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STATE OF INDIANA)
) SS: IN THE LAKE SUPERIOR COURT NO. 5
 COUNTY OF LAKE) SITTING AT HAMMOND
) CAUSE NO. 45D05-1009-CT-00177

MICHAEL L. MUENICH IN HIS CAPACITY AS)
 CO-TRUSTEE OF THE HAROLD G. MUENICH)
 REVOCABLE TRUST, AS EXECUTOR OF THE)
 ESTATE OF ALICE B. MUENICH, AS)
 SUCCESSOR TRUSTEE OF THE ALICE B.)
 MUENICH REVOCABLE TRUST AND HAROLD)
 MUENICH AS CO-TRUSTEE OF THE)
 HAROLD G. MUENICH REVOCABLE TRUST,)

Plaintiffs,

vs.

INDIANA DEPARTMENT OF
 TRANSPORTATION,

Defendant,

NON-TAXABLE

JUN 25 2012

PEGGY HOLINGA KATONA
 LAKE COUNTY AUDITOR

AGREED FINDINGS AND JUDGMENT
 This Document is the property of
 the Lake County Recorder!

The Plaintiffs, Michael L. Muenich in his capacity as co-trustee of the Harold G. Muenich Revocable Trust, as executor of the estate of Alice B. Muenich, and as successor trustee of the Alice B. Muenich Revocable Trust, and Harold G. Muenich as co-trustee of the Harold G. Muenich Revocable Trust, by counsel Michael L. Muenich, and the Defendant, Indiana Department of Transportation, by counsel Adam Clay, Deputy Attorney General, now jointly move for judgment in this case. The Court, having examined the pleadings and being duly advised, now finds:

1. Plaintiffs filed their Complaint for damages with regards to an inverse condemnation on November 13, 2009.
2. On February 23, 2010, the Defendant answered the Complaint.
3. Plaintiffs filed their First Amended Complaint on December 21, 2010.

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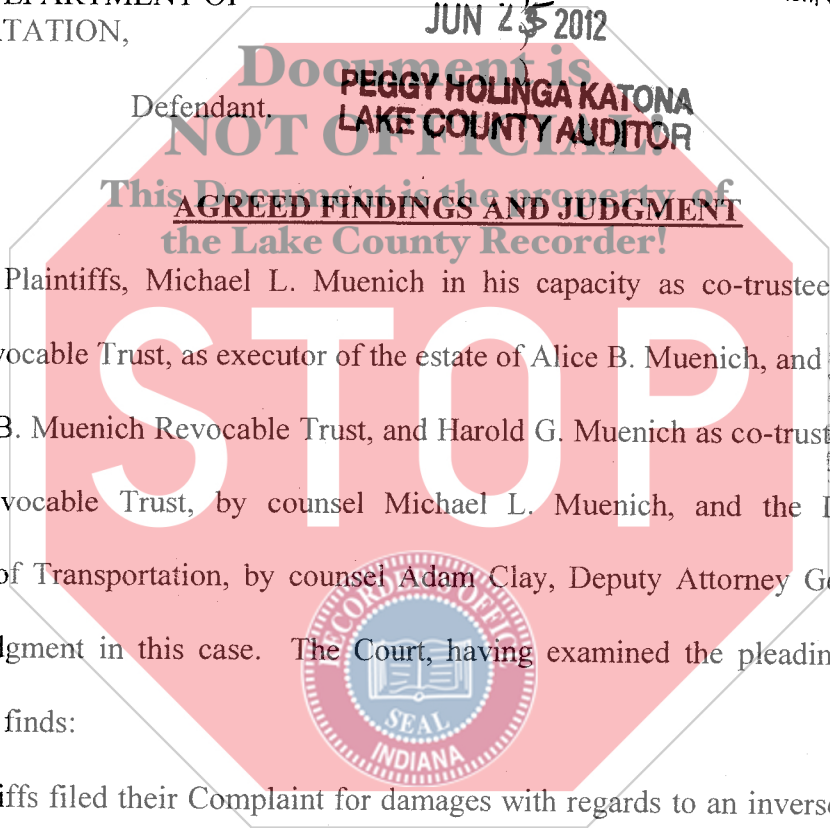
JUN 05 2012

