

STATE OF INDIANA }
COUNTY OF SCOTT } SS:

IN THE SCOTT CIRCUIT COURT
CAUSE NO. 8325

STATE OF INDIANA
Plaintiff

-vs-

ALTUS JULIAN and
LEAH JULIAN (H & W),
SCOTTSBURG BUILDING AND LOAN
ASSOCIATION (Mortgagee),

Defendants

FILED

MAR 14 1967

Paul H. Robinson
CLERK, SCOTT CIR. COURT

FINDING AND JUDGMENT

Comes now the plaintiff, State of Indiana, by John J. Dillon, Attorney General, and Richard G. Speelman, Deputy Attorney General, and come now the defendants, Altus Julian and Leah Julian (H & W), Scottsburg Building and Loan Association (Mortgagee), by their attorney of record herein, Robert B. Railing, and plaintiff now withdraws its request for a jury trial, defendants consenting thereto and this cause is now submitted to the court upon the issues framed by the exceptions heretofore filed by the plaintiff.

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 9th day of April, 1959, and the defendants were properly served with notice as provided by statute prior to the hearing in this cause. Said complaint was amended on August 19, 1959.

2. That on the 11th day of May, 1959, being the day set for the hearing of the cause, an order was entered upon the record of the Scott Circuit Court, signed by Fred S. Matthews, 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 Scott County to assess the damages and benefits to the defendants caused by the appropriation.

4. That the report of the court appointed appraisers of May 26, 1959 showing total damages in the sum of Twenty-Nine Thousand Eighty-Eight Dollars (\$29,088.00) was set aside by the Order entered on September 4, 1959, and three appraisers were appointed to assess the damages and benefits to the defendants caused by the appropriation of the defendants' real estate as described in plaintiff's amended complaint, and order of appropriation entered on September 4, 1959.

5. That on the 4th day of September, 1959, said court-appointed appraisers returned their report to the court showing total damages in the sum of Thirty Thousand Dollars (\$30,000.00), and the Court ordered the appraisers' fees set at One Hundred Fifty Dollars (\$150.00) each.

6. That the plaintiff, State of Indiana, paid the award of the appraisers report of May 26, 1959 in the sum of Twenty-Nine Thousand Eighty-Eight Dollars (\$29,088.00) together with the fees for the services of said appraisers to the clerk of the court on the 8th day of June, 1959, and the defendants subsequently withdrew said award on or about the 26th day of June, 1959.

7. That the plaintiff, State of Indiana, paid an additional sum of Nine Hundred Twelve Dollars (\$912.00), together with the fees for the services of the appraisers for their report of September 4, 1959, said payment making a total of Thirty Thousand Dollars (\$30,000.00).

8. That the plaintiff, State of Indiana, filed exceptions to the court-appointed appraisers' report on the 26th day of May, 1959.

9. That the defendants, Altus Julian and Leah Julian (H&W), Scottsburg Building and Loan Association (Mortgagee), filed exceptions to the court-appointed appraisers' report on the 29th day of May, 1959, and withdrew said exceptions on the 26th day of June, 1959.

10. That the total value of the easement for highway right of way taken and the damages to the remaining land of the defendants is Sixteen Thousand Five Hundred ^{Seventy Four (\$16,574.00)} Dollars (~~\$16,500.00~~), and that the defendants, Altus Julian and Leah Julian (H&W), Scottsburg Building and Loan Association (Mortgagee), should recover from the plaintiff, State of Indiana, total damages in the sum of Sixteen Thousand Five Hundred ^{Seventy Four (\$16,574.00)} Dollars (~~\$16,500.00~~).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 4th day of September, 1959, 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:

Beginning at the Southwest corner of Southeast Quarter of Northeast Quarter of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence North twenty-seven feet along the West line thereof to the point of beginning of this tract;

(PARCEL NO. 50 LIMITED ACCESS RIGHT OF WAY)

Thence North two degrees and fifty-six minutes East, six hundred forty-three and seven tenths feet to a point;

Thence North thirty-five degrees and fifty-six minutes East, fifty-seven and nine tenths feet to a point;

Thence North twenty-two degrees and forty-two minutes East, two hundred twenty-three and six tenths feet to a point;

Thence North ten degrees and ten minutes East, two hundred six and one tenth feet to a point;

Thence North six degrees and forty-four minutes East, two hundred and three tenths feet to a point;

Thence North one degree East, fourteen feet to a point;

Thence South eighty-seven degrees and thirty-eight minutes East, two hundred twenty-one and three tenths feet to a point;

Thence South five degrees and forty-eight minutes East, two hundred sixty-six and two tenths feet to a point;

Thence South thirteen degrees and thirty-six minutes East, three hundred thirty-four and one tenth feet to a point;

Thence South twenty degrees and fifty-six minutes East, six hundred eleven and nine tenths feet to a point;

Thence South thirty-eight degrees and two minutes East, one hundred thirty-nine and a half feet to a point;

Thence South zero degrees and thirty-nine minutes East, thirty-three and one tenth feet to a point;

Thence South eighty-nine degrees and eleven and a half minutes West, seven hundred eighty-one and three tenths feet to the place of beginning and containing twelve and nine hundred forty-five thousandths (12.945) acres, more or less.

*2690
Revised
7/22, 59*

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50 Limited Access, Project I-09-1(10), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, three hundred two and four tenths feet left, from Station 1130 + 17.6 on Line "U", as shown upon the plans of Project I-09-1 Section 10, Sheet 23, on file in the office of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Limited Access Right of Way and is further described as Parcel No. 50 Limited Access Right of Way;

Information: The land to be acquired is Parcel No. 50 Limited Access, 50 Permanent, 50T, and 50-I-1 and there is a separate description for each.

NOT LIMITED ACCESS

The limited access provisions do not apply to the following described right of way not hereinbefore described as limited access right of way, to-wit:

(Project I-03-1 (30) Parcel No. 50)

Sheet 1 of 2

Beginning at the Southwest corner of Southeast Quarter of Northwest Quarter of Section
nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana;
East along the South section line seven hundred eighty-three and nine tenths feet to a point;
North sixty-three and three tenths feet to the point of beginning of this tract;

(PARCEL NO. 50 PERMANENT RIGHT OF WAY)

Thence South eighty-nine degrees and thirty and a half minutes East, two hundred
eight and eight tenths feet to a point;

Thence South zero degrees and thirty-nine minutes East, twenty-eight and nine tenths
feet to a point;

Thence South eighty-nine degrees and twenty-one minutes West, two hundred eight and
seven tenths feet to a point;

Thence North zero degrees and thirty-nine minutes West, thirty-three and one tenth
feet to the place of beginning and containing one hundred forty-eight thousandths (0.0018)
of an acre, more or less.

2498
Revised
7/22, 58

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50, Project I-03-1 (30), said intended
point of beginning for this survey being that point measured at right angles, ninety degrees,
seventy feet left, from S station 25 + 50 on line "C-57-20-0 33", as shown upon the plans
of Project I-03-1 Section 30, Sheet 22, on file in the office of the State Highway Department
of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Permanent Right of Way and is further described as Parcel No. 50 Permanent Right of Way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Permanent, 50T and 50-T-1 and there is a separate description for each.

Beginning at the Southwest corner of Southeast Quarter of Northwest Quarter of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence East three hundred two and nine tenths feet along the South line thereof to a point; thence North one thousand three hundred sixteen feet to a point; thence West one hundred ninety-nine and one tenth feet to the point of beginning of this tract;

(PARCEL NO. 50-T TEMPORARY RIGHT OF WAY)

Thence South six degrees and forty-four minutes East, one hundred fifty and two tenths feet to a point;

Thence South eighty-six degrees and eight minutes West, ninety-seven and a half feet to a point;

Thence North three degrees and fifty-two minutes West, one hundred fifty feet to a point;

Thence North eight degrees and eight minutes East, ninety feet to the place of beginning and containing three hundred thirty-four thousandths (0.334) of an acre, more or less.

YAG
Revised
7/27, 59

NOTE: The following is for Indiana State Highway Department records.

The above description is for Parcel No. 50-T, Project I-03-1 (30), with the point of beginning for this survey being that point measured at right angles, ninety degrees, one hundred ten feet left, from Station 1143 + 00 on line 100, as shown upon

the plans of Project I-93-1 Section 30, Sheet 23, on file in the offices of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Temporary Right of Way and is further described as Parcel No. 50-T Temporary Right of Way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Permanent, 50-T, and 50-T-1 and there is a separate description for each.

