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STATE OF INDIANA )  
COUNTY OF LAKE 2007 053355

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
LAKE CIRCUIT COURT  
2007 JUN 29 PM 3:25  
CROWN POINT, INDIANA  
MICHAEL A. BROWN  
RECORDER

ROBERT J. LAMBERT and CATHERINE )  
E. LAMBERT as Trustees Under the Provisions of a )  
Trust Agreement dated the 22nd day of December, 1993, )  
Plaintiffs, )

vs. )

ERIE LACKAWANNA RAILWAY COMPANY, and All )  
Unknown Trustees, Receivers, Assigns, )  
Grantees, Lessees, Transferees, or Other )  
Successors in Interest of said Erie Lackawanna )  
Railway Company and CHARLES HIPSLEY and )  
CAROLINE E. HIPSLEY, Deceased, Their Heirs, )  
Assigns, Grantees and Creditors, Both Known and )  
Unknown, EDWARD KNOFF and MATHILDA KNOFF, )  
Deceased, Their Heirs, Assigns, Grantees and Creditors, )  
Both Known and Unknown, INDIANA PIPELINE )  
COMPANY and BUCKEYE PIPELINE COMPANY, )  
and All Unknown Trustees, Receivers, Assigns, Lessees, )  
Transferees, or Other Successors in Interest of said Indiana )  
Pipeline Company and Buckeye Pipeline Company, )  
INDIANA DEPARTMENT OF NATURAL RESOURCES, )  
L.B. FOSTER COMPANY, and All Unknown Trustees, )  
Receivers, Assigns, Grantees, Lessees, Transferees, or )  
Other Successors in Interest of said L.B. Foster Company, )  
and NORTHERN INDIANA PUBLIC SERVICE )  
COMPANY, )

Defendants. )

**COPY**

CAUSE NO:  
45C01-0609-PL-00398

Filed in Open Court

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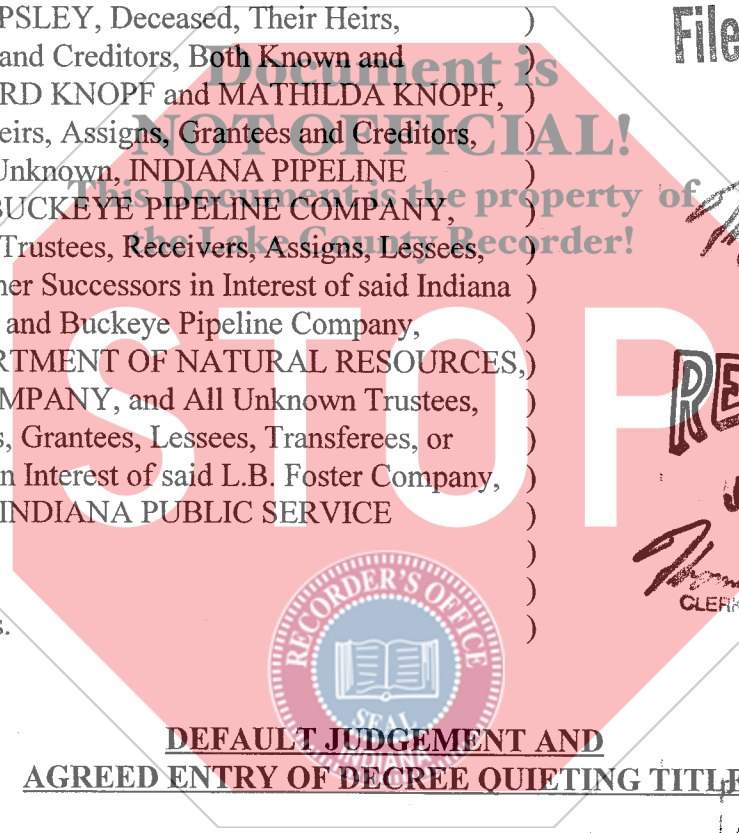
**DEFAULT JUDGEMENT AND  
AGREED ENTRY OF DECREE QUIETING TITLE**

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

Come now the Plaintiffs, Robert J. Lambert and Catherine E. Lambert, as Trustees under the provisions of a Trust dated 22 December, 1993, and Defendant, Northern Indiana Public Service Company, by Counsel, Robert J. Feldt, and Plaintiffs now files Motion and Stipulation

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*AD.M.  
2600  
DS*



for Default Judgement. Plaintiffs show service of summons on Defendant, Erie Lackawanna Railway Company by Publication in the Lowell Tribune on December 29, 2006 , Proof of Publication having been filed with the Court on March 1, 2007.

