

12

STATE OF INDIANA)
)
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
CIVIL DIVISION 5 - HAMMOND
CAUSE NO. 45D05-1911-PL-000697

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
BLACKHALL PARTNERS XII LLC;)
CHARLES C. ROBINSON; AND LAKE)
COUNTY, INDIANA;)
)
Defendants.)

Filed in Open Court

March 16, 2021

SR

Judge, Lake Superior Court.
Civil Division, Court Room 5

NON-TAXABLE

MAY 05 2021

**JOHN E. PETALAS
LAKE COUNTY AUDITOR**

AGREED FINDINGS AND JUDGMENT

Plaintiff, State of Indiana (the "State"), by counsel, Joshua R. Hollingsworth, Deputy Attorney General, and Defendants, Blackhall Partners XII LLC, ("Blackhall Partners"), and Charles C. Robinson, by counsel, Daniel E. Timm, now jointly move the Court for judgment in this case. The Court, having examined the pleadings and being duly advised, now finds:

1. The Plaintiff, State of Indiana, filed its Complaint for Appropriation of Real Estate ("Complaint") on November 7, 2019.
2. All Defendants have been served with notice of this proceeding pursuant to Indiana law.
3. The Plaintiff's Complaint complies with Indiana eminent domain law; this Court has jurisdiction over the subject matter of this case and the parties.
4. On November 25, 2019, Lake County, Indiana appeared by counsel and filed its Answer.
5. On December 10, 2019, Charles C. Robinson appeared by counsel.
6. No other Defendants have appeared.
7. On December 26, 2019, the State filed its Motion to Strike Defendant Lake County, Indiana's Answer which was granted on January 27, 2020.
8. The State filed its Motion for Appropriation and Appointment of Appraisers on or about March 2, 2020 but the Order was stayed pending Blackhall Partners being properly served.

*N/C
SS/E*

2021-035528

GINA PIMENTEL
RECORDER
STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

9:22 AM 2021 May 6

9. On September 2, 2020 Blackhall Partners was successfully served.
10. This matter was settled informally for Three Thousand Four Hundred Dollars (\$3,400.00).
11. The State and Defendants agree that (1) the State has the right to appropriate the real estate interests owned by Defendants, (2) the State has the authority to appropriate the real estate interests it seeks in this case, and (3) the Court has personal jurisdiction for each of the parties to this case, as well as subject matter jurisdiction over the relevant real estate interests, and (4) the real-estate interests described in this Agreed Findings and Judgment are ordered appropriated by the State.

12. The State and Defendants agree to the State's appropriation of the real estate interests described in Exhibit A and Exhibit B. The parties further agree that Three Thousand Four Hundred Dollars (\$3,400.00) is the agreed upon total just compensation that will be paid for the State's acquisition, and that this amount includes consideration for the appropriated real estate, as well as all any and all damages and claims resulting from the acquisition. The parties further agree that Defendants will recover a total of Three Thousand Four Hundred Dollars (\$3,400.00) as payment for the real estate and real estate interests acquired by the State.

13. All parties who requested trial by jury withdraw their requests. Since no trial occurred, the parties agree that no party is entitled to pre-judgment interest, post judgment interest, or attorneys' fees and costs.

14. The undersigned, as an officer of Blackhall Partners, represents and warrants that he is a duly authorized representative of Blackhall Partners; that Blackhall Partners is a limited liability company validly existing in the State of its origin and, where required, in the State where the subject real estate is situated; that Blackhall Partners, has full company capacity to convey the real estate interest described; that pursuant to the Articles of Organization of Blackhall Partners, and the corporate resolutions of Blackhall Partners, he has full authority to execute this Agreed Findings and Judgment on its behalf and that said authority has not been revoked; and that on the date of execution of said conveyance instruments, he had full authority to so act; and that all necessary corporation action for the making of this conveyance has been duly taken.

15. Defendant, Charles C. Robinson, by agreement, shall take Three Thousand Four Hundred Dollars (\$3,400.00) from the agreed upon total just compensation.
16. Defendant, Lake County, Indiana, shall take nothing in this matter.
17. Defendant, Blackhall Partners, shall take nothing in this matter.
18. Since the parties settled, all dates established by the Court are vacated.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the State has the right to appropriate the real estate interests owned by Defendants. The State has the authority to appropriate the real estate interests that are the subject of this case. The Court has personal jurisdiction of the parties and subject matter jurisdiction of the real estate interests in this case. The real estate interests as described and depicted as Exhibit A and Exhibit B in the Parties' Agreed Findings and Judgment are ordered appropriated by the State.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that no just reason exists to delay entry of judgment upon the terms contained in the parties' Agreed Findings, and that Defendants hereby release all of their interests to the State, including all rights of possession to the real estate interests acquired in this case, free and clear of the interests of the named Defendants. The State will acquire the following real-estate interests:

Fee simple

The real estate and rights to be appropriated are further described in the attached Exhibit A and Exhibit B.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendants, by agreement, will recover as agreed upon total just compensation for the State's appropriation in this matter, a total amount Three Thousand Four Hundred Dollars (\$3,400.00) in full satisfaction of this judgment and any and all of Defendants' claims and any and all damages in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, State of Indiana shall deposit Three Thousand Four Hundred Dollars (\$3,400.00) which is the amount of total just compensation that will be paid for the State's acquisition, and this amount includes consideration for the

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appropriated real estate as well as any all damages and claims resulting in the acquisition in full satisfaction of this judgment and any and all claims of Defendants in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of the Court is ordered to pay the amount of Three Thousand Four Hundred Dollars (\$3,400.00) in full and complete satisfaction of this judgment and any and all damages and claims related to this matter and by agreement of Defendants, with:

1. A check in the amount of Three Thousand Four Hundred Dollars (\$3,400.00) made payable to Charles C. Robinson and sent c/o Daniel Timm, Carr, Skadberg & Kazmierczak, LLC, 57 Michigan Ave., Ste 101, Valparaiso, IN 46383.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Lake County, Indiana shall take nothing in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Blackhall Partners XII, LLC shall take nothing in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court, that since no trial will occur, no party to this action is entitled to pre-judgment interest, post judgment, or attorney's fees and costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the parties reached a settlement in this matter, and as a result, all dates established by this Court are vacated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court must promptly send two certified copies of this Agreed Findings and Judgment to Deputy Attorney General, Joshua R. Hollingsworth, who upon receipt, will forward the Agreed Findings and Judgment, along with a completed Indiana Sales Disclosure Form to the Lake County Assessor to be reviewed and forwarded to the Auditor and Recorder of Lake County, Indiana. The Lake County Auditor must remove the above-described fee simple interest in real estate from the tax records and rolls of Lake County and cancel all taxes due for Tax Year 2019 and subsequent years. The Auditor must submit evidence that the property was duly entered for transfer, by United States mail, to Deputy Attorney General, Joshua R. Hollingsworth. In accordance with Indiana Code section 8-23-7-31, and without payment of fee, the Lake

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County Recorder must record the transfer of the above-described real estate to the State of Indiana, and the Recorder must submit evidence of that transfer, by United States mail, to: Joshua R. Hollingsworth, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 5th Floor, 302 West Washington Street, Indianapolis, IN 46204-2770.

Property of Lake County Recorder

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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).

/s/ Joshua R. Hollingsworth
Joshua R. Hollingsworth (#34062-49)
Deputy Attorney General

DECLARATION OF COMPLIANCE WITH IC 36-2-11-15


"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."

/s/ Joshua R. Hollingsworth
Joshua R. Hollingsworth (#34062-49)
Deputy Attorney General

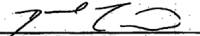
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AGREED TO AND APPROVED BY:

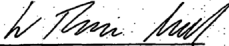
THEODORE E. ROKITA
Attorney General of Indiana
Attorney Reg No. 18857-49

By: 
Charles C. Robinson


By: /s/Joshua R. Hollingsworth
Joshua R. Hollingsworth (#34062-49)
Deputy Attorney General

By: 
Daniel Tumm (#34228-64)
Attorney; Charles C. Robinson

STATE OF INDIANA, PLAINTIFF

By: 
W. Thomas Geibel, Director
Real Estate Division
Indiana Department of Transportation

By: _____
Mark Reynolds
Representative; Blackhall Partners XII, LLC
Title: _____

By: 
John S. Dull (#4628-45)
Attorney; Lake County, Indiana

County of Lake County Recorder

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AGREED TO AND APPROVED BY:

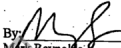
THEODORE E. ROKITA
Attorney General of Indiana
Attorney Reg No. 18857-49

By: _____
Charles C. Robinson

By: _____
Joshua R. Hollingsworth (#34062-49)
Deputy Attorney General

By: _____
Daniel Timm (#34228-64)
Attorney; Charles C. Robinson

STATE OF INDIANA, PLAINTIFF

By:  _____
Mark Reynolds
Representative; Blackhall Partners XII, LLC
Title: MANAGER

By: _____
W. Thomas Geibel, Director
Real Estate Division
Indiana Department of Transportation

By: _____
John S. Dull (#4628-45)
Attorney; Lake County, Indiana

ALL HEREBY ORDERED THIS March 16, 2021.



Judge, Lake Superior Court 5

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Copies to:

Joshua R. Hollingsworth
Michelle L. Kossmann
Deputy Attorney General
Office of Indiana Attorney General
Indiana Government Center South
Fifth Floor
302 West Washington Street
Indianapolis, IN 46204-2770

Daniel Timm
Carr, Skadberg & Kazmierczak, LLC
57 Michigan Ave., Ste 101
Valparaiso, IN 46383

John S. Dull
2293 N. Main Street
Crown Point, In 46307

Blackhall Partners XII, LLC
c/o Mark Reynolds
4101 Howard Street, Hobart, IN, 46342

