

STATE OF INDIANA, }
COUNTY OF MARION }

IN THE SUPERIOR #1 COURT
0002-19

STATE OF INDIANA,

vs.

CAUSE NO. S62-6556

FLARANCE H. DENNY Alias
FLARENCE H. DENNY and
CARSON DENNY (Her Husband)

FILED

S1 MAR -5 1965

FINDING AND JUDGMENT

Edwin M. Chure

Comes now the plaintiff, State of Indiana, by John J. Dillon, Attorney General, and Jerry W. Newman, Deputy Attorney General, and come now the defendants, Flarance H. Denny Alias Flarence H. Denny and Carson Denny (Her Husband), by their attorney of record herein, Paul E. Blackwell, and said defendants now withdraw their request for a jury trial, and this cause is now submitted to the court upon the issues formed by the exceptions heretofore filed by the defendants.

And the court being duly advised finds as follows:

1. That the plaintiff, State of Indiana, filed its complaint for the appropriation of an easement for highway right of way over defendants' real estate on the third day of October, 1962, and the defendants were properly served with notice as provided by statute prior to the hearing in this cause.
2. That on the 27th day of November, 1962, being the day set for the hearing of the cause, an order was entered upon the record of the Marion Superior #1 Court, signed by M. Walter Bell, Judge, showing that an easement for highway right of way over the defendants' real estate was condemned for the uses and purposes described in said complaint.
3. That by said order the court also appointed three disinterested freeholders of Marion County to assess the damages and benefits to the defendants caused by the appropriation.

4. That on the tenth day of December, 1962, said court-appointed appraisers returned their report to the court showing total damages in the sum of One Thousand Four Hundred Eighteen Dollars (\$1,418.00), and the court ordered the appraisers' fees set at Seventy Five Dollars (\$75.00) each.

5. That the plaintiff, State of Indiana, paid the award of the appraisers together with the fees for the services of said appraisers to the clerk of the court on the eleventh day of January, 1963.

6. That the plaintiff, State of Indiana, filed no exceptions to the court-appointed appraisers' report.

7. That the defendants, Flarance H. Denny Alias Florence H. Denny and Carson Denny (Her Husband), filed exceptions to the court-appointed appraisers' report on the eighteenth day of December, 1962.

8. That the total value of the easement for highway right of way taken and the damages to the remaining land of the defendants is Two Thousand Seven Hundred Dollars (\$2,700.00), and that the defendants, Flarance H. Denny Alias Florence H. Denny and Carson Denny (Her Husband), should recover from the plaintiff, State of Indiana, total damages in the sum of Two Thousand Seven Hundred Dollars (\$2,700.00), broken down into One Hundred Sixty Six Dollars (\$166.00) for the land taken, and Two Thousand Five Hundred Thirty Four Dollars (\$2,534.00) for damages to the remaining land.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the order of appropriation entered herein on the twenty-seventh day of November, 1962 be, and the same is hereby confirmed and the easement for highway right of way over defendants' real estate described in plaintiff's complaint be, and the same is appropriated, said easement for highway right of way being more particularly described as follows:

Project I-65-3(17)120

Parcel 19 L.A., 19 Perm.

Commencing at the Northeast corner of the Southeast Quarter of Section 12, Township 16 North, Range 2 East, Pike Township, Marion County, Indiana; thence West along the North line of said Quarter Section 1312.86 feet; thence Southwardly along the centerline of Moller Road 1162.40 feet; thence East 51.1 feet to a point; thence North 115.9 feet to the point of beginning of Parcel 19 Limited Access Right of Way.

Thence South 89 degrees 03 minutes West, 35.6 feet along the South property line of the Grantor's lands to the East boundary of Moller Road; thence North 00 degrees 45 minutes West, 24.6 feet along said boundary; thence Southeasterly 43.2 feet along an arc to the left and having a radius of 2,166.8 feet and subtended by a long chord having a bearing of South 56 degrees 12 minutes East, and a length of 43.2 feet to the point of beginning and containing 442 square feet, more or less.

ALSO:

Commencing at the Northeast corner of the Southeast Quarter of Section 12, Township 16 North, Range 2 East, Pike Township, Marion County, Indiana; thence West along the North line of said Quarter section 1312.86 feet; thence Southwardly along the centerline of Moller Road 1162.40 feet; thence East 51.1 feet to a point; thence North 115.9 feet to the point of beginning of Parcel 19 Permanent Right of Way.

Thence Northwesterly 43.2 feet along an arc to the right and having a radius of 2166.8 feet and subtended by a long chord having a bearing of North 56 degrees 12 minutes West, and a length of 43.2 feet to the East boundary of Moller Road; thence North 00 degrees 45 minutes West, 36.8 feet along said boundary; thence South 56 degrees 31 minutes East, 108.7 feet to the South property line of the Grantor's lands; thence South 89 degrees 03 minutes West, 54.3 feet along said property line to the point of beginning and containing 2,325 square feet, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the defendants, Flarance H. Denny Alias Florence H. Denny and Carson Denny (Her Husband), have and recover from the State of Indiana as final and total damages the sum of Two Thousand Seven Hundred Dollars (\$2,700.00), and that the clerk of the court pay said amount to the defendants.

Dated:

March 5, 1965

Charles C. Long
Judge of the Marion Superior #1 Court

Approved:

Paul E. Blackwell
Attorney for defendants, Flarance H. Denny Alias
Florence H. Denny and Carson Denny (Her Husband)

Jerry W. Newman
Deputy Attorney General
Attorney for the Plaintiff, State of Indiana

INDIANA STATE HIGHWAY COMMISSION

RIGHT OF WAY

CLAIM - VOUCHER

STATE AGENCY FILL IN. This form may be used only for claims chargeable to Purchase of Right of Way.

Warrant No.

Payee's Name and Address

Clerk Marion County Supr.
Court #1
City-County Building
Indianapolis, Indiana

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 128.20
Federal Share: \$ 1,153.80
Total Amt. of Check: \$ 1,282.00

DISTRIBUTION

DATE	0	3	2	6	6	5	Project Number	I	6	5	3	1	7
	Month	Day	Year		Prefix	Road	Section	Parent					
LOCATION CODE				5	0	0	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount			
FUNCTION CODE					3	5	Part to equal amount of verdict	4 7 5	dr	\$1,282 00			
OBJECT CODE				6	1	1							
PARCEL NO.					1	9	State vs. Clarence H. Denny et al						
COUNTY NAME & NO.	Marion				4	9	Cause No. S 62-6556						
										Total	\$1,282 00		

CLAIMANTS

Pursuant to the provisions and penalties of Chapter 155 Acts of 1953, as amended:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid. I also authorize payment to be made as indicated above.

3-29-65 X Edwin McClure
(If a firm or corporation, give name)

X By Maxine Gordon
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

R. Scherub 3/29/65
Originator Date

LIENHOLDERS

I hereby sign this claim voucher as a lienholder and only certify to the extent of my interest therein and authorize payment to be made as indicated above.

