

INDIANA DEPARTMENT OF HIGHWAYS
FINAL REPORT ON CONDEMNATION

Date: May 12, 1983

State of Indiana vs. Maurice G. Bryant et al

Court Hendricks Circuit Cause No C781-309

Location of Land Hendricks County, Indiana.

Project No. RSG-3332(1) Parcel 1 Road No. S.R. 75

Our offer \$8,450.00 Appraisers' Award N/A

Date Deposited With ----- County Clerk

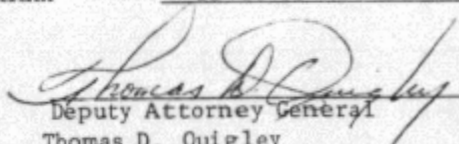
~~Additional~~ amount deposited for final settlement \$ 10,000.00

Date Deposited April 14, 1982

Total paid to defendant \$ 10,000.00

Amount refunded to State \$ -----

~~Settlement~~ - Settlement/ ~~Final~~ Date 11-19-81


Deputy Attorney General
Thomas D. Quigley

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

IN THE HENDRICKS CIRCUIT COURT
CAUSE NO. C781-309

STATE OF INDIANA,)
)
Plaintiff,)
)
vs.)
)
MAURICE G. BRYANT, et al.,)
)
Defendants.)

FILED
IN OPEN COURT

MAR 9 1982

J. V. Bl...
Judge Hendricks Circuit Court

AGREED FINDING AND JUDGMENT

Comes now the plaintiff, State of Indiana, by Linley E. Pearson, Attorney General, by and through Stephen C. McNutt, Deputy Attorney General, and comes now the Defendants, Maurice G. Bryant and Mary E. Bryant, by their attorney of record herein, John M. Howard, and defendant, Treasurer of Hendricks County by its attorney of record herein, Arthur R. Welling, and come not the Auditor of Hendricks County and plaintiff now withdraws its request for a jury trial, and this cause is now submitted to the Court upon the issues formed by the pleadings 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 the fee simple title of defendants' real estate on July 9, 1981, which complaint is in words and figures as follows:

(H.I.)

and the defendants were properly served with notice as provided by statute prior to the hearing in this cause.

2. That defendants, Maurice G. Bryant and Mary E. Bryant, withdraw their objections to Plaintiff's complaint.

3. That the total value of the fee simple title of defendants' real estate taken and the damages to the remaining land of the defendants is Ten Thousand Dollars (\$10,000.00), which sum includes any interest to which the defendants may be entitled, and that the defendants, Maurice G. Bryant and Mary E. Bryant should recover from the plaintiff, State of Indiana, total damages in the sum of Ten Thousand Dollars (\$10,000.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the fee simple title of defendants' real estate described in plaintiff's complaint be, and the same is appropriated, said fee simple title being more particularly described as follows:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20; AND A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 15 NORTH, RANGE 2 WEST, HENDRICKS COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID SECTION 29 NORTH 89 DEGREES 25 MINUTES 53 SECONDS WEST 13.88 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 29, WHICH POINT OF BEGINNING IS ON THE WEST BOUNDARY OF S.R. 75; THENCE SOUTH 0 DEGREES 09 MINUTES 00 SECONDS EAST 25.33 FEET ALONG THE BOUNDARY OF SAID S.R. 75; THENCE SOUTH 0 DEGREES 07 MINUTES 00 SECONDS EAST 917.53 FEET ALONG SAID BOUNDARY TO THE WESTERN BOUNDARY OF THE RIGHT OF WAY AS RECORDED FEBRUARY 28, 1975 IN DEED RECORD 235, PAGE 583 IN THE OFFICE OF THE RECORDER OF HENDRICKS COUNTY, INDIANA; THENCE ALONG SAID WESTERN BOUNDARY OF SAID RIGHT OF WAY SOUTHWESTERLY 286.06 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 1,944.86 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 4 DEGREES 05 MINUTES 49 SECONDS WEST AND A LENGTH OF 285.80 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 374.67 FEET; THENCE NORTH 14 DEGREES 09 MINUTES 10 SECONDS WEST 103.08 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 100.00 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 00 SECONDS EAST 10.00 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 400.00 FEET; THENCE NORTH 8 DEGREES 38 MINUTES 51 SECONDS WEST 202.24 FEET; THENCE NORTH 4 DEGREES 21 MINUTES 28 SECONDS WEST 272.37 FEET TO THE SOUTHEASTERN LINE OF THE RIGHT OF WAY OF THE CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY; THENCE NORTH 60 DEGREES 43 MINUTES 30 SECONDS EAST 98.45 FEET ALONG SAID SOUTHEASTERN LINE TO THE WEST BOUNDