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GINA PIMENTEL
RECORDER
STATE OF INDIANA
LAKE COUNTY
RECORDED AS PRESENTED
8:08 AM
2024 Jun 21
2024-016471

STATE OF INDIANA)
) SS: IN THE LAKE SUPERIOR COURT
COUNTY OF LAKE) CAUSE NO. 45D11-2301-PL-000003

STATE OF INDIANA)
)
Plaintiff,)
)
v.)
)
KRT PROPERTIES, LLC; and)
LAKE COUNTY, INDIANA)
)
Defendants.)

FILED IN OPEN COURT
June 3, 2024
Beza P.P.
JUDGE, LAKE SUPERIOR COURT,
CIVIL DIVISION, ROOM 7
KW

AGREED FINDINGS AND FINAL JUDGMENT

Plaintiff State of Indiana (the "State") and Defendant KRT Properties, LLC ("KRT") now jointly move the Court for final judgment in this case. The Court, having examined the pleadings and being duly advised, now finds:

1. The State filed its Complaint for Appropriation of Real Estate ("Complaint") on or about January 4, 2023, seeking to acquire fee simple title to real estate owned by KRT described and depicted in the attached Exhibit A and Exhibit B ("Real Estate").

2. The Complaint complied with Indiana eminent domain law, and all defendants were properly served with the Complaint and the Summons and Notice of Appropriation of Real Estate according to applicable statute.

3. KRT was named as a defendant in this lawsuit because KRT owns the property to be condemned as evidenced by a Warranty Deed, on October 26, 2007, as Instrument No. 2007085258, in the public records of Lake County, Indiana. KRT appeared by counsel on February 1, 2023.

FILED
JUN 20 2024
PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

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SB/E

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4. Lake County was named as a defendant in this lawsuit because Lake County may hold an interest in the Real Estate because of any property taxes due and payable.

5. The parties to this Agreed Findings and Final Judgment agree that the State has the right and authority to appropriate the Real Estate.

6. The parties to this Agreed Findings and Final Judgment agree that the Court has personal jurisdiction over the parties and subject matter jurisdiction over the issues raised in the Complaint.

7. On March 28, 2023, the State filed a Motion for Appropriation.

8. On March 30, 2023, the Court issued the Order of Appropriation and Appointment of Appraisers ("Appropriation Order") ordering the appropriation of the Real Estate and appointment of three disinterested parties to assess the benefits and damages, if any, resulting from the State's appropriation of the Real Estate.

9. On May 18, 2023, the court-appointed appraisers reported to the Court that the defendants were entitled to receive total just compensation of Sixteen Thousand Six Hundred Twenty-Five and No/100 Dollars (\$16,625.00) because of the State's appropriation and requested appraisers' fees of Five Thousand Eight Hundred and No/100 Dollars (\$5,800.00).

10. On July 26, 2023, the State filed its Exceptions to Report of Appraisers.

11. On August 30, 2023, the State deposited Twenty-Two Thousand Four Hundred Twenty-Five and No/100 Dollars (\$22,425.00) with the Clerk of the Court. This payment represents the sum of the total just compensation and the appraisers' fees.

12. The appraisers' invoices totaling \$5,800 were paid out of the funds the State deposited with the Clerk of the Court.

13. Pursuant to Ind. Code § 32-24-1-10, the State had the right to take possession of the Real Estate upon deposit of the money on August 30, 2023.

14. On April 15, 2024, the State filed a Motion to Withdraw Exceptions to Report of Appraisers.

15. On May 1, 2024, the Court granted the State's motion to withdraw its Exceptions to Report of Appraisers.

16. The Court's May 1, 2024, order granted judgment for \$16,625, plus any interest that has accrued and is payable. The State and KRT agree that the judgment for \$16,625 plus Six Hundred Twenty-Two and 41/100 Dollars (\$622.41) in interest represents the total fair market value, damages, and prejudgment interest that KRT is entitled to receive under Ind. Code § 32-24-1-9 for the Real Estate (collectively the "Compensation"). For the Compensation, KRT also agrees to waive all claims that KRT had, has, or may have regarding the Real Estate, including all attorneys' fees, costs and prejudgment interest relating to the Real Estate.