Filed in Open Court

JUN 05 2012

William E. Harris
 Judge, Lake Superior Court
 Civil Division, Court Room 5

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 LAKE COUNTY
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4. The Defendant filed its answer to the First Amended Complaint on January 10, 2011.
5. On April 25, 2011, the Plaintiffs moved for summary judgment on liability for transfer and litigation expenses.
6. On May 16, 2011, the Defendant moved for summary judgment on all counts.
7. On May 23, 2011, the Defendant filed its response to Plaintiffs' motion for summary judgment.
8. On June 8, 2011, the Plaintiffs filed their motion to substitute real party in interest, seeking to substitute the current Plaintiffs for Harold and Alice Muenich, the original plaintiffs.
9. On June 9, 2011, James Wieser appeared as additional counsel for the Plaintiffs. The Plaintiffs also filed their reply in support of their motion for summary judgment and response in opposition to Defendant's motion for summary judgment.
10. On June 27, 2011, the Plaintiffs moved for summary judgment on the issue of liability for inverse condemnation.
11. On August 4, 2011, the Plaintiffs filed for summary ruling on their motion for summary judgment on liability for inverse condemnation.
12. On September 16, 2011, the Court granted Plaintiffs' motion to substitute real party in interest.
13. Also on September 16, 2011, the Court denied Defendant's motion for summary judgment and granted Plaintiff's Partial Motion for Summary Judgment, and ordered the Defendant to prepare a fair market value offer for the property condemned and damaged by the Defendants.
14. On February 28, 2012, the Defendant filed a settlement offer with the Court.
15. On March 1, 2012, the Plaintiffs filed a counter-offer of settlement with the Court.

16. The Plaintiffs and INDOT hereby agree that INDOT has the right to appropriate the real estate interest owned by the Plaintiffs, that INDOT has authority to appropriate the real estate interests herein, that the Court has personal jurisdiction of the parties herein and subject matter jurisdiction of the real estate interests herein, and that such real estate interests as described herein this Agreed Findings and Judgment are hereby ordered appropriated by INDOT.

17. It is further agreed between the Plaintiffs and INDOT that INDOT now holds a drainage easement to the following real estate as described in Exhibit A1 through A3 and Exhibit B attached to this Agreed Findings and Judgment.

18. The Plaintiffs and INDOT hereby agree to INDOT's appropriation of the real estate interests described below and further agree that the Plaintiffs shall recover for the real estate acquired by the State and any and all damages resulting from that acquisition, total just compensation of Sixty-seven Thousand Six Hundred and Seventy-eight dollars and Fifty-one cents (\$67,678.51) from the State as payment and consideration for the appropriated real estate, further described in attached Exhibit A1 through A3 and Exhibit B.

19. As no exceptions to a Report of Appraisers were filed in this case, and as there was no jury trial, no party herein is entitled to pre- or post-judgment interest and/or attorneys fees and costs beyond those incorporated into the consideration agreed to be paid by Defendant to the Plaintiffs for the real estate interest acquired.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that INDOT has the right to appropriate the real estate interest owned by the Plaintiffs, that INDOT has authority to appropriate the real estate interests herein, that the Court has personal jurisdiction of the parties herein and subject matter jurisdiction of the real estate interests herein,

and that such real estate interests as described herein this Agreed Findings and Judgment are hereby ordered appropriated by INDOT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that there is no just reason to delay entry of judgment upon the terms contained herein and that Plaintiffs hereby release to Defendant, free and clear of the interests of the Plaintiffs, a drainage easement on the real estate described below:

Drainage Easement

The real estate rights to be appropriated are further described in the attached Exhibits A1 through A3.

