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Filed in Open Court

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

DEC 04 2014

Michael Blower
CLERK LAKE CIRCUIT COURT

JAMES E. NEILL AND SUZANNE E. NEILL,)
)
) Plaintiffs,)
)
) v.)
)
) MICHAEL ST. AUBIN, et al,)
)
) Defendants.)

IN THE LAKE CIRCUIT COURT,
SITTING IN CROWN POINT, INDIANA
CONTINUOUS TERM

CAUSE NO. 45C01-0907-PL-0024

2014 DEC 07 7988

FILED

DEC 09 2014

FINAL JUDGMENT

PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

STATE OF INDIANA
LAKE COUNTY
FILED FOR THE COURT
2014 DEC 9 AM 8:14
MICHAEL B. BLOWER
RECORDER

This case comes before the Court for trial on the Complaint to Quiet Title to Real Estate, to Reform Plat, and for Other Relief (hereinafter "Complaint") filed by the Plaintiffs James E. Neill and Suzanne E. Neill (hereinafter "Neills"). The Plaintiffs (i.e., the Neills) appear in person and by counsel.

The Plaintiffs (i.e., the Neills), the Defendants Joseph P. Kolavo, Jr., and Buckhill Estates Lakefront Homeowners Association, Inc., and the Defendant Advisory Plan Commission of Lake County, Indiana, file Stipulations.

The Defendants Michael St. Aubin, Maribeth St. Aubin, Erik J. Johnson, Shannon G. Johnson, John S. Dessauer, Ronda A. Dessauer, Gregory T. Scott, Karen R. Scott, Dawn E. Kolavo, Lake County Trust Company, as Trustee under the provisions of a Trust Agreement dated February 11, 1992 and known as Trust No. 4273, David K. Milne, Judith A. Milne, Paul F. Blower, Jr. Trust, as Trustee, under the provisions of the Paul F. Blower, Sr. Trust, dated November 9, 1999, Carol S. Blower Trust as Trustee, under the provisions of the Carol S.

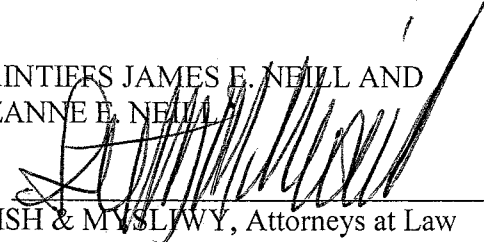
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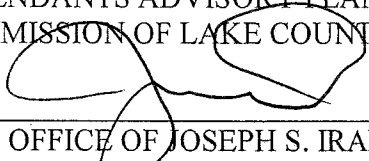
CONSENT OF PARTIES

The undersigned parties hereby consent to the entry of the foregoing Final Judgment as a final judgment of this Court and stipulate to the matters set forth therein.

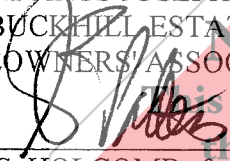
PLAINTIFFS JAMES E. NEILL AND
SUZANNE E. NEILL

BY: 
MAISH & MYSLJWY, Attorneys at Law
By: Stephen M. Maish (Attorney No. 9863-45)
Attorneys for Plaintiffs James E. Neill
and Suzanne Neill

