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STATE OF INDIANA) IN THE SUPERIOR COURT OF LAKE COUNTY
COUNTY OF LAKE) CIVIL DIVISION, ROOM NUMBER FOUR
2005 SS 002653 SITTING AT GARY, INDIANA

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
MICHAEL J. ...
RECORDED
2005 002653
CAUSE NO.: 45D04-0404-PL-000618

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
TOWN SQUARE SHOPPING CENTER,)
LLC, FIRST UNION NATIONAL BANK,)
and LAKE COUNTY, INDIANA)
)
)
)
Defendants.)

FILED IN OPEN COURT
DEC 16 2004

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

JAN 13 2005

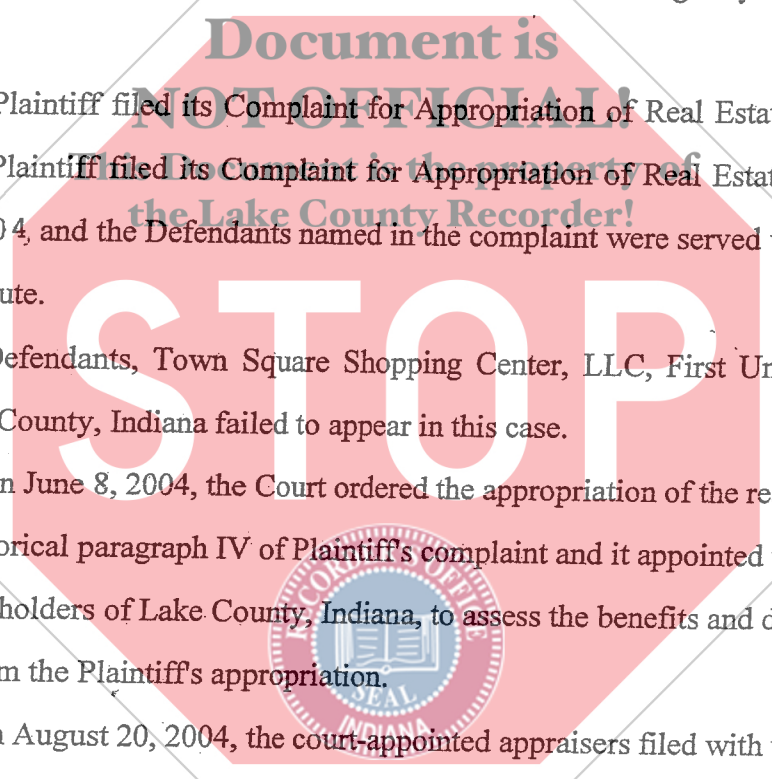
STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

Harold M. ...
JUDGE
SUPERIOR COURT OF LAKE COUNTY

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 in this case
1. Plaintiff filed its Complaint for Appropriation of Real Estate in this case on April 23, 2004, and the Defendants named in the complaint were served with notice as provided by statute.
2. Defendants, Town Square Shopping Center, LLC, First Union National Bank, and Lake County, Indiana failed to appear in this case.
3. On June 8, 2004, the Court ordered the appropriation of the real estate described in rhetorical paragraph IV of Plaintiff's complaint and it appointed three disinterested freeholders of Lake County, Indiana, to assess the benefits and damages, if any, resulting from the Plaintiff's appropriation.
5. On August 20, 2004, the court-appointed appraisers filed with the Court their Report of Appraisers in which they assessed Eighty-Three Thousand Dollars (\$83,000.00) total damages due to the Plaintiff's appropriation.
6. On August 20, 2004, the Clerk of the Court sent notice of the Report of Appraisers to all parties and attorneys of record by United States certified mail.



STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

N/C

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7. I.C. 32-24-1-11 mandates that Exceptions to the Report of Appraisers shall be filed within twenty days of mailing.

8. None of the parties have filed timely Exceptions to the Report of Appraisers in this case.

9. When, as here, no Exceptions are filed within the Statutory period, the court-appointed appraisers' report is conclusive as a matter of law, and there is no issue left for trial. *State v. Redmon*, 186 N.E. 328 (Ind. 1933); *Southern Indiana Gas Elec. Co. v. Decker*, 307 N.E. 2d 51 (Ind. 1974).