Beginning at the Southwest corner of Southeast Quarter of Northeast Quarter of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; East along the South section line seven hundred eighty-three and nine tenths feet to a point; North sixty-three and three tenths feet to the point of beginning of this tract;

(PARCEL NO. 50-T-1 TEMPORARY RIGHT OF WAY)

Thence North sixty-eight degrees and two minutes West, one hundred thirty-nine and a half feet to a point;

Thence South eighty-seven degrees and three minutes East, two hundred thirty-nine and one tenth feet to a point;

Thence South two degrees and thirteen minutes West, ten feet to a point;

Thence North eighty-eight degrees East, sixty-five and seven tenths feet to a point;

Thence North one degree and forty-one minutes West, eight feet to a point;

Thence South eighty-nine degrees and fifteen minutes East, thirty-three and one tenth feet to a point;

Thence South zero degrees and thirty-nine minutes East, forty-one and seven tenths feet to a point;

Thence North eighty-nine degrees and thirty and a half minutes West, two hundred eight and eight tenths feet to the place of beginning and containing two hundred fifty-seven thousandths (0.257) of an acre, more or less.

Revised 7/22/59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50-T-1, Project I-03-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, seventy feet left, from Station 25 + 50 on line "3-56-10-Q REV", as shown upon the plans of Project I-03-1 Section 30, Sheet 22, on file in the offices of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Temporary Right of Way and is further described as Parcel no 50-T-1 Temporary Right of Way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Permanent, 50E, and 50-T-1 and there is a separate description for each.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants, Altus Julian and Leah Julian (H&W), Scottsburg Building and Loan Association (Mortgagee), have and recover from the State of Indiana as final and total damages the sum of Sixteen Thousand Five Hundred ^{Seventy Four (\$16,574.00)} ~~Dollars (\$16,500.00)~~, (which said amount has already been paid the defendants herein when they withdrew Twenty-Nine Thousand Eighty-Eight Dollars (\$29,088.00) of the court-appointed appraisers award of Thirty Thousand Dollars (\$30,000.00), so nothing more is owing the defendants in this cause.)

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants shall refund to the Clerk of the Court the sum of Twelve Thousand Five Hundred ^{Fourteen (\$12,514.00)} ~~Eighty-Night Dollars (\$12,500.00)~~, and the Clerk of the Court shall pay said partial refund of the court-appointed appraisers' award to the plaintiff, State of Indiana, together with the balance of Nine Hundred Twelve Dollars (\$912.00) remaining on deposit with the Clerk of Court in this cause of action.

Dated: March 14, 1967 Clifford St. Maschmeyer
Judge of the Scott Circuit Court

Approved: Robert D. Pauling
Attorney for defendants

Richard H. Fulmer
Deputy Attorney General
Attorney for the Plaintiff, State of Indiana

Local Counsel for the Plaintiff

of 1/23/59
14/3/56

SETTLEMENT ANALYSIS

STATE VS. ADLUS JULIAN, et al FILED 4-9-59

COURT Scott Circuit CAUSE NO. 8325

PROJECT I-65-1 (30) PARCEL NO. 50, 50T, 50T1 ROAD I-65

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY: 30 acre tract of land 1/2 mile West of Scottsburg at interchange of I-65 and S.R. 56

IMPROVEMENTS: 2 story residence, 1 4-room rental unit, 1 very poor 4-room building, and several outbuildings

DESCRIPTION OF TAKE: 13,226 acres covering farm, plus .006 acres Temporary A/W for turn-around

AREA OF TAKING 13,226 AREA OF REMAINDER 16,774

OFFER PRIOR TO CONDEMNATION \$ 14,573 COURT AWARD \$ 22,000

DEFENDANTS' ATTORNEY Robert F. Miller

	LAND TAKE	IMPROVEMENT TAKE	BY APPLICANT DAMAGES	OTHER DAMAGES OR BENEFITS	TOTAL COMPENSATION
Reviewing Appraisers	3,170	0	2,525	3,550	12,565
State	11,056	0	3,753	3,686	18,505

RANGE OF STATE'S APPRAISALS:

Minimum	5,200	0	2,525	3,550	12,565
Maximum	11,056	0	3,753	3,686	18,505

RANGE OF DEFENDANTS' APPRAISALS: NOT AVAILABLE

SETTLEMENT RECOMMENDED AT 16,500

SUMMARY PROPOSED SETTLEMENT:

Review Appraisers' Amount	<u>12,565</u>
Adjustments (See Page 2)	<u>0</u>
Court Costs:	
Additional Appraisals	<u>0</u>
Witness Fees	<u>0</u>
Local Counsel Fees	<u>0</u>
Miscellaneous Costs	<u>0</u>
Interest	<u>0</u>
TOTAL	<u>12,565</u>

REFUND DUE STATE FROM DEPOSIT WITH COURT:

\$ 12,565

ADDITIONAL AMOUNT TO PAY IN TO COURT:

0

PRINCIPAL REASONS AND JUSTIFICATION FOR SETTLEMENT

(Review Items 7 & 8 P.P.M. 21-4,1 and Guidelines, Attachment 2)

1. Explain Any Substantial Difference Between Settlement Amount and Review Appraiser's Valuation:

Review Appraiser's amount exceeds proposed settlement

2.

3.

4.

5.

DATE SUBMITTED: 2-23-67

PREPARED AND SUBMITTED BY:

Richard G. Speelman
Deputy Attorney General

Richard G. Speelman

JOHN J. STUBBS

Attorney General of Indiana

Reviewed and Approved By:

Date: February 8, 1967

I concur in attorney's recommendation as to settlement

Indiana State Highway Commissioner

Date: February 8, 1967

B. R. Weber CHIEF
DIVISION OF LAND ACQUISITION

STATE HIGHWAY DEPARTMENT OF INDIANA
3rd FLOOR STATE HOUSE ANNEX
INDIANAPOLIS, INDIANA

Feb. 9, 1959

To Mr. Phil R. Miller
112 West Court Ave.
Jeffersonville, Indiana

GENTLEMEN :

We enclose State Warrant No. A 163145 2-2- 1959
in settlement of the following vouchers:

DESCRIPTION	AMOUNT	
appraising For the purchase of Right of Way on State Road No. 31 in Scott County I Project 03-1 Section 30 agreement as per Grant dated Feb. 27, 1958	100	00

PLEASE RECEIPT AND RETURN

Yours truly,

Paul R. Miller
CONTROLLER

Received Payment: 3/7/59 19

STATE HIGHWAY DEPARTMENT OF INDIANA
3rd FLOOR STATE HOUSE ANNEX
INDIANAPOLIS, INDIANA

Feb. 4, 1959

To Mr. Kenneth L. Fosbrink
P. O. Box 312
Seymour, Indiana

GENTLEMEN :

We enclose State Warrant No. A. 162703 1-27- 19 59
in settlement of the following vouchers :

DESCRIPTION	AMOUNT	
appraising For the purchase of Right of Way on State Road No. 31 in Scott County I Project 03-1 Section 30 as per Grant agreement dated Nov. 26, 1957	100	00

PLEASE RECEIPT AND RETURN

Yours truly,

Kenneth L. Fosbrink

CONTROLLER

Received Payment:

Feb. 5

19 59

John R. Dollens
 Attorney at Law
 P. O. Box 269
 Scottsburg, Indiana

PAYEE'S NAME AND ADDRESS

STATE AGENCY FILL IN. This form may be used only for claims chargeable to Purchase of Right of Way.
 Account Number: 400-861,611-
 State Agency: State Highway Commission 800
 Appr. Name: Construction
 State Share: \$ 250.00
 Federal Share: \$
 Total Amt. of Check: \$ 250.00

Warrant No.

DISTRIBUTION

DATE	Project Number			Prefix	Road	Section	Paren.
	Month	Day	Year				
08 29 67	5	0	0	1	0-3	1	30
LOCATION CODE				Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount
FUNCTION CODE				Attorney Fees	481	Dr	\$250.00
OBJECT CODE				PART			
PARCEL NO.				State vs. Altus Julian Cause No. 8325			
COUNTY NAME & NO.	Scott 72			Total \$250.00			

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.