DEFENDANTS ADVISORY PLAN
COMMISSION OF LAKE COUNTY

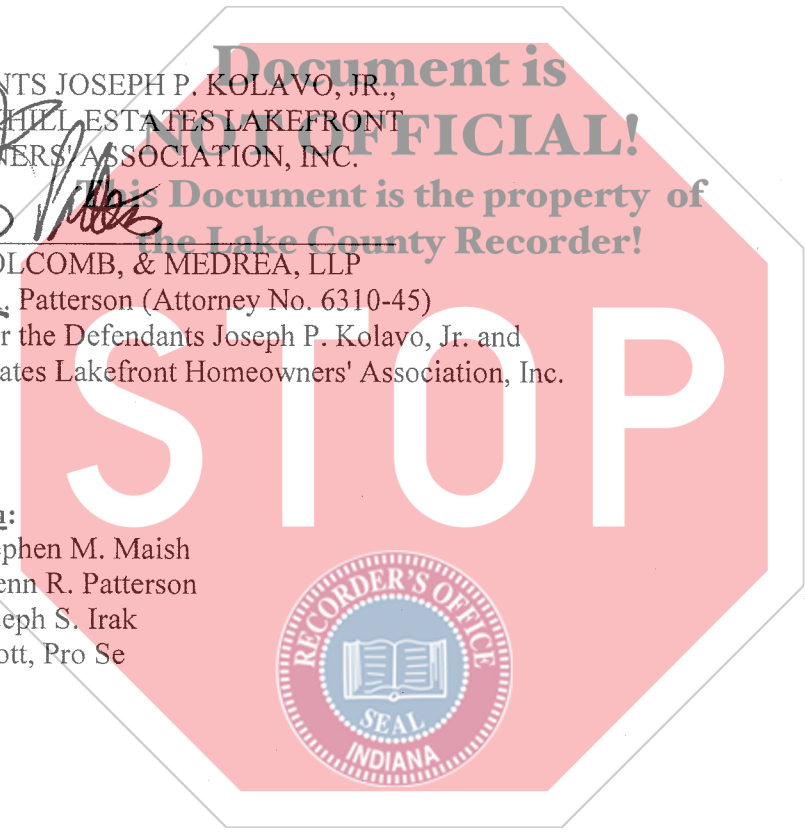
BY: 
LAW OFFICE OF JOSEPH S. IRAK
By: Joseph S. Irak (Attorney No. 4851-45)
Attorneys for the Defendants Lake County
Plan Commission

DEFENDANTS JOSEPH P. KOLAVO, JR.,
AND BUCKHILL ESTATES LAKEFRONT
HOMEOWNERS' ASSOCIATION, INC.

BY: 
LUCAS, HOLCOMB, & MEDREA, LLP
By: Glenn R. Patterson (Attorney No. 6310-45)
Attorneys for the Defendants Joseph P. Kolavo, Jr. and
Buckhill Estates Lakefront Homeowners' Association, Inc.

Distribution:

Attorney Stephen M. Maish
Attorney Glenn R. Patterson
Attorney Joseph S. Irak
Karen R. Scott, Pro Se



Blower Trust dated November 9, 1999, William A. Wirtz, Steven J. Westgate, Lori L. Westgate, Richard E. Knight, David Haney, Patricia Haney, Lake County Board of Commissioners, Hermits Lake Home Owners Association, Inc., Lake County Trust Company, as Trustee under the provisions of a Trust Agreement dated September 28, 1955 and known as Trust No. 64, and First National Bank of Valparaiso, as Trustee under the provisions of a Trust Agreement dated July 21, 1975 and known as Trust No. 2332 (hereinafter referred to collectively as the "Other Defendants") fail to appear.

Findings of Fact

The Plaintiffs (i.e., the Neills), the Defendants Joseph P. Kolavo, Jr., and Buckhill Estates Lakefront Homeowners Association, Inc., and the Defendant Advisory Plan Commission of Lake County, Indiana, have stipulated to the following facts for purposes of the above-captioned case:

1. The Plaintiffs James E. Neill and Suzanne E. Neill (hereinafter referred to collectively as the "Neills") are, and have been since prior to July 8, 2009, individuals who are husband and wife and who reside at 12208 White Oak Drive, Crown Point, Indiana 46307.

2. The Neills are, and have been since June 29, 1992, the record owners of the real estate and improvements thereon located at 12208 White Oak Drive, Crown Point, Indiana 46307, which real estate is legally described as follows:

Lot 43, (except the South 15 feet thereof measured along the Westerly line of White Oak Drive), Hermit's Lake Subdivision, as shown in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana.
Parcel Number: 45-16-18-328-002.000-041

This real estate, all buildings, structures, fixtures, equipment, machinery and other improvements located thereon or connected therewith, and all access rights to said real estate are hereinafter referred to as the "Neill Real Estate."

