

2019-076026

2019 Nov 5

10:07 AM

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
MICHAEL B BROWN  
RECORDER

**TRUSTEE'S DEED**

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THIS INDENTURE WITNESSETH, that **The Rt. 41 Farmland Trust under Trust Agreement dated February 28, 2011** ("Grantor"), QUITCLAIMS AND RELEASES to **Robert A. Kuiper, Jr.**, ("Grantee"), of Lake County in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hanover Township, Lake County, Indiana, to wit:

**Document is NOT OFFICIAL!**

**LEGAL DESCRIPTION:**

The South Half of the North Half of the Southeast Quarter of Section 8, Township 34 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, 46307

EXCEPT THEREFROM THE FOLLOWING:

Part of the South half of the North half of the Southeast Quarter of Section 8, Township 34 North, Range 9 West of the 2<sup>nd</sup> P.M. in Hanover Township, Lake County, Indiana, described as follows: Beginning at the Southwest corner of the South Half of the North Half; thence East along the South line of said tract, 851.30 feet, more or less to a point of intersection with the East line of Lot 24 in Hanover Oaks Unit 3, a subdivision in Lake County, Indiana, as per record plat thereof appearing in Plat Book 35 page 68, in the Office of the Recorder of Lake County, Indiana; thence North, parallel with the West line of the aforesaid South Half of the North Half, 664.87 feet, more or less, to a point on the North of said tract; thence West, along said North line, 851.31 feet, more or less, to the Northwest corner of said South half of the North half; thence South along the West line thereof, 664.97 feet, more or less, to the point of beginning, containing 13.0 acres, more or less.

**PIN:** 45-15-08-401-004.000-013

**Address:** West side of Wicker Avenue (U.S. Rt. 41) in Hanover Township, Cedar Lake, IN 46303

**SUBJECT TO:** (1) real estate taxes not yet due and payable; (2) rights of the public, the State of Indiana and others entitled thereto, in and to that part of the land, if any, taken or lying within U.S. Highway 41.; (3) rights of way for drainage tiles, ditches and laterals, if any; (4) rights of the public and the State of Indiana in and to that part of the land, if any, taken for U.S. Highway 41 purposes, by reason of a Condemnation Proceeding under Cause No. C62-787, of the Lake Circuit Court at Crown Point, Indiana; (5) temporary easement agreement dated April 19, 2011 and recorded May 2, 2011 as Document No. 2011 024364 and re-recorded July 22, 2011 as Document No. 2011 039598, made by and between Lake County Trust Company, as Trustee of Trust No. 5963 and Gerald T. Musser and Nancy S. Musser, as Trustees of the Musser Trust No. 1 dated October 3, 1995, for a fence encroachment; (6) Affidavit and Notice of Encroachment concerning a fence encroachment dated April 25, 2011 and recorded April 25, 2011 and recorded May 2, 2011 as Document No. 2011 024365; (7) the rights or claims of parties in possession; and, (8) covenants, conditions and restrictions of record; and, (9) easements, or claims of easements, not shown by the public records.

DULY ENTERED FOR TAXATION SUBJECT  
FINAL ACCEPTANCE FOR TRANSFER

**FIDELITY NATIONAL  
TITLE COMPANY**  
FNW1903849

NOV 05 2019  
JOHN E. PETALAS  
LAKE COUNTY AUDITOR

043795

JK# 1820704307

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D

**EASEMENT RESERVATION BY GRANTOR:** Grantor reserves unto itself and to the descendants of Michael P. O'Malley, a perpetual ten (10) foot x ten (10) foot easement in the Southeast corner of the Property to install a memorial that consists of a plaque installed on a pole or stone set on a paver, concrete and/or stone base, and such memorial shall not result in any assessment for tax purpose or disallow any conservation easement on the Property, on and over a portion of the real estate described in Exhibit "A", (said portion being the "Servient Tenement"), described as follows, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO FOR THE LEGAL DESCRIPTION OF THE SERVIENT TENEMENT;**

for the benefit the following described real estate (the "Dominant Tenement"), to-wit:

**SEE EXHIBIT "B" ATTACHED HERETO FOR THE LEGAL DESCRIPTION OF THE DOMINANT TENEMENT.**

If the memorial results in any assessment for tax purposes or disallows any conservation easement, Grantor must make appropriate adjustments to the memorial to avoid assessment and/or allow a conservation easement or otherwise Seller must remove, or Purchaser may take action to remove the memorial.

