

STATE OF INDIANA)
) SS: IN THE LAKE CIRCUIT COURT
COUNTY OF LAKE) CAUSE NO. 45C01-0105-CP-534

STATE OF INDIANA,)
)
) Plaintiff,)
)

v.)

TRI-STATE PROPERTY)
MANAGEMENT, INC., and LAKE)
COUNTY, INDIANA, et al,)

Defendants.)

Thomas R. Philpot
CLERK LAKE CIRCUIT COURT

APR 30 2007

Filed in Open Court

MAR 13 2007

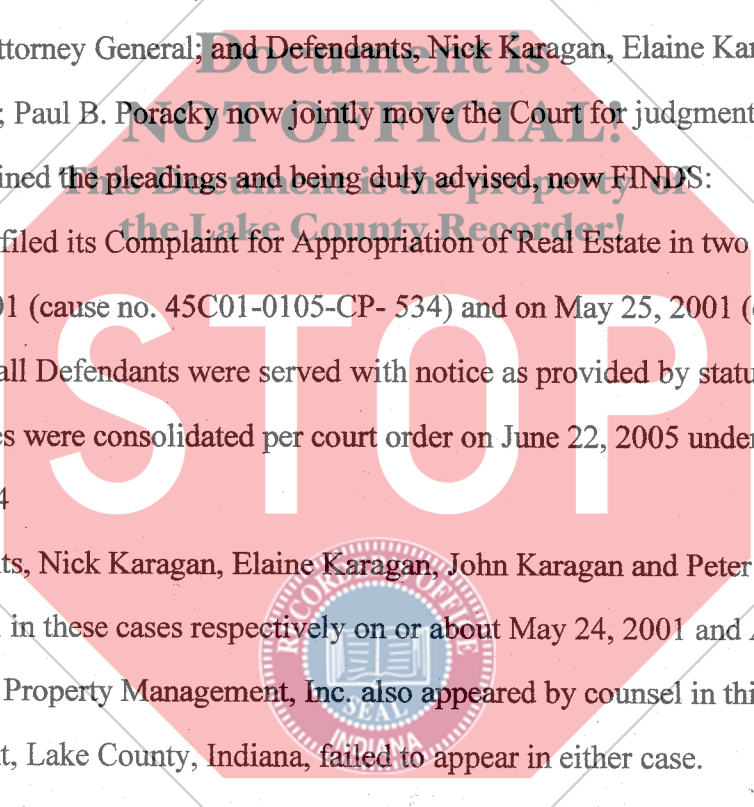
Thomas R. Philpot
CLERK LAKE CIRCUIT COURT

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORDER
2007 APR 21 AM 9:55
MARGARET A. PROFFER
RECORDER

AGREED FINDING AND JUDGMENT

Plaintiff, State of Indiana, by Steve Carter, Attorney General of Indiana, and Benedict G. Ciravolo, Deputy Attorney General; and Defendants, Nick Karagan, Elaine Karagan and John Karagan by counsel; Paul B. Poracky now jointly move the Court for judgment in this case. The Court, having examined the pleadings and being duly advised, now FINDS:

1. Plaintiff filed its Complaint for Appropriation of Real Estate in two eminent domain cases on May 9, 2001 (cause no. 45C01-0105-CP- 534) and on May 25, 2001 (cause no. 45D03-0105-CP-825), and all Defendants were served with notice as provided by statute.
2. Both cases were consolidated per court order on June 22, 2005 under cause no. 45C01-0105-CP-534
3. Defendants, Nick Karagan, Elaine Karagan, John Karagan and Peter Karagan appeared by counsel in these cases respectively on or about May 24, 2001 and August 30, 2001. Defendant Tri-State Property Management, Inc. also appeared by counsel in this case.
4. Defendant, Lake County, Indiana, failed to appear in either case.
5. On September 10, 2001, that real estate described in rhetorical paragraph IV of Plaintiff's Complaint in Cause no. 45C01-0105-CP- 534 was ordered appropriated and appraisers were appointed to assess damages and benefits, if any, resulting from Plaintiff's appropriation to



NON-TAXABLE

APR 21 2007
PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

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both parcels by means of one unified appraisal. The Order of Appropriation in cause no. 45D03-0105-CP-825 was entered on June 22, 2001

6. On October 19, 2001, the court-appointed appraisers filed with the Court their Report of Appraisers for Cause No. 45C01-0105-CP- 534, in which they assessed Seventy Thousand Dollars (\$70,000.00) as total just compensation under that cause, while the Appraisers report entered on August 28, 2001 under cause number 45D03-0105-CP-825 awarded Fourteen Thousand Five hundred Dollars (\$14,500.00).