10. The Plaintiff paid the court-appointed fees and deposited the court award in the amount of Eighty-Three Thousand Dollars (\$83,000.00) with the Clerk of the Court in this case on September 13, 2004.

11. Defendants, Town Square Shopping Center, First Union National Bank, and Lake County, Indiana, should now recover Eighty-Three Thousand Dollars (\$83,000.00) as total just compensation from Plaintiff in this case.

IT IS FURTHERED ORDERED, ADJUDGED AND DECREED that the Plaintiff, State of Indiana, now holds fee simple title, including all rights of possession, to the real estate described as:

A part of Lots 1, 4, and 5 in Town Square Shopping Center, an addition to the Town of Schererville, Indiana, the plat of which is recorded in Plat Book 89, page 36, in the Office of the Recorder of Lake County, Indiana, and being Parcel 63, Indiana Department of Transportation L.A. Code 3846, described as follows: Beginning at the southeast corner of said Lot 5; thence North 89 degrees 33 minutes 29 seconds West 0.956 meters (3.14 feet) along the south line of said Lot 5; thence North 0 degrees 47 minutes 14 seconds West 237.911 meters (780.55 feet); thence South 89 degrees 29 minutes 15 seconds East 1.010 meters (3.31 feet) to the east line of said Lot 1; thence South 0 degrees 46 minutes 27 seconds East 237.909 meters (780.54 feet) (780.53 feet by Plat Book 89, page 36) along the east line of said lots to the point of beginning and containing 0.0234 hectares (0.058 acres), more or less.

A part of Lots 1 and 3 in Town Square Shopping Center, an addition to the Town of Schererville, Indiana, the plat of which is recorded in Plat Book 89, page 36, in the Office of the Recorder of Lake County, Indiana, and

being Parcel 63A, Indiana Department of Transportation L.A. Code 3846, described as follows: Beginning at a point on the east line of said Lot 1 North 0 degrees 46 minutes 27 seconds West 237.909 meters (780.54 feet) (780.53 feet by Plat Book 89, page 36) from the southeast corner of Lot 5 in said addition; thence North 89 degrees 29 minutes 15 seconds West 1.010 meters (3.31 feet); thence North 0 degrees 47 minutes 14 seconds West 132.262 meters (433.93 feet) to the north line of said Lot 3; thence South 89 degrees 29 minutes 15 seconds East 1.587 meters (5.21 feet) along the north line of said Lot 3 to the northeast corner of said Lot 3; thence South 0 degrees 32 minutes 13 seconds East 132.250 meters (433.89 feet) along the east line of said Lots 1 and 3 to the point of beginning and containing 0.0172 hectares (0.042 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 shall expire three years after construction on this project has commenced. A part of Lots 1 and 4 in Town Square Shopping Center, an addition to the Town of Schererville, Indiana, the plat of which is recorded in Plat Book 89, page 36, in the Office of the Recorder of Lake County, Indiana, and being Parcel 63C, Indiana Department of Transportation L.A. Code 3846, described as follows: Commencing at the southeast corner of Lot 5 in said addition; thence North 89 degrees 33 minutes 29 seconds West 0.956 meters (3.14 feet) along the south line of said Lot 5; thence North 0 degrees 47 minutes 14 seconds West 35.676 meters (117.05 feet) to the point of beginning of this description; thence North 61 degrees 20 minutes 00 seconds West 9.762 meters (32.03 feet); thence North 0 degrees 47 minutes 14 seconds West 14.000 meters (45.93 feet); thence North 61 degrees 18 minutes 56 seconds East 9.618 meters (31.56 feet); thence South 0 degrees 47 minutes 14 seconds East 23.300 meters (76.44 feet) to the point of beginning and containing 0.0159 hectares (0.039 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 shall expire three years after construction on this project has commenced. A part of Lot 1 in Town Square Shopping Center, an addition to the Town of Schererville, Indiana, the plat of which is recorded in Plat Book 89, page 36, in the Office of the Recorder of Lake County, Indiana, and being Parcel 63D, Indiana Department of Transportation L.A. Code 3846, described as follows: Commencing at the southeast corner of Lot 5 in said addition; thence North 89 degrees 33 minutes 29 seconds West 0.956 meters (3.14 feet) along the south line of said Lot 5; thence North 0 degrees 47 minutes 14 seconds West 165.976 meters (544.54 feet) to the point of beginning of this description; thence North 45 degrees 47 minutes 14 seconds West 7.778 meters (25.52 feet); thence North 0 degrees 47 minutes 14 seconds West 17.500 meters (57.41 feet); thence North 37 degrees 22 minutes 13 seconds East 8.902 meters (29.21 feet);