Lake County Auditor
227 W Jefferson Blvd, 3rd Floor
South Bend, IN 46601

Lake County Assessor
227 W Jefferson Blvd, 3rd Floor
South Bend, IN 46601

Lake County Recorder
227 W Jefferson Blvd # 321
South Bend, IN 46601

County of Lake County Recorder

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EXHIBIT "A"

Project: 1801738
Parcel: 20 Fee Simple
Code: 6595
Tax ID: 45-09-06-379-018.000-004
Form: WD-1

Sheet 1 of 1

Part of Lots 1 and 2 in Block "6", Indian Hills Addition to Gary, the plat of which addition is recorded in Plat Book 19, page 15, in the Office of the Recorder of Lake County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the northeast corner of said Lot 1, said point of beginning being on the southern boundary of U.S. 20 (Melton Road)(8th Avenue) per said addition; thence South 0 degrees 49 minutes 39 seconds East 10.78 feet along the east line of said lot to point "344" designated on said Parcel Plat; thence South 72 degrees 22 minutes 20 seconds West 127.30 feet to point "343" designated on said Parcel Plat, which point is on the west line of said Lot 2; thence North 0 degrees 49 minutes 39 seconds West 10.60 feet along said west line and along the west line of said Lot 1 to the northwest corner of said Lot 1, being on the southern boundary of said U.S. 20; thence North 72 degrees 17 minutes 54 seconds East 127.35 feet (127.57 feet by said addition) along said boundary to the point of beginning and containing 1,303 square feet, more or less.

This description was prepared for the Indiana Department of Transportation by Ryan A. Selby, Indiana Registered Land Surveyor, License Number LS21700017, on the 31st day of May, 2018.

Ryan A. Selby



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EXHIBIT "B"

SHEET 1 OF 2

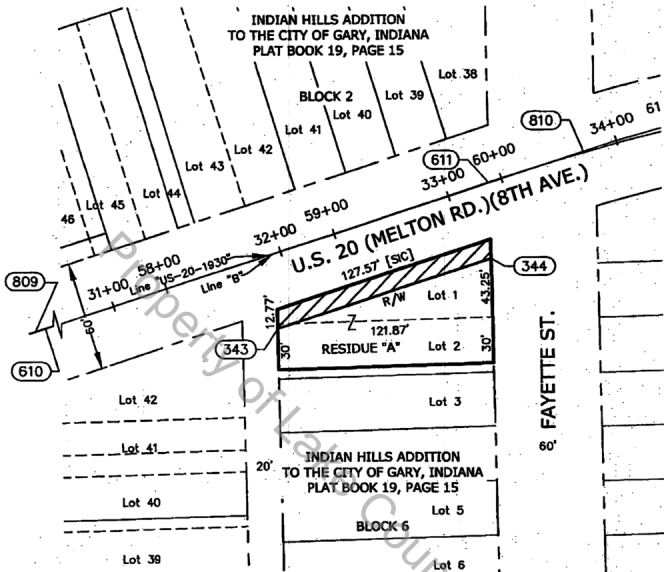
RIGHT-OF-WAY PARCEL PLAT

Prepared For Indiana Department Of Transportation

by: AMERICAN

STRUCTUREPOINT
INC.

0 25' 50'
SCALE: 1"=50'



 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: Blackhall Partners XII LLC
PARCEL: 20
CODE: 6595
PROJECT: 1801738
ROAD: U.S. 20
COUNTY: Lake
SECTION: 6
TOWNSHIP: 36N
RANGE: 7W

DRAWN BY: J.S. Perry
CHECKED BY: R.A. Selby
DES. NO.: 1801738

INSTRUMENT #2018 017705, DATED DECEMBER 1, 2017

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

RIGHT-OF-WAY PARCEL PLAT

Prepared For Indiana Department Of Transportation

by: AMERICAN

STRUCTUREPOINT INC.

POINT REFERENCE CHART (Feet)

Point	North	East	Station	Offset	☺
610	SEE LOCATION CONTROL ROUTE SURVEY PLAT				
611					
343	12383.8417	100737.3981	+P (31+85.12)	40' Rt.	LINE B
344	12422.3930	100858.7240	+P (33+12.43)	40' Rt.	LINE B
809	12064.8545	99601.4171	PT(20+05.88)	0'	LINE B
810	12481.0039	100911.0929	PC(33+80.09)	0'	LINE B

Property of Lake County

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2018 025617 in the Office of the Recorder of Lake County, Indiana, incorporated and made a part hereof by reference, comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 ("Rule 12").

5-31-2018
 Ryan A. Selby Date
 Reg. Land Surveyor No. LS21700017
 State of Indiana



NOTE: STATIONS AND OFFSETS ARE TO CONTROL OVER NORTH AND EAST COORDINATES.

OWNER: Blackhall Partners XII LLC PARCEL: 20 CODE: 6595 PROJECT: 1801738 ROAD: U.S. 20 COUNTY: Lake SECTION: 6 TOWNSHIP: 36N RANGE: 7W	DRAWN BY: J.S. Perry CHECKED BY: R.A. Selby DES. NO.: 1801738
AMERICAN STRUCTUREPOINT, INC. PROJECT NO. 2017.02150 THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.	