6. Any remaining claims of the Plaintiffs (i.e., the Neills) in the Complaint that are not otherwise resolved by this Final Judgment are hereby dismissed without prejudice.

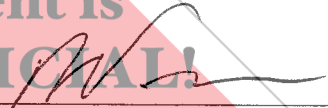
7. Since this Final Judgment resolves all pending matters, this Final Judgment shall constitute a final judgment and the Clerk of this Court is ordered to enter this judgment in the Record of Judgments and Orders and to note the entry of this judgment in the Chronological Case Summary and Judgment Docket.

8. The attorney for the Neills (i.e., Stephen M. Maish) shall serve a copy of this Final Judgment upon all attorneys and parties of record who are not in default.

IT IS SO FOUND AND RECOMMENDED on this 4th day of December, 2014.

Document is
NOT OFFICIAL!

This Document is not for use by
the Lake County Recorder!


Robert G. Vann, Magistrate
Lake Circuit Court

IT IS SO ORDERED, ADJUDGED, AND DECREED on this 4th day of December,

2014.

STOP


George C. Paras, Judge
Lake Circuit Court



3. The Neills acquired title in fee simple absolute to the Neill Real Estate on June 15, 1992 pursuant to a Warranty Deed that was recorded on June 29, 1992 as Document Number 92041675 in the Office of the Recorder of Lake County, Indiana.

4. The Neills have continually held title in fee simple absolute to and possession of the Neill Real Estate since June 15, 1992.

5. On October 25, 2008, the Neills acquired title in fee simple absolute to the real estate and any improvements thereon that is commonly referred to as 12412 White Oak Drive, Crown Point, Indiana 46307, which real estate is legally described as follows:

All of Out Lot E, Hermit's Lake Subdivision, as shown in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana.
Parcel Number: 45-16-18-328-001.000-041

This real estate, all buildings, structures, fixtures, equipment, machinery and other improvements located thereon or connected therewith, and all access rights to said real estate are hereinafter referred to as "Out Lot E Real Estate."

6. The Neills acquired title in fee simple absolute to Out Lot E Real Estate pursuant to a Warranty Deed dated October 25, 2008, that was recorded on October 31, 2008 as Document Number 2008 074801 in the Office of the Recorder of Lake County, Indiana.

7. The Neills have continually held title in fee simple absolute to and possession of Out Lot E Real Estate since October 25, 2008.

8. The previous titleholders to the Out Lot E Real Estate who are in the chain of title to the Neills title to the Out Lot E Real Estate have held title in fee simple absolute to and possession of the Out Lot E Real Estate for more than ten years (10) prior to the Neills acquiring title in fee simple absolute to the Out Lot E Real Estate on October 25, 2008.

9. Since June 15, 1992 and continuously at all times thereafter, Neills have occupied,

E Real Estate, that is commonly referred to as 12412 White Oak Drive, Crown Point, Indiana 46307, which real estate is legally described as follows:

All of Out Lot E, Hermit's Lake Subdivision, as shown in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana.

Parcel Number: 45-16-18-328-001.000-041

3. The Subject Real Estate is a part of the Neill Real Estate located at 12208 White Oak Drive, Crown Point, Indiana 46307, which real estate is legally described as follows:

Lot 43, (except the South 15 feet thereof measured along the Westerly line of White Oak Drive), Hermit's Lake Subdivision, as shown in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana.

Parcel Number: 45-16-18-328-002.000-041

The Neills are hereby authorized to obtain and record a revised survey of the Neill Real Estate that includes the Subject Real Estate in order to document of record the revised dimensions and revised area of the Neill Real Estate.

