

2008 062068

STATE OF INDIANA) IN THE LAKE SUPERIOR COURT
COUNTY OF LAKE) SS:
) CAUSE NO. 45D11-0208-PL-104

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
MERRILLVILLE LUMBER COMPANY, INC.)
RUSSELL W. DICKINSON,)
HARRIET M. DICKINSON,)
and LAKE COUNTY, INDIANA,)
and LILY LASTAGARKOVSKI)
Defendants.)

Filed in Open Court

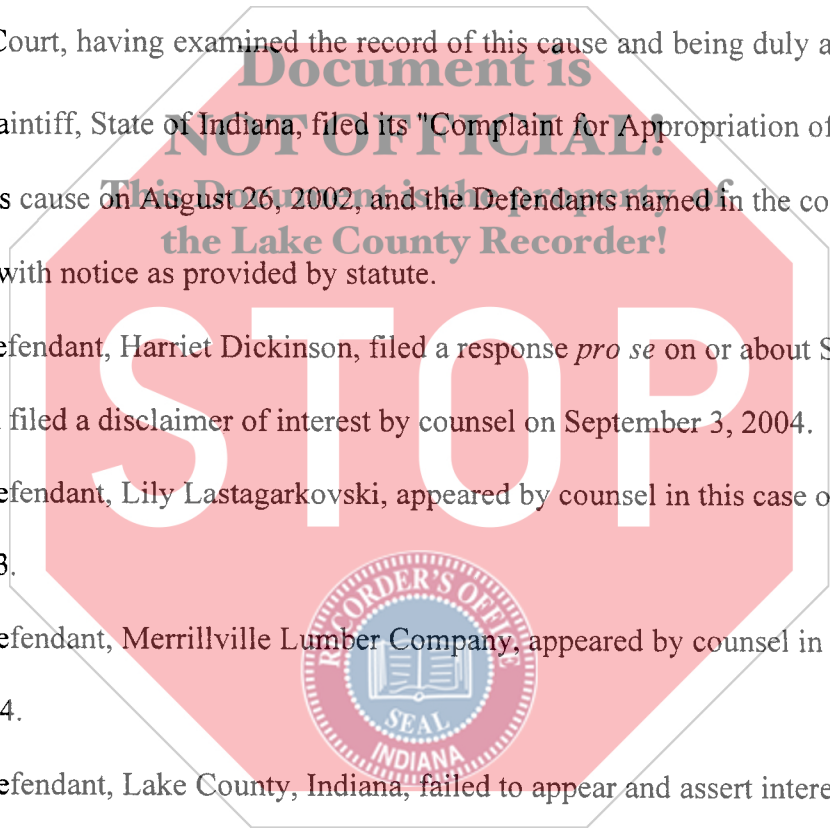
AUG 29 2008

Thomas R. Philpot
CLERK LAKE SUPERIOR COURT

JUDGMENT ON VERDICT

The Court, having examined the record of this cause and being duly advised, now finds:

1. Plaintiff, State of Indiana, filed its "Complaint for Appropriation of Real Estate" in this cause on August 26, 2002, and the Defendants named in the complaint were served with notice as provided by statute.
2. Defendant, Harriet Dickinson, filed a response *pro se* on or about September 16, 2002 and filed a disclaimer of interest by counsel on September 3, 2004.
3. Defendant, Lily Lastagarkovski, appeared by counsel in this case on or about July 12, 2003.
4. Defendant, Merrillville Lumber Company, appeared by counsel in this case on June 29, 2004.
5. Defendant, Lake County, Indiana, failed to appear and assert interest in this cause.



NC
JD

6. On September 3, 2003, the Court appointed three disinterested freeholders of Lake County, Indiana to assess the benefits and damages, if any, resulting from the Plaintiff's appropriation.

7. On December 24, 2003, the appointed freeholders reported to the Court that the Defendants were entitled to receive One Hundred Ten Thousand Three Hundred Dollars (\$110,300.00) due to the Plaintiff's appropriation.

8. Defendant, Lily Lastagarkovski, filed its Exceptions to the Report of Appraisers on January 6, 2004.

9. On February 9, 2004, the Plaintiff paid the freeholders' fees and deposited the freeholders' award of One Hundred Ten Thousand Three Hundred Dollars (\$110,300.00) with the Clerk of the Court.

10. On October 7, 2004, the Clerk distributed the court-appointed appraisers award in the amount of \$110,300.00 plus interest, previously deposited with the Clerk of the Court, to Lily Lastagarkovski.

11. On July 31, 2008, the Jury returned a verdict for the Defendants and assessed total damages in the amount of Four Hundred Seventy-eight Thousand Six Hundred Dollars (\$478,600.00).

