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STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

IN THE LAKE CIRCUIT COURT

2008 065866

CROWN POINT, INDIANA

CLERK OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
MICHAEL A. CROWN  
RECORDER

WALTER A. BREYFOGLE and )  
WILLIAM L. BREYFOGLE, )  
Plaintiffs )

vs.

CAUSE NO. 45C01-0707-PL-00223

DAVID TURNER and CAROLINE TURNER, )  
husband and wife; )  
JOHN M. SCOTT AND HELEN SCOTT, )  
husband and wife, )  
NORTHERN INDIANA PUBLIC SERVICE )  
COMPANY; )  
and the Unknown Heirs, Representatives, )  
Devisees, Legatees, Executors, Administrators, )  
Husbands, Wives, Receivers, Lessees, Successors, )  
Assigns, Guardians, Trustees, Widows, Widowers, )  
Spouses, Children, Creditors, Beneficiaries, and )  
Grantees of each and all of the above named )  
Defendants and all other persons claiming an interest )  
in the Real Estate described in this Complaint, and )  
all of whose names are to Plaintiff's unknown and )  
all of the persons, who by reason of their )  
relationship to any of the above named Defendants )  
might by any possibility have or claim some right, )  
title, or interest in the Real Estate described in this )  
Complaint, all of whom are to Plaintiffs unknown )  
and all persons claiming any right, title and interest )  
in and to the Real Estate hereinafter described in )  
this Complaint or to any part thereof from, through )  
or under any of the above named Defendants or any )  
of their respective Descendants or Successors in )  
Interest, direct or remote, living or dead, whether )  
named or not, all of whose names are to Plaintiffs )  
unknown; and the world, )

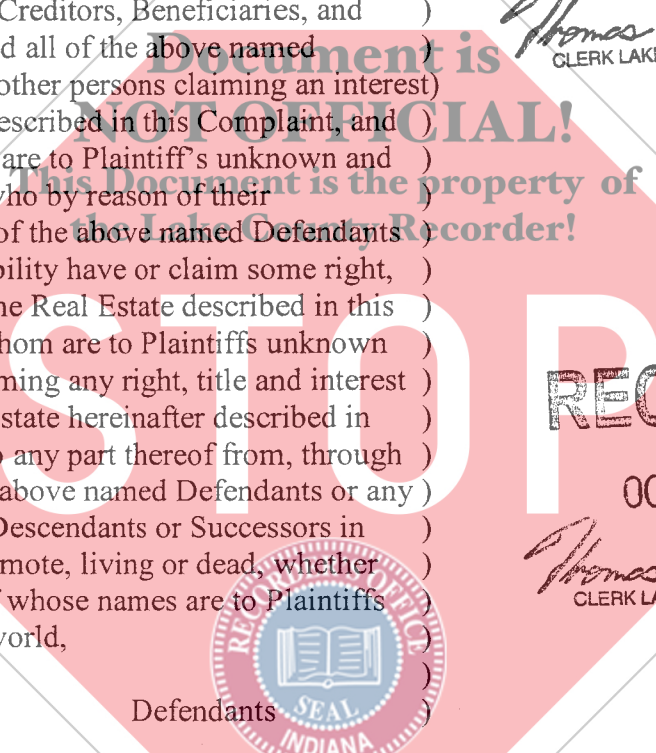
Defendants )

Filed in Open Court

OCT 24 2007

Thomas R. Philpot  
CLERK LAKE CIRCUIT COURT

2008 065866



RECEIVED

OCT 25 2007

Thomas R. Philpot  
CLERK LAKE CIRCUIT COURT

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

AGREED JUDGMENT QUIETING TITLE

Comes now the Plaintiffs, Walter A. Breyfogle and William L. Breyfogle, by their attorney, Herman Barber, and files motion for default judgment.

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The Plaintiffs, Walter A. Breyfogle and William L. Breyfogle, by their counsel, Herman Barber, and the Defendant, Northern Indiana Public Service Company, by its counsel, Robert J. Feldt of Eichhorn & Eichhorn LLP, submit this agreed judgment quieting title.

The Plaintiff now shows service of complaint and summons on the Defendant, Northern Indiana Public Service Company, by certified mail on the 31st day of July, 2007, the certificate of service of the clerk reads as follows: (H.I.)

Service of the complaint and summons on all other Defendants was made by publication in the Crown Point Star on the 9<sup>th</sup>, 16<sup>th</sup> and 23<sup>rd</sup> of August, 2007. The affidavit of the publisher reads as follows: (H.I.)

The Plaintiff now files affidavit of non-military service, which is in the following words and figures: (H.I.)

All the Defendants, except Northern Indiana Public Service Company, are called in open court, appear not, and are now defaulted.

Said cause is now submitted on the Plaintiff's complaint, the Plaintiff's motion for default judgment, Northern Indiana Public Service Company's, answer, and the default of all other Defendants, except Northern Indiana Public Service Company.