4. A default judgment is entered against the Other Defendants who failed to appear and file answers to the Complaint.

5. A final judgment in favor of the Defendants Joseph P. Kolavo, Jr. and Buckhill Estates Lakefront Homeowners' Association, Inc. is hereby entered that finds and decrees that, (i) the Subject Real Estate and the Out Lot E Real Estate each lie east of the Kolavos Real Estate and the Buckhill Estates HOA Real Estate, (ii) the Subject Real Estate and the Out Lot E Real Estate do not encroach upon or overlap upon either the Kolavos Real Estate or the Buckhill Estates HOA Real Estate, and (iii) that the area and dimensions of the Kolavos Real Estate and the Buckhill Estates HOA Real Estate as originally platted and conveyed to said Defendants, respectfully, shall not be changed in any way by the entry of any judgment herein in favor of the Plaintiffs (i.e., the Neills).

possessed, controlled, maintained, mowed, and paid the real estate taxes on a parcel of real estate that is legally described as follows:

Part of the SW ¼ of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian in Lake County, Indiana, described as follows: Commencing at an iron pipe in concrete at the Northern most corner of Lot 43, Hermit's Lake, as per plat thereof, recorded in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana, which is the point of beginning: thence North 89°43'49" West, along a line being perpendicular to the West line of said Hermit's Lake, 11.73 feet to an iron rod with "Krull 10516" survey cap on the East line of Buckhill Estates Third Addition, as recorded in Plat Book 76, page 38; thence South 00°03'35" West, along the East line of said Buckhill Estates, Third Addition and the East line of Buckhill Estates, Fifth Addition, as recorded in Plat Book 77, page 52, 488.66 feet to an iron rod with "Krull 10516" survey cap on the Westerly extension of the Northerly line of the Southerly 15 feet of said Lot 43, Hermit's Lake, said Southerly 15 feet being measured along the Westerly right-of-way line of White Oak Avenue; thence North 58°17'58" East, along said Westerly extension of the Northerly line, 11.71 feet; thence North 00°16'11" East, along a line parallel with the East line of Buckhill Estates Third Addition, as recorded in Plat Book 76, page 38; thence South 00°03'35" West, 482.45 feet to the point of beginning, containing 0.110 acres, more or less; **BUT EXCEPTING THEREFROM** the portion of said real estate that lies within Out Lot E, Hermit's Lake Subdivision, as shown in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana.

This real estate, which consists of vacant land, and all access rights to said real estate are hereinafter referred to as the "Subject Real Estate."

10. Since June 15, 1992 and continuously at all times thereafter, Neills have occupied, possessed, controlled, maintained, and mowed the portion of the Out Lot E Real Estate that is adjacent to the Subject Real Estate and the Neill Real Estate.

11. The continuous use, occupancy, and control of the Subject Real Estate by the Neills since June 15, 1992 has been under claim of right, exclusive, hostile, and adverse to all other persons and entities.

County, Indiana, and the Other Defendants have no ownership or other interest in the Subject Real Estate and the Out Lot E Real Estate.

5. All of the Other Defendants who have failed to appear and file an answer to the Complaint are subject to default and the Court finds that such defaults should be entered.

Order and Judgment

The Court hereby enters the following orders and judgments.

1. Title to the Subject Real Estate is hereby quieted in favor of the Plaintiffs James E. Neill and Suzanne E. Neill, who are hereby declared to be the fee simple owners of the Subject Real Estate, which is legally described as follows:

Part of the SW $\frac{1}{4}$ of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian in Lake County, Indiana, described as follows: Commencing at an iron pipe in concrete at the Northern most corner of Lot 43, Hermit's Lake, as per plat thereof, recorded in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana, which is the point of beginning; thence North $89^{\circ}43'49''$ West, along a line being perpendicular to the West line of said Hermit's Lake, 11.73 feet to an iron rod with "Krull 10516" survey cap on the East line of Buckhill Estates Third Addition, as recorded in Plat Book 76, page 38; thence South $00^{\circ}03'35''$ West, along the East line of said Buckhill Estates, Third Addition and the East line of Buckhill Estates, Fifth Addition, as recorded in Plat Book 77, page 52, 488.66 feet to an iron rod with "Krull 10516" survey cap on the Westerly extension of the Northerly line of the Southerly 15 feet of said Lot 43, Hermit's Lake, said Southerly 15 feet being measured along the Westerly right-of-way line of White Oak Avenue; thence North $58^{\circ}17'58''$ East, along said Westerly extension of the Northerly line, 11.71 feet; thence North $00^{\circ}16'11''$ East, along a line parallel with the East line of Buckhill Estates Third Addition, as recorded in Plat Book 76, page 38; thence South $00^{\circ}03'35''$ West, 482.45 feet to the point of beginning, containing 0.110 acres, more or less; **BUT EXCEPTING THEREFROM** the portion of said real estate that lies within Out Lot E, Hermit's Lake Subdivision, as shown in Plat Book 30, page 92, in the Office of the Recorder of Lake County, Indiana.