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 John R. Dollens Personal Signature Title

X John R. Dollens Signature if Individual

X John R. Dollens Signature if Individual

X John R. Dollens Signature if Individual

Recommend Approval:
Michael J. ... Date 9-1-67

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.
... Date SEP 8 1967

Approved ... Date

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 131 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 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 Date SEP 1 1967

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

Form A-12 (R/R)
Highway Comm.)
Approved by State
Board of Accounts
February, 1964

INDIANA STATE HIGHWAY COMMISSION—RIGHT OF WAY—CLAIM VOUCHER

Robert J. Sell
5337 Chevlot Place
Indianapolis, Indiana

PAYEE'S NAME AND ADDRESS

STATE AGENCY FILL IN. This form may be used only for claims chargeable to Purchase of Right of Way.
Account Number: 400-861,611-
State Agency: State Highway Commission 800
Appt. Name: Construction
State Share: \$ 15.00
Federal Share: \$ 135.00
Total Amt. of Check: \$ 150.00

No. _____
Warrant

DISTRIBUTION

DATE	Month		Day		Year		Project Number	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount	Road Section			Paren.				
	1	1	7	6	6	6						1	0	3		1	3	0	
					5	0	0												
					3	5		Appraisal Services	479	Dr.	\$150.00								
								State vs. Altus Julian Cause No. 8325											
COUNTY NAME & NO											Scott	7	2						
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.								
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.								
Total											\$150.00								

By _____ (If a firm or corporation, give name)
Personal Signature _____ Title _____
Signature if individual _____

Signature if individual _____

Signature if individual _____
Recommend Approval: _____
Signature if individual _____
Originator _____ Date _____

By _____ (If a firm or corporation, give name)
Personal Signature _____ Title _____
Deputy Attorney General _____ Date _____
Payment Approved as to Account No. and Funds Available.
Approved _____
COST CONTROLLER _____ Date _____
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 131 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. Tompkins
Date: NOV 12 1963
Chairman, Indiana State Hwy Comm _____ Date _____
Date: _____
Chairman, Indiana State Hwy Comm _____ Date _____

OFFICIAL RECEIPT — **C**OURT CIRCUIT COURT

Oct. 1 19*57* N^o 2579

F. B. No. *19* Page *24* Cause No. *8325*

State of Indiana

vs.

Alton Julian et al

Received of *Auditor of State* the sum of *1137.00* Dollars \$ *1137.00*

Stacy F. Coleman
Clerk Scott Circuit Court

Court Costs.....	\$	
Marriage Licenses.....		
Miscellaneous Fees.....		
State Docket Fees.....		
Prosecutor Fees Due County		
Jury Fees.....		
Fines and Forfeitures.....		
Sheriff's Fees.....		
Prosecutor Fees Due State		
Fish and Game Licenses.....		
Support.....		
Safety Resp. Law Fees.....		
Trust Funds.....		
<i>Robert F. Jones</i>	<i>75.00</i>	<i>00</i>
<i>Robert F. Jones</i>	<i>75.00</i>	<i>00</i>
<i>Robert F. Jones</i>	<i>75.00</i>	<i>00</i>
TOTAL.....	\$	<i>1137.00</i>

STATE HIGHWAY COMMISSION OF INDIANA
3rd FLOOR STATE HOUSE ANNEX
INDIANAPOLIS, INDIANA

September 30, 1959

To Clerk Scott Circuit Court
Court House
Scottsburg, Indiana

GENTLEMEN:

We enclose State Warrant No. A-196140 9/24/ 1959
in settlement of the following vouchers:

DESCRIPTION	AMOUNT
For the additional amount awarded by appraisers in the condemnation case of State vs. Altus Julian, in the Scott Circuit Court, #8325	\$912.00
Appraisers' fees	<u>225.00</u>
	\$1137 00

PLEASE RECEIPT AND RETURN

Yours truly,

Richard H. Sullivan
Deputy Attorney General CHIEF CLERK

Received Payment: *Stacy F. Coleman* 10-1-1959

prescribed by the State Board of Accounts.

OFFICIAL RECEIPT - CLERK CIRCUIT COURT

No. 2237

June 8 1957

F. B. No. 19 Page 24 Cause No. 8325

State of Indiana

vs.

Alton Julian, et al

Received of Auditor of State the sum

of 29,313.00 Dollars \$ 29,313.00

Stacy F. Calman

Clerk Scott Circuit Court

Court Costs.....	\$
Marriage Licenses.....	
Miscellaneous Fees.....	
State Docket Fees.....	
Prosecutor Fees Due County	
Jury Fees.....	
Fines and Forfeitures.....	
Sheriff's Fees.....	
Prosecutor Fees Due State	
Fish and Game Licenses.....	
Support.....	
Safety Resp. Law Fees.....	
Trust Funds.....	29,088.00
<i>Appraisals</i>	225.00
TOTAL	29,313.00



STATE OF INDIANA,

COUNTY OF SCOTT

In the Scott Circuit Court,
} SS. Varolin Term 1959

FILED

SEP 1 1959

Stacy F. Coleman
CLERK OF SCOTT CIR. COURT

STATE OF INDIANA,

vs.

ALTUS JULIAN and
LEAH JULIAN (H & W),
SCOTTSBURG BUILDING AND
LOAN ASSN. (Mortgagee),

No. 8325

EXCEPTIONS TO APPRAISER'S REPORT

The plaintiff, State of Indiana, shows to the Court that it is dissatisfied with the report of the appraisers heretofore filed herein as to the damages and benefits to the defendants:

*Altus Julian and Leah Julian (H & W),
Scottsburg Building and Loan Assn. (Mortgagee),*

and as to the lands of said defendants, and is aggrieved thereby, and excepts to said report, upon each of the following grounds:

(1) The award of the appraisers is excessive.

(2) That the value of the strip of land appropriated for highway purposes, as fixed by the appraisers, is too high.

(3) That the award of the appraisers as to the damages to the residue of the lands other than the lands appropriated and taken, is excessive.

(4) That the award of the appraisers as to the damages which will result to defendants from the construction of the improvement in the manner proposed by plaintiff is excessive.

(5) That the highway in question, under the plans of the State Highway Department of Indiana, is to be improved by the construction thereon of a hard surface pavement and other structures and that the remaining lands of the defendants will be enhanced in value by reason thereof, and that the appraisers failed to allow such increase in value in determining the damages to the residue of the land of defendants other than the strip appropriated, or to offset damages and benefits as provided by law.

WHEREFORE, plaintiff appeals and excepts to said report and asks that the question of damages be tried by the Court and a jury as in other civil actions.

[Signature]
Attorney General

[Signature]
Deputy Attorney General

Deputy Attorney General

ATTORNEYS FOR PLAINTIFF

REPORT OF APPRAISERS

STATE OF INDIANA,

COUNTY OF SCOTT

IN THE

SCOTT

STATE OF INDIANA,
vs.

CIRCUIT COURT

FILED
SEP 11 1953
Clerk F. Bolman
CLERK OF SCOTT CIR. COURT

No. 8325

ALTUS JULIAN, et al.,

The undersigned appraisers in the above entitled proceedings, appointed by Hon.
Fred S. Matthews, Judge of the Scott Circuit
Court on the _____ day of _____, 19____, after
being duly sworn by the clerk of the Scott 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
Scott Circuit Court, at _____ o'clock, M., on the 4
day of September, 1957, 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 Eighteen thousand
Dollars (\$ 18,000.00).

The value of improvements, if any, on the portion of said realty sought to be appro-
priated, we find to be the sum of Two Thousand Five Hundred Dollars
(\$ 2,500.00).

P.V.

D.W.



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 \$ ~~XXXXXXXXXX~~ ^{XXXXXXXXXX} 10,000.00
H V

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 \$ 1,500.00

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 \$ 30,000.00

Date 9/4/59

W. L. Whimsey
H. E. Green
H. A. Jones
Appraisers

STATE OF INDIANA)
) SS:
COUNTY OF SCOTT)

No. 8325

In the Scott Circuit Court

May Term, 1959

STATE OF INDIANA)

vs.)

ALTUS JULIAN and LEAH)

JULIAN (H & W), SCOTTSBURG)

BUILDING AND LOAN ASSOCIATION)

(Mortgagee))

EXCEPTIONS TO APPRAISERS' REPORT

FILED IN OPEN
COURT

MAY 24 1959

Henry J. Holman
CLERK, SCOTT CIR. COURT

Come now the Defendants, Altus Julian and Leah Julian, and show to the Court that they are dissatisfied with the Report of the Appraisers heretofore filed on the 26th day of May, 1959, as to the amount of damages assessed to the Defendants above named, and as to the lands and improvements on the lands of the Defendants, and are aggrieved thereby, and except to said Report of said Appraisers, upon each of the following separate and several grounds, to-wit:

(1) That the award of the Appraisers for damages to such Defendants is too small and far below the actual damages suffered by reason of said appropriation for highway purposes.

(2) That the value of the lands appropriated for highway purposes herein as fixed by the Appraisers is too low and far below the value of the land appropriated.