12. Based on the Verdict, Defendant, Lily Lastagarkovski, is now entitled to recover Four Hundred Seventy-eight Thousand Six Hundred Dollars (478,600.00), for the real estate appropriated by the Plaintiff, plus interest and litigation expense in the amount of Twenty-five Thousand Dollars (\$25,000.00).

13. Interest on the verdict is calculated as follows: the amount of the verdict less the deposit (\$478,600.00-\$110,300.00) times .08/year from date of deposit (February 9,

2004) to the date of the verdict (July 31, 2008) (1633 days) less interest of \$491.15 paid by the Clerk on October 7, 2004. The total interest due as of the date of verdict is \$131,329.97.

Defendant is entitled to interest at the rate of \$80.723287 per day from July 31, 2008, until paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court 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 the South Half of the Southeast Quarter of the Northeast Quarter (being part of Lot 1 of 5 acre Lots) of Section 16, Township 35 North, Range 8 West, Lake County, Indiana, described as follows: Beginning at a point on the north line of said half-quarter-quarter section North 89 degrees 46 minutes 41 seconds West 12.192 meters (40.00 feet) from the northeast corner of said half-quarter-quarter section, which point of beginning is on the west boundary of S.R. 53/Broadway Street; thence South 0 degrees 10 minutes 56 seconds East 98.392 meters (322.81 feet) along the boundary of said S.R. 53 (Broadway) to the southeast corner of the owner's land; thence South 89 degrees 14 minutes 04 seconds West 2.808 meters (9.21 feet) along the south line of the owner's land; thence North 0 degrees 10 minutes 56 seconds West 98.441 meters (322.97 feet) to the north line of said half-quarter-quarter section; thence South 89 degrees 46 minutes 41 seconds East 2.808 meters (9.21 feet) along said north line to the point of beginning and containing 0.0276 hectares (0.068 acres), 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 will revert to the owner on December 31, 2006:

A part of the South Half of the Southeast Quarter of the Northeast Quarter (being part of Lot 1 of 5 acre Lots) of Section 16, Township 35 North, Range 8 West, Lake County, Indiana, described as follows: Commencing at the northeast corner of said half-quarter-quarter section; thence North 89 degrees 46 minutes 41 seconds West 15.000 meters (49.21 feet) along the north line of said half-quarter-quarter section; thence South 0 degrees 10 minutes 56 seconds East 85.033 meters (278.98 feet) to the point of beginning of this description; thence continuing South 0 degrees 10 minutes 56 seconds East 11.000 meters (36.09 feet); thence South 89

degrees 49 minutes 04 seconds West 4.000 meters (13.12 feet); thence North 0 degrees 10 minutes 56 seconds West 11.000 meters (36.09 feet); thence North 89 degrees 49 minutes 04 seconds East 4.000 meters (13.12 feet) to the point of beginning and containing 0.0044 hectares (0.011 acres), more or less.

The following described right of way is temporary right of way for the purpose of the removal of a building and will revert to the owner on December 31, 2006:

A part of the South Half of the Southeast Quarter of the Northeast Quarter (being part of Lot 1 of 5 acre Lots) of Section 16, Township 35 North, Range 8 West, Lake County, Indiana, described as follows: Commencing at the northeast corner of said half-quarter-quarter section; thence North 89 degrees 46 minutes 41 seconds West 15.000 meters (49.21 feet) along the north line of said half-quarter-quarter section; thence South 0 degrees 10 minutes 56 seconds East 54.033 meters (177.27 feet) to the point of beginning of this description: thence continuing South 0 degrees 10 minutes 56 seconds East 31.000 meters (101.71 feet); thence South 89 degrees 49 minutes 04 seconds West 40.000 meters (131.23 feet); thence North 0 degrees 10 minutes 56 seconds West 31.000 meters (101.71 feet); thence North 89 degrees 49 minutes 04 seconds East 40.000 meters (131.23 feet) to the point of beginning and containing 0.1240 hectares (0.306 acres), 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 will revert to the owner on December 31, 2006:

A part of the South Half of the Southeast Quarter of the Northeast Quarter (being part of Lot 1 of 5 acre Lots) of Section 16, Township 35 North, Range 8 West, Lake County, Indiana, described as follows: Commencing at the northeast corner of said half-quarter-quarter section; thence North 89 degrees 46 minutes 41 seconds West 15.000 meters (49.21 feet) along the north line of said half-quarter-quarter section; thence South 0 degrees 10 minutes 56 seconds East 12.033 meters (39.48 feet) to the point of beginning of this description: thence continuing South 0 degrees 10 minutes 56 seconds East 10.000 meters (32.81 feet); thence South 89 degrees 49 minutes 04 seconds West 7.000 meters (22.97 feet); thence North 0 degrees 10 minutes 56 seconds West 10.000 meters (32.81 feet); thence North 89 degrees 49 minutes 04 seconds East 7.000 meters (22.97 feet) to the point of beginning and containing 0.0070 hectares (0.017 acres), more or less.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Defendants, County, Indiana, and Russell W. Dickinson and Harriet M. Dickinson, shall take nothing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Defendant, Lily Lastagarkovski, shall recover \$524,629.97 in full satisfaction of this judgment and all claims in this cause. Said amount consists of the jury verdict in the amount of Four Hundred Seventy-eight Thousand Six Hundred Dollars (\$478,600.00), less \$110,300.00 earlier withdrawn from the Clerk, plus interest in the amount of \$131,329.97, plus litigation expense in the amount of Twenty-five Thousand Dollars (\$25,000.00) as total just compensation in this cause.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the State shall deposit an additional \$524,629.97 together with daily interest from July 31, 2008 at \$80.723287/day, with the Clerk in full satisfaction of this judgment and all their claims in this cause.

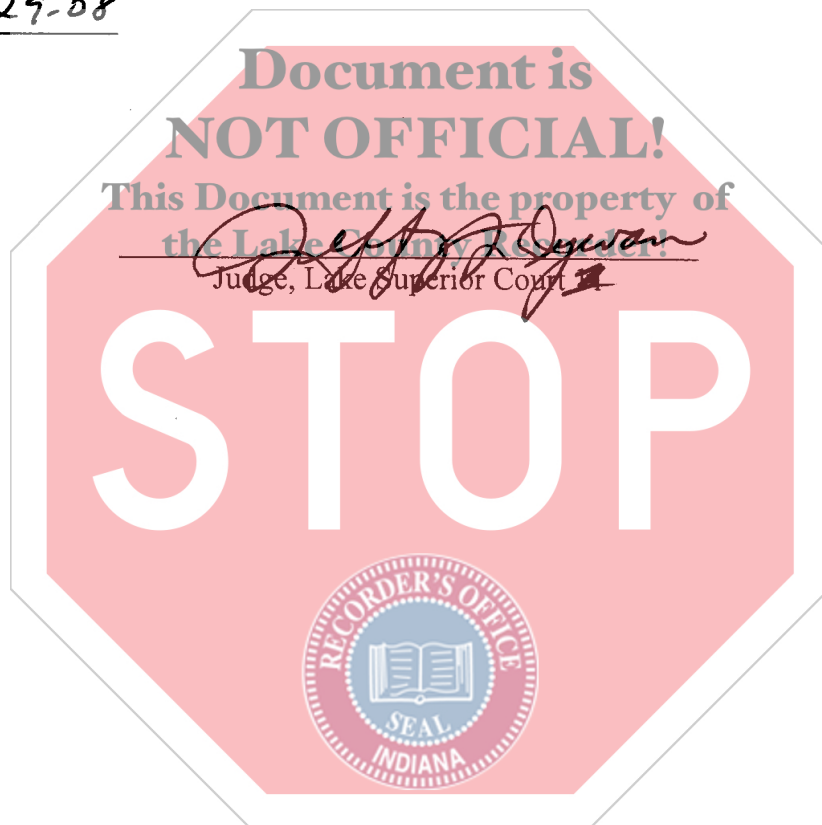
IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this "Judgment on Verdict" to the Auditor of Lake County, Indiana; that the Auditor shall remove the above-described fee simple real estate from the tax records and rolls of the county and cancel all 2002 and subsequent years' taxes thereon; *that the Auditor shall submit evidence of this 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.*

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this "Judgment on Verdict" to the Recorder of Lake County, Indiana,

and 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 the Attorney General of Indiana, Indiana Government Center South, Fifth Floor, 302 West Washington Street, Indianapolis, Indiana 46204-2770.***

IT IS FURTHER ORDERED that the Clerk, upon reviewing a Release of Judgment, issue a check for the full amount of the Judgment to Lily Lastagarkovski and Duane W. Hartman, her attorney.

Date: 8-29-08



Copies to:

Harry J. Watson, III
Deputy Attorney General
Office of the Attorney General
302 West Washington Street, Fifth Floor
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The Honorable Peggy Holinga Katona
Auditor, Lake County, Indiana
2nd Floor Government Center
2293 N. Main Street
Crown Point, IN 46307

The Honorable Michael A. Brown
Recorder, Lake County, Indiana
2nd Floor Government Center
2293 N. Main Street
Crown Point, IN 46307

HJW/acl: 495393