The Court being duly advised in the premises now finds as follows:

1. The Plaintiffs are the owners in fee simple of the following described real property located in Lake County, Indiana:

Part of Lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, and 14 of Smith's Addition of Outlots to the City of Crown Point as shown in Miscellaneous Record "A" page 290 in Lake County, Indiana, more particularly described as follows: Commencing at the Northeast corner of Section 5, Township 34 North Range 8 West of the 2nd P.M; thence South 00°09'00" West along the East line of the NE -1/4 of said Section 5 a distance of 579.84 feet to a point on the East line of Lot 13 of Smith's Addition of Outlots and 141.86 feet North of the Southeast corner of said Lot 13; thence North 89°51 '00" West a distance of 30.00 feet to a point of curve; thence Southwesterly along a curve to the left with a radius of 1314.58 feet a distance of 199.61 feet to a point of tangent; thence South 81°27'00" West a distance of 434.71 feet to a point on the West line of said Lot 13 and 55.42 feet North of the Southwest corner thereof thence south 00°07'45" West along the West line of said Lots 13, 12 and 5 a distance of 741.47 feet to a point 25.93 feet South of the Northwest corner of said Lot 5; thence North 81° 27'00" East 665.95 feet to a point on the East line of Section 5 and 80.17 feet North of the Southeast corner of Lot 12 of Smith's Addition of Outlots; thence South 00°09'00" West along the East line of said Section 5, 1358.05 feet to a point that is 42.02 feet North of the Southeast corner of the NE 1/4

of said Section 5; thence North 89°51'00" West, 30.00 feet to the intersection of the West right-of-way of Indiana Street and the North right-of-way of Summit Street; thence South 85°09'55" West, along said North right-of-way, 230.23 feet; thence South 00°35 '42" West, 20.00 feet to the South line of the NE 1/4 of said Section 5; thence North 89°24'18" West, along the South line of the NE % of said Section 5, 397.771 feet to the Southeast Corner of said Lot 3; thence North 00°07'12" East, along the East line of said Lot 3 a distance of 109.75; thence North 89°52 '48" West, 256.64 feet more or less to the Easterly right-of-way line of the Chicago and Erie Railroad; thence Northwesterly along said Easterly right-of-way line on a curve to the right with a radius, of 3058.78 feet, a distance of 848.29 feet to a point of tangent; thence continuing along said Easterly right-of-way line North 28°59'50" West, 313 feet to the center line of Merrillville Road; thence North 19°36'15" East, along the center line of Merrillville Road, 1743.87 feet to the North line of said Section 5; thence South 89°32 '33" East, 995.53 feet more or less to the point of beginning, containing 66.701 acres more or less, subject to the right-of-ways of Merrillville Road Indiana Street and Summit Street.  
(hereinafter referred to as Plaintiffs' real property)

2. Adjacent and parallel to the Plaintiffs' real property as described above is the former railroad right-of-way of the Chicago and Erie Railroad, which consists of a strip of real property approximately 100 feet in width and approximately 1,161.29 feet in length and located southerly of the Plaintiff's real property, hereinafter referred to as the Chicago and Erie Railroad Company's right-of-way.

3. That John M. Scott and Helen Scott, his wife, and David Turner and Caroline Turner, his wife, deeded an easement to the Chicago Atlantic Railroad Company for a right-of-way for railroad purposes over the parcel described in paragraph 1 above on 15<sup>th</sup> day of June, 1882. The deeds of conveyance from John M. Scott and Helen Scott and David Turner and Caroline Turner designated the conveyance as an easement for railroad purposes.

4. That said railroad right-of-way was later deeded to the Chicago and Erie Railroad Right-of-Way Company.

5. That the right-of-way was abandoned and is no longer used for railroad purposes, therefore extinguishing the right of anyone claiming an interest in and to and through the Chicago and Erie Railroad Company's right-of-way.

NOW, THEREORE, IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:

1. The Plaintiffs, Walter A. Breyfogle and William L. Breyfogle, shall be and are hereby declared to be the fee simple owners of that portion of the former Chicago and Erie Railroad Company right-of-way, which portion is legally described as follows:

The North 50 feet of the Chicago Atlantic Railway Company easement subsequently transferred to the Chicago and Erie Railroad consisting of a strip of real property of approximately one hundred (100) feet in width and approximately one thousand one hundred sixty one and twenty-nine hundredths (1161.29) feet in length lying adjacent and southerly to the following described real property:

Part of Lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, and 14 of Smith's Addition of Outlots to the City of Crown Point as shown in Miscellaneous Record "A" page 290 in Lake County, Indiana, more particularly described as follows: Commencing at the Northeast corner of Section 5, Township 34 North Range 8 West of the 2nd P.M.; thence South 00°09'00" West along the East line of the NE -1/4 of said Section 5 a distance of 579.84 feet to a point on the East line of Lot 13 of Smith's Addition of Outlots and 141.86 feet North of the Southeast corner of said Lot 13; thence North 89°51 '00" West a distance of 30.00 feet to a point of curve; thence Southwesterly along a curve to the left with a radius of 1314.58 feet a distance of 199.61 feet to a point of tangent; thence South 81°27'00" West a distance of 434.71 feet to a point on the West line of said Lot 13 and 55.42 feet North of the Southwest corner thereof thence south 00°07'45" West along the West line of said Lots 13, 12 and 5 a distance of 741.47 feet to a point 25.93 feet South of the Northwest corner of said Lot 5; thence North 81° 27'00" East 665.95 feet to a point on the East line of Section 5 and 80.17 feet North of the Southeast corner of Lot 12 of Smith's Addition of Outlots; thence South 00°09'00" West along the East line of said Section 5, 1358.05 feet to a point that is 42.02 feet North of the Southeast corner of the NE 1/4 of said Section 5; thence North 89°51'00" West, 30.00 feet to the intersection of the West right-of-way of Indiana Street and the North right-of-way of Summit Street; thence South 85°09'55" West, along said North right-of-way, 230.23 feet; thence South 00°35 '42" West, 20.00 feet to the South line of the NE 1/4 of said Section 5; thence North 89°24'18" West, along the South line of the NE 1/4 of said Section 5, 397.771 feet to the Southeast Corner of said Lot 3; thence North 00°07'12" East, along the East line of said Lot 3 a distance of 109.75; thence North 89°52 '48" West, 256.64 feet more or less to the Easterly right-of-way line of the Chicago and Erie Railroad; thence Northwesterly along said Easterly right-of-way line on a curve to the right with a radius, of 3058.78 feet, a distance of 848.29 feet to a point of tangent; thence continuing along said Easterly right-of-way line North 28°59'50" West, 313 feet to the center line of Merrillville Road; thence North 19°36'15" East, along the center line of Merrillville Road, 1743.87 feet to the North line of said Section 5; thence South 89°32 '33" East, 995.53 feet more or less to the point of beginning, containing 66.701 acres more or less, subject to the right-of-ways of Merrillville Road Indiana Street and Summit Street,

(hereinafter referred to as subject real property).

2. The above subject real property is quieted against all claims of each and every Defendant, and against the world and that the fee simple title thereto is vested in Walter A. Breyfogle and William L. Breyfogle.

3. The Defendant, Northern Indiana Public Service Company, shall be and is hereby declared to be the owner of a permanent, underground utility easement in and to the south 25 feet of the subject real property 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 is a line 25 feet north of and parallel to the centerline of the abandoned Chicago and Erie Railroad right-of-way and the southern boundary of said easement shall be the centerline of the abandoned Chicago and Erie Railroad's right-of-way. Additionally, the Defendant shall be and is hereby declared to be the owner of a temporary 15 foot wide construction easement which is adjacent and parallel to the northern boundary of the aforementioned permanent underground utility easement.

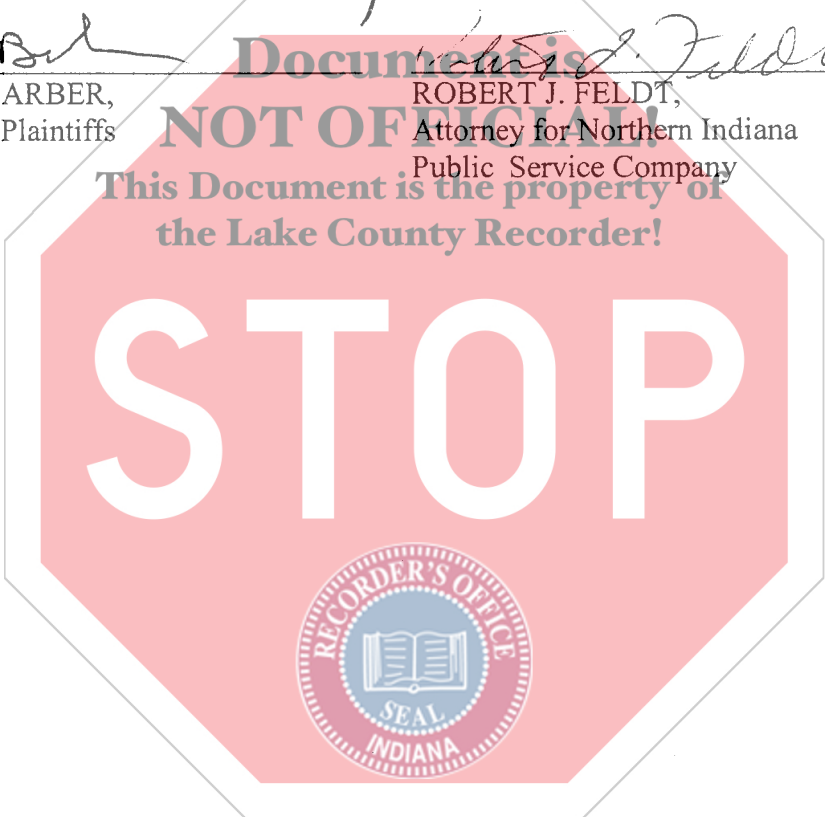
4. Costs of this action are paid.

DATED: 10-24-07

Jury W J Roccaforte  
JUDGE, Lake Circuit Court

Herman Barber  
HERMAN BARBER,  
Attorney for Plaintiffs

Robert J. Feldt  
ROBERT J. FELDT,  
Attorney for Northern Indiana  
Public Service Company



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