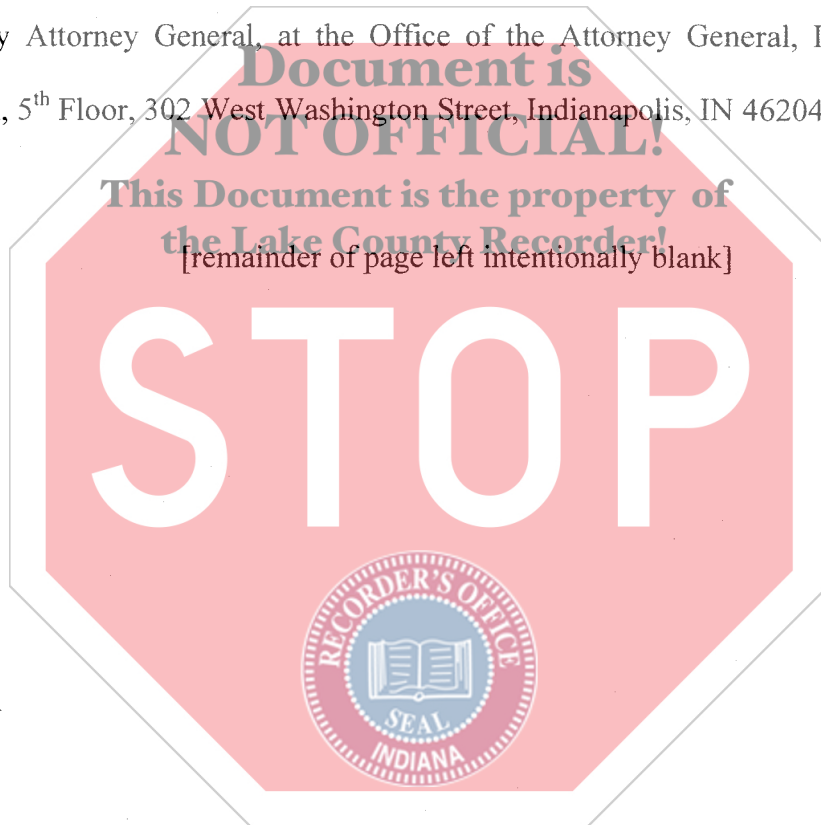
Sketches illustrating the real estate to be appropriated are filed herewith as Exhibit B.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiffs, by agreement, shall have and recover total just compensation for the Defendant's appropriation in this case, the amount of \$67,678.51, in full satisfaction of any and all of Plaintiffs' claims in this case.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that Defendant shall deposit the amount of \$67,678.51 with the Clerk of the Court, who upon receipt of said amount from Defendant, the Clerk of the Court shall pay the amount of \$67,678.81 to the Plaintiffs, Michael L. Muenich in his capacity as Co – Trustee of the Harold G. Muenich Revocable Trust, As Executor of the Estate of Alice B. Muenich, as Successor Trustee of the Alice B. Muenich Revocable Trust and Harold Muenich as Co – Trustee of the Harold G. Muenich Revocable Trust in full satisfaction of this judgment and any and all of the Plaintiffs' claims in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that no exceptions to a Report of Appraisers were filed in this case, there was no jury trial, and no party herein is entitled to pre- or post-judgment interest and/or attorneys fees and costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall promptly send (2) certified copies of these Agreed Findings and Judgment to the undersigned Deputy Attorney General who upon receipt will forward to the Recorder of Lake County, and that said Recorder shall, pursuant to Ind. Code § 8-23-7-31 and without payment of fee, record the transfer of the above-described real estate interests to the State of Indiana, and that said Recorder shall submit evidence of the recorded transfer, by United States mail, to Adam Clay, Deputy Attorney General, at the Office of the Attorney General, Indiana Government Center South, 5th Floor, 302 West Washington Street, Indianapolis, IN 46204-2770.



CERTIFICATION OF COMPLIANCE WITH TRIAL RULE 5(G)

I hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).

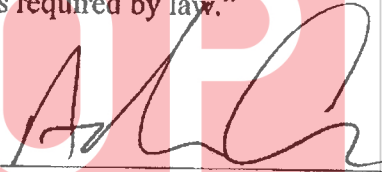


Adam Clay (#28498-49)
Deputy Attorney General

**Document is
NOT OFFICIAL!**

**DECLARATION OF COMPLIANCE WITH I.C. 36-2-11-15
the Lake County Recorder!**

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."



Adam Clay (#28498-49)
Deputy Attorney General



AGREED TO AND APPROVED BY:

[Handwritten Signature]

Michael L. Muenich (#9246-45)
Attorney for Plaintiffs
LAW OFFICE OF MICHAEL L. MUENICH, P.C.

[Handwritten Signature]

Michael L. Muenich (#9246-45)
Co-trustee of the Harold G. Muenich Revocable Trust, as executor of the estate of Alice B. Muenich, and as successor trustee of the Alice B. Muenich Revocable Trust

[Handwritten Signature]

Michael L. Muenich (#9246-45)
Power of Attorney for Harold G. Muenich, Co-trustee of the Harold G. Muenich Revocable Trust

GREGORY F. ZOELLER
Attorney General of Indiana

[Handwritten Signature]

Adam Clay (#28498-49)
DEPUTY ATTORNEY GENERAL

FOR DEFENDANT, INDIANA DEPARTMENT OF TRANSPORTATION

[Handwritten Signature]