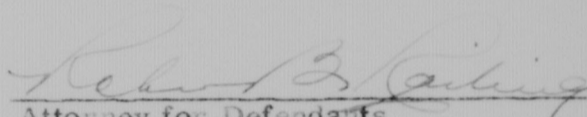
(3) That the award of the Appraisers as to the value of the improvements on the portion of the lands appropriated for highway purposes herein as fixed by the Appraisers is too low and far below the value of the improvements appropriated.

(4) That the award of the Appraisers as to the damages to the residue of the real estate of said Defendants, other than the lands appropriated and taken herein, is too low and far below the damages to the lands of said Defendants other than that appropriated by reason of the construction of said highway and

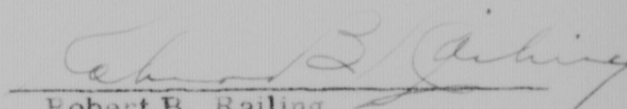
as contemplated by Plaintiff herein.

5. That the award of the Appraisers as to such other damages as will result to the defendants from the construction of the improvements described in the Complaint, in the manner proposed by Plaintiff, is too low and far below such other damages as will result to said Defendants.

WHEREFORE, the Defendants appeal and except to said Report and ask that the question of the damages as offered by said Defendants be tried by the Court and a jury as in other civil actions provided by the laws of the State of Indiana, and for all other reasonable and proper relief in the premises.


Attorney for Defendants

I certify that I have this 29 day of May, 1959, mailed a copy of the foregoing Exceptions to the Deputy Attorney General for the State of Indiana, the attorney of record for Plaintiff herein.


Robert B. Railing



STATE OF INDIANA,

COUNTY OF SCOTT

In the Circuit Court,
} SS. May Term 1959

FILED

STATE OF INDIANA,

vs.

**ALTUS JULIAN and
LEAH JULIAN (H & W),
SCOTTSBURG BUILDING AND
LOAN ASSN. (Mortgagee),**

MAY 26 1959

Stacy F. Coleman
CLERK, SCOTT CIR. COURT

No. 8325

EXCEPTIONS TO APPRAISER'S REPORT

The plaintiff, State of Indiana, shows to the Court that it is dissatisfied with the report of the appraisers heretofore filed herein as to the damages and benefits to the defendants:

**Altus Julian and Leah Julian (H & W),
Scottsburg Building and Loan Assn. (Mortgagee),**

and as to the lands of said defendants, and is aggrieved thereby, and excepts to said report, upon each of the following grounds:

(1) The award of the appraisers is excessive.

(2) That the value of the strip of land appropriated for highway purposes, as fixed by the appraisers, is too high.

(3) That the award of the appraisers as to the damages to the residue of the lands other than the lands appropriated and taken, is excessive.

(4) That the award of the appraisers as to the damages which will result to defendants from the construction of the improvement in the manner proposed by plaintiff is excessive.

(5) That the highway in question, under the plans of the State Highway Department of Indiana, is to be improved by the construction thereon of a hard surface pavement and other structures and that the remaining lands of the defendants will be enhanced in value by reason thereof, and that the appraisers failed to allow such increase in value in determining the damages to the residue of the land of defendants other than the strip appropriated, or to offset damages and benefits as provided by law.

WHEREFORE, plaintiff appeals and excepts to said report and asks that the question of damages be tried by the Court and a jury as in other civil actions.

Edward T. Jones
Attorney General

Patrick J. Sullivan
Deputy Attorney General

Deputy Attorney General

ATTORNEYS FOR PLAINTIFF



REPORT OF APPRAISERS

FILED IN OPEN COURT

STATE OF INDIANA, }
COUNTY OF SCOTT } SS:

MAY 26 1959

IN THE SCOTT CIRCUIT COURT

STATE OF INDIANA,
vs.
No. 8325
ALTUS JULIAN, et al.,

The undersigned appraisers in the above entitled proceedings, appointed by Hon. Fred S. Matthews, Judge of the Scott Circuit Court on the _____ day of _____, 19____, after being duly sworn by the clerk of the Scott 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 Scott Circuit Court, at _____ o'clock, M., on the _____ day of _____, 19____, 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 ~~fourteen thousand seven hundred~~ seventeen Dollars (\$14,717.00).

The value of improvements, if any, on the portion of said realty sought to be appropriated, we find to be the sum of ~~eight thousand nine hundred~~ Dollars (\$2,000.00).

Handwritten calculations:
14,000
717

14,717
00



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 \$ 2,472.40

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 \$ 3,871.40

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 \$ 29,089.00

Date May 30, 1939

[Signature]
[Signature]
[Signature]
Appraisers



STATE OF INDIANA,
COUNTY OF SCOTT

In the SCOTT CIRCUIT Court

SS: of SCOTT County, Indiana

March Term 1959

STATE OF INDIANA,

Plaintiff

Cause No. 8325

versus

COMPLAINT FOR APPROPRIATION
OF REAL ESTATE

ALTUS JULIAN AND LEAH JULIAN (H&W),
SCOTTSBURG BUILDING & LOAN ASSN.
(Mortgagee)

Defendants.

FILED IN OPEN
COURT

APR 9 1959

Henry S. Coleman
CLERK SCOTT CIR. COURT

NUMBER 1

The plaintiff, State of Indiana, complains of the above named defendants, and says: That the plaintiff, acting through its legally organized and constituted department, known and designated as the STATE HIGHWAY DEPARTMENT OF INDIANA, is now engaged in the improvement of a certain public highway in SCOTT County, Indiana, said highway being known as State Road No. 31, Project I 03-1 (30) 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 Department as a part of the said State Highway System. That, under the plans of said Department, as a limited access facility as defined and authorized under the Act of the General now on file in its office, said highway is to be constructed, used and maintained by plaintiff, through said Department, 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.

NUMBER 2That the defendants ALVIN JULIAN AND LEAH JULIAN (H&W),

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

"Beginning 27 rods East of the Southwest corner of the Southeast fourth of the Northwest quarter of Section 19, Township 3 North, Range 7 East, thence East 33 rods, thence North 80 rods, thence, thence West 60 rods, thence South 21 rods; thence East 27 rods, thence South 59 rods to the place of beginning, containing 20 acres.

Also beginning in the Southwest corner of the Southeast fourth of the Northwest quarter of Section 19, Township 3 North, Range 7, East running thence East 27 rods, thence North 59 rods and 6 links, thence West 27 rods thence South 59 rods and 6 links to the place of beginning, containing 10 acres."

NUMBER 3

Plaintiff is informed and verily believes that the defendant Scottsburg Building and Loan Assn., claims and asserts an interest in and to the property within.

Plaintiff alleges that ownership of the fee in and to the property as set forth in Rhetorical Paragraph 2 and said defendant last above mentioned is made party hereto, to answer as to any right, title or interest it may have in and to the real estate set forth in Rhetorical Paragraph 2.

NUMBER 4

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



NUMBER.....5.....

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 virtue of Chapter 48 of the Acts of 1905 and Chapter 225 of the Acts of 1953 of the General Assembly of the State of Indiana, and all laws amendatory thereof and supplemental to such Acts, a part of said tract of land described in Item.....2..... herein, which part so sought to be appropriated is described as follows:

NOT LIMITED ACCESS

The limited access provisions do not apply to the following described right of way not hereinbefore described as limited access right of way, to wit:

A blue-print sketch plat identifying the above described right of way by means of cross-hatched lines, is attached hereto and made part hereof as Exhibit "A."

Beginning at the Southwest corner of the Northwest Quarter of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence North, thirty feet along the half section line to the point of beginning of this tract;

(PARCEL NO. 50 LIMITED ACCESS RIGHT OF WAY)

Thence North two degrees and fifty-six minutes West, six hundred forty-three and seven tenths feet to a point;

Thence North thirty-five degrees and fifty-six minutes East, fifty-seven and nine tenths feet to a point;

Thence North twenty-two degrees and forty-two minutes East, two hundred twenty-three and six tenths feet to a point;

Thence North ten degrees and ten minutes East, two hundred six and one tenth feet to a point;

Thence North six degrees and forty-four minutes West, two hundred and three tenths feet to a point;

Thence North one degree West, fourteen feet to a point;

Thence South eighty-seven degrees and thirty-eight minutes East, two hundred twenty-one and three tenths feet to a point;

Thence South five degrees and forty-eight minutes East, two hundred eighty-six and two tenths feet to a point;

Thence South thirteen degrees and thirty-six minutes East, three hundred fifty-five and one tenth feet to a point;

Thence South twenty degrees and fifty-six minutes East, six hundred six and seven tenths feet to a point;

Thence South sixty-eight degrees and two minutes East, one hundred thirty-nine and a half feet to a point;

Thence South zero degrees and thirty-nine minutes East, thirty-three and one tenth feet to a point;

Thence South eighty-nine degrees and eleven and a half minutes West, seven hundred eighty-one and three tenths feet to the place of beginning and containing twelve and nine hundred forty-five thousandths (12.945) acres, more or less.

HJP
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50 Limited Access, Project I-03-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, two hundred ninety-seven feet left, from Station 1130 + 16 on line "U", as shown upon the plans of Project I-03-1 Section 30, Sheet 33, on file in the offices of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Limited Access Right of way and is further described as Parcel No. 50 Limited Access Right of Way:

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Permanent, 50-T and 50-T-1 and there is a separate description for each.

Beginning at the Southwest corner of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence east, along the South section line, seven hundred eighty-one and three tenths feet to a point; thence North, parallel along the East section line, seventy feet to the point of beginning of this tract;

(PARCEL NO. 50 PERMANENT RIGHT OF WAY)

Thence South eighty-nine degrees and thirty and a half minutes east, two hundred eight and eight tenths feet to a point;

Thence South zero degrees and thirty-nine minutes east, twenty-eight and nine tenths feet to a point;

Thence South eighty-nine degrees and twenty-one minutes west, two hundred eight and seven tenths feet to a point;

Thence North zero degrees and thirty-nine minutes west, thirty-three and one tenth feet to the place of beginning and containing one hundred forty-eight thousandths (0.001) of an acre, more or less.

2699
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50, Project I-03-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, seventy feet left, from Station 29 + 50 on line "I-10 - Rev.", as shown upon the plans of Project I-03-1 Section 30, Sheet 22, on file in the offices of the State Highway Department of Indiana:

And from said point of beginning: thence to enclose a tract of land to be acquired as Permanent Right of Way and is further described as parcel no. 50 Permanent Right of way;

Information: The land to be acquired is parcels No. 50 Limited Access, 50 Permanent, 50-T and 50-T-1 and there is a separate description for each.

Beginning at the Southwest corner of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence East, along the South section line, seven hundred eighty-one and three tenths feet to a point; thence North, parallel along the East section line, seventy feet to the point of beginning of this tract;

(PARCEL NO. 50-T-1 TEMPORARY RIGHT OF WAY)

Thence North sixty-eight degrees and two minutes West, one hundred thirty-nine and a half feet to a point;

Thence South eighty-seven degrees and three minutes East, two hundred thirty-nine and one tenth feet to a point;

Thence South two degrees and thirteen minutes East, ten feet to a point;

Thence North eighty-eight degrees East, sixty-five and seven tenths feet to a point;

Thence North one degree and forty-seven minutes West, eight feet to a point;

Thence South eighty-nine degrees and fifteen minutes East, thirty-three and one tenth feet to a point;

Thence South zero degrees and thirty-nine minutes East, forty-one and seven tenths feet to a point;

Thence North eighty-nine degrees and thirty and a half minutes West, two hundred eight and eight tenths feet to the place of beginning and containing two hundred fifty-seven thousandths (0.257) of an acre, more or less.

Handwritten:
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50-I-1, Project I-03-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, seventy feet left, from Station 25 + 50 on line "S-06-10-2 Rev.", as shown upon the plans of Project I-03-1 Section 30, Sheet 22, on file in the offices of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Temporary Right of Way and is further described as Parcel No. 50-I-1 Temporary Right of Way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Right of Way, 50-I-1 and 50-I and there is a separate description for each.

Beginning at the southwest corner of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence east, parallel with the section line, one hundred sixteen feet to a point; thence South, parallel with the section line, twenty-three and two tenths feet to the point of beginning of this tract;

(PARCEL NO. 50-1 TEMPORARY RIGHT OF WAY)

Thence South six degrees and forty-four minutes East, one hundred fifty and two tenths feet to a point;

Thence South eighty-six degrees and eight minutes West, ninety-seven and a half feet to a point;

Thence North three degrees and fifty-two minutes West, one hundred fifty feet to a point;

Thence North eighty-six degrees and eight minutes East, ninety feet to the place of beginning and containing three hundred thirty-four thousandths (0.334) of an acre, more or less.

HJD
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50-1, Project 1-01-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, one hundred ten feet East, from station 1143 + 00 on line "U", as shown upon the plans of Project 1-01-1 Section 29, Sheet 23, on file in the offices of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as

Temporary Right of Way and is further described as Parcel No. 50-T Temporary Right of Way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Permanent, 50-T-1 and 50-T and there is a separate description for each.

NUMBER 5

That prior to the bringing of this action, the plaintiff, through the said State Highway Department of Indiana, made an effort to purchase said described right of way and interest in said land 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 property for the use hereinbefore stated.

NUMBER 7

That prior to the bringing of this action the said State Highway Department of Indiana adopted a resolution setting forth the description of said real estate sought to be acquired by it, as above set forth, which said resolution alleged and set forth that said real estate 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 6

That said highway so to be improved extends from the Kentucky State line thence running North through all of Clark County, Indiana, thence through Columbus, Franklin, Indianapolis, Kokomo, Peru, Plymouth South Bend and terminating at the Michigan State line; and that the termini and course of the particular project involved is as follows: Beginning at a point approximately 88.7 feet South and 777.3 feet East of the Northwest corner of the Northeast quarter of Section 19, Township 2 North, Range 7 East in Monroe Township, Clark County and extending in a Northerly direction to a point approximately 1559.4 feet East and 1046.4 feet West of the Southeast corner of the Northwest quarter of Section 19, Township 3 North, Range 7 East, in Vienna Township,

in Scott County, and State of Indiana, and said right of way is to be 200 feet wide, excepting where additional width may be required for construction purposes.

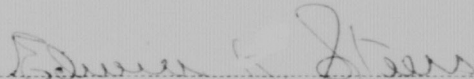
NUMBER 9

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



NUMBER 10

WHEREFORE, the plaintiff prays that three disinterested freeholders of said county be appointed to appraise the value of the real estate sought to be condemned, and to fix the amount of benefits and damages, if any; and that such appraisers be ordered to report their appraisal, as by law provided, within a reasonable time to be fixed by the court, and that all other steps be taken and all proceedings had necessary for the State Highway Department of Indiana to acquire, by the right of eminent domain, the property so sought to be condemned for the purpose aforesaid.



