, agree to the Plaintiff's appropriation of the real estate interests described below and further agree that Defendants, Milford P. Christenson and Dale R. Christenson, Sr., shall recover for the real estate acquired by Plaintiff and any and all damages resulting from that acquisition, as total just compensation, Six Hundred Thousand Dollars (\$600,000.00) and that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition.

11. 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 fee simple title and temporary right of way to those real estate interests, including all immediate rights of possession, to the real estate described as:

A part of the Northeast Quarter of Section 32, Township 36 North, Range 9 West, Lake County, Indiana, described as follows: Beginning at the northeast corner of said section; thence South 0 degrees 20 minutes 49 seconds East 43.414 meters (142.43 feet) along the east line of said section; thence South 89 degrees 39 minutes 11 seconds West 16.808 meters (55.14 feet) to the west boundary of U.S.R. 41 (also known as Indianapolis Boulevard); thence North 14 degrees 15 minutes 58 seconds West 7.214 meters (23.67 feet); thence North 39 degrees 08 minutes 41 seconds West 20.390 meters (66.90 feet); thence North 87 degrees 14 minutes 04 seconds West 77.058 meters (252.81 feet); thence North 89 degrees 27 minutes 56 seconds West 12.000 meters (39.37 feet); thence North 78 degrees 09 minutes 21 seconds West 20.396 meters (66.92 feet); thence North 83 degrees 58 minutes 51 seconds West 50.230 meters (164.80 feet) to the south boundary of 45th Street; thence North 89 degrees 28 minutes 56 seconds West 27.816 meters (91.26 feet) along the boundary of said 45th Street to the west line of the owners' land; thence North 0 degrees 20 minutes 49 seconds West 9.145 meters (30.00 feet) along said west line to the north line of said section; thence South 89 degrees 28 minutes 56 seconds East 217.957 meters (715.08 feet) along said north line to the point of beginning and containing 0.4034 hectares (0.997 acres), more or less, inclusive of the presently existing right-of-way which contains 0.2584 hectares (0.639 acres), more or less. The portion of the above-described real estate which is not already embraced within the presently existing right-of-way contains 0.1450 hectares (0.358 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 owners' private property and will revert to the owners on December 31, 2005: A part of the Northeast Quarter of Section 32, Township 36 North, Range 9 West, Lake County, Indiana, described as follows: Commencing at the northeast corner of said section; thence South 0 degrees 20 minutes 49 seconds East 43.414 meters (142.43 feet) along the east line of said section; thence South 89 degrees 39 minutes 11 seconds West 16.808 meters (55.14 feet) to the west boundary of U.S.R. 41 (also known as Indianapolis Boulevard); thence North 14 degrees 15 minutes 58 seconds West 7.214 meters (23.67 feet); thence North 39 degrees 08 minutes 41 seconds West 20.390 meters (66.90 feet); thence North 87 degrees 14 minutes 04 seconds West 77.058 meters (252.81 feet); thence North 89 degrees 27 minutes 56 seconds West 12.000 meters (39.37 feet); thence North 78 degrees 09 minutes 21 seconds West 20.396 meters (66.92 feet) to the point of beginning of this description: thence South 0 degrees 32 minutes 04 seconds West 2.000 meters (6.56 feet); thence North 89 degrees 27 minutes 56 seconds West 20.000 meters (65.62 feet); thence North 0 degrees 32 minutes 04 seconds East 3.920 meters (12.86 feet); thence South 83 degrees 58 minutes 51 seconds East 20.092 meters (65.92 feet) to the point of beginning and containing 0.0059 hectares (0.015 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 owners' private property and for lawn grading and will revert to the owners on December 31, 2005: A part of the Northeast Quarter of Section 32, Township 36 North, Range 9 West, Lake County, Indiana, described as follows: Commencing at the northeast corner of said section; thence South 0 degrees 20 minutes 49 seconds East 43.414 meters (142.43 feet) along the