7. Defendants filed their Exceptions to the Reports of Appraisers in both cases on November 26 & 28, 2001.

8. Plaintiff paid the court-appointed appraisers' fees and deposited the SUM TOTAL court-appointed appraisers' award of Eighty-eight Thousand Dollars (\$88,000.00) with the Clerk of the Court in March & April of 2002.

9. Defendant, Tri-State Management, Inc. was dismissed from Cause No. 45C01-0105-CP- 534 by court Order on March 30, 2005 upon receipt of its Disclaimer of Interest. (Whereupon these cases were duly consolidated under Cause No. 45C01-0105-CP- 534).

10. The Plaintiff and remaining defendants, Nick Karagan and Elaine Karagan, agree to the Plaintiff's appropriation of the real estate interests described below and further agree that Defendants, Nick Karagan and Elaine Karagan, shall recover for the real estate acquired by Plaintiff and any and all damages resulting from that acquisition, as total just compensation, Two Hundred Ninety-Five Thousand Dollars (\$295,000.00), plus any accrued interest, less any amounts previously withdrawn by Defendants under Cause Nos. 45C01-0105-CP- 534 and 45D03-0105-CP-825, and that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition.

11. All parties who requested trial by jury withdraw their requests.

12. All parties who filed exceptions hereby withdraw those exceptions.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that there is no just reason for delay in entry of judgment upon the terms contained herein and that Plaintiff, State of Indiana, has acquired fee simple title, access rights, and temporary right of way, to the real estate described as:

A part of Lot 1 in Park Addition, an addition to the Town of Highland, Indiana, the plat of which is recorded in Plat Book 28, page 22, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at a point on the west line of said lot North 0 degrees 12 minutes 47 seconds East 61.307 meters (201.14 feet) from the southwest corner of said lot, which point of beginning is the southwest corner of the owners' land; thence North 0 degrees 12 minutes 47 seconds East 51.444 meters (168.78 feet) along the west line of said lot to the southwest corner of the North 800 feet of said lot; thence South 89 degrees 47 minutes 13 seconds East 4.111 meters (13.49 feet) along the south line of the North 800 feet of said lot; thence South 2 degrees 19 minutes 16 seconds East 51.494 meters (168.94 feet) to the south line of the owners' land; thence North 89 degrees 47 minutes 13 seconds West 6.388 meters (20.96 feet) along said south line to the point of beginning and containing 0.0270 hectares (0.067 acres), more or less.

A part of Lot 1 in Nicksic's Park Addition, an addition to the Town of Highland, Indiana, the plat of which is recorded in Plat Book 41, page 49, in the Office of the recorder of Lake County, Indiana, described as follows: Beginning at the northwest corner of said lot; thence South 89 degrees 47 minutes 13 seconds East 6,388 meters (20.96 feet) along the north line of said lot; thence South 0 degrees 14 minutes 03 seconds West 38.777 meters (127.22 feet); thence South 54 degrees 24 minutes 53 seconds East 21.539 meters (70.67 feet) to the southeastern line of said lot; thence South 43 degrees 35 minutes 12 seconds West 15.248 meters (50.03 feet) along said southeastern line to the south corner of said lot; thence North 34 degrees 37 minutes 00 seconds West 23.575 meters (77.35 feet) along the southwestern line of said lot to the southwest corner of said lot; thence North 0 degrees 12 minutes 47 seconds East 42,977 meters (141.00 feet) along the west line of said lot to the point of beginning and containing 513.3 square meters (5,525 square feet), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Nick Karagan and Elaine Karagan, shall have and recover for Plaintiff's appropriation in this case as total just compensation the sum of Two Hundred Ninety-Five Thousand Dollars (\$295,000.00, and that no other Defendant is entitled to recover any damages due to Plaintiff's acquisition; that the Clerk shall immediately pay Defendants, Nick Karagan and

Elaine Karagan, the amount remaining on deposit in the Clerk's office, a total of Eighty Six Thousand Nine Hundred Thirty Six Dollars (\$86,936.00) as of January 31, 2007.

