

STATE OF INDIANA
LAKE COUNTY FILED IN
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MICHAEL B. BROWN MICHAEL A. BROWN
RECORDER CLERK

LAKE SUPERIOR COURT

STATE OF INDIANA) IN THE LAKE SUPERIOR COURT
COUNTY OF LAKE) SS:
)

FANCY FENCE PROPERTIES, LLC,)
)

Plaintiff,) CAUSE NO.: 45D04-1705-PL-47

v.

ROBERT DELGADO,)

Defendant)

**ENTRY OF DEFAULT AND DECLARATORY JUDGMENT
TO ESTABLISH EASEMENT**

THIS CAUSE coming before the Court on Plaintiff Fancy Fence Properties, LLC's ("Fancy Fence") Motion for Entry of Default and Declaratory Judgment to Establish Easement against the defendant Robert Delgado ("Delgado"), on its Complaint for Declaratory Judgment (the "Motion") The Court, being duly advised in the premises, hereby finds the Motion is meritorious, and, therefore, is **GRANTED**.

The Court NOW FINDS that Delgado was properly served with the Summons and Complaint on July 13, 2017 and September 6, 2017 that more than thirty (30) days passed since the later date Delgado was served;

The Court NOW FINDS that it has personal jurisdiction over Delgado and that the requirements of SCR 3(D) have been met and that the Court has subject matter jurisdiction over the subject of the Complaint.

FILED

OCT 25 2017

JOHN E. PETALAS
LAKE COUNTY AUDITOR

028361

25.
CK#7097
GP



The Court FURTHER FINDS Delgado has failed to file an Answer or other responsive pleading and, therefore, an entry of default and default judgment is entered against Delgado and in favor of Fancy Fence is entered pursuant to Indiana Trial Rule 55(A);

The Court ALSO FINDS the allegations of the Complaint are deemed admitted and Declaratory Judgment against Delgado and in favor of Fancy Fence is entered pursuant to Indiana Trial Rule 8(D);

The Court FURTHER FINDS that there is a perpetual easement of necessity and prior use that runs with the land over the property commonly known as 3673 E. 36th Avenue, Lake Station, Indiana 46405.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that:

There is a perpetual easement of necessity and prior use, that runs with the land, for the purpose of allowing Fancy Fence's house, garage and driveway and any other improvements to continue to be located on the real estate described as follows:

THE WEST 30 FEET OF LOT 15 IN BLOCK 6 IN THE RESUBDIVISION OF GARDEN HOMES AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 23 PAGE 55, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Parcel No.: 45-08-24-378-011.000-020

("the Servient Property")

For the benefit of the following described real estate:

LOT 15, EXCEPT THE EAST 5 FEET THEREOF, AND EXCEPT THE WEST 30 FEET THEREOF, IN BLOCK 6. IN THE RESUBDIVISION OF GARDEN HOMES,

AS PER PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGE 55, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Parcel No.: 45-08-24-378-012.000-020.

Commonly known as: 3673 E. 36th Avenue, Lake Station, Indiana 46405.

("the Dominant Property")

This perpetual easement of necessity and prior use, which runs with the land in favor of the Dominant Property over the Servient Property, is also for the purpose of allowing the Dominant Property to maintain the West 30 Feet and to grant the Dominant Property a perpetual right of ingress and egress over the Servient Property.

That all parties and their successor and assigns are bound by these easement rights and shall abide by same, including refraining from engaging in any activity which would hinder Fancy Fence or their successor and assigns' use and enjoyment of these easements.

This judgment is to be recorded with the Office of the Lake County Recorder.

SO ORDERED.

DATE: OCT 10 2017



Judge, Lake Superior Court

Bree P.P.

DISTRIBUTION:

Scott J. Fandre, Krieg DeVault LLP, 4101 Edison Lakes Parkway, Suite 100, Mishawaka, IN 46545
Robert Delgado, 3337 Kimberly Avenue, Columbus, OH 43224

RECEIVED

OCT 11 2017

Michael A. Brown
CLERK LAKE SUPERIOR COURT

FILED IN OPEN COURT

OCT 10 2017

Bree P.P.
JUDGE
SUPERIOR COURT OF LAKE COUNTY

CERTIFICATION OF CLERK

As ~~real~~ 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 _____ day of _____ 2017.

[Signature]
Clerk of the Lake Circuit and Superior Courts

By: _____
Deputy Clerk