The following language on the memorial is pre-approved by the Grantee:

*"Thanks Eamon (de Valera) for the offer. I am grateful for the free state, but for me America has become everything we sought for Ireland. I will continue helping from there."*

*Michael P. "Mike" O'Malley (of Claremorris, County Mayo, Ireland; 1901-1958) and Mary Margaret "May" Shannon (of Knockbride, Bailieborough, County Cavan, Ireland; 1903-2006) emigrated from Ireland to America in 1923 and 1921, respectively, meeting at Chicago, Illinois. They married in 1925 and raised their two sons, Michael James O'Malley (1925-2000) and Thomas Francis O'Malley (1927-1973) in Chicago, Illinois. Their sons married Eileen Agnes O'Shea (1929-2009) and Beth Moore (born 1934). Of these marriages were born 18 grandchildren.*

*Mike and May O'Malley came to America seeking a better future for themselves and opportunity for their progeny. Mike and May O'Malley did help from "there", helping emigrants to America find jobs, often housing/supporting them until they got on their feet. Mike and May encouraged their children and grandchildren to give back to America as they prospered in their endeavors.*

*In order to provide a place for their growing family to gather outside the City, in Circa 1946 Mike and May O'Malley acquired and established on this property a 40-acre farm and family retreat where their grandchildren could come to experience a bit of the rural life, agriculture and animal husbandry known to them in their native Ireland. Each visit to and return from the farm was marked with prayer at the St. John Marian Shrine on Rt. 41.*

*Now, we, descendants of Mike and May O'Malley and beneficiaries of their devotion to family, faith and liberty, by this memorial commissioned the 30<sup>th</sup> day of October, 2019 and subsequently erected, do hereby pay tribute to their memory, celebrate their resilience in forging a better life in America, acknowledge the rich culture they brought with them from Ireland and remember their examples of courage in the face of adversity, loyalty to family, hospitality devotion to their faith and practicing true humility throughout their lives.*

***The Descendants of Mike & May O'Malley***

Modifications or alterations to the pre-approved language, other than date, shall be subject to Grantee's written approval, which shall not be unreasonably withheld. Grantor's easement reservation includes the right of the descendants of Michael P. O'Malley and Mary Margaret "May" Shannon to enter the easement area and maintain the memorial, and Grantee retains all other rights over the easement area.

**Grantee's Address:**

IN WITNESS WHEREOF, said Grantor has hereunto set his/her/their hand this 30th day of October, 2019.


**The Rt. 41 Farmland Trust under Trust Agreement dated February 28, 2011**

by Rev. Timothy J. O'Malley  
Rev. Timothy J. O'Malley, as Trustee of the aforesaid trust and not personally

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF COOK )

Before me, the undersigned, a Notary Public in and for the aforesaid County and State, personally appeared Grantor, Rev. Timothy J. O'Malley, in his capacity as Trustee and not personally, and acknowledged the execution of the foregoing Trustee's Deed in his capacity as Trustee of The Route 41 Farmland Trust under Trust Agreement dated February 28, 2011, for the uses and purposes therein set forth.

Witness my hand and Notarial Seal this 30th day of October, 2019.

(SEAL)  DENISE E. VIDA  
OFFICIAL SEAL  
Notary Public, State of Illinois  
My Commission Expires  
May 24, 2021

Denise E. Vida  
(a resident of Cook County, Illinois)

My Commission expires: May 24, 2021



*I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number on this document, unless required by law. Charlotte Simko*

This document was prepared by:  
Patrick J. O'Malley Esq.  
12314 S. 86<sup>th</sup> Ave.  
Palos Park, IL 60464

Tax Billing Address:  
The Rt.41 Farmland Trust  
12314 S 86th Ave.  
Palos Park, IL 60464-1800

Grantee(s) Address:  
11266 Wicker Avenue  
Cedar Lake, IN 46303

**EXHIBIT "A"**  
The Servient Tenement

The South Half of the North Half of the Southeast Quarter of Section 8, Township 34 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana 46307

EXCEPT THEREFROM THE FOLLOWING:

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**Document is  
NOT OFFICIAL!**

**This Document is the property of  
the Lake County Recorder!**

The East 10 feet of that part of the South 10 feet of the South Half of the North Half of the Southeast Quarter of Section 8, Township 34 North, Range 9 West of the 2<sup>nd</sup> P.M. in Lake County, Indiana, lying Westerly of and adjacent to the Westerly Right-of-Way line of Wicker Avenue/U.S. Hwy 41.

EXCEPT THEREFROM THE FOLLOWING:

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