X _____
(If a firm or corporation, give name)

X By _____
Personal Signature Title

Grant Approved as to Form and Parcel Abstract Checked, Excepting Real Estate Description.

Deputy Attorney General Date

Payment Approved as to Account No. and Funds Available.

Roger R. Shipley APR 2 1965
Controller Date

Approved

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

I certify to the foregoing indebtedness as indicated and recommend payment thereof. I also certify that to the best of my knowledge and belief the above data are correct; that the right-of-way necessary for the hereinabove described Federal-aid highway project has been acquired in the name of the State of Indiana and at the price as stated based on bona fide appraisals by appraisers duly qualified as required by the right-of-way procedures of the Bureau of Public Roads and other written justification now contained in the State's files, in accordance with procedures as submitted to and accepted by the Federal Highway Administrator.

I further state that this certification is made in my official capacity as Chief of the Division of Land Acquisition pursuant to section 1.31 of Title 23 of the Code of Federal Regulations and section 121 of Title 23, United States Code, for the purpose of securing, pursuant thereto, by the State of Indiana, Federal-aid funds in connection with the above-designated Federal-aid highway projects, and that neither I nor, to the best of my knowledge, any other officer, agent or employee of the State authorized in an official capacity to perform services in connection with the appraisal or acquisition of any of such right-of-way has any interest or contemplates any benefit from any transaction which involves the acquisition of property for right-of-way for such project, other than as herein disclosed.

Approved: James W. Townsend
Chief, Division of Land Acquisition APR 1 1965 Date

Approved: _____
Chairman, Indiana State Hwy. Comm. Date

APPRAISAL PARTIAL TAKING

PROJECT I-65-3(17)120 ROAD I-65 COUNTY MARION PARCEL NO. 19

PROPERTY OWNER Flarence Denney; R. R. 4 - Smith Valley; Greenwood, Indiana
Address

Present Use <u>Residence</u>	Best Present Use <u>Same</u>	Best Future Use <u>Same</u>
Acres <u>1</u>	Value Per Acre (Average) Schedule "A"	<u>\$2600.</u>
Tillable Acres _____	Value Per Tillable Acre Schedule "A"	_____
Square Feet _____	Value Per Square Foot Schedule "A"	\$ _____
Front Feet _____	Value Per Front Foot Schedule "A"	\$ _____

VALUE — LAND Schedule "A"	\$ <u>2600.</u>	Total
VALUE — IMPROVEMENTS Schedule "B"	\$ <u>7280.</u>	Value \$ <u>9880.</u>

ZONED: R 4

VALUE OF PART TAKEN

Land — Temporary R/W	@ _____	\$ <u>None</u>
Permanent R/W	<u>2767 sq. ft.</u> @ <u>6¢</u>	
	@ _____	\$ <u>166.</u>
	@ _____	

IMPROVEMENTS — See Schedule "B"

VALUE OF IMPROVEMENTS IN R/W TAKING \$ None

Check here if Schedule "C" has been completed to show a valuation by the income approach.

SEVERANCE DAMAGE (See Memo Attached) \$ None

LIMITED ACCESS DAMAGE (See Memo Attached) \$ None

PROXIMITY DAMAGE House; Normal is now 40 feet from R/W. Will be 18 feet from R/W.

DAMAGES considered at 27.5% % \$ 2002.

OTHER DAMAGES — Fence, Trees, Cuts, Fills, Etc. itemize (use separate sheet if needed.) \$ 80.

3 - 5' Evergreens @ \$10. \$30.

1 - 12' Elm Tree 50.

\$80.

Approved	Date	Signed
Rev. Appr.		
Asst. or Chief Appr.	<u>5/17/62</u>	<u>John Gosse</u>

USE # 2200

Value of Part Taken — including temporary R/W \$ 2248.

Value After Taking — including temporary R/W \$ 7632.

Plus Amount Shown as Temporary R/W \$ None

Adjusted Residual Value \$ 7632.

In my opinion the new facility will create a Special Benefit to this property, thereby, increasing its value in the amount of \$ None (See Memo Attached). If no increase in value, write word "none" in the above blank space.

I, hereby, certify that I have no present or contemplated future interest in the above property. I, further, certify that I Have personally inspected the improvements on this property.
(have — have not)

Dated this 9th day of April 1962.

Jack P. Meek B 11398
Appraiser Jack P. Meek Number



REPORT OF APPRAISERS

STATE OF INDIANA, }
COUNTY OF MARION } SS:

IN THE MARION SUPERIOR #1 CIRCUIT COURT

STATE OF INDIANA, }
vs. }
FLARANCE H. DENNY alias } No.
FLARENCE H. DENNY, et al., } 362-6556

FILED
SI DEC 10 1962
Erwin H. G. Clure
CLERK

The undersigned appraisers in the above entitled proceedings, appointed by HON. WALTER BELL, Judge of the MARION SUPERIOR #1 Circuit Court on the 27th day of November, 19 62, after being duly sworn by the clerk of the MARION SUPERIOR #1 Circuit Court to honestly and impartially assess the damages and the benefits, if any, that may be sustained by or result to said defendants by reason of the appropriation of the real estate described in the complaint in said proceeding, met at the office of the clerk of the MARION SUPERIOR #1 Circuit Court, at 9:30 o'clock, A.M., on the 27th day of November, 19 62, and after being duly sworn and instructed by the court as to their duties as appraisers proceeded in a body to view said real estate that will be affected by said appropriation and to assess and appraise the damages and the benefits sustained and resulting to each of said defendants by reason of the appropriation thereof, and said appraisers now report the damages and benefits to said defendants to be as follows:

The value of the land sought to be appropriated as described in the court's order and warrant hereto attached, the appraisers find to be the sum of Seven hundred and eighteen Dollars (\$ 718.00).

The value of improvements, if any, on the portion of said realty sought to be appropriated, we find to be the sum of none Dollars (\$).



The damages, if any, to the residue of the real estate of such defendant owners caused by taking out the part sought to be appropriated as above described, we find to be the sum of \$ 500.00

Such other damages, if any, as will result to the defendants from the construction of the improvement described in the complaint, in the manner proposed by plaintiff, we find to be \$ 200.00

The benefits, if any, to the residue of the real estate of said defendants, resulting by taking out the part sought to be appropriated as above described, we find to be the sum of \$ none

The total damages we find to be the sum of \$ 1,418.00

Date 12-7-62

Clarence Lyons
Clarence Lyons
John P. Korbly
John P. Korbly
Frank J. Vi
Frank J. Vi Appraisers

STATE OF INDIANA
COUNTY OF MARION

} SS:

IN THE SUPERIOR # 1 COURT
OF MARION COUNTY, INDIANA
Term 19

STATE OF INDIANA,

Plaintiff

versus

**FLARANCE H. DENNY alias
FLARENCE H. DENNY and
CARSON DENNY (her Husband)**

CAUSE NO. 162-6556

COMPLAINT FOR APPROPRIATION
OF REAL ESTATE

FILED

Defendants.