east line of said section; thence South 89 degrees 39 minutes 11 seconds West 16.808 meters (55.14 feet) to the west boundary of U.S.R. 41 (also known as Indianapolis Boulevard); thence North 14 degrees 15 minutes 58 seconds West 7.214 meters (23.67 feet); thence North 39 degrees 08 minutes 41 seconds West 20.390 meters (66.90 feet); thence North 87 degrees 14 minutes 04 seconds West 77.058 meters (252.81 feet) to the point of beginning of this description: thence South 0 degrees 32 minutes 04 seconds West 1.000 meter (3.28 feet); thence North 89 degrees 27 minutes 56 seconds West 12.000 meters (39.37 feet); thence North 78 degrees 09 minutes 21 seconds West 20.396 meters (66.92 feet); thence North 0 degrees 32 minutes 04 seconds East 1.000 meter (3.28 feet); thence South 78 degrees 09 minutes 21 seconds East 20.396 meters (66.92 feet); thence South 89 degrees 27 minutes 56 seconds East 12.000 meters (39.37 feet) to the point of beginning and containing 0.0032 hectares (0.008 acres), more or less.

The following described right of way is temporary right of way for curb construction and will revert to the owners on December 31, 2005: A part of the Northeast Quarter of Section 32, Township 36 North, Range 9 West, Lake County, Indiana, described as follows: Commencing at the northeast corner of said section; thence South 0 degrees 20 minutes 49 seconds East 43.414 meters (142.43 feet) along the east line of said section; thence South 89 degrees 39 minutes 11 seconds West 16.808 meters (55.14 feet) to the west boundary of U.S.R. 41 (also known as Indianapolis Boulevard); thence North 14 degrees 15 minutes 58 seconds West 7.214 meters (23.67 feet) to the point of beginning of this description: thence South 38 degrees 22 minutes 53 seconds West 1.281 meters (4.20 feet); thence North 37 degrees 23 minutes 00 seconds West 19.906 meters (65.31 feet); thence North 87 degrees 14 minutes 04 seconds West 77.058 meters (252.81 feet); thence North 0 degrees 32 minutes 04 seconds East 1.000 meter (3.28 feet); thence South 87 degrees 14 minutes 04 seconds East 77.058 meters (252.81 feet); thence South 39 degrees 08 minutes 41 seconds East 20.390 meters (66.90 feet) to the point of beginning and containing 0.0096 hectares (0.024 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 owners' private property and will revert to the owners on December 31, 2005: A part of the Northeast Quarter of Section 32, Township 36 North, Range 9 West, Lake County, Indiana, described as follows: Commencing at the northeast corner of said section; thence South 0 degrees 20 minutes 49 seconds East 173.756 meters (570.07 feet) along the east line of said section to the southeast corner of the owners' land; thence North 89 degrees 28 minutes 56 seconds West 16.942 meters (55.58 feet) along the south line of the owners' land to the west boundary of U.S.R. 41 (also known as Indianapolis Boulevard); thence North 0 degrees 17 minutes 19 seconds West 3.086 meters (10.12 feet) along the boundary of said U.S.R. 41 to the point of beginning of this description: thence South 89 degrees 43 minutes 17 seconds West 1.766 meters (5.79 feet); thence North 0 degrees 16 minutes 43 seconds West 11.000 meters (36.09 feet); thence North 89 degrees 43 minutes 17 seconds East 1.764 meters (5.79 feet) to the west boundary of said U.S.R. 41; thence South 0 degrees 17 minutes 19 seconds East 11.000 meters (36.09 feet) along the boundary of said U.S.R. 41 to the point of beginning and containing 0.0019 hectares (0.005 acres), more or less.



IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, shall have and recover for Plaintiff's appropriation in this case as total just compensation Six Hundred Thousand Dollars (\$600,000.00); that the Clerk shall immediately pay to Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, One Hundred Eighty Thousand Seven Hundred Seven Hundred Dollars (\$180,700.00), which is the balance of the amount of the court-appointed appraisers' award not withdrawn by Defendant and deposited by the State with the Clerk; that the State shall deposit with the Clerk an additional Seventy Thousand Eight Hundred Dollars (\$70,800.00), which is the difference between the judgment amount and the court-appointed appraisers' award deposited in this case; that the Clerk shall, immediately upon receipt of said amount, pay Defendants, Milford P. Christenson and Dale R. Christenson, Sr., as Trustees, said Seventy Thousand Eight Hundred Dollars (\$70,800.00), in full satisfaction of this judgment and all of Defendants' claims in this case; that any interest earned shall be returned to the Indiana Department of Transportation payable to the Indiana Department of Transportation in care of Deputy Attorney General, Marcia Avery Hanley, 302 West Washington Street, IGCS-5<sup>th</sup> Floor, Indianapolis, Indiana 46204-2770.


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 2003 and subsequent years' taxes thereon ***and that the Auditor shall submit evidence of the recorded transfer, by United States mail, to the Office of the Attorney General of Indiana, Indiana Government Center South, Fifth Floor, 302 West Washington Street, Indianapolis, Indiana 46204-2770.***

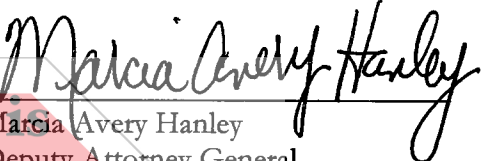
IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Judgment to the Recorder of Lake County, Indiana, and that the Recorder shall, pursuant to IC 8-23-7-31 and without payment of fee, record the transfer of the above-described real estate to the State of Indiana; **and that the Recorder shall submit evidence of the recorded transfer, by United States mail, to the Office of the Attorney General of Indiana, Indiana Government Center South, Fifth Floor, 302 West Washington Street, Indianapolis, Indiana 46204-2770.**

AGREED TO AND APPROVED BY:


STEVE CARTER

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

  
\_\_\_\_\_  
David E. Wickland, Attorney for Defendants,  
Milford P. Christenson and Dale R. Christenson,  
as Trustee Under Provisions of a Trust  
Agreement Dated the 5<sup>th</sup> day of August 1983,  
known as Indiana Hoosier Trust  
Attorney Reg. No. 1231-45

By:   
\_\_\_\_\_  
Marcia Avery Hanley  
Deputy Attorney General  
Attorney Reg. No. 16988-49  
State of Indiana

  
\_\_\_\_\_  
Defendant, Milford P. Christenson, as Trustee

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

  
\_\_\_\_\_  
Defendant, Dale R. Christenson, as Trustee

SO ORDERED THIS 4<sup>th</sup> DAY OF November, 2004

  
\_\_\_\_\_  
Judge, Lake Superior Court 4  
GERALD N. SVETANOFF

Copies to:

Marcia Avery Hanley, Section Chief  
Real Estate Litigation  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, Indiana 46204-2770

David E. Wickland  
8146 Calumet Avenue  
1033 Royal Dublin Lane  
Munster, IN 46321

The Honorable Stephen R. Stiglich  
Auditor, Lake County, Indiana  
Courthouse  
2293 N. Main Street  
Crown Point, IN 46307

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

MAH/acl:185528



Gerald Svetenoff ↙  
Civil Division Room #4  
15 West 4th Ave. Gary 46402 ←

# 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 NOV. 4, 2004 in Case No. 45D04-0207-PL-29 entitled STATE OF INDIANA VS MILFORD P. CHRISTENSON et al as, fully as the same appears of record in my office as such Clerk.

Document is NOT OFFICIAL!  
This Document is the property of the Lake County Recorder!

# STOP

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 04TH. day of NOVEMBER, A.D., 2004.