2. Title to the Out Lot E Real Estate is hereby quieted in favor of the Plaintiffs James E. Neill and Suzanne E. Neill, who are hereby declared to be the fee simple owners of the Out Lot

12. The continuous use, occupancy, and control of the Out Lot E Real Estate Neills and their predecessor titleholders since at least June 15, 1992 has been under claim of right, exclusive, hostile, and adverse to all other persons and entities.

13. The Subject Real Estate and the Out Lot E Real Estate each lie east of the following described real estate (hereinafter referred to as the "Kolavos Real Estate"):

Lot 43 in Buckhill Estates, Fifth Addition, as per plat thereof, recorded in Plat Book 77, page 52, in the Office of the Recorder of Lake County, Indiana.

Parcel Number: 45-16-18-304-006.000-041

14. The Subject Real Estate and the Out Lot E Real Estate each lie east of the following described real estate (hereinafter referred to as the "Buckhill Estates HOA Real Estate"):

Out Lot "A" in Buckhill Estates, Fifth Addition, as per plat thereof, recorded in Plat Book 77, page 52, in the Office of the Recorder of Lake County, Indiana.

Parcel Number: 45-16-18-353-008.000-041

15. The Subject Real Estate and the Out Lot E Real Estate do not encroach upon or overlap upon either the Kolavos Real Estate or the Buckhill Estates HOA Real Estate.

16. The area and dimensions of the Kolavos Real Estate and the Buckhill Estates HOA Real Estate as originally platted and conveyed to said Defendants, respectively, shall not be changed in any way by the entry of any judgment herein in favor of the Plaintiffs (i.e., the Neills).

17. All of the Defendants who entered into these Stipulations disclaim any interest in the Subject Real Estate and the Out Lot E Real Estate.

18. The Plaintiffs (i.e., the Neills) acknowledge and agree that the willingness of the Defendants Joseph P. Kolavo, Jr. and Buckhill Estates Lakefront Homeowners' Association, Inc. to enter into this Stipulation is specifically conditioned upon a legally

binding commitment from the Plaintiffs (i.e., the Neills) that the final judgment in this Cause shall include the entry of a final judgment in favor of said Defendants, finding and decreeing that, (i) the Subject Real Estate and the Out Lot E Real Estate each lie east of the Kolavos Real Estate and the Buckhill Estates HOA Real Estate, (ii) the Subject Real Estate and the Out Lot E Real Estate do not encroach upon or overlap upon either the Kolavos Real Estate or the Buckhill Estates HOA Real Estate, and (iii) that the area and dimensions of the Kolavos Real Estate and the Buckhill Estates HOA Real Estate as originally platted and conveyed to said Defendants, respectfully, shall not be changed in any way by the entry of any judgment herein in favor of the Plaintiff (i.e., the Neills).

The Court has considered such stipulated facts, hereby approves such stipulated facts, and adopts such stipulated facts as findings of fact by the Court. The Court further finds that none of the Other Defendants has presented any evidence to dispute and/or contest any of such stipulated facts.

Conclusions of Law

Based upon the foregoing findings of fact, the Court hereby makes the following conclusions of law.

1. The Court has jurisdiction over the subject matter of the above-captioned case.
2. The Court has jurisdiction over the parties in the above-captioned case.
3. The Neills have satisfied all of the legal requirement for title to the Subject Real Estate and the Out Lot E Real Estate to be quieted in the Neills.
4. The Defendants Joseph P. Kolavo, Jr., the Buckhill Estates Lakefront Homeowners Association, Inc., the Defendant Advisory Plan Commission of Lake