

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2005 046246

2005 JUN -6 PM 4:29

MICHAEL A. BROWN
RECORDER

IN THE LAKE CIRCUIT COURT
SITTING IN CROWN POINT, INDIANA
and CAUSE NUMBER 45D10-0504-PL-51

LIS PENDENS NOTICE

Rebar Corporation of Indiana files this Lis Pendens Notice, pursuant to Ind. Code § 32-390-11-3, and states as follows:

1. Rebar Corporation of Indiana ("Rebar") claims a Mechanic's Lien and recorded its Mechanic's Lien on March 4, 2005 as Document Number 2005-016139 in the Office of the Recorder of Lake County, Indiana on real property owned by Purdue Research Foundation, which property is located at 9901 Connecticut and 9800 Broadway Street, Merrillville, Indiana 46410.

2. The Mechanic's Lien encumbers the following real property located in Lake County, Indiana:

Part of the Southwest Quarter of Section 34, Township 35 North, Range 8 West of the Second Principal Meridian, Town of Merrillville, Lake County, Indiana, described as:

Commencing at the southwest corner of said quarter, marked by a 1 inch diameter steel pin; thence South 89 degrees 29 minutes 00 seconds East (bearings based on GPS derived state plane values for the section corners) along the south line of said quarter section, a distance of 324.98 feet to the Point of Beginning; thence North 0 degrees 10 minutes 19 seconds West, parallel with the west line of said quarter section, a distance of 349.58 feet; thence North 89 degrees 29 minutes 00 seconds West parallel with said south line a distance of 324.98 feet to the west line of said quarter section; thence North 0 degrees 10 minutes 19 seconds West along said west line a distance of 1496.87 feet; thence North 89 degrees 39 minutes 49

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seconds East a distance of 413.57 feet; thence northeasterly along a tangent curve to the left (said curve having a radius of 145.50 feet, a chord length of 205.77 feet and a chord bearing of North 44 degrees 39 minutes 49 seconds East) an arc distance of 228.55 feet; thence North 0 degrees 20 minutes 11 seconds West a distance of 14.50 feet; thence North 89 degrees 39 minutes 49 seconds East a distance of 60.00 feet; thence South 0 degrees 20 minutes 11 seconds East a distance of 12.12 feet; thence southerly along a tangent curve to the left (said curve having a radius of 159.50 feet, a chord length of 125.25 feet and a chord bearing of South 23 degrees 27 minutes 18 seconds East) an arc distance of 128.71 feet; thence southeasterly along a tangent reverse curve to the right (said curve having a radius of 114.50 feet, a chord length of 38.64 feet and a chord bearing of South 36 degrees 51 minutes 36 seconds East) an arc distance of 38.82 feet; thence southeasterly along a tangent reverse curve to the left (said curve having a radius of 159.50 feet, a chord length of 125.26 feet and a chord bearing of South 50 degrees 16 minutes 02 seconds East) an arc distance of 128.73 feet; thence South 73 degrees 23 minutes 16 seconds East, a distance of 404.27 feet; thence South 16 degrees 36 minutes 44 seconds West a distance of 60.00 feet; thence North 73 degrees 23 minutes 16 seconds West a distance of 28.01 feet; thence southwesterly along a tangent curve to the left (said curve having a radius of 9.50 feet, a chord length of 13.44 feet and a chord bearing of South 61 degrees 36 minutes 44 seconds West) an arc distance of 14.92 feet; thence South 16 degrees 36 minutes 44 seconds West a distance of 171.48 feet; thence southwesterly along a tangent curve to the right (said curve having a radius of 380.00 feet, a chord length of 283.57 feet and a chord bearing of South 38 degrees 31 minutes 13 seconds West) an arc distance of 290.60 feet; thence South 60 degrees 25 minutes 42 seconds West a distance of 117.90 feet; thence southwesterly, southerly and southeasterly along a tangent curve to the left (said curve having a radius of 312.00 feet, a chord length of 603.93 feet and a chord bearing of South 15 degrees 00 minutes 06 seconds East) an arc distance of 821.50 feet; thence North 89 degrees 56 minutes 03 seconds East a distance of 405.84 feet to a west line of Purdue Research Foundation Subdivision Phase 1, the plat of which is recorded in Book 94, Page 25; thence along west lines of said subdivision, the following five courses: 1) South 0 degrees 01 minute 30 seconds West a distance of 60.00 feet; 2) Southeasterly along a non-tangent curve to the right (said curve having a radius of 145.50 feet, a chord length of 179.27 feet and a chord bearing of South 51 degrees 58 minutes 16 seconds East) an arc distance of 193.15 feet; 3) South 0 degrees 20 minutes 42 seconds West a distance of 356.34 feet; 4) North 89 degrees 29 minutes 00 seconds West a distance of 124.82 feet; 5) South 0 degrees 31 minutes 00 seconds West a distance of 60.00 feet to the south line of said quarter section; thence North 89 degrees 29 minutes 00 seconds West along said south line a distance of 1036.34 feet to the Point of Beginning, containing 42.09 acres, more or less.

3. On March 25, 2005, counsel for Gariup Construction Company, Inc. ("Gariup") sent by certified mail, return receipt requested, a letter purporting to be a thirty-day notice letter pursuant to Ind. Code § 32-28-3-10, which letter was received by Rebar on March 30, 2005.

4. Gariup is not a person entitled to send notice under Ind. Code § 32-28-3-10 because Gariup is not the owner or person having an interest in the property. Such letter is not sufficient to support the release of a mechanic's lien.

5. In any event, suit to foreclose the Mechanic's Lien was commenced in the Lake Superior Court on April 25, 2005 as Cause Number 45D10-0504-PL-51. The parties to the suit are Rebar as Plaintiff and Purdue Research Foundation, Gariup and the Treasurer of Lake County, Indiana as Defendants.

6. Despite its lack of standing and despite the pending action for foreclosure of the Mechanic's Lien, Gariup improperly filed its "Affidavit to Support Release of Mechanic's Lien Upon Expiration of Thirty Days [sic] Notice Period," recorded in the Office of the Recorder of Lake County, Indiana as Document Number 2005-036527.

7. The purpose of this notice is to establish the validity of the Mechanic's Lien and Rebar's claim against the real estate and to foreclose such lien.

Respectfully submitted,

→ **ROTHBERG LOGAN & WARSCO LLP**

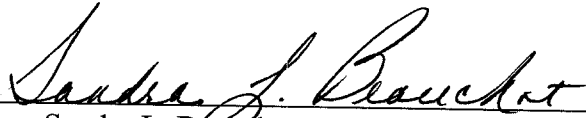
By 
Christine M. Stach, Attorney No. 18546-64

→ Attorney for Rebar Corporation of Indiana
Suite 2100, 110 West Berry Street
Post Office Box 11647
Fort Wayne, Indiana 46859-1647
Telephone: (260) 422-9454
Facsimile: (260) 422-1622

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of June, 2005, personally appeared Christine M. Stach, who acknowledged the execution of the above and foregoing Lis Pendens Notice.

WITNESS my hand and notarial seal.


Sandra L. Beauchot, Notary Public
Resident of Allen County, Indiana

My Commission Expires:
August 24, 2006

This instrument prepared by Christine M. Stach (Attorney No. 18546-64), **Rothberg Logan & Warsco LLP**, Suite 2100, 110 West Berry Street, Post Office Box 11647, Fort Wayne, Indiana 46859-1647