ATTORNEY GENERAL



DEPUTY ATTORNEY GENERAL

DEPUTY ATTORNEY GENERAL

ATTORNEYS FOR PLAINTIFF

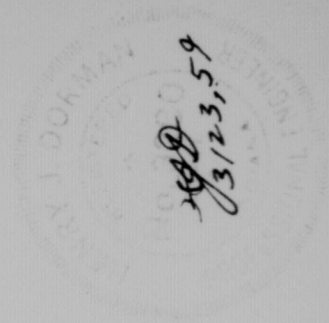


Scale 1" = 40 Rods

Wm. F. Leitch, Juhan

J. 03 / 1899

Wm. F. Leitch, Juhan

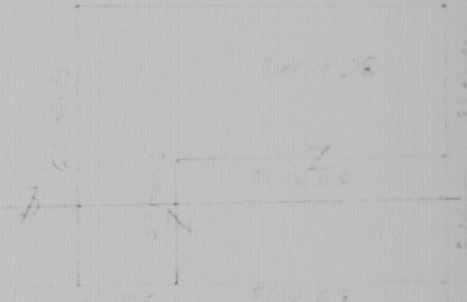


BJH



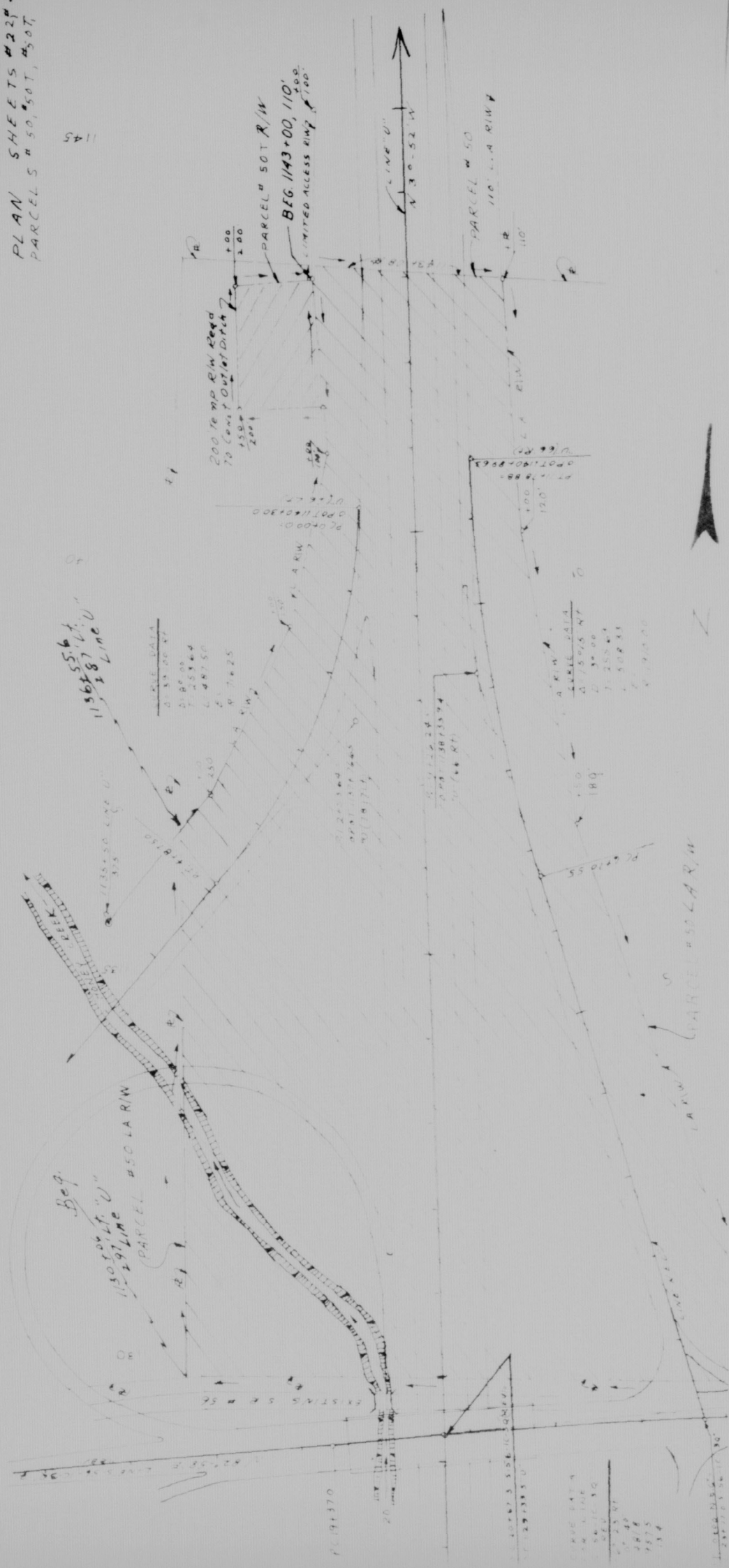
T.M.V.

S.L. 10, T. 34, R. 12



PLAN SHEETS #22#23
 PARCELS # 50, 50T, 50T

11
 45



SCALE 1/4" = 1'
 SECTION 1 OF 1

USR 310 Kings R #56
 I-03-1(30) SCOTT

ALTON & LEAN JULIAN
 19 34 7E

Parcel 50 LA R/W	12.945 Ac
Parcel 50 R/W	0.148 Ac
Parcel 50T	0.334 Ac
Parcel 50T-1	0.251 Ac
Total	13.684 Acres

13684
 3 23 59
 DRAWN: D.L.M.
 CHECKED:

3/23/59

R E S O L U T I O N

WHEREAS, the carrying out of the construction and improvement by the State Highway Department of Indiana of Project No. I 03-1 Sec. 30, in Scott 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 S.R. 31 Road, which highway forms a part of a State Highway designated in the records and files of the State Highway Department of Indiana as Road No. 31, which extends from the Kentucky State line thence running North through all of Clark County, Indiana, thence through Columbus, Franklin, Indianapolis, Kokomo, Peru, Plymouth South Bend and terminating at the Michigan State line

the general width of the right of way for said project is 200 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 State Highway Department 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 68.7 feet South and 777.3 feet East of the Northwest corner of the Northeast quarter of Section 19, Township 2 North, Range 7 East in Monroe Township, Clark County and extending in a Northerly direction to a point approximately 1559.4 feet East and 1046.4 feet West of the Southeast corner of the Northwest quarter of Section 19, Township 3 North, Range 7 East, in Vienna Township, Scott County, State of Indiana.

AND WHEREAS, it is necessary in making said improvement to acquire a right of way as hereinafter described over land of Altus Julian and Leah Julian, husband and wife, Scottsburg, Indiana and Scottsburg Building and Loan Assn., Scottsburg, Indiana, and,

WHEREAS, the State Highway Department 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 Scott 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:

(Project I-11-1 (10) Parcel 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

Beginning at the southwest corner of the northeast quarter of section nineteen, Township three North, Range seven East, Clinton County, Iowa; thence south, thirty feet along the half section line to a point of a bearing of 10° East;

(PARTIAL TO SECTION TWENTY-NINE)

Thence North two degrees and fifty-six minutes East, six hundred forty-three and seven tenths feet to a point;

Thence North thirty-five degrees and fifty-six minutes East, three hundred and nine tenths feet to a point;

Thence North twenty-two degrees and forty-two minutes East, one hundred and three and six tenths feet to a point;

Thence North two degrees and forty-two minutes East, one hundred and three feet to a point;

Thence North six degrees and forty-two minutes East, two hundred and thirty tenths feet to a point;

Thence North one degree and forty-two minutes East, one hundred feet to a point;

Thence North eighty-two degrees and forty-two minutes East, the natural twenty-one and three tenths feet to a point;

Thence South five degrees and forty-two minutes East, five hundred and six and two tenths feet to a point;

Thence South thirteen degrees and forty-two minutes East, three hundred fifty-five and one tenth feet to a point;

Thence South twenty degrees and forty-two minutes East, six hundred six and seven tenths feet to a point;

Thence South eight degrees and forty-two minutes East, one hundred thirty-nine and a half feet to a point;

Thence South zero degrees and forty-two minutes East, thirty-three and one tenth feet to a point;

Thence South eighty-nine degrees and eleven and a half minutes West, seven hundred eighty-one and three tenths feet to the place of beginning and containing twelve and nine hundred forty-five thousandths (12.945) acres, more or less.

HJD
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50 Limited Access, Project I-01-1 (10), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, two hundred ninety-seven feet left, from Station 1130 + 15 on line "A", as shown upon the plans of Project I-01-1 Section 23, Sheet 23, on file in the office of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Limited Access Right of way and is further described as Parcel No. 50 Limited Access Right of Way:

Information: The land to be acquired is parcels no. 50 Limited Access, 50 Permanent, 50-T and 50-T-1 and there is a separate description for each.

NOT LIMITED ACCESS

The limited access provisions do not apply to the following described right of way not hereinbefore described as limited access right of way, to wit:

Beginning at the Southwest corner of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence East, along the South section line, seven hundred eighty-one and three tenths feet to a point; thence North, parallel along the East section line, seventy feet to the point of beginning of this tract;

(PARCEL NO. 50 PERMANENT RIGHT OF WAY)

Thence South eighty-nine degrees and thirty and a half minutes East, two hundred eight and eight tenths feet to a point;

Thence South zero degrees and thirty-nine minutes East, twenty-eight and nine tenths feet to a point;

Thence South eight - nine degrees and twenty-one minutes West, two hundred eight and seven tenths feet to a point;

Thence North zero degrees and thirty-nine minutes West, thirty-three and one tenth feet to the place of beginning and containing one hundred forty-eight thousandths (0.00148) of an acre, more or less.

HGD
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50, Project I-03-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, seventy feet left, from Station 29 + 50 on line "I-03-1- Rev.", as shown upon the plans of Project I-03-1 Section 30, Sheet 22, on file in the offices of the State Highway Department of Indiana:

And from said point of beginning; thence to enclose a tract of land to be acquired as Permanent Right of Way and is further described as Parcel No. 50 Permanent Right of way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Permanent, 50-T and 50-T-1 and there is a separate description for each.

Beginning at the Southwest corner of Section nineteen, Township three North, Range seven East, Tenna Township, Scott County, Indiana; thence East, along the South section line, seven hundred eighty-one and three tenths feet to a point; thence North, parallel along the East section line, seventy feet to the point of beginning of this tract;

(PARCEL NO. 50-T-1 TEMPORARY EASEMENT)

Thence North sixty-eight degrees and two minutes West, one hundred thirty-nine and a half feet to a point;

Thence South eighty-seven degrees and three minutes East, two hundred thirty-nine and one tenth feet to a point;

Thence South two degrees and thirteen minutes East, ten feet to a point;

Thence North eighty-eight degrees East, sixty-five and seven tenths feet to a point;

Thence North one degree and forty-seven minutes East, eight feet to a point;

Thence South eighty-nine degrees and fifteen minutes East, thirty-three and one tenth feet to a point;

Thence South zero degrees and thirty-nine minutes East, forty-one and seven tenths feet to a point;

Thence North eighty-nine degrees and thirty and a half minutes West, two hundred eight and eight tenths feet to the place of beginning and containing two hundred fifty-seven thousandths (0.257) of an acre, more or less.