EM OCT - 3 1962

NUMBER 1 *Erin M. Clure*
CLERK

The plaintiff, State of Indiana, complains of the above-named defendants, and says: That the plaintiff, acting through its legally organized and constituted Commission, known and designated as the Indiana State Highway Commission, is now engaged in the improvement of a certain public highway in MARION County, Indiana, said highway being known as State Road No. I-65, Project I-65 (3) 17 120 said highway being one of and a part of the State Highway System of the State of Indiana and the same is to be improved and maintained by said Highway Commission as a part of the said State Highway System. That, under the plans of said Commission, now on file in its office, said highway is to be constructed, used and maintained by plaintiff, through said Commission, as a limited access facility as defined and authorized under the Act of the General Assembly of Indiana of 1945, Chapter 245, and subject to such regulations as therein provided as to access or use or to such subsequent regulations or use as may be made, adopted or provided by law governing such highways or highways in general.

That the defendants FLARANCE H. DENNY alias FLARENCE DENNY and
CARSON DENNY (Her Husband)

are the owners of certain real estate in said county in which is included the right of way easement hereby sought to be appropriated and condemned. Defendants said real estate is described as follows:

Part of the East Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows, towit: Beginning at a point in the West line of said Half Quarter Section, said point being 948 feet South of the Northwest corner of said Half Quarter Section, running thence South upon and along the West line of said Half Quarter Section 102.50 feet to a point, thence East parallel with the North line of said Half Quarter Section 424.99 feet to a point, thence North parallel with the East line of said Half Quarter Section 102.50 feet to a point, thence West parallel with the North line of said Half Quarter Section 424.99 feet to the place of beginning, containing 1 acre, more or less.

That for the purpose of improving said highway, it is necessary and proper that plaintiff take and appropriate, under the powers vested in it by the General Assembly of the State of Indiana, an easement for highway right of way over a part of said tract of real estate described in Paragraph 2 herein. The part so sought to be appropriated and condemned for a highway right of way easement is described as follows:

A blue-print sketch plat of the above described right of way easement sought to be appropriated and identified by means of cross-hatched lines, is attached hereto and made a part hereof and designated as Exhibit "A".

NUMBER 4

That the residue of said real estate described in Paragraph 2 and owned by the above-named defendants will be benefited by said proposed improvement of said State Road as alleged herein.

NUMBER 5

That prior to the bringing of this action, the plaintiff through the said Indiana State Highway Commission, made an effort to purchase said right of way easement described in Paragraph 2 from the above-named owners, but that plaintiff and said owners have been unable to agree as to the purchase price thereof, or as to the amount of damages, if any, sustained by said defendants by reason of the appropriation of said right of way easement for the use hereinbefore stated.

NUMBER 6

That prior to the bringing of this action the said Indiana State Highway Commission adopted a resolution setting forth the description of said right of way easement sought to be acquired by it, as above set forth, which said resolution alleged and set forth that said right of way easement herein sought to be condemned was necessary for the carrying out of said highway improvement project and directed that condemnation proceedings therefor be instituted by the Attorney General in the name of the State of Indiana.

NUMBER 7

That said highway so to be improved extends from the City of West Harrison in Dearborn County, in a generally Northwesterly direction through Brookville, Rushville, Indianapolis, Lebanon, Lafayette and joins U. S. Road 24 at City of Kentland in Newton County; that the termini and course of the particular project involved is as follows: Beginning at a point approximately 240 feet East of the West line of Section 1, Township 16 North, Range 2 East, and extending in a South-easterly direction for a distance of 16,643.45 feet to a point approximately 954 feet East of the West line of Section 17, Township 16 North, Range 3 East.

in Marion County, State of Indiana, and said right of way is to be 225 feet wide, excepting where additional width may be required for construction purposes.

NUMBER 8

That the plaintiff, through said Indiana State Highway Commission intends to use the right of way easement herein sought to be condemned for the purpose of the improvement of said highway and the widening thereof, and said right of way easement as herein described is necessary and proper for the carrying out of said work, and said ~~right of way easement~~ when obtained will be used for such purpose.

NUMBER 9

WHEREFORE, the plaintiff prays that three disinterested freeholders of said county be appointed to appraise the value of the right of way easement sought to be condemned, and to fix the amount of benefits and damages, if any; and that such appraisers be ordered to report their appraisement, as by law provided, and that all other steps be taken and all proceedings had necessary for the Indiana State Highway Commission to acquire, by the right of eminent domain, the right of way easement so sought to be condemned for the purpose aforesaid.

Edwin K. Steers
Attorney General

Jerry W. Newman
Deputy Attorney General

Deputy Attorney General

Attorneys for Plaintiff

This report to be completed in triplicate on each call. One copy to be inserted in parcel - one to be forwarded to office with weekly report - one copy to property owner.

BUYERS REPORT

PROJECT I-65-3-17-120 PARCEL # 19

OWNER Flarence Henry PHONE # Tu. 1-9190

Attorney Paul Blackwell (Phone Wk. 2-9441) F.R. Bldg.
(Other interested parties and relationship)

ADDRESS OF OWNER B-4. Shenwood (Smith Valley)

DATE ASSIGNED May 17

DATE OF CONTACT Last Contact 7-9-62

TIME OF CONTACT 9:30

DATE OF PREVIOUS CONTACT May 28-6-11-

OFFER \$ 2200⁰⁰

DETAIL CONTACT* Mr Blackwell called me on 7/9/62,
Wanted to call the Henrys tomorrow 7/10/1962
Would give me an answer yes or no after
Conversation with them, he thought they
(owners) had a change of mind on this

ACTION TAKEN** Price stated above.

SIGNED Johnnie Thompson

* Showed plans, walked over property, etc.
** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

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BUYERS REPORT

PROJECT I-65-3-(17)120 PARCEL # 19

OWNER Flanner Henry PHONE # _____

(Other interested parties and relationship) _____

ADDRESS OF OWNER R.R. 4 Box 638 Greenwood, Ind

DATE ASSIGNED 5/17/1962

DATE OF CONTACT 11/13/1962

TIME OF CONTACT 9:30 In court

DATE OF PREVIOUS CONTACT 5/28/1962

OFFER \$ 700 offer

DETAIL CONTACT* Negotiator was subpoenaed by defendants and used by D.A. in Superior Court # 1 Massion County before Judge Walter Bell.

ACTION TAKEN** decision to be made by Walter Bell (Judge)

SIGNED Falange Thompson

* Showed plans, walked over property, etc.
** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

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BUYERS REPORT

PROJECT I-65-3-17-120 PARCEL # 19
OWNER Florence Denny PHONE # ME. 29441

(Other interested parties and relationship)

Paul Blackburn
103 Farm Bureau Bldg
ADDRESS OF OWNER R 4 Smithville, Greenwood Ind
DATE ASSIGNED May 17-62
DATE OF CONTACT May 28-62
TIME OF CONTACT 630 p.m.
DATE OF PREVIOUS CONTACT _____

OFFER \$ _____

DETAIL CONTACT* Called Owner 6-8-62 he informed me he had turned case over to his attorney Paul Blackburn address above appt set with Mr Blackburn 6-11-62 1:30 PM.

ACTION TAKEN** _____

SIGNED Valmeyer Simpson

* Showed plans, walked over property, etc.
** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

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BUYERS REPORT

PROJECT I-65-3(17)120 PARCEL # 19
OWNER Flannce Denny PHONE # Tr 1-9190 Indpls

(Other interested parties and relationship)

ADDRESS OF OWNER R-4 Box 638 Greenwood, Ind.
DATE ASSIGNED May 17, 1962
DATE OF CONTACT May 28, 1962
TIME OF CONTACT 6:00 PM
DATE OF PREVIOUS CONTACT _____

OFFER \$ 2,200⁰⁰ Owner is not complaining about
L.A. access but drive 30' wide
which is frontage road.

DETAIL CONTACT* Owner contacted on above date,
Plans and grant discussed. ^{State} Had been
surveying about four years, and Mrs
Denny says she is in no hurry about
selling her land to State.

ACTION TAKEN** I will wait for a telephone
Call from Mrs Denny before I take
action on this parcel.
I am hoping we can settle out of court.

Stated also money was
not fair price

SIGNED Malvage Thompson

* Showed plans, walked over property, etc.

** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.

If area set out does not have space enough, please use back of sheet.

This report to be completed in triplicate on each call. One copy to be inserted in parcel - one to be forwarded to office with weekly report - one copy to property owner.

BUYERS REPORT

PROJECT L-65-3-17-120 PARCEL # 19

OWNER Glenn Henry PHONE # Two 1-9190 Duluth

Husband Carson Henry, Attorney Paul Blackwell.
(Other interested parties and relationship)
Mrs Blackwell Atty. 1003 Farm Bureau Bldg.

ADDRESS OF OWNER R. 4, Box 638 Greenwood Ind.

DATE ASSIGNED 5/17/1962

DATE OF CONTACT 5/28/1962 - 6/11/1962 with atty Blackwell

TIME OF CONTACT 1:30 p.m.

DATE OF PREVIOUS CONTACT 5/8/62

OFFER \$ 2200⁰⁰

DETAIL CONTACT* Made contact with atty. wanted to talk to his client, stated Mr & Mrs Henry did not want to give up land for neighbors ingress and egress. Wondered why the state wanted 30' of land to lay 18' of payment on

ACTION TAKEN** atty will call me as soon as possible. Looks very much like Condemnation

SIGNED James Simpson

* Showed plans, walked over property, etc.
** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

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BUYERS REPORT

PROJECT I-65-3-17-120 PARCEL # 19

OWNER Flarena Henry PHONE # Tus. 1-9190

(Other interested parties and relationship)

ADDRESS OF OWNER R.R. 4 Box 638 Greenwood Indiana

DATE ASSIGNED May 17-1962

DATE OF CONTACT May 28-1962 - 6-11-62, 7-11-62

TIME OF CONTACT 1:30 P.M.

DATE OF PREVIOUS CONTACT 7-11-62 date of Condemnation

OFFER \$ 2200⁰⁰

DETAIL CONTACT* With attorney Paul Blackwell
My instructions from him was to make Cond.
Report.

ACTION TAKEN** Condemnation

SIGNED J Thompson

* Showed plans, walked over property, etc.

** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

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BUYERS REPORT

PROJECT I-65-3-17)120 PARCEL # 19
OWNER Flarence Henry PHONE # Tul. 1-9190-2466
None
(Other interested parties and relationship)

ADDRESS OF OWNER RR4, Box 638 Greenwood Ind.
DATE ASSIGNED May 17, 1962
DATE OF CONTACT May 21, 1962
TIME OF CONTACT 2:45 p.m. First Contact
DATE OF PREVIOUS CONTACT _____

OFFER \$ 2200⁰⁰

DETAIL CONTACT* Talked to Mr. Henry stated he and his wife had talked about states acquisition of Right of Way and wanted to look into it a little more. Wanted to find out about frontage road

ACTION TAKEN** Negotiator promised to wait a few days until an investigation could be made. Appointment set for Monday eve. after 6:

SIGNED Talmage Thompson

* Showed plans, walked over property, etc.
** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

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BUYERS REPORT

PROJECT I-65-3-17 PARCEL # 19

OWNER Flannce Penny PHONE # _____

Smith Valley Greenwood Ind
(Other interested parties and relationship)
(none) Husband & Wife

ADDRESS OF OWNER _____

DATE ASSIGNED _____

DATE OF CONTACT _____

TIME OF CONTACT 11:00 AM. Tues 16th Oct. 1962

DATE OF PREVIOUS CONTACT _____

OFFER \$ _____

DETAIL CONTACT* Went to Superior Court Marion County
for defendants, above
Subpoena served by Paul Blackwell,
attorney for defendants, case was returned.

ACTION TAKEN** _____

SIGNED J. Thompson

* Showed plans, walked over property, etc.
** Made appointment - returned parcel to office - right of entry - Secured - Condemned, etc.
If area set out does not have space enough, please use back of sheet.

Wrong description

R E S O L U T I O N

WHEREAS, the carrying out of the construction and improvement by the Indiana State Highway Commission of Indiana of Project No. I 65-3 Sec. 17 120, in Marion County, Indiana, requires the construction, reconstruction, relocation or maintenance and repair (strike out inappropriate) of a public highway in said County, locally known as the Interstate Road 65 Road, which highway forms a part of a State Highway designated in the records and files of the Indiana State Highway Commission of Indiana as Road No. I-65 which extends from the City of West Harrison in Dearborn County, in a generally northwesterly direction through Brookville, Rushville, Indianapolis, Lebanon, Lafayette and joins U.S. Road 24 at City of Kentland in Newton County,

the general width of the right of way for said project is 225 feet, which proposed construction project necessitate acquisition of right of way as provided in the plans of said project on file in the offices of the Indiana State Highway Commission of Indiana at Indianapolis, Indiana, and which highway is to be constructed and improved as a "limited access facility", subject to regulations as provided in Chapter 245 of the Acts of the General Assembly of 1945, the general route, location and termini thereof being as follows:

Beginning at a point approximately 240 feet East of the West line of Section 1, Township 16 North, Range 2 East, and extending in a south-easterly direction for a distance of 16,643.45 feet to a point approximately 954 feet East of the West line of Section 17, Township 16 North, Range 3 East.

AND WHEREAS, it is necessary in making said improvement to acquire a right of way as hereinafter described over land of Flarance H. Denny, alias Florence H. Denny and Carson Denny, her husband, R.R. #4, Box 638, Greenwood, Indiana (Marion County),

, and ,

WHEREAS, the Indiana State Highway Commission of Indiana has made an offer to said owner(s) for the purchase of said land, but has been unable to agree with said owner(s) upon purchase price, thereof, or upon the amount of damages sustained by said owner(s), by reason of the taking thereof for the purpose aforesaid, and,

WHEREAS, the failure to obtain said land for said purpose is delaying the work of said highway improvement.

