

FILED

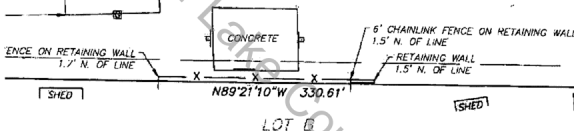
Apr 02 2024 LM
PEGGY HOLINGA-KATONA
LAKE COUNTY AUDITOR

2024 3 10 09:00
04/03/2024 01:12 PM
TOTAL FEES: 25.00
BY: JAS
PG #: 5
RECORDED AS PRESENTED
STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
GINA PIMENTEL
RECORDER

EASEMENT

Grantor, Robert J. Warieka Revokable Trust
Of 1995 Lincolnwood Rd. Schererville, County of Lake,
State of Indiana 46375 for TEN DOLLARS and other
good and valuable consideration, Receipt of which
is hereby acknowledged, hereby grants to Grantee
Gus P. Korellis Living Trust, who address is 2003
Lincolnwood Rd., Schererville, State of Indiana 46375
an easement more particularly described below and
affecting properties in Exhibit A for the right to have a
fence and landscaping block on to a certain portion
of the south property line of the property with a common
address of 1995 Lincolnwood, Schererville, Indiana
IN 46375.

The easement is the right to encroach up to 1.7 feet on the south property line behind the swimming pool located on the property commonly located at 2003 Lincolnwood Rd, Schererville, Indiana 46375 as shown in the drawing below showing the chain-link fence on retaining wall.



The easement is granted because the two owners and families of the owners of the respective properties are and were back yard neighbors since the respective children John Warieka and Jody Warieka (now Schaaf) grew up in the 1995 property where the owners of 2003 Lincolnwood, Gus Korellis allowed the Warieka family to swim in the Korellis swimming pool whenever they wished, as well as Sherry and her family. The owners of 1995 Lincolnwood recently learned that in a recent survey of the property it shows that the new landscaping bricks (put in after 2016 around the existing

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24BAR59689

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railroad tie retaining wall) and fence in the back of the pool located at 2003 Lincolnwood may have come over the property line as per survey dated March 18, 2024 by Neal Ballah, Indiana land Surveyor No. LS21500018. The encroachment was never openly known, not obvious, and never against the Warieka interests. Further, the Grantors and current owners have no interest in asking owners of 2003 Lincolnwood, namely Gus Korellis, to move the bricks and fence. Accordingly, Grantor grants to Grantee a limited easement for the fence and brick to be placed where placed, around the existing railroad tie retaining wall extending approximately 1.7 feet onto the 1995 property.

To date, nobody questioned property lines, neither the late Robert Warieka nor Gus Korellis. It seems that the new landscaping bricks and new fence around the old retaining wall were built over the property line as per the survey, inadvertently encroaching. Grantors realize that Grantee, Gus Korellis is approximately 89 years old and have no interest in requesting that the bricks and fence be removed and there has always been a verbal agreed to allow the location of the fence, without questioning on whose property it lies as the location of the property line was never of concern.

Accordingly, Grantor and undersigned agrees to grant Grantee an easement onto 1.7 feet of the south property line where the pool is located such that the brick and fence around the retaining wall to keep a similar landscaping look around the property. In granting the easement, Grantee and his or its successors in interest in the property will be required to maintain the wall and fence. Grantor and successors will continue to pay the real estate taxes. This easement shall expire when and if the then or successive owners of 1995 Lincolnwood Rd, shall need it removed and notice to remove for any reason whatsoever. The cost of removal shall be born on the Grantee.

This acknowledgement and agreement is a covenant running with the land and shall be binding upon Grantor and Grantee and all successors and assigns.

County Recorder

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IN WITNESS WHEREOF, the said Grantor(s) executed this instrument on this 21 day of March, 2024

Signed, Acknowledged and Agreed by:

Robert W. Warieka Revocable Trust

By: [Signature]
John Warieka, Individually and Co-Trustee

STATE OF Indiana SS:

COUNTY OF Lake

Before me, a notary public, in and for the State and County, personally appeared John Warieka, a Grantor in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary Act and deed to who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and notarial Seal this 21st day of March, 2024.

[Signature]
Notary Public
My commission expires on 5/6/24 <seal>

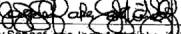


County of Lake County Recorder

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Signed, Acknowledged and Agreed by:

Robert J. Warieka Revocable Trust

By: 

Jody SchAAF, nee Jody A Warieka, Individually and Co-Trustee

STATE OF Indiana SS:
COUNTY OF Lake

Before me, a notary public, in and for the State and County, personally appeared Jody SchAAF, nee Jody A Warieka, a Grantor in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary Act and deed to who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and notarial Seal this 2nd day of March, 2024.


Notary Public
My Commission expires on 5/6/24 <seal>



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each number in this document, unless required by law. (Jared R. Tauber, Esq.)

This Document is prepared by:

Jared Tauber
1415 Eagle Ridge Drive
Schererville, Indiana 46375
1219-865-6666

made to Barrister Title
E. BOETTCHER
15000 S. CICERO AVE
3rd FLOOR
OAK FOREST, IL 60452

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EXHIBIT A
EASEMENT AFFECTING

- A) 1995 Lincolnwood, Schererville, Indiana IN 46375
PIN No. 45-11-16-179-016.000-036

LEGAL DESCRIPTION

LOT "A", RESUBDIVISION OF LOT 1 OF LINCOLNWOOD SUBDIVISION, IN THE TOWN OF SCHERERVILLE, AS SHOWN IN PLAT BOOK 36, PAGE 96, IN LAKE COUNTY, INDIANA.

- B) 2003 Lincolnwood Rd., Schererville IN 46375
PIN No. 45-11-16-179-017.000-036

LEGAL DESCRIPTION

LOT "B", RESUBDIVISION OF LOT 1 OF LINCOLNWOOD SUBDIVISION, IN THE TOWN OF SCHERERVILLE, AS SHOWN IN PLAT BOOK 36, PAGE 96, IN LAKE COUNTY, INDIANA

OpenView Lake County Recorder