Scott A. Adams
Director, Real Estate Division
INDIANA DEPARTMENT OF TRANSPORTATION



ALL HEREBY ORDERED THIS 5 DAY OF June 2012

[Handwritten Signature]

Hon. William E. Davis
Judge, Lake Superior Court

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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 21 day of June, 2012

Clerk of the Lake Circuit and Superior Courts
By: *[Handwritten Signature]*
Deputy Clerk

Copies to:

Michael L. Muenich
LAW OFFICE OF MICHAEL L. MUENICH, P.C.
3235 45th Street
Highland, IN 46322

James L. Wieser
WIESER & WYLLIE, LLP
429 West Lincoln Highway
Scherverville, IN 46375

Adam Clay
Deputy Attorney General
OFFICE OF ATTORNEY GENERAL
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204-2770



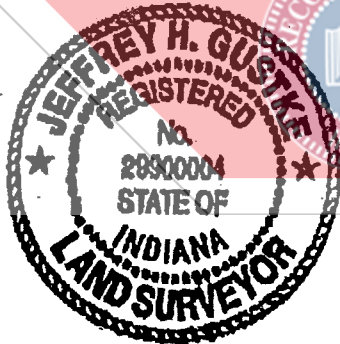
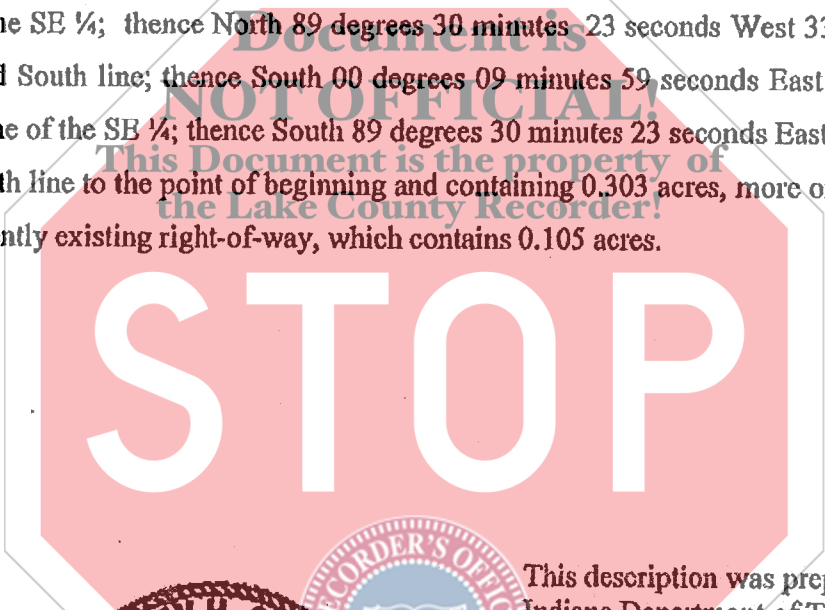
The Honorable Michelle R. Fajman
Recorder of Lake County, Indiana
Building 'A', 2nd Floor
2293 N. Main Street
Crown Point, IN 46307




EXHIBIT
A-1

Sheet 1 of 1

A Drainage Easement in part of the Southeast Quarter (SE ¼) of Section Twenty-Nine (29), Township Thirty-Five (35) North, Range Nine (9) West of the Second Principal Meridian, in Lake County, Indiana, described as follows: Commencing at the Southeast corner of said SE ¼; thence North 89 degrees 30 minutes 23 seconds West 1565.13 feet along the South line of said SE ¼ to the Southeast corner of the Harold G. Muenich Revocable Trust tract, as described in Instrument #2007 071450 in the Office of the Recorder in Lake County, Indiana and the point of beginning; thence North 00 degrees 09 minutes 59 seconds West 40.00 feet along the East line of said tract to a point that is 40.00 feet as measured normal to said South line of the SE ¼; thence North 89 degrees 30 minutes 23 seconds West 330.00 feet, parallel with said South line; thence South 00 degrees 09 minutes 59 seconds East 40.00 feet to said South line of the SE ¼; thence South 89 degrees 30 minutes 23 seconds East 330.00 feet along said South line to the point of beginning and containing 0.303 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.105 acres.



This description was prepared for the Indiana Department of Transportation on the 27th day of December, 2011

by 

Jeffrey H. Gusike
Indiana Professional Land Surveyor
License Number 29900004

Encumbers Instrument #2007 071450
Recorded September 4, 2007
Grantee: Harold G. Muenich Revocable Trust

Shown as Parcel 2 on Location Drawing
Prepared by Landmark Engineering Corp.
Filed in the Clerk's Office in Lake County
June 27, 2011 as Exhibit 2



EXHIBIT
A-2

Sheet 1 of 1

A Drainage Easement in part of the Southeast Quarter (SE ¼) of Section Twenty-Nine (29), Township Thirty-Five (35) North, Range Nine (9) West of the Second Principal Meridian, in Lake County, Indiana, described as follows: Commencing at the Southeast corner of said SE ¼; thence North 89 degrees 30 minutes 23 seconds West 1194.45 feet along the South line of said SE ¼ to the Southeast corner of the Alice B. Muenich Revocable Trust tract, as described in Instrument #2007 071449 in the Office of the Recorder in Lake County, Indiana and the point of beginning; thence North 00 degrees 09 minutes 59 seconds West 40.00 feet along the East line, as monumented, of the land conveyed by Thomas Neises and wife to Hickory Terrace Land Company, Inc., on January 8, 1938 to a point that is 40.00 feet as measured normal to said South line of the SE ¼; thence North 89 degrees 30 minutes 23 seconds West 370.68 feet, parallel with said South line, to the West line of said Alice B. Muenich Revocable Trust tract; thence South 00 degrees 09 minutes 59 seconds East 40.00 feet along said West line to said South line of the SE ¼; thence South 89 degrees 30 minutes 23 seconds East 370.68 feet along said South line to the point of beginning and containing 0.340 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.134 acres.



This description was prepared for the Indiana Department of Transportation on the 27th day of December, 2011

by 

Jeffrey H. Gustke
Indiana Professional Land Surveyor
License Number 29900004

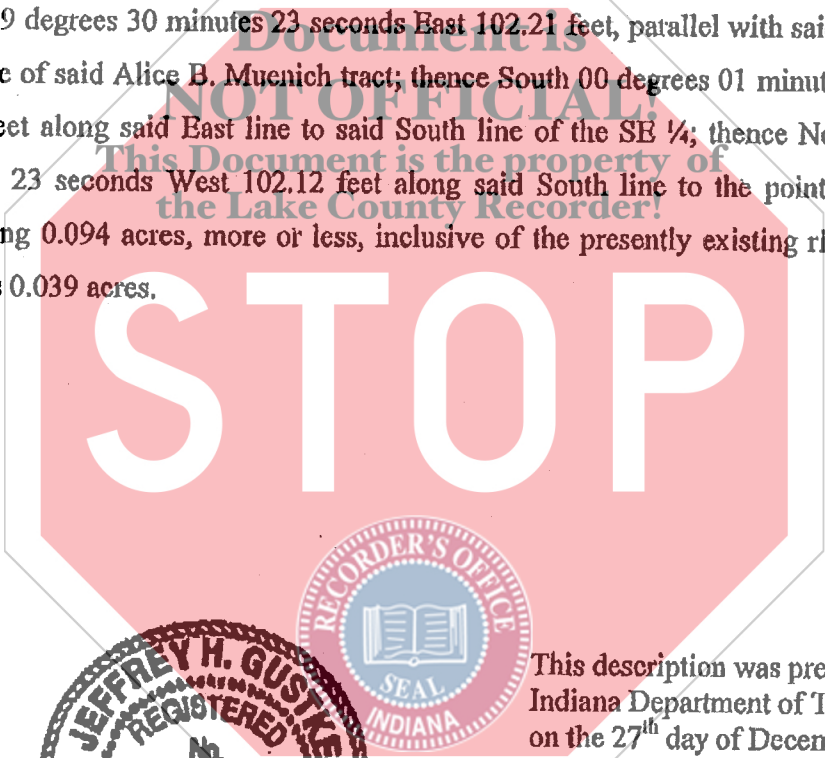
Encumbers Instrument #2007 071449
Recorded September 4, 2007
Grantee: Alice B. Muenich Revocable Trust

Shown as Parcel 3 on Location Drawing
Prepared by Landmark Engineering Corp.
Filed in the Clerk's Office in Lake County
June 27, 2011 as Exhibit 2