BE IT RESOLVED, that condemnation proceedings be instituted by the Attorney General in the name of the State of Indiana in a court of appropriate jurisdiction, for the land hereinafter described, the same being in Marion County, Indiana, and to be used as right of way easement for said highway improvement as a limited access facility, and being necessary for such purposes, which land is specifically described as follows to-wit:

Form CR-2
Rev. 5-61

Resolution (cont).

and a Right of Way Plat as shown in attached exhibit and marked "Exhibit A".

WHEREAS this matter was considered and adopted by voice vote by a quorum of the members of the Indiana State Highway Commission present at a regular meeting held in the office of the Indiana State Highway Commission in Indianapolis, Indiana, on the 6th day of September 1962.

BE IT FURTHER RESOLVED, that a copy of this resolution be referred to the Attorney General of Indiana.

INDIANA STATE HIGHWAY COMMISSION

Form CR-3
Rev. 5-61

Offices of the Indiana State Highway Commission of
Indiana, Indianapolis, Indiana.

This is to certify that the attached and foregoing is
a full, true and complete copy of a Resolution with Right of
Way map attached affecting the lands of Flarance H. Denny, alias
Flarence H. Denny, and Carson Denny, her husband, R.R. #4, Box 638,
Greenwood, Indiana (Marion County),

in Marion County, Indiana, as the same appears in
the minutes of the Commission in the State Office Building in
the City of Indianapolis, Indiana.

IN WITNESS WHEREOF, I, Roy Whitton, Secretary of the
Indiana State Highway Commission of Indiana, hereto place my
hand and seal of said Commission on this 6th day of Sept.,
19 62.

Roy S. Whitton
Secretary

SEAL:

PROJECT 1-65-3(17)120 PARCEL 19 L.A., 19 PERM.

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 2 EAST, PIKE TOWNSHIP, MARION COUNTY, INDIANA; THENCE WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION 1312.86 FEET; THENCE SOUTHWARDLY ALONG THE CENTERLINE OF MOLLER ROAD 1162.40 FEET; THENCE EAST 51.1 FEET TO A POINT; THENCE NORTH 115.9 FEET TO THE POINT OF BEGINNING OF PARCEL 19 LIMITED ACCESS RIGHT OF WAY.

THENCE SOUTH 89 DEGREES 03 MINUTES WEST, 35.6 FEET ALONG THE SOUTH PROPERTY LINE OF THE GRANTOR'S LANDS TO THE EAST BOUNDARY OF MOLLER ROAD; THENCE NORTH 00 DEGREES 45 MINUTES WEST, 24.6 FEET ALONG SAID BOUNDARY; THENCE SOUTHEASTERLY 43.2 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 2,166.8 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 56 DEGREES 12 MINUTES EAST, AND A LENGTH OF 43.2 FEET TO THE POINT OF BEGINNING AND CONTAINING 442 SQUARE FEET, MORE OR LESS.

ALSO:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 2 EAST, PIKE TOWNSHIP, MARION COUNTY, INDIANA; THENCE WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION 1312.86 FEET; THENCE SOUTHWARDLY ALONG THE CENTERLINE OF MOLLER ROAD 1162.40 FEET; THENCE EAST 51.1 FEET TO A POINT; THENCE NORTH 115.9 FEET TO THE POINT OF BEGINNING OF PARCEL 19 PERMANENT RIGHT OF WAY.

THENCE NORTHWESTERLY 43.2 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 2166.8 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 56 DEGREES 12 MINUTES WEST, AND A LENGTH OF 43.2 FEET TO THE EAST BOUNDARY OF MOLLER ROAD; THENCE NORTH 00 DEGREES 45 MINUTES WEST, 36.8 FEET ALONG SAID BOUNDARY; THENCE SOUTH 56 DEGREES 31 MINUTES EAST, 108.7 FEET TO THE SOUTH PROPERTY LINE OF THE GRANTOR'S LANDS; THENCE SOUTH 89 DEGREES 03 MINUTES WEST, 54.3 FEET ALONG SAID PROPERTY LINE TO THE POINT OF BEGINNING AND CONTAINING 2,325 SQUARE FEET, MORE OR LESS.



Given under my hand and seal

August 13, 1962.Stanley M. Shartle

Stanley M. Shartle, Registered Land Surveyor No. 3431, State of Indiana

TITLE AND ENCUMBRANCE REPORT

RIGHT OF WAY DEPARTMENT

STATE HIGHWAY DEPARTMENT OF INDIANA

S. R. 65 PROJ. I 65-3 (17) 120 COUNTY Marion

Names on Plans F. H. Denny

Names in Trans Book Florence H. Denney

Description or Addition	Sec.	Twp.	Rge.	Acreage	Assessed Value
Part of the E 1/2 SE 1/4	12	16	2	1 Ac.	Land \$250.00
					Imp. \$1,780.00
					Total \$2,030.00

U. S. R. \$1.10

LAST OWNER OF RECORD

Deed Record 1354 p. 535 Recorded 10/31/49 Dated 10/31/49 Warranty Deed

Grantor Quince W. George & Helen George, his wife

Grantee Cecil A. Barnhart & Florence H. Barnhart, husband & wife

Address of Grantee 1847 Koehne St. Indpls. 2, Ind.

MORTGAGE RECORD

Mortgage Record p. Amount Dated

Mortgagor None

Mortgagee

JUDGMENT RECORD Yes () None (x) LIS PENDENS RECORD Yes () None (x)

MISCELLANECUS RECORD Yes (x) None () EASEMENTS Yes () None (x)

If answer to any of above is yes, clarify on back of sheet or on attached sheet

TAXES Current Paid (x) Delinquent ()

CERTIFICATE

I, the undersigned certify that the above and the attached copies include all transfers of the above described real estate as shown by the records in the office of Recorder of the above county from the date of the earliest entry shown in this search to date, except as otherwise noted, and that all liens, judgments and other matter of record hereinafter requested for the same period are set forth.

UNION TITLE CO.

Dated this 20 day of Sept 1961 8 AM BY Vern E. Leudidge Abstractor PRESIDENT

Prel. Approval of Title Date By Deputy Attorney General

Final approval of Abstract of Title Date BY Deputy Attorney General

666485

CAPTION

-1-

Continuation of Abstract of Title to (Part of the East Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows, towit:

Beginning at a point in the West line of said Half Quarter Section, said point being 948 feet south of the northwest corner of said Half Quarter Section, running thence south upon and along the West line of said Half Quarter Section 102.50 feet to a point, thence east parallel with the north line of said Half Quarter Section 424.99 feet to a point, thence north parallel with the East line of said Half Quarter Section 102.50 feet to a point, thence west parallel with the North line of said Half Quarter Section 424.99 feet to the place of beginning, containing 1 acre, more or less.>

Subject to any legal highways or rights of way.

Prepared for: State Highway Department of Indiana

Land Record
74 page 32
Dec. 21, 1922
Recorded
Dec. 22, 1922

Fred Pruitt and
Ona F. Pruitt, his wife
to

Warranty Deed

Conard Jennings and
Augustus Jennings

Part of the South East 1/4 of Section 12, Township 16 North, Range 2 East, described as follows, to wit:

-2-

-1-cjl -over-

666806

Beginning at the North East corner -- said 1/4 Section running thence South along the East line thereof 24.70 chains to the middle of the Lafayette Pike; thence North 36 1/4° West along the middle of said Pike 10.98 chains; thence West 33.50 chains to the West line of said 1/4 Section; thence North along said West line 15.90 chains to the North West corner of said 1/4 Section; thence East along the north line thereof 40 chains, more or less to the place of beginning. Except however the following described tracts: A tract conveyed by Catharine Pruitt and Eliza Pruitt to Wesley E. Pruitt by deed recorded Sept. 20, 1893 in Land Record 27, page 394 a tract conveyed by Eliza Pruitt to Wesley E. Pruitt by deed recorded November 17, 1916 in Land Record 63, page 415, a tract conveyed by Eliza Pruitt to Samuel R. Kissell, Trustee of Pike School Township by deed recorded July 12, 1917 in Land Record 64, page 547, also except all legal highways. Subject to the taxes for the year 1922 payable in 1923.

-3-

ABSTRACTOR'S NOTE: We hereby certify that no part of caption real estate was described in the three deeds listed as exceptions in above Warranty Deed.

-4-

Augustus Jennings died intestate November 22, 1928.

Estate Docket
82 Estate #27632

-5-

IN THE PROBATE COURT OF MARION COUNTY
IN THE MATTER OF THE ESTATE OF AUGUSTUS JENNINGS, DECEASED.
November 27, 1928. Mary S. Jennings was appointed and qualified as Administratrix of the estate of Augustus Jennings, deceased.
Order Book 120 page 9.
December 13, 1928. Proof of publication of notice of appointment filed.
December 20, 1929. Verified final report filed.
January 8, 1930. Proof of publication of final notice filed.
January 18, 1930. Proof of posting of final notice filed, final report approved and estate closed.
Order Book 121 page 544.

666806

Note: Entry on final report shows the following:
Comes now Mary S. Jennings, Admx. of said estate; and submits her final report, heretofore filed, together with proof of notice, which reports and proofs of notice are in the words and figures, towit: (H.I.) and the Court, having examined said report finds that more than one year has elapsed since the granting of letters of administration in said estate and the giving of notice thereof, and that all of decedent's debts have been paid and discharged, and that said decedent left surviving the following and only heir: Mary S. Jennings, widow of said decedent; that after the payment of all debts and liabilities of said estate the balance thereof was turned over assigned and transferred to the above named sole heir; that the title thereto is now vested in the said Mary S. Jennings; that said estate has been fully settled and administered upon as shown by said report and vouchers filed therewith; that the inheritance tax assessed against said estate has been paid;

And the Court further finds that said final report should be approved and said Admx. be discharged.

It is now ordered and decreed that said report be in all things approved and confirmed, and said Admix. be discharged.

ABSTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisement lists Caption real estate (Also other realty) as an asset of said estate. Said Schedule further shows the gross value of said decedent's estate to be \$323,660.53.

Misc. Record
218 page 536
Inst. #7377
Feb 28, 1930
Recorded
Feb. 28, 1930

STATE OF INDIANA, COUNTY OF MARION, SS:

I, Mary S. Jennings being first duly sworn upon oath, depose and say that I am the widow of Augustus Jennings, deceased; that he left surviving him no child or children nor the descendants of any deceased child or children, nor a father or mother.

Mary S. Jennings

Subscribed and sworn to before me a Notary Public in and for said County and State, this 28 day of Feby., 1930.

Uriah H. Hicks (LS)
Notary Public

My commission expires Sept. 8th, 1930.

665806

Town Lot Record
1073 page 520
Inst. #49638
Oct. 9, 1941
Recorded
Oct. 21, 1941

Conard Jennings, unmarried,
and Mary S. Jennings, unmarried
(and widow and only heir at
law of Augustus Jennings,
deceased)

Warranty Deed
(U.S.R. \$1.10)

to

Quince W. George

Part of the east one half of the southeast one quarter of Section 12, Township 16 North, Range 2 East of the Second Principal Meridian, described as follows, to-wit:

Beginning on the West line of said half quarter Section at a point 948 feet South of the North line thereof; thence east parallel to the said north line 813.10 feet to the center of the LaFayette Road; thence southeast along the center of said road 127.20 feet, more or less to a point 718.26 feet more or less northwest of the east line of said half quarter section, the said distance being measured along the center of said Road; said point being on the south line of a tract of land conveyed by Fred Pruitt and Ona F. Pruitt, his wife, to Conard Jennings and Augustus Jennings, recorded in Land Record 74 page 32, Marion County Recorder's office and extending thence west along the last above mentioned line 888.40 feet, more or less to the West line of said Half Quarter Section; thence North along said West line 102.50 feet, more or less, to the place of beginning, containing 2 acres, more or less. Subject, however, to all legal highways or rights of way.

Subject to all unpaid taxes.

-7-

-4-cj1

666485

Town Lot Record
1354 page 535
Inst. #65209
Oct. 31, 1949
Recorded
Oct. 31, 1949

Quince W. George and
Helen George, his wife
to
Cecil A. Barnhart and
Flarance H. Barnhart,
husband and wife

Warranty Deed
(U. S. R. \$1.10)

-8-

A part of the East Half of the Southeast Quarter of Section 12, Township 16 North Range 2 East, more particularly described as follows, towit: Beginning at a point in the West line of said Half Quarter Section, said point being 948 feet south of the northwest corner of said half quarter section, running thence south upon and along the West line of said Half Quarter Section 102.50 feet to a point, thence east parallel with the north line of said half quarter section 424.99 feet to a point, thence north parallel with the east line of said Half Quarter Section 102.50 feet to a point, thence west parallel with the north line of said half quarter section 424.99 feet to the place of beginning, containing 1 acre, more or less. Subject however to all legal highways and rights of way. Also subject to all unpaid taxes and assessments.

Proper citizenship clause is attached.

-9-

Cecil A. Barnhart died October 10, 1951, as appears at a subsequent entry herein.

-10-

NOTE: No letters of administration issued in the Clerk's Office of Marion County, Indiana, upon an estate of Cecil A. Barnhart; deceased.

No will of said decedent filed for probate in said County.

-11-

NOTE: We find no record of the marriage of Flarence H. Barnhart to Carson L. Denneyon file in the Clerk's Office of Marion County, Indiana.

