

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

STATE OF INDIANA)
2005 JUL 13 PM 2:12)

Plaintiff,

MICHAEL J. ...)

v.)

CAUSE NO.: 45D04-0404-PL-00017)

TOWN SQUARE SHOPPING CENTER,)
LLC, WALGREEN CO., COVEST BANC,)
f/k/a FIRST MIDWEST BANK, and)
LAKE COUNTY, INDIANA,)

Defendants.)

FILED IN OPEN COURT

DEC 16 2004

Arnold M. Svetanoff
JUDGE
SUPERIOR COURT OF LAKE COUNTY

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

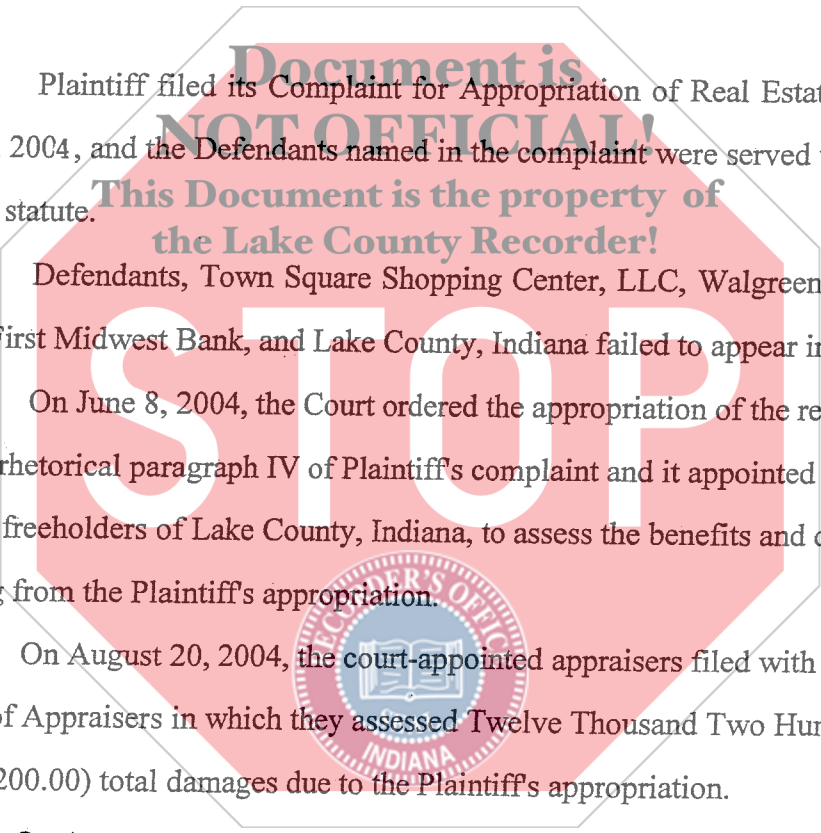
JAN 13 2005

JUDGMENT

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

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 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, Walgreen Co., CoVest Banc, f/k/a First Midwest 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 Twelve Thousand Two Hundred Dollars (\$12,200.00) 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.



15 N/C

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 Twelve Thousand Two Hundred Dollars (\$12,200.00) with the Clerk of the Court in this case on September 13, 2004.

11. Defendants, Town Square Shopping Center, LLC, Walgreen Co., CoVest Banc, f/k/a First Midwest Bank, and Lake County, Indiana, should now recover Twelve Thousand Two Hundred Dollars (\$12,200.00) 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 Lot 2 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 160, Indiana Department of Transportation L.A. Code 3846, described as follows: Beginning at the southeast corner of said lot; thence North 89 degrees 29 minutes 15 seconds West 1.587 meters (5.21 feet) along the south line of said lot; thence North 0 degrees 47 minutes 14 seconds West 36.535 meters (119.87 feet) to the northeastern line of said lot; thence South 22 degrees 52 minutes 58 seconds East 4.452 meters (14.61 feet) along said northeastern line to the northeast corner of said lot; thence South 0 degrees 37 minutes 54 seconds East 32.446 meters (106.45 feet) along the east line of said lot to the point of beginning and containing 0.0056 hectares (0.014 acres), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, Town Square Shopping Center, LLC, Walgreen Co., CoVest Banc, f/k/a First Midwest Bank, and Lake County, Indiana, should now recover Twelve Thousand Two Hundred Dollars (\$12,200.00) 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