SLD
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50-F-1, Project I-33-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, seventy feet left, from Station 25 + 50 on line "S-36-10-2 Rev.", as shown upon the plans of Project I-33-1 Section 30, Sheet 22, on file in the offices of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as Temporary Right of Way and is further described as Parcel No. 50-F-1 Temporary Right of way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Right of way, 50-F-1 and 50-T and there is a separate description for each.

Beginning at the Southwest corner of Section nineteen, Township three North, Range seven East, Vienna Township, Scott County, Indiana; thence East, parallel with the section line, one hundred sixteen feet to a point; thence South, parallel with the section line, twenty-three and two tenths feet to the point of beginning of this tract;

(PARCEL NO. 50-1 TEMPORARY POINT OF WAY)

Thence South six degrees and forty-four minutes East, one hundred fifty and two tenths feet to a point;

Thence South eighty-six degrees and eight minutes West, ninety-seven and a half feet to a point;

Thence North three degrees and fifty-two minutes West, one hundred fifty feet to a point;

Thence North eighty-six degrees and eight minutes East, ninety feet to the place of beginning and containing three hundred thirty-four thousandths (0.34) of an acre, more or less.

HAD
3/23, 59

NOTE: The following is for Indiana State Highway Department records.

The above description applies to Parcel No. 50-1, Project 1-23-1 (30), said intended point of beginning for this survey being that point measured at right angles, ninety degrees, one hundred ten feet left, from station 1163 + 00 on line "B", as shown upon the plans of Project 1-23-1 Section 30, Sheet 23, on file in the offices of the State Highway Department of Indiana;

And from said point of beginning; thence to enclose a tract of land to be acquired as

Temporary Right of Way and is further described as Parcel No. 50-T Temporary Right of Way;

Information: The land to be acquired is Parcels No. 50 Limited Access, 50 Permanent, 50-T-1 and 50-T and there is a separate description for each.

Form CR-2
Rev. 4-58

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 Highway Department present at a regular meet-
ing held in the office of the Indiana Highway
Department in Indianapolis, Indiana, on the 3rd day
of April 1959.

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

STATE HIGHWAY DEPARTMENT OF INDIANA

By [Signature]
Chairman
[Signature]
Member
[Signature]
Secretary


Offices of the State Highway Department 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 Altus Julian and
Leah Julian, husband and wife, Scottsburg, Indiana and
Scottsburg, Building and Loan Assn., Scottsburg, Indiana
in Scott County, Indiana, as the
same appears on records in the files of said Department in the State
House Annex in the City of Indianapolis, Indiana.

IN WITNESS WHEREOF, I, John Peters, Chairman of the State
Highway Department of Indiana, hereto place my hand and seal of
said Department on this 3rd day of April, 1959.


Chairman

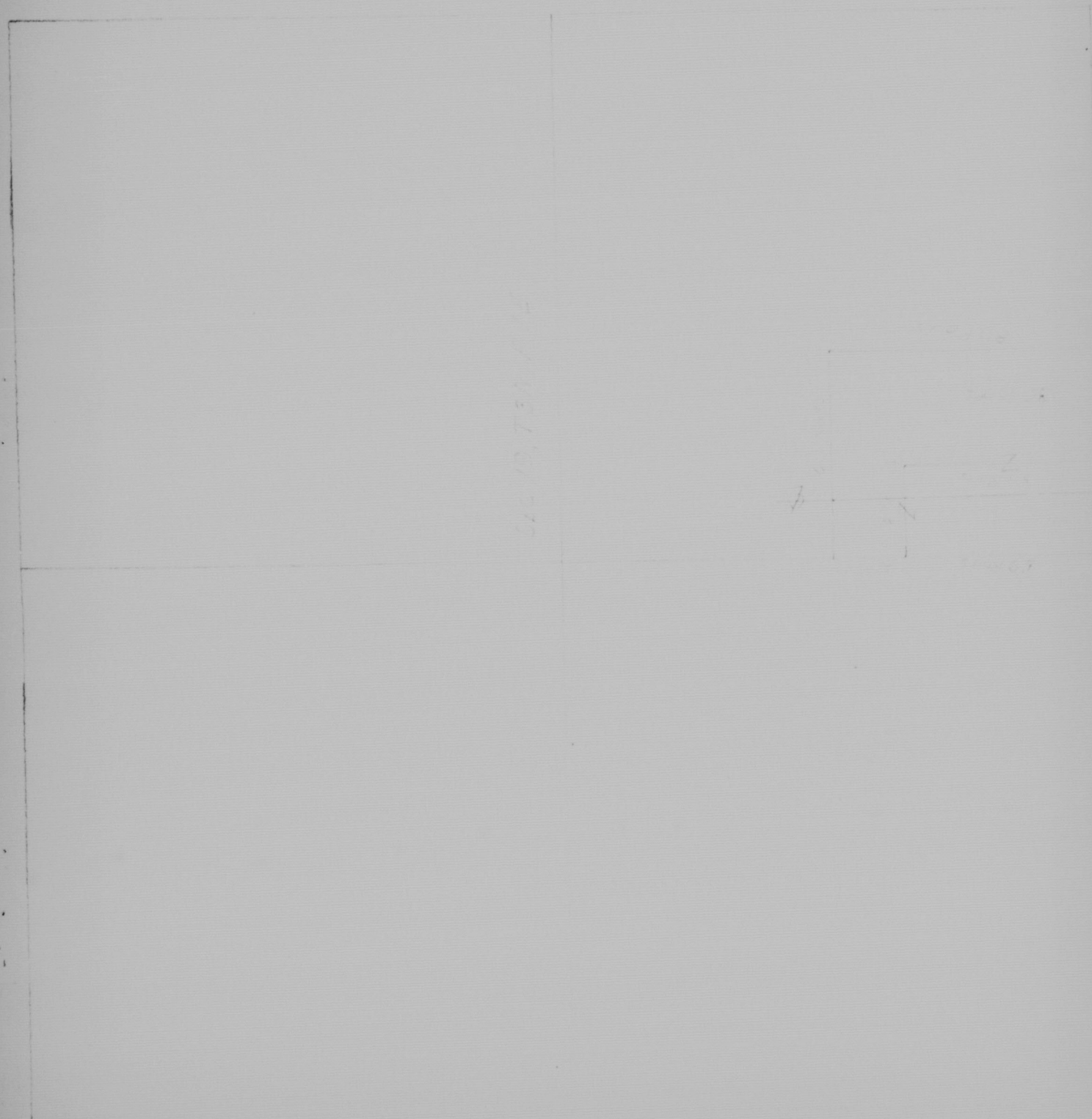
ATTEST:


Secretary



Some North Pole
with float below
3000 ft
1000 ft

3123, 59

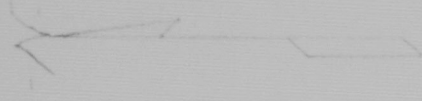


See 10, 731 / 14

3123, 59

Sec. 6 NE

2-NE Cor. NW 1/4



Scale 1" = 200' 1/2

Missouri, John

1000000

1000000

1000000

1000000

3/23/59

Revised 7/21, 59

1000000



TITLE AND ENCUMBRANCE REPORT

RIGHT OF WAY DEPARTMENT STATE HIGHWAY DEPARTMENT OF INDIANA

S. R. 31 I PROJ. No. 03-1 (30) COUNTY Scott

Names on Plans Leah Altus Leah Julian

Names in Trans. Book Altus & Leah Julian

Description or Addition	Sec.	Twp.	Rge.	Acres	Assessed Value
of Se. 1/4 Swqr.	19	3	7	10	300
of Se. 1/4 Swqr.	19	3	7	10	200
of Se. 1/4 Swqr.	19	3	7	10	600-3755

LAST OWNER OF RECORD

Deed Record 36 p. 54 Recorded Aug. 21, 1954 Dated Aug. 21, 1954 Deed

Grantor Homer E. Starnsey

Grantee Altus Julian and Leah Julian, husband and wife

Address of Grantee Scottsburg, Indiana

MORTGAGE RECORD

Mortgage Record 43 p. 288 Amount \$10,000.00 Dated Jan. 26, 1957

Mortgagor Altus Julian and Leah Julian, husband and wife

Mortgagee Scottsburg Building & Loan Association

JUDGMENT RECORD Yes None LIS PENDENS RECORD Yes None

MISCELLANEOUS RECORD Yes None EASEMENTS Yes None

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

TAXES \$334.50 Current Paid 168.25 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 hereinbefore requested for the same period are set forth,

Dated this 11 day of Oct 1958 Beland M. [Signature]
Abstractor

Prel. Approval of Title _____ Date _____ By _____
Deputy Attorney General

Final approval of Abstract of Title _____ Date _____ By _____
Deputy Attorney General

CAPTION

To the following described real estate situated in Vienna Township, Scott County, Indiana, to-wit:

beginning 27 rods East of the Southwest corner of the Southeast fourth of the Northwest quarter of Section 19, Township 3 North, Range 7 East, thence East 33 rods, thence North 60 rods, thence, thence west 60 rods, thence South 21 rods; thence East 27 rods, thence South 59 rods to the place of beginning, containing 20 acres.