Defendant Charles Hipsley and Caroline E. Hipsley, Deceased, Their Heirs, assigns, grantees, and creditors, both known and unknown, served by publication in the Lowell Tribune on December 29, 2006, Proof of Publication having been filed with the Court on March 1, 2007.

Defendant Edward Knopf and Mathilda Knopf, Deceased, Their Heirs, Assigns, Grantees, and Creditors, Both Known and Unknown served by Publication on December 29, 2006, Proof of Publication having been filed with the Court on March 1, 2007.

Defendant Indiana Pipeline Company served with summons by Certified Mail on September and Buckeye Pipeline Company having been served with summons by Certified Mail on September 14, 2006, and L.B. Foster Company having been served with Summons on September 14, 2006, and Indiana Department of Natural Resources having been served with Summons on September 18, 2006 and Indiana Department of Natural Resources having filed its Answer and Disclaimer and having been dismissed as Party Defendant by the Court on October 5, 2006.

Defendant Norther Indiana Public Service Company having been served with summons on September 13, 2006 and appears by counsel Robert J. Feldt.

Plaintiffs having filed Motion for Default as to all Defendants excepting Northern Indiana Public Service and more than thirty (30) days having passed since the last day of publication or more than twenty-three days having passed since service of Summons by Certified Mail and all Defendants other than Norther Indiana Public Service Company, having failed to file answer or appear, are called three times audibly in Open Court but come not and make default. Plaintiffs and Defendant Northern Indiana Public Service Company now file Motion for Judgement and Stipulation.

Accordingly the Court having reviewed the pleadings and being duly and fully advised in the premises, now finds for the Plaintiffs on their Complaint against Defendants, except the Defendant Northern Indiana Public Service Company. The Court now accepts the Plaintiffs and Defendant Northern Indiana Public Service Company's Stipulation and now finds as follows:

1. Pursuant to Indiana Code 32-30-3-14, the Court finds that the Plaintiffs, Robert J. Lambert and Catherine E. Lambert, as Trustees under the Provisions of the Trust Agreement dated the 22<sup>nd</sup> Day of December, 1993, are the owners in fee simple of the following described parcels of real property located in Lake County, Indiana:

SEE ATTACHED EXHIBIT "A"

2. The Plaintiffs having properly filed their Complaint to Quiet Title, Affidavit required by Indiana Code 32-30-3-14(e), and Affidavit for Publication required by Indiana Code 32-30-3-14(f).

3. More than thirty (30) days have elapsed since the date of last publication of Notice.

4. The above-described real property owned by the Plaintiffs is located immediately adjacent to the former Chicago and Erie Railroad Company right-of-way, which consists of a strip of real property bounded northeasterly and southwesterly by property owned in fee simple by Plaintiff's and described in Exhibit "A".

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. The Plaintiffs, Robert J. Lambert and Catherine E. Lambert, as Trustees under the provisions of a Trust Agreement dated the 22<sup>nd</sup> Day of December, 1993, shall be and hereby are declared to be the fee simple owners of a portion of the former Chicago and Erie Railroad Company right-or-way, which portion is legally described as follows:

SEE ATTACHED EXHIBIT "A"

The Defendant, Northern Indiana Public Service Company, shall be and hereby is declared to be the owner of a permanent, underground utility easement for the sole purpose of use, maintenance and repair of underground conduit and pipelines for the transmission of natural gas and electricity. The northern boundary of said easement shall be the northern boundary of the former Chicago and Erie Railroad right-of-way and the southern boundary shall be a line twenty-five feet (25') to the south and parallel to said northern boundary. Additionally, said defendant shall be and hereby is declared to be the owner of a temporary construction easement, the northern boundary of which shall be co-terminus with the southern boundary of the aforementioned permanent, underground utility easement, and the southern boundary which shall be aligned fifteen feet (15') to the south and parallel to said northern boundary. Grantor shall be permitted to alter the grade of the permanent easement. Grantor reserves the right to construct streets, sidewalks, curbs and utilities across the easement, and Grantee shall permit the installation of buried utilities within and across the easement. Grantee agrees that any use of the Permanent Easement will not be inconsistent with Grantor's Installation of said utilities across the easement. This easement including all conditions and covenants herein contained, shall be binding upon and inure to the benefit of the heirs, executors, administrators, successor in title, and assigns of Plaintiff's and Defendant Northern Indiana Public Service Company respectively.