IT IS DULY NOTED that, as of January 31, 2007, approximately Fourteen Thousand Seven Hundred Thirty Six Dollars (\$14,736.00) remains on deposit with the Superior Courts Clerk in Gary, Indiana under cause number 45D03-0105-CP-825 while Approximately Seventy-Two Thousand Two Hundred Dollars (\$72,200.00) is in the Circuit Court Clerk's account under cause number 45C01-0105-CP- 534. Thus, separate distributions will need to be made pursuant to this Agreed Finding and Judgment in full satisfaction of any and all claims in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the State of Indiana shall immediately deposit an additional Two Hundred Eight Thousand Sixty-Four Dollars (\$208,064.00) under cause number 45C01-0105-CP- 534, to be immediately paid to Defendants Nick Karagan and Elaine Karagan upon receipt, representing the Settlement amount, less the amount remaining on deposit in the Clerk's account as of January 31, 2007. Any interest accruing on the amount on deposit in the Clerk's account after January 31, 2007 shall also be disbursed to Defendants Nick Karagan and Elaine Karagan, in full satisfaction of this judgment and all claims in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendant, Lake County, Indiana, having failed to appear, is defaulted and shall take nothing in this case.

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Agreed Finding and 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 2002 and subsequent years' taxes thereon; that the Auditor shall submit evidence of this removal from the tax records by United States mail, to the Office of the Attorney General, 302 W. Washington Street, Fifth Floor, Indianapolis, Indiana, 46204-2270; 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 this recorded transfer, by United States mail, to the Office of the Attorney General of Indiana, 302 West Washington Street, Fifth Floor, Indianapolis, Indiana 46204-2770.*



AGREED TO AND APPROVED BY:

STEVE CARTER

KORANSKY & BOUWER, P.C.

Attorney General of Indiana
Attorney No. 4150-64

By: 

Paul B. Poracky
Counsel for Defendants
Attorney No. 10899-45

By: 

Benediet G. Ciravolo
Deputy Attorney General
Attorney No. 25956-49

By: 

Nick P. Karagan, Defendant

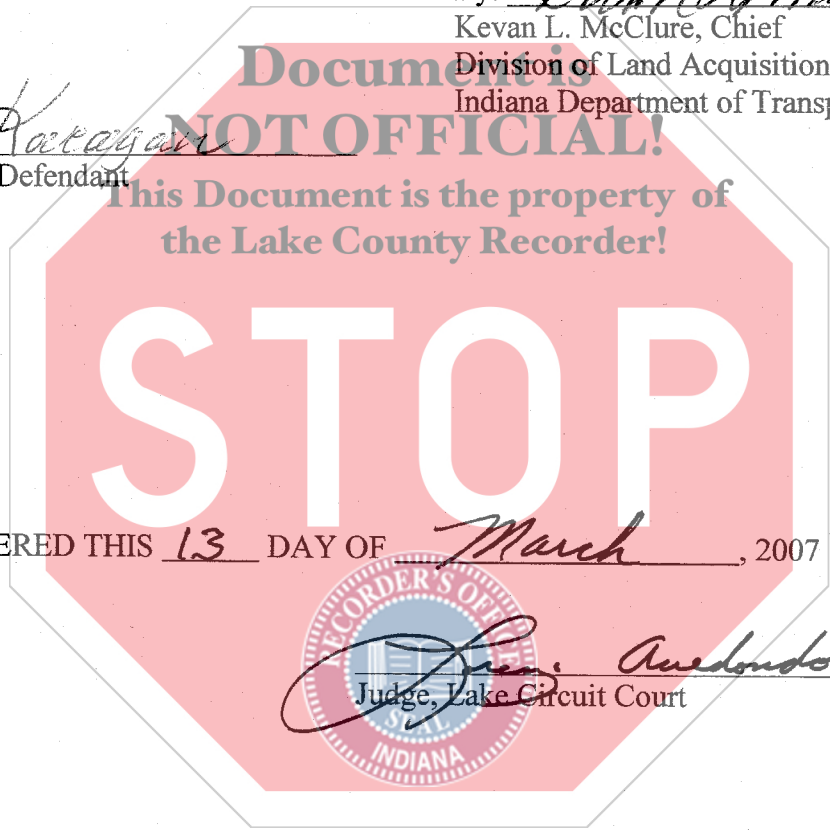
STATE OF INDIANA

By: 



Kevan L. McClure, Chief
Division of Land Acquisition
Indiana Department of Transportation

By: 

Elaine Karagan, Defendant



SO ORDERED THIS 13 DAY OF March, 2007



Judge, Lake Circuit Court

Copies to:

Benedict G. Ciravolo
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770

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The Honorable Peggy Katona
Auditor, Lake County, Indiana
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2293 N. Main Street
Crown Point, IN 46307

The Honorable Michael Brown
Recorder, Lake County, Indiana
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