666485

Town Lot Record
1786 page 464
Instr. #95726
Dec. 20, 1959
Recorded
Dec. 23, 1959

-12-

STATE OF INDIANA, COUNTY OF MARION, SS:

Flarence H. Denney, being first duly sworn upon her oath says that she is over the age of 21 years and under no disability. Affiant further says that by Warranty Deed executed on October 31, 1949, this affiant and her then husband became the owners as tenants by the entirety of the following real estate in Marion County, Indiana, towit; A part of the East Half of the Southeast Quarter of Section 12, Township 16 North, Range 2 East, more particularly described as follows, to-wit:

Beginning at a point in the West line of said Half Quarter Section, said point being 948 feet South of the Northwest Corner of said Half Quarter Section; running thence South upon and along the West line of said Half Quarter Section 102.50 feet to a point; thence East parallel with the North line of said Half Quarter Section 424.99 feet to a point; thence North parallel with the East line of said Half Quarter Section 102.50 feet to a point; thence West parallel with the North line of said Half Quarter Section 424.99 feet to the place of beginning, containing 1 acre, more or less.

Subject, however, to all legal highways and rights of way.

And they took title in the name of Cecil A. Barnhart and Flarence H. Barnhart, husband and wife, which deed was given by Quince W. George and Helen George, his wife, and is of record in Vol. 1354, page 535, in the office of the Recorder of Marion County, Indiana. Affiant further says that from and after the 31st day of October, 1949, affiant and Cecil A. Barnhart lived together continuously as husband and wife and were living together as such on October 10, 1951, the date of death of Cecil A. Barnhart. Affiant further says that after the death of her husband Cecil A. Barnhart, on October 10, 1951, she did, on May 8, 1954, enter into marriage with one Carson L. Denney, and that her name is now Flarence H. Denney.

Affiant further says that Cecil A. Barnhart did not leave any estate to be administered upon, and that the only property in which he had any interest was property held by him jointly with this affiant, and that the value thereof was less than \$15,000.00, and that the same was not subject to any State of Indiana Inheritance Tax. Affiant further says that she makes this affidavit for the purpose of inducing the Auditor of Marion County, Indiana, to certify and transfer the above real estate to the name of this affiant, Flarence H. Denney.

Further affiant saith not.

Flarence H. Denney

Subscribed and sworn to before me this 20th day of December, 1959.

Ruthann Taylor, (LS)

Notary Public

My Commission Expires: Sept. 17, 1960.

This Instrument Prepared by Rochford & Blackwell,
Attys. Indianapolis, Indiana.

666485

Old Age Assistance
Search

-13-

Examination has been made, as to the persons in title subsequent to May 1, 1947, for liens shown by notices of Old Age Assistance, filed in the Office of the Recorder of Marion County, as provided by the Acts concerning Public Welfare, effective May 1, 1947.

Juvenile Court
Search

-14-

Examination has been made, as to the persons named under the heading of Judgment Search, and for the period so specified under said search, for judgments, as appear from the General Judgment Dockets of the Juvenile Court of Marion County, as said dockets are now entered up.
Note: Search has been made for the 10 years last past as to the persons listed below, irrespective of dates given.

Judgment Search

-15-

Examination made for judgments entered against the following named parties, the search being made and limited according to the names exactly as set forth herein and not otherwise:

Cecil A. Barnhart
and
Flarance H. Barnhart
jointly and
not individually

from September 18, 1951
to and including
October 10, 1951

Flarance H. Barnhart

for the 10 years
last past

and vs

Flarance H. Denney

from May 8, 1954
to date and
against none other.

666485

-16- Taxes for the year 1959 and prior years paid in full.

-17- Taxes for the year 1960 on the real estate for which this Abstract is prepared are assessed in the name of Flarance H. Denney and are due and payable on or before the first Mondays in May and November of 1961.

General Tax Duplicate No. 106036, Pike Township,
Parcel No. 3296.

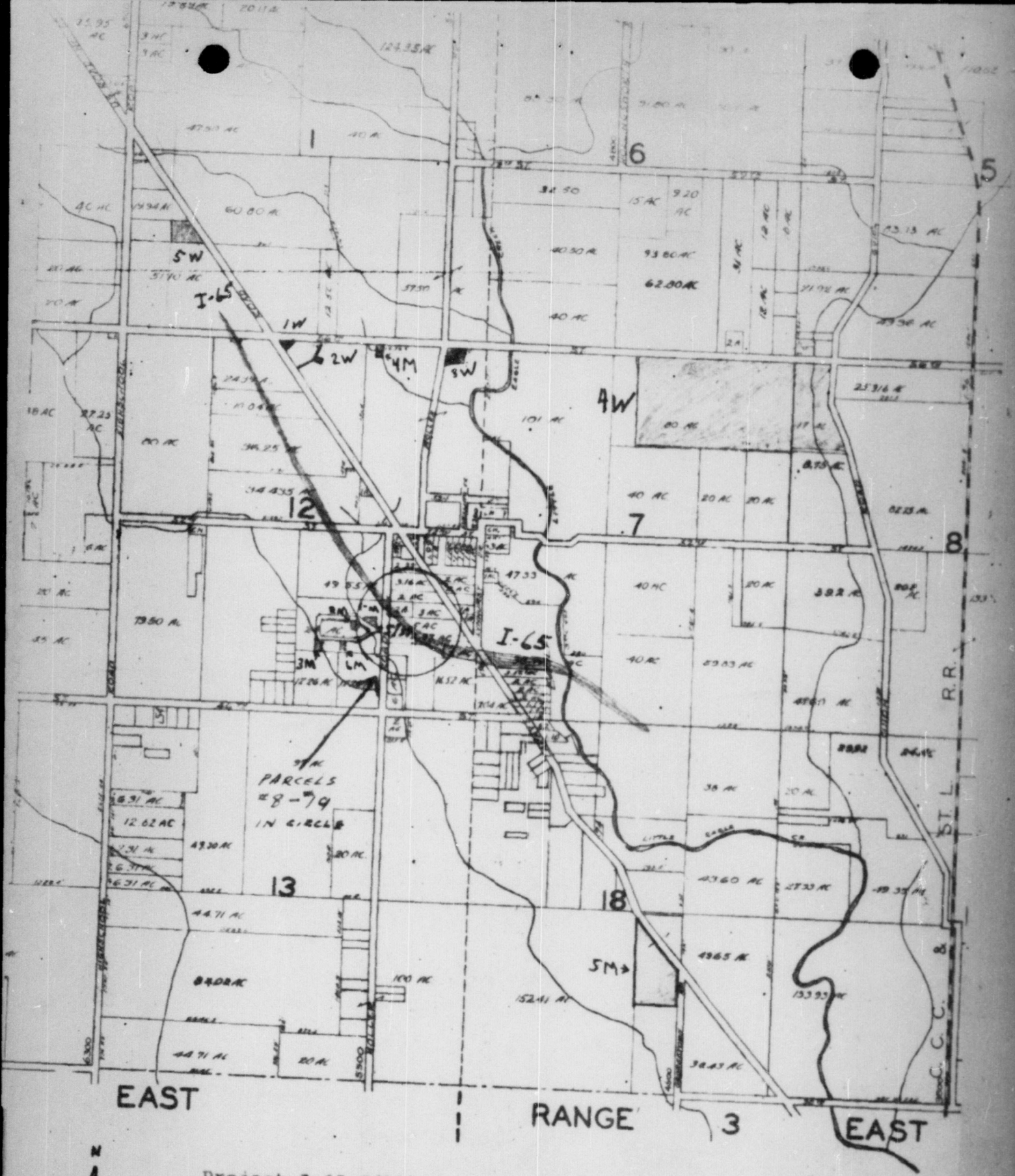
May Installment \$60.72 Paid.