17. The parties to this Agreed Findings and Final Judgment agree that the State now holds all rights, titles, and interests in fee simple title to the Real Estate.

18. The parties to this Agreed Findings and Final Judgment hereby agree that (a) the State had the right to appropriate the Real Estate; (b) the State had the authority to appropriate the Real Estate; (c) the Court has personal jurisdiction over each of the parties in this cause, as well as the subject matter jurisdiction over the

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appropriation of the Real Estate; and (d) the Real Estate was appropriated by the State in the Appropriation Order.

19. The parties to this Agreed Findings and Final Judgment waive any rights they have under Indiana law to a jury trial on any of the issues raised in the Complaint and agree to bear their own attorneys' fees and costs.

20. This Agreed Findings and Final Judgment, as signed by the parties and to be signed by the Court, fully adjudicates and resolves the interests of all parties in this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that: (a) the State has the right and authority to appropriate the Real Estate described in Exhibit A and depicted on Exhibit B; (b) this Court has personal jurisdiction over the parties and the subject matter jurisdiction over the issues raised in the Complaint; and (c) this judgment is fair and in the best interests of the parties.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that KRT shall recover total just compensation for the State's appropriation of the Real Estate in the amount of Sixteen Thousand Six Hundred Twenty-Five and No/100 Dollars (\$16,625.00), plus Six Hundred Twenty-Two and 41/100 Dollars (\$622.41) in interest in full satisfaction of any and all damages, interest, and attorneys' fees that may be awarded and any and all claims of KRT in this case, including any and all claims, relating to the Real Estate.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that there being no trial, no party herein is entitled to attorneys' fees.

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Upon approval of this Agreed Findings and Final Judgment by the Court, the Clerk is hereby ORDERED to distribute the amount of Sixteen Thousand Six Hundred Twenty-Five and No/100 Dollars (\$16,625.00), which is immediately payable to Anderson & Anderson, P.C. and to mail such check to counsel for KRT, Richard E. Anderson, Anderson & Anderson, P.C., 9211 Broadway, Merrillville, IN 46410. The State is ordered to deposit with the Court Six Hundred Twenty-Two and 41/100 Dollars (\$622.41) as prejudgment interest owed to KRT. The Clerk is hereby ORDERED to distribute the amount of Six Hundred Twenty-Two and 41/100 Dollars (\$622.41) upon receipt of the funds from the State and mail it to KRT's counsel Richard E. Anderson, Anderson & Anderson, P.C., 9211 Broadway, Merrillville, IN 46410.

Any excess monies on deposit with the Clerk of the Court beyond the \$16,625 and \$622.41 paid to KRT shall be distributed and immediately payable to the State's counsel and mailed to Christopher J. Braun, Plews Shadley Racher & Braun LLP, 1346 North Delaware Street, Indianapolis, Indiana 46202.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk shall promptly close the account.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk shall promptly send two (2) certified copies of this Agreed Findings and Final Judgment to the undersigned State's counsel who, upon receipt, shall forward to the Lake County Assessor to be reviewed and forwarded to the Auditor and Recorder of Lake County, Indiana; and that said Auditor shall submit evidence of the property

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duly entered for transfer, by United States mail, to the undersigned State's counsel; and that said Recorder shall, pursuant to Ind. Code § 8-23-7-31 and without payment of fee, record the above-described real estate to the State of Indiana; and that the Recorder shall submit evidence of that recorded transfer, by United States mail, to Christopher J. Braun, Plews Shadley Racher & Braun LLP, 1346 N. Delaware Street, Indianapolis, Indiana 46202.

CERTIFICATION OF COMPLIANCE WITH TRIAL RULE 5(G)

I hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) regarding information excluded from the public record under Administrative Rule 9(G).

/s/Christopher J. Braun
Christopher J. Braun
Attorney for State of Indiana

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 Society Security number in this document, unless required by law.