EXHIBIT
A-3

A Drainage Easement in part of the Southeast Quarter (SE ¼) of Section Twenty-Nine (29), Township Thirty-Five (35) North, Range Nine (9) West of the Second Principal Meridian, in Lake County, Indiana, described as follows: Commencing at the Southeast corner of said SE ¼; thence North 89 degrees 30 minutes 23 seconds West 1194.45 feet along the South line of said SE ¼ to the Southwest corner of the Alice B. Muenich tract, as described in Instrument #95032165 in the Office of the Recorder in Lake County, Indiana and the point of beginning; thence North 00 degrees 09 minutes 59 seconds West 40.00 feet along the West line of said tract to a point that is 40.00 feet as measured normal to said South line of the SE ¼; thence South 89 degrees 30 minutes 23 seconds East 102.21 feet, parallel with said South line, to the East line of said Alice B. Muenich tract; thence South 00 degrees 01 minutes 56 seconds East 40.00 feet along said East line to said South line of the SE ¼; thence North 89 degrees 30 minutes 23 seconds West 102.12 feet along said South line to the point of beginning and containing 0.094 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.039 acres.



This description was prepared for the Indiana Department of Transportation on the 27th day of December, 2011

by Jeffrey H. Gustke
Jeffrey H. Gustke
Indiana Professional Land Surveyor
License Number 29900004

Encumbers Instrument #95032165

Recorded June 8, 1995

Grantee: Alice B. Muenich

**Shown as Parcel 4 on Location Drawing
Prepared by Landmark Engineering Corp.
Filed in the Clerk's Office in Lake County
June 27, 2011 as Exhibit 2**



EXHIBIT

B

LOCATION DRAWING

PARCEL 1

THE PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 36 NORTH, RANGE 12 EAST, COUNTY OF LAKE, STATE OF ILLINOIS, AS SHOWN ON THE PLAT OF THE SANDHARIC SUBDIVISION, BEING THE PART OF SAID QUARTER DESCRIBED AS FOLLOWS: TO THE WEST LINE OF SAID QUARTER, COMMENCING AT THE WEST CORNER OF SAID QUARTER, THENCE NORTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" EAST, DISTANCE 100.00 FEET TO A POINT; THENCE EAST ALONG THE EAST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE WEST ALONG THE WEST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO THE WEST CORNER OF SAID QUARTER. BEING THE PART OF SAID QUARTER DESCRIBED AS FOLLOWS: TO THE WEST LINE OF SAID QUARTER, COMMENCING AT THE WEST CORNER OF SAID QUARTER, THENCE NORTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" EAST, DISTANCE 100.00 FEET TO A POINT; THENCE EAST ALONG THE EAST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE WEST ALONG THE WEST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO THE WEST CORNER OF SAID QUARTER.

PARCEL 2

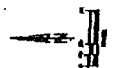
THE PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 36 NORTH, RANGE 12 EAST, COUNTY OF LAKE, STATE OF ILLINOIS, AS SHOWN ON THE PLAT OF THE SANDHARIC SUBDIVISION, BEING THE PART OF SAID QUARTER DESCRIBED AS FOLLOWS: TO THE WEST LINE OF SAID QUARTER, COMMENCING AT THE WEST CORNER OF SAID QUARTER, THENCE NORTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" EAST, DISTANCE 100.00 FEET TO A POINT; THENCE EAST ALONG THE EAST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE WEST ALONG THE WEST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO THE WEST CORNER OF SAID QUARTER.

PARCEL 3

THE PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 36 NORTH, RANGE 12 EAST, COUNTY OF LAKE, STATE OF ILLINOIS, AS SHOWN ON THE PLAT OF THE SANDHARIC SUBDIVISION, BEING THE PART OF SAID QUARTER DESCRIBED AS FOLLOWS: TO THE WEST LINE OF SAID QUARTER, COMMENCING AT THE WEST CORNER OF SAID QUARTER, THENCE NORTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" EAST, DISTANCE 100.00 FEET TO A POINT; THENCE EAST ALONG THE EAST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO A POINT; THENCE SOUTH 89° 15' 00" WEST, DISTANCE 100.00 FEET TO A POINT; THENCE WEST ALONG THE WEST LINE OF SAID QUARTER, DISTANCE 100.00 FEET TO THE WEST CORNER OF SAID QUARTER.

RECORDS & DEEDS
 COUNTY OF LAKE, ILLINOIS
 FILED FOR RECORD
 DATE: 1/27/2011
 TIME: 10:08 AM

Filed in Clerk's Office
 JAN 27 2011
 J. J. [Signature]



SANDHARIC
 PLAT NO. 113-1-2010
 COUNTY OF LAKE, ILLINOIS
 DATE: JAN 28, 2011