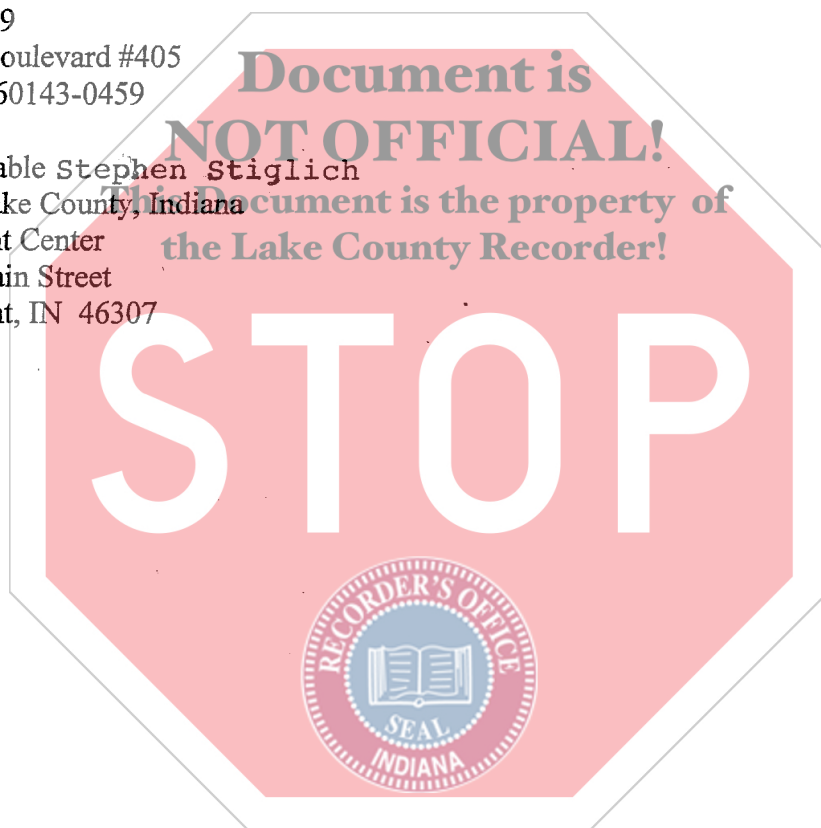
Town Square Shopping Center, LLC
c/o George Markopolous, Manager
707 Skokie Boulevard
Northbrook, IL 60062

Walgreen Co.
c/o D.W. Bernauer, President
200 Wilmont Road
Deerfield, IL 60015

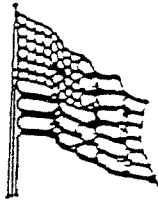
CoVest Banc
c/o John O'Meara, Chairman & CEO
PO Box 459
300 Park Boulevard #405
Itasca, IL 60143-0459

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

d1m:197336

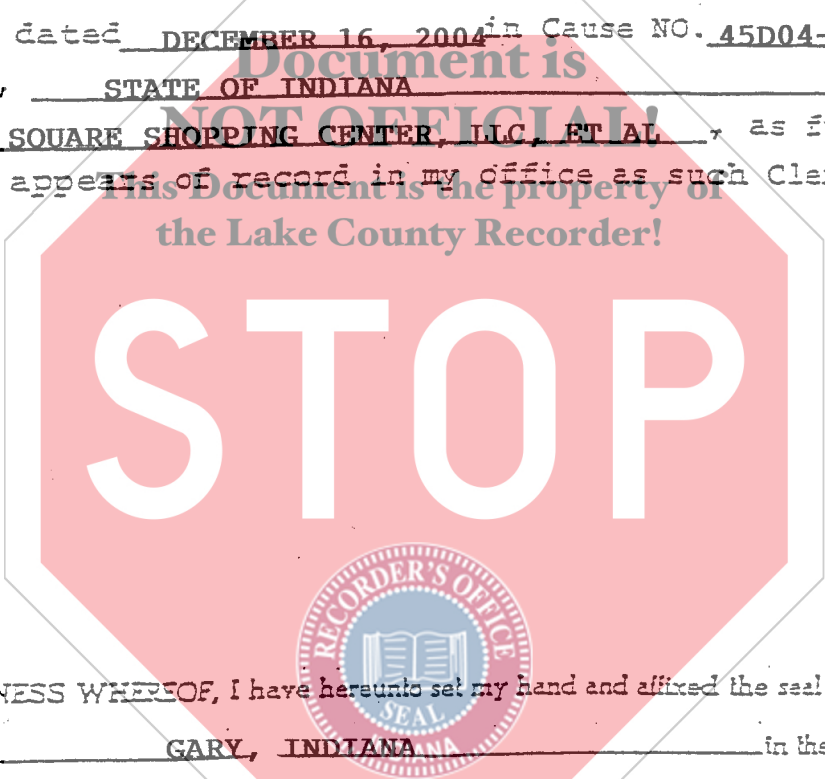


The United States of America

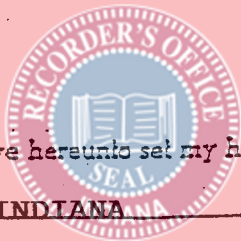


STATE OF INDIANA, COUNTY OF LAKE, ss:

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-0007 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. Philpot

Clerk Lake SUPERIOR Court

L. J. J. J. J. J.

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. 2003

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

Document is NOT OFFICIAL!

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. 2003

Thomas R. Philpot Clerk