thence South 0 degrees 47 minutes 14 seconds East 30.000 meters (98.43 feet) to the point of beginning and containing 0.0131 hectares (0.032 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 shall expire three years after construction on the project has commenced. A part of Lot 1 in Town Square Shopping Center, an addition to the Town of Schererville, Indiana, the plat of which is recorded in Plat Book 89, page 36, in the Office of the Recorder of Lake County, Indiana, and being Parcel 63E, Indiana Department of Transportation L.A. Code 3846, described as follows: Commencing at the southeast corner of Lot 5 in said addition; thence North 89 degrees 33 minutes 29 seconds West 0.956 meters (3.14 feet) along the south line of said Lot 5; thence North 0 degrees 47 minutes 14 seconds West 304.476 meters (998.94 feet) to the point of beginning of this description: thence North 31 degrees 45 minutes 03 seconds West 8.746 meters (28.69 feet); thence North 0 degrees 47 minutes 14 seconds West 9.000 meters (29.53 feet); thence North 31 degrees 56 minutes 53 seconds East 8.322 meters (27.30 feet); thence South 0 degrees 47 minutes 14 seconds East 23.500 meters (77.10 feet) to the point of beginning and containing 0.0073 hectares (0.018 acres), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, Town Square Shopping Center, LLC, First Union National Bank, and Lake County, Indiana, should now recover Eighty-Three Thousand Dollars (\$83,000.00) as total just compensation in this case, all of which has been paid to the Clerk of the Court in full satisfaction of this Judgment and all of Defendants' claims in this case.

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Judgment to the Auditor and Recorder of Lake County, Indiana; that the Auditor shall remove the above-described real estate from the tax records and rolls of the County and cancel all 2004 and subsequent years' taxes thereon; 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, 302 West Washington Street, Indianapolis,
Indiana 46204-2770.

SO ORDERED this 16th day of December, 2004,


GERALD N. SVETANOFF, JUDGE

Copies to:

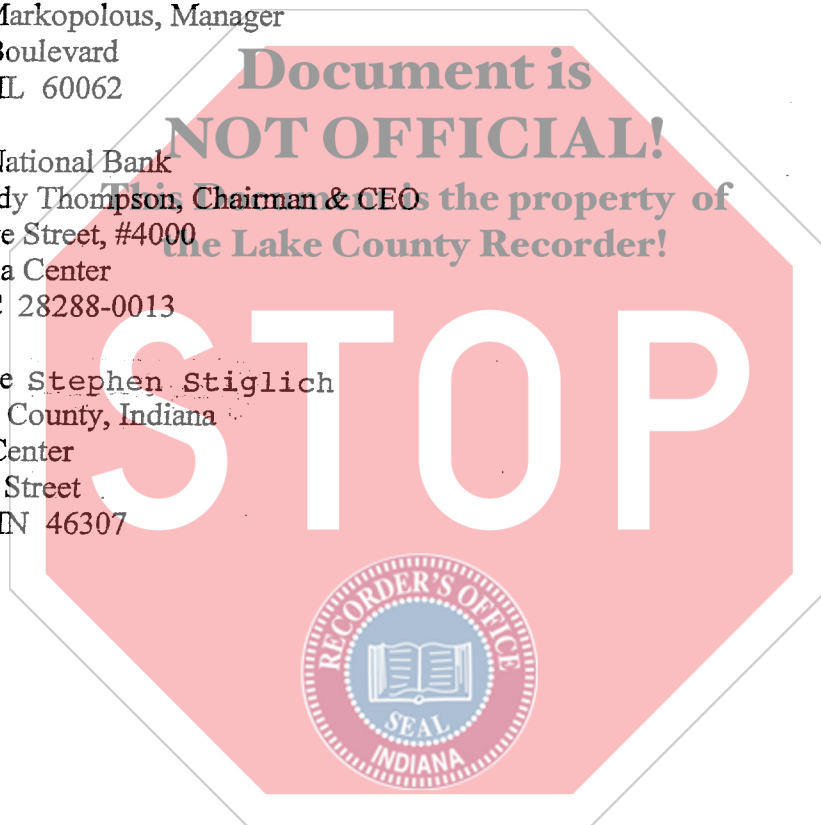
Marcia Avery Hanley
Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, IN 46204-2770