2. The fee simple title of the subject real property is hereby quieted against all claims of the Defendants, Erie Lackawanna Railway Company, and all Unknown Trustees, Receivers, Assigns, Grantees, Lessees, Transferees, or other Successors in Interest of said Erie Lackawanna railway Company, and Charles Hipsley & Caroline E. Hipsley, Deceased, Their heirs, Assigns, Grantees, and Creditors, both Known and Unknown; Edward Knopf & Mathilda Knopf, Deceased, Their Heirs, Assigns, Grantees, and Creditors, both known and unknown; Indiana Pipeline Company and Buckeye Pipeline Company, Indiana Department of Natural Resources, L.B. Foster Company, and Northern Indiana Public Service Company, and all other persons whose names are to the Plaintiffs unknown and all the persons, whom by reason of a relationship to Charles & Caroline Hipsley as well as Edward & Mathilda Knopf, might possibly have or

claim some right, title or interest in and to the subject real property, all of whom are to the Plaintiffs unknown, or any of their respective descendants or successors in interest, direct or remote, living or dead, whether named or unnamed, and that fee simple title to the subject real property is hereby vested in the Plaintiffs Robert J. Lambert and Catherine E. Lambert, as trustees under a Trust Agreement dated the 22<sup>nd</sup> day of December, 1993.

SO ORDERED THIS 20 day of June, 2007.

*Jury* M J Proctor  
Judge, Lake Circuit Court

APPROVED AS TO FORM:

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(219) 931-0560  
Attorney for Northern Indiana Public  
Service Company





**Exhibit "A"**

Legal Description

54-9-8#9

The property, formerly known as the Erie Lackawanna Railway Company Right-of-Way as it lies in the Southwest 1/4 of the Southeast 1/4 in Section 17, Township 34 North, Range 7 West of the 2<sup>nd</sup> Prime Meridian in Lake County, Indiana, described with particularity as follows:

That part of Southwest 1/4 of the Southeast 1/4 of Section 17, Township 34 North, Range 7 West of the 2<sup>nd</sup> Prime Meridian, in Lake County, Indiana wherein was found the right of way of the Chicago and Atlantic Railway Company, now the Erie Lackawanna Railway Company, consisting for the width or space of three rods on each side of the centerline of said railroad as now located, making six rods in width and for the length the distance between the limits of said tract, containing 3.34 acres, more or less, as conveyed to said railroad company as a right of way by deed from Charles Hipsley and Caroline E. Hipsley, his wife, to the Chicago and Atlantic Railroad Company dated October 4, 1881 and recorded with the Lake County Recorder on October 22, 1881 in Deed Book No. 32, page 34.

A Parcel of land situated in Section 17, Township 34 North Range 7 West of the 2<sup>nd</sup> Prime Meridian, in Winfield Township, Lake County, Indiana, particularly described as follows: Beginning at a point in the southerly right of way line of the Chicago and Erie Railroad Company, S. 2 deg. 09 min. E. fifty-four and thirty-one hundredths (54.31) feet from station 11960 pl 86.3 in the center line of the Chicago and Erie Railroad Company's present main track, said point being forty-nine and five tenths (49.5) feet distant from and at right angles to the center line of the Chicago & Erie Railroad Company's present main track, said point is further described as being in the division line between the grantor and Dennis Palmer; thence S 2 deg .09 min. E. and along said division line a distance of eighty-two and twenty-nine hundredths (82.29) feet to a point; thence N. 67 deg. 51 min. W. parallel to the center line of the Chicago and Erie Railroad Company's present main track and through the lands of the grantor a distance of nine hundred sixty-nine and ninety-one hundredths (969.91) feet to a point; thence S. 22 deg. 09 min. W. a distance of forty (40) feet to a point thence N. 67 deg. 51 min. W. and parallel to the center line of the Chicago and Erie Railroad Company's present main track a distance of four hundred ninety-four and three hundredths (494.03) feet to a point in the division line between the grantor and Thomas Chandler; thence N. 1 deg. 41 min. W. and along said division line a distance of one hundred twenty-five and seventy-two hundredths (125.72) feet to a point in the southerly right of way line, which is forty-nine and five tenths (49.5) feet distant from and at right angles to the center line of the Chicago and Erie Railroad Company's present main track; thence S. 67 deg. 51 min. E. and along said right of way line a

distance of one thousand four hundred and eighty and eighty-eight hundredths (1480.88) feet to the point of beginning, containing 3.01 acres, more or less, as deeded by Edward Knopf and Matilda Knopf, his wife, to the Chicago and Erie Railroad Company, on August 9, 1915 and recorded with the Lake County Recorder in Deed Record 212, page 430.



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**CERTIFICATION OF CLERK**

As legal custodian I hereby certify that the above and foregoing is a true and complete copy of the original on file with this office in the cause stated thereon.

Witness my hand and the seal of the court this 24 day of June 2007.

Clerk of the Lake Circuit and Superior Courts

By: Kathy Meyers  
Deputy Clerk