*Thomas R. Philcox*  
Clerk Lake SUPERIOR Court,

By *Mona Santora*  
Deputy



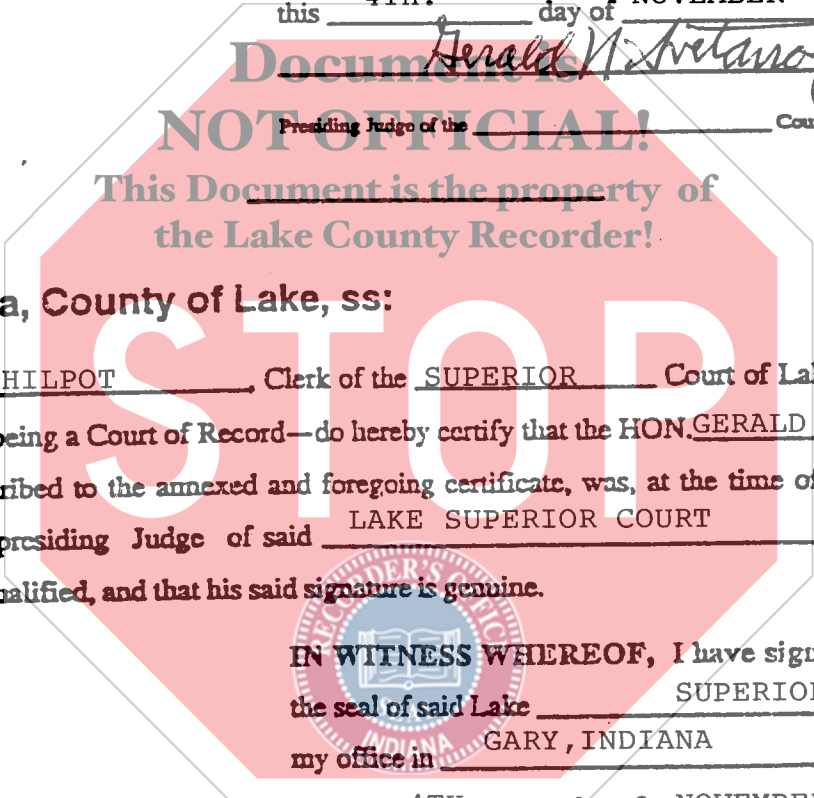
# United States of America

## State of Indiana, County of Lake, ss:

GERALD N. SVETANOFF \_\_\_\_\_, Judge of the SUPERIOR Court of Lake County, of the State of Indiana, and as such sole presiding Judge of the SUPERIOR COURT of Lake County, in the State of Indiana, do hereby certify that THOMAS R. PHILPOT \_\_\_\_\_, whose name is subscribed to the foregoing certificate of attestation, now is, and was at the time of signing and sealing the same, the Clerk of the SUPERIOR Court of Lake County aforesaid, and keeper of the records, files and seals thereof, duly elected and qualified to office; and that full faith and credit are, and of right ought to be, given to all his official acts as such, in all Courts of Record and elsewhere, and that his said attestation is in due form of law and by the proper officer.

Given under my hand and seal, at GARY, \_\_\_\_\_, Indiana,  
 this 4TH. day of NOVEMBER A. D. 2004

*Gerald N. Svetanoff* \_\_\_\_\_ (Seal)  
 Presiding Judge of the \_\_\_\_\_ Court of Lake County, State of Indiana



## State of Indiana, County of Lake, ss:

I, THOMAS R. PHILPOT \_\_\_\_\_, Clerk of the SUPERIOR Court of Lake County, in the State of Indiana—said Court being a Court of Record—do hereby certify that the HON. GERALD N. SVETANOFF \_\_\_\_\_ whose name is subscribed to the annexed and foregoing certificate, was, at the time of the signing thereof, and now is, the sole presiding Judge of said LAKE SUPERIOR COURT \_\_\_\_\_ duly elected, Commissioned and qualified, and that his said signature is genuine.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of said Lake SUPERIOR Court, at my office in GARY, INDIANA \_\_\_\_\_, in said Lake County, this 4TH. day of NOVEMBER A. D. 2004

*Thomas R. Philpot* \_\_\_\_\_ Clerk