Also beginning in the Southwest corner of the Southeast fourth of the Northwest quarter of Section 15, Township 3 North, Range 7 East, thence East 27 rods, thence North 27 rods and 6 links, thence West 27 rods thence South 27 rods and 6 links to the place of beginning, containing 10 acres.

Prepared by [Name] Notary and Abstractor
Scott County, Indiana

Homer B. Guernsey, unmarried
and of legal age

To

Altus Julian and Leah Julian,
husband and wife

Warranty Deed

Dated August 21, 1954

Recorded August 21, 1954

Deed Record 36, page 54

Scott County, Indiana

Consideration: One Dollar and
Other Valuable Considerations

Stamped: \$12.10

Acknowledged August 21, 1954

Before Marie E. Casserville, Notary Public, Scott County, Indiana.

Description:

Beginning 27 rods East of the Southwest corner of the
Southeast fourth of the Northwest quarter of Section 19,
Township 4 North, Range 7 East, thence East 33 rods
thence North 40 rods, thence, thence West 60 rods, thence,
thence South 21 rods; thence East 27 rods, thence South 59 rods
to the place of beginning, containing 20 acres.

Also beginning in the Southwest corner of the Southeast
fourth of the Northwest quarter of Section 19, Township
4 North, Range 7 East running thence East 27 rods,
thence North 37 rods and 4 links, thence West 27 rods
thence South 57 rods and 4 links to the place of
beginning, containing 10 acres.

10.50
11.00

Goldie Rosenberg King and Otha
King, her husband

To

Robert E. Gurnsey and Lillie
Ray Gurnsey, husband and wife

Warranty Deed

Dated April 17, 1948

Recorded April 20, 1948

Deed Record 32, page 181

Scott County, Indiana

Consideration: One Dollar and
Other Valuable Considerations

Stamped: \$15.40

Acknowledged April 17, 1948

Before Harry L. McCall, Notary Public, Scott County, Indiana.

Description:

Beginning at the Southwest corner of the Southeast fourth
of the Northwest quarter of Section 15, Township 3 North,
Range 7 East running thence East 27 rods, thence North
59 rods and 6 links, thence West 27 rods thence South
59 rods and 6 links to the place of beginning, containing
10 acres.

Also beginning 27 rods east of the Southwest fourth of the
Northwest quarter of Section 15, Township 3 North, Range
7 East, thence East 27 rods, thence North 59 rods, thence
West 50 rods, thence South 21 rods, thence East 27 rods,
thence South 59 rods to the place of beginning, containing
20 acres.

William E. Rodenburg, unmarried

Warranty Deed

To

Dated May 13, 1939

Goldie M. Rodenburg

Recorded May 13, 1939

Deed Record 28, page 393

Scott County, Indiana

Consideration: \$1400.00

Stamp: \$1.50

Acknowledged May 13, 1939

Before: Leland M. West, Notary Public, Scott County, Indiana.

Description:

Beginning at the Southwest corner of the Southeast fourth of the Northwest quarter of Section 19, Township 3 North, Range 7 East, running thence East 27 rods, thence North 27 rods and 4 links, thence West 27 rods, thence South 59 rods and 4 links to the place of beginning, containing 10 acres. Also beginning 27 rods East of the Southwest fourth of the Northwest quarter of Section 19, Township 3 North, Range 7 East, thence East 33 rods, thence North 30 rods, thence West 30 rods, thence South 21 rods, thence East 3 rods, thence South 59 rods to the place of beginning containing 20 acres.

All of undivided one-half interest in and to the above described real estate.

Goldie Rodenburg

No. 864

VS

In the Scott Circuit Court

William S. Rodenburg

Complaint filed September 3, 1935.

Among other proceedings had the following judgment was entered April 7, 1936.

Does now the plaintiff in person and by her attorney Joseph A. Verburg, and does also the defendant in person and by his attorney, Edward D. Lewis and the court having heretofore heard the evidence and the argument of counsel and being now duly advised in the premises finds for the plaintiff and that the allegations of the first paragraph of her complaint are true and that she is entitled to a decree of divorce from the defendant on the grounds therein alleged. The court further finds for the defendant upon the second paragraph of plaintiff's complaint. The court further finds for the plaintiff and cross defendant on the cross-complaint of defendant and cross-complain. The court further finds that the plaintiff is a suitable and proper person to have the care, custody and control of the children named in her said complaint, and that plaintiff is entitled to recover all of the personal property now in her possession and situated on or about her premises in the town of Scotsburg said county and state excepting one brass bed, one dresser, one chiffonier, one high chair and the papers and photographs which are the personal effects of the defendant. The court further finds that the plaintiff is entitled to an allowance for the maintenance and support of said children.

It is, therefore, considered and adjudged by the court that the bonds of matrimony existing between plaintiff and defendant herein be and they are hereby dissolved and that plaintiff is hereby granted a divorce from defendant.

It is further considered and adjudged by the court that plaintiff have and recover of and from the defendant all of the personal property now situate on or about the residence and home of the plaintiff in the town of Scottsburg, Scott County, Indiana, except one brass bed, one dresser, one chiffoner, one high chair and the papers and photographs which are the personal effects of the defendant herein and which are now and hereby adjudged the property of and awarded to the defendant.

It is further considered and ordered by the court that the plaintiff have the care, custody and control of the following named children, to-wit: Ruth Marie Rodenburg 20 years of age and Josephine Anne Rodenburg, 12 years of age provided however that the defendant shall have the right and privilege of the custody and control of said child, Josephine Anne Rodenburg on each Wednesday and on a part of each Sunday all until the further order of this court; it is further ordered that defendant pay to the Clerk of this court weekly beginning April 8, 1939 for the support and maintenance of said children the sum of \$6.00.

It is further considered and adjudged that plaintiff recover of the defendant her costs and charges herein paid, laid out and expended.

Recorded in Order Book 59, Page 112
Clerk's Office, Scott County, Indiana.

Lee Downey Executor of the Last
Will and Testament of George T.
Pound, deceased, by order of the
Scott Circuit Court of Scott
County in the State of Indiana
entered in Order Book V of said
court on page 257

To

William E. Redenburg and Goldie M.
Redenburg, husband and wife

Before Lawson W. Case, Notary Public, Scott County, Indiana.

Description:

Beginning at the Southwest corner of the Southeast fourth
of the Northwest quarter of Section 19, Township 3 North,
Range 7 East, running thence East 25 rods, thence North
25 rods and 6 links, thence West 27 rods, thence South
25 rods and 6 links to the place of beginning, containing
25 acres.

Executor's Deed

Dated January 24, 1929

Recorded January 25, 1929

Deed Record 26, page 487

Scott County, Indiana

Consideration: \$600.00

Witnessed:

Acknowledged January 24, 1929

George V. Cain and Olive M. Cain,
his wife

To

William F. Rodenburg and Goldie
M. Rodenburg, husband and wife

Warranty Deed

Dated October 13, 1924

Recorded November 6, 1924

Deed Record 26, page 84

Scott County, Indiana

Consideration: \$1.00

Stamped: \$2.50

Acknowledged October 13, 1924

before Jesse E. Davis, Notary Public, Scott County, Indiana.

Description:

Beginning 27 rods East of the Southwest corner of the South-
east quarter of the Northwest quarter of Section 19, Town-
ship 3 North, Range 7 East; thence East 33 rods, thence
North 80 rods thence West 60 rods, thence South 21 rods,
thence East 27 rods, thence South 59 rods to the place of
beginning containing 20 acres. All in Section 19, Township
3 North, Range 7 East.