November Installment \$60.72 Unpaid.

Assessed Valuation;

Land \$250.00 Improvements \$1,780.00 Exemption (None)

-18- Taxes for the year 1961 now a lien.



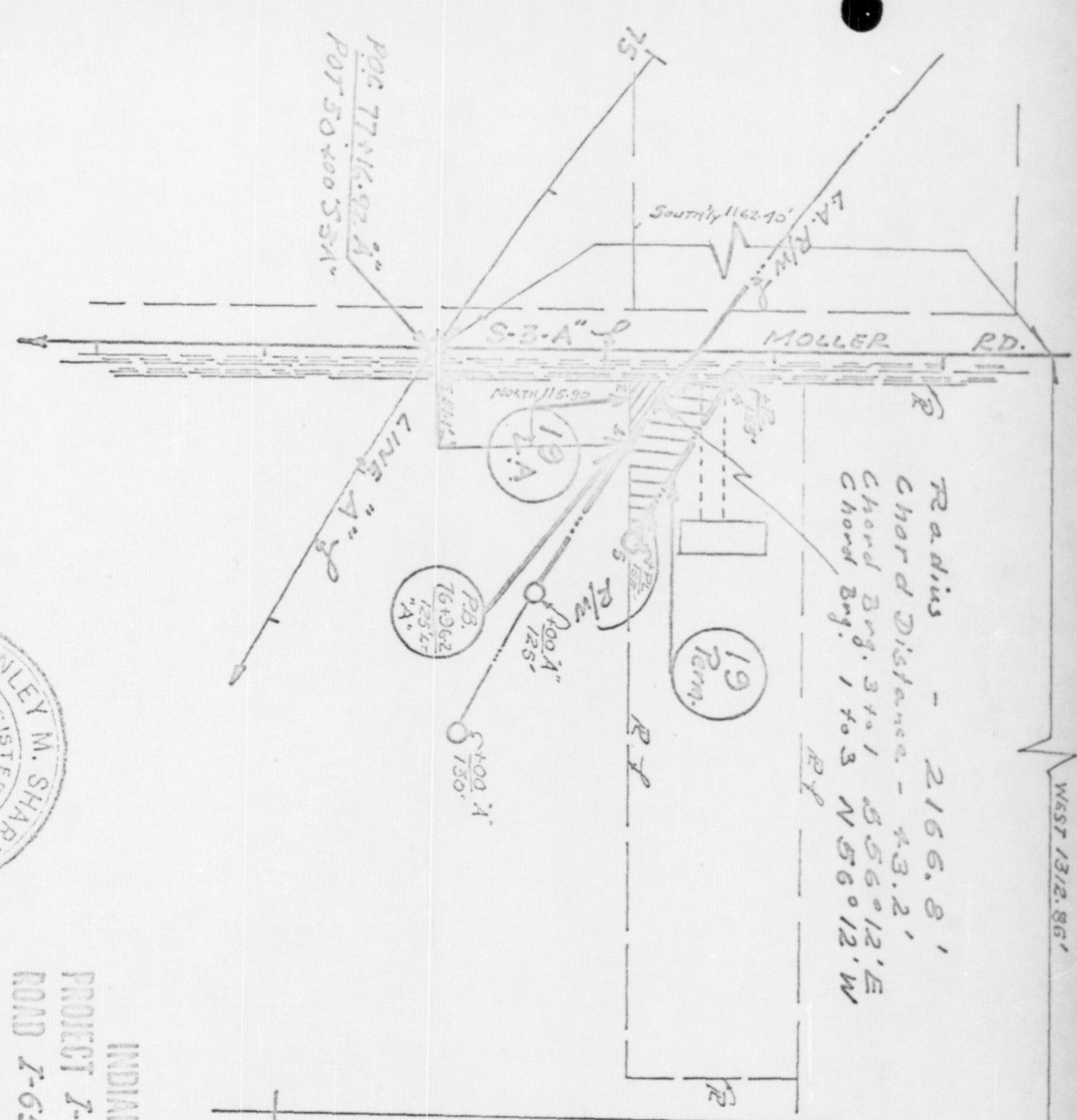
Project I-65 3(17)120
 Marion County, Indiana
 Comparable Sales --- 1M - 6M & 1W - 5W all spotted in.
 4 April 1962
 Parcels 8-19 located in circled area.
 Scale - 3" equal 1 mile

WEST 1312.86'

NE CORNER 1/4, SEC. 12

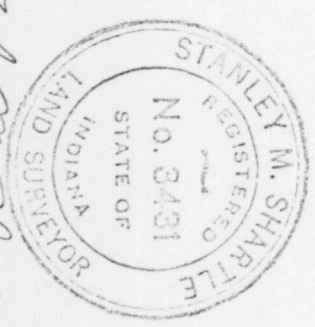
R/W PLAN SHEET 26
SKETCH 1 OF 1
PARCEL NUMBER 194A
1/9 Rem.

Radius - 2166.8'
Chord Distance - 43.2'
Chord Bng. 340.1 356°12'E
Chord Bng. 1 to 3 N 56°12'W



CROSS HATCHED AREA IS APPROXIMATE TAKING

Stanley M. Sharple
8-13-62



Course	Bearing	Distance
1-2	S 89° 03' W	35.6 Ft.
2-3	N 00° 45' W	24.6 "
3-1	A B C	43.2 "
-: PARCEL 1/9 Rem. -:		
1-3	A B C	43.2 Ft.
3-4	N 00° 45' W	36.8 "
4-5	S 56° 31' E	108.7 "
5-1	S 89° 03' W	54.3 "
-: AREA :-		
Parcel 194A:	442 Sq Ft	
" 1/9 Rem:	2325 "	
TOTAL	2767 Sq Ft.	

Scale: 1"=100'

INDIANA STATE HIGHWAY COMMISSION
PROJECT I-65-3(07)120 MARION COUNTY
ROAD I-65

RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM
FARENCE DENNEY

SEC. 12 T. 16-N R. 2E
CONTAINING 2767 Sq. Ft. MORE OR LESS
DRAWN BY *W. G. M.* CHECKED BY *J. S. M.* DATE 8-10-62

PARCEL NO. 13 A. & B Perm. OWNER: Florence H. DENNEY

PROJECT NO. I-65-3(17)120

DRAWN BY J. G. ...
CHECKED BY A.H.

ROAD I-65

DEED RECORD 1354

PAGE 535 DTD., 10-31-49

COUNTY : Marion

SECTION : 12

T : 16 N

R : 2 E



CROSSHATCHED
AREA IS
APPROX. TAKE

SCALE: 1" = 20' x 20'
= 330 ft.



Stanley M. Shartle 8-13-62

Sec. Line