/s/Christopher J. Braun
Christopher J. Braun
Attorney for State of Indiana

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AGREED TO AND APPROVED BY:

PLAINTIFF STATE OF INDIANA

DEFENDANT KRT

/s/ Christopher J. Braun

Christopher J. Braun
Colin E. Connor
Christopher E. Kozak
Plews Shadley Racher & Braun LLP
Attorney for State of Indiana

/s/ Michael E. Anderson

Richard E. Anderson
Michael E. Anderson
Anderson & Anderson, P.C.
Attorney for KRT Properties, LLC

W Thomas Geibel

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

June 3, 2024

ALL HEREBY ORDERED ON _____

Brett P. P. KW

JUDGE, LAKE SUPERIOR COURT

Distribution:

All counsel of record



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45C01-2301-PL-000003

Filed: 1/4/2023 2:01 PM
Clerk
Lake County, Indiana

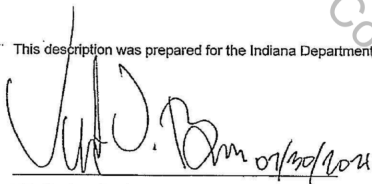
Lake Circuit Court
EXHIBIT "A"

Project: 1700022
Parcel: 2 Fee Simple
Tax ID No: 45-15-10-200-002.000-013
Form: WD-1

Sheet 1 of 1
Code: 6602

A part of the East Half of the Northeast Quarter of Section 10, Township 34 North, Range 9 West, Hanover Township, 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: Commencing at the northeast corner of said quarter section designated as point "1" on said Parcel Plat; thence North 89 degrees 26 minutes 27 seconds West 1,081.91 feet along the north line of said quarter section to the northeast corner of the grantor(s) land and the POINT OF BEGINNING of this description; thence South 0 degrees 00 minutes 27 seconds West 40.00 feet along the east line of the grantor(s) land; thence North 89 degrees 26 minutes 27 seconds West 250.00 feet to the west line of the grantor(s) land designated as point "1016" on said Parcel Plat; thence North 0 degrees 00 minutes 27 seconds East 40.00 feet along said west line to the north line of said quarter section; thence South 89 degrees 26 minutes 27 seconds East 250.00 feet along said north line to the POINT OF BEGINNING and containing 0.230 acres, more or less, inclusive of the presently existing right-of-way which contains 0.087 acres, more or less.

This description was prepared for the Indiana Department of Transportation by the following:



V. J. Barr 01/30/2024

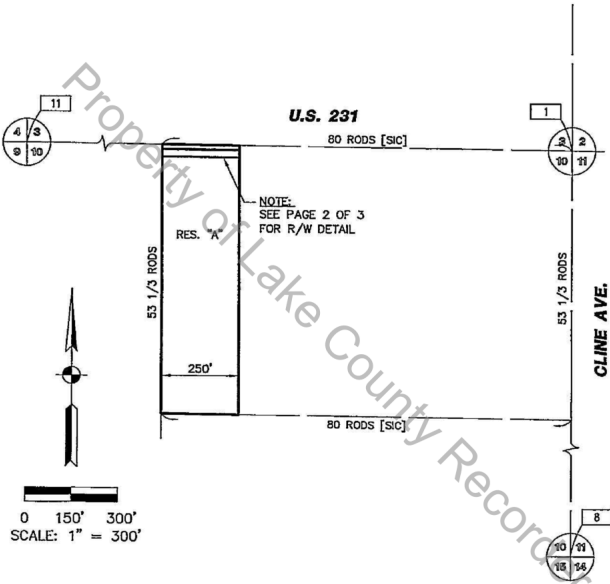
V.S. Engineering, Inc.
Vincent J. Barr, P.S.
Professional Surveyor No. 9700015
State of Indiana



EXHIBIT "B"

RIGHT-OF-WAY PARCEL PLAT

Prepared for the Indiana Department of Transportation
by VS Engineering (Job #19-4078)



PARCEL: 2 OWNER: KRT PROPERTIES, LLC
CODE: 6602
PROJECT: 1700022
COUNTY: LAKE
ROAD: U.S. 231
SECTION: 10
TOWNSHIP: 34 N. NOTE: DIMENSIONS SHOWN
RANGE: 9 W. HEREIN ARE ENGLISH.