Town Square Shopping Center, LLC
c/o George Markopolous, Manager
707 Skokie Boulevard
Northbrook, IL 60062

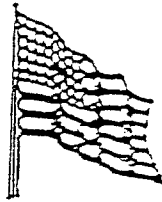
First Union National Bank
c/o G. Kennedy Thompson, Chairman & CEO
301 S. College Street, #4000
One Wachovia Center
Charlotte, NC 28288-0013

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

dln:197429

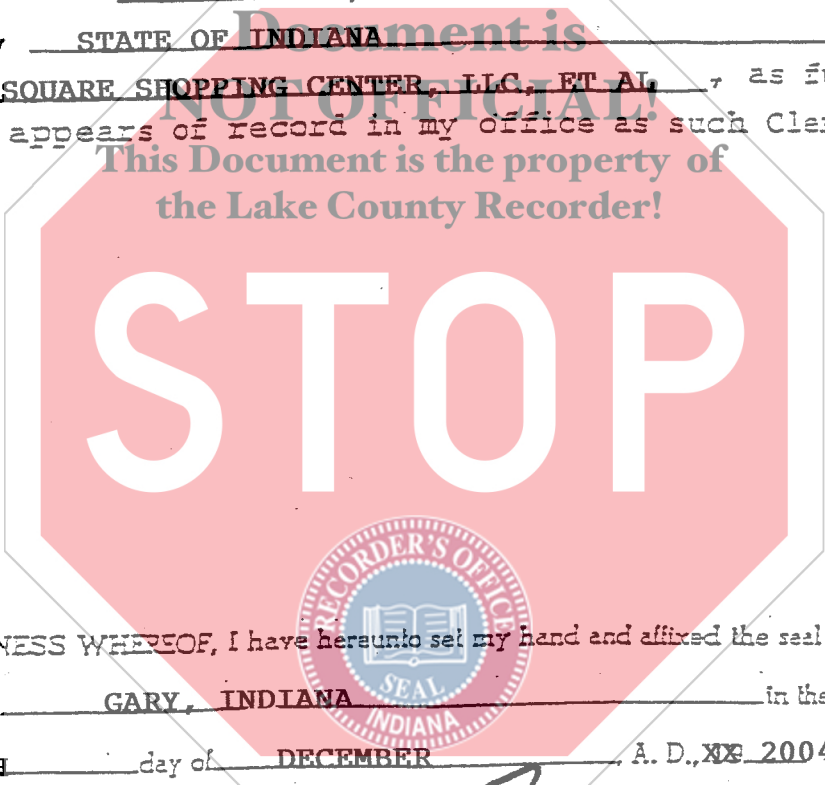


The United States of America



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 Judgment of Court dated DECEMBER 16, 2004 in Cause NO. 45D04-0404-PL-0001 entitled, STATE OF INDIANA vs. TOWN SQUARE SHOPPING CENTER, LLC, ET AL, 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 29TH day of DECEMBER A. D., 2004

Thomas R. Philpott
Clerk Lake SUPERIOR Court

Elizabeth Howell
Court

United States of America

State of Indiana, County of Lake, ss:

HON GERALD N. SVETANOFF, Judge of the SUPERIOR Court of Lake County, of the State of Indiana, and as such sole presiding Judge of LAKE 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 29TH day of DECEMBER, A. D. 2004

Gerald N. Svetanoff

(Seal)

Presiding Judge of the SUPERIOR Court of Lake County, State of Indiana

This Document is the property of the Lake County Recorder!

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 29TH day of DECEMBER, A. D. 2004

Thomas R. Philpot

Clerk