

STATE OF INDIANA) IN THE LAKE COUNTY SUPERIOR COURT
) SS: SITTING AT GARY, INDIANA
 COUNTY OF LAKE) CAUSE NO. 45D04-0503-PL-9

STATE OF INDIANA,)
)
 Plaintiff,)
)
 v.)
)
 7306 CALUMET, LLC, RICK HEIDNER, PRES.)
 and LAKE COUNTY, INDIANA,)
)
 Defendants.)

FILED IN OPEN COURT

JUN 10 2005

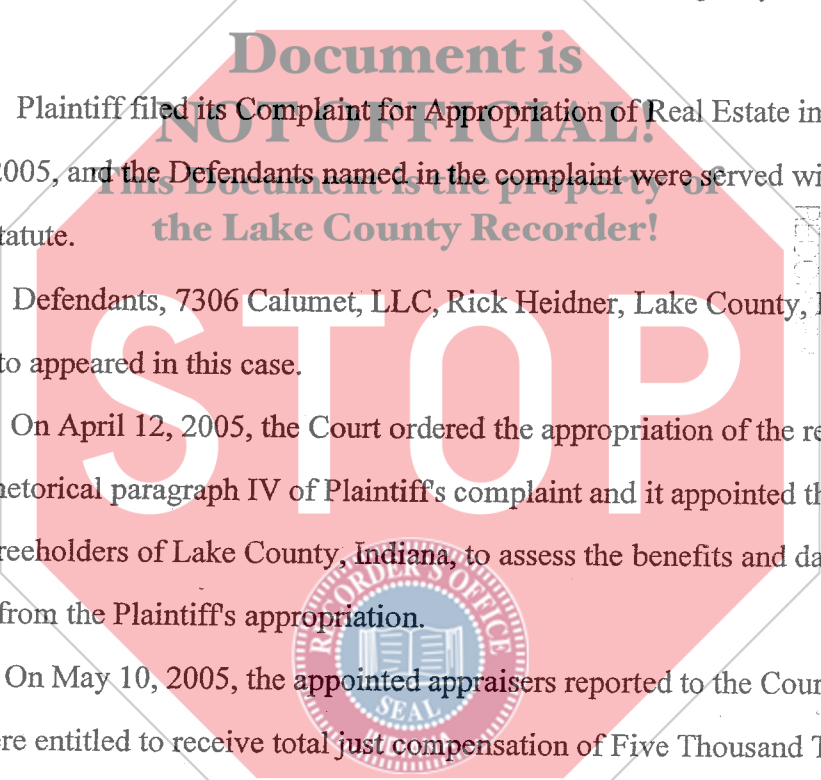
Harold N. Arvanoff
 JUDGE
 SUPERIOR COURT OF LAKE COUNTY

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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 on March 4, 2005, and the Defendants named in the complaint were served with notice as provided by statute.
2. Defendants, 7306 Calumet, LLC, Rick Heidner, Lake County, Indiana, failed to appear in this case.
3. On April 12, 2005, 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.
4. On May 10, 2005, the appointed appraisers reported to the Court that the Defendants were entitled to receive total just compensation of Five Thousand Three Hundred Dollars (\$ 5,300) due to the Plaintiff's appropriation.
5. On May 11, 2005, 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
 JUN 17 2005

Map

6. If exceptions to the "Report of Appraisers" are to be filed, they shall be filed within twenty days after notice of the report is sent to all parties and attorneys of record by United States certified Mail. I.C. 32-24-1-11.

7. No Exceptions to the Report of Appraisers have been filed in this case.

8. When, as here, no Exceptions are filed within the prescribed 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).

9. The Plaintiff is in the process of paying the court-appointed fees and depositing the court award in the amount of Five Thousand Three Hundred Dollars (\$ 5,300) with the Clerk of the Court in this case.

10. Defendant, 7306 Calumet, LLC, Rick Heidner, should now recover Five Thousand Three Hundred Dollars (\$ 5,300) as total just compensation from Plaintiff in this case.

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

A part of Lot 5 in Block 3 in Schreiber Addition to the City of Hammond, Indiana, the plat of which is recorded in Plat Book 20, page 27, in the Office of the Recorder of Lake County, Indiana, and being Parcel 107, Indiana Department of Transportation L.A. Code 4128, described as follows: Beginning at the northeast corner of said lot; thence South 0 degrees 05 minutes 56 seconds West 10.182 meters (33.40 feet) along the east line of said lot; thence North 37 degrees 29 minutes 22 seconds West 12.800 meters (42.00 feet) to the north line of said lot; thence North 89 degrees 49 minutes 01 second East 7.808 meters (25.62 feet) along said north line to the point of beginning and containing 39.7 square meters (428 square feet), 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 5 to 10, both inclusive, in Block 3 in Schreiber Addition to the City of Hammond, Indiana, the plat of which is

recorded in Plat Book 20, page 27, in the Office of the Recorder of Lake County, Indiana, and being Parcel 107A, Indiana Department of Transportation L.A. Code 4128, described as follows: Beginning on the east line of said Lot 5 South 0 degrees 05 minutes 56 seconds West 10.182 meters (33.40 feet) from the northeast corner of said Lot 5; thence South 0 degrees 05 minutes 56 seconds West 40.110 meters (131.60 feet) along the east line of said Lots 5 to 10 to the southeast corner of said Lot 10; thence South 89 degrees 49 minutes 01 second West 0.808 meters (2.65 feet) along the south line of said Lot 10; thence North 0 degrees 05 minutes 56 seconds East 41.164 meters (135.05 feet); thence South 37 degrees 29 minutes 22 seconds East 1.325 meters (4.35 feet) to the place of beginning and containing 32.8 square meters (353 square feet), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant 7306 Calumet, LLC, Rick Heidner, Lake County, Indiana, should now recover Five Thousand Three Hundred Dollars (\$ 5,300) 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 fee simple real estate from the tax records and rolls of the County and cancel all 2005 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 10th day of June, 2005.


GERALD N. SVETANOFF, JUDGE

Copies to:

Josie Wiesen
Deputy Attorney General
302 West Washington Street, 5th Floor
Indianapolis, IN 46204-2770

7306 Calumet, LLC, c/o Rick Heidner
399 Wall Street, Suite H
Glendale Heights, IL 60139

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

The Honorable Michael Brown
Recorder of Lake County, Indiana
Government Center
2293 N. Main St.
Crown Point, IN 46307

JJW/kac:233750

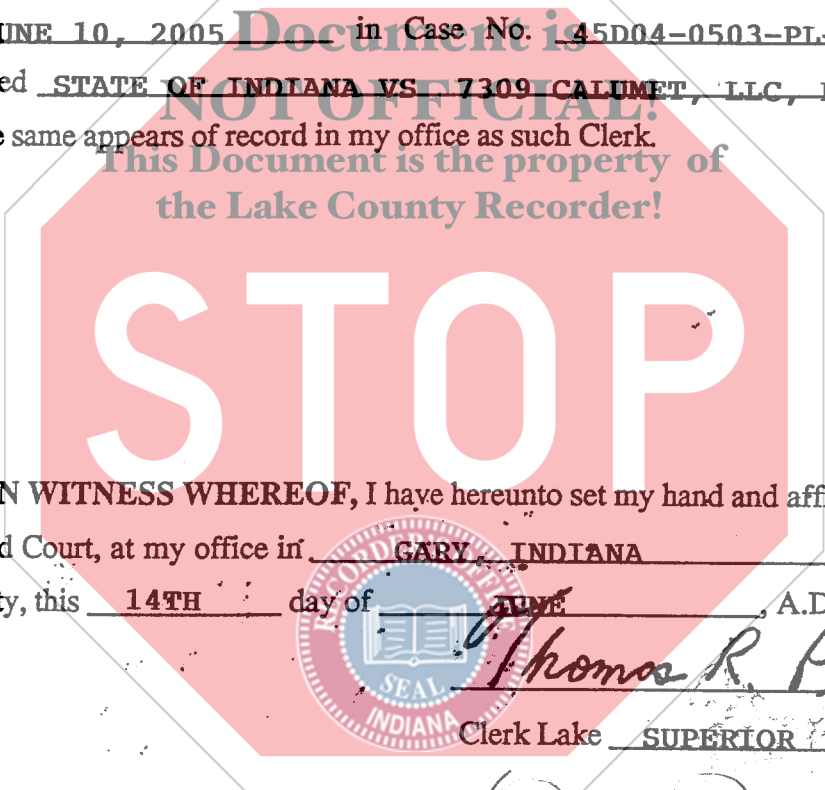


The United States of America

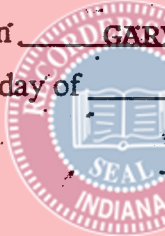


STATE OF INDIANA, COUNTY OF LAKE, ss:

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 JUNE 10, 2005 in Case No. 45D04-0503-PL-00009 entitled STATE OF INDIANA VS. 7309 CALUMET, LLC, ET AL, 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 14TH day of JUNE, A.D., 2005



Thomas R. Philpott
Clerk Lake SUPERIOR Court,

By [Signature]
Deputy

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 14TH day of JUNE, A. D. 192005

Herald N. Svetanoff (Seal)

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

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 14TH day of JUNE, A. D. 192005

Thomas R. Philpot Clerk