DES. NO.: 1700022
DRAWN BY: D.J. ANTONE 07/03/2021
CHECKED BY: V.J. BARR 07/06/2021

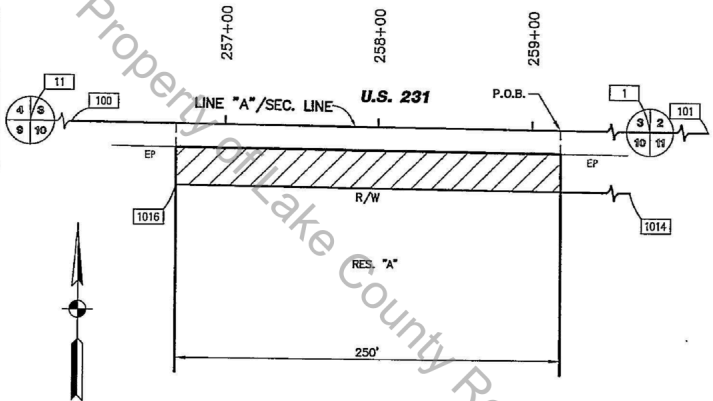
INST. No. 2007 085258, DATED 10/19/2007
TAX ID No. 45-15-10-200-002.000-013

DIMENSIONS SHOWN ARE FROM THE ABOVE LISTED RECORD DOCUMENTS.

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EXHIBIT "B" (cont.)

PAGE 2 OF 3



0 30' 60'
SCALE: 1" = 60'

EP = EDGE OF PAVEMENT

PARCEL: 2	OWNER: KRT PROPERTIES, LLC	DES. NO.: 1700022
CODE: 6602		DRAWN BY: D.J. ANTONE 07/03/2021
PROJECT: 1700022	 HATCHED AREA IS THE APPROXIMATE TAKING	CHECKED BY: V.J. BARR 07/06/2021
COUNTY: LAKE		
ROAD: U.S. 231		
SECTION: 10		
TOWNSHIP: 34 N.	NOTE: DIMENSIONS SHOWN	
RANGE: 9 W.	HEREIN ARE ENGLISH.	

INST. No. 2007 085258, DATED 10/19/2007
TAX ID No. 45-15-10-200-002.000-013

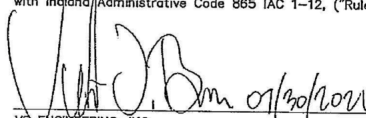
DIMENSIONS SHOWN ARE FROM THE ABOVE LISTED RECORD DOCUMENTS.

PARCEL COORDINATE CHART (shown in feet)						
Point	Centerline	Station	Offset	Lt./Rt.	Northing	Easting
1014	A	263+50.00	40.00'	Rt.	380,751.4057	778,201.8078
1016	A	256+68.58	40.00'	Rt.	380,758.0561	777,520.4168
1	SEE LOCATION CONTROL ROUTE SURVEY PLAT					
8						
11						
100						
101						

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Instrument No. 2019011192 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").



VS-ENGINEERING, INC.
VINCENT J. BARR, P.S.
PROFESSIONAL SURVEYOR No. 9700015
STATE OF INDIANA



PARCEL: 2 OWNER: KRT PROPERTIES, LLC
CODE: 6602
PROJECT: 1700022
COUNTY: LAKE
ROAD: U.S. 231
SECTION: 10
TOWNSHIP: 34 N.
RANGE: 9 W.

NOTE: DIMENSIONS SHOWN HEREIN ARE ENGLISH.

DES. NO.: 1700022
DRAWN BY: D.J. ANTONE 07/03/2021
CHECKED BY: V.J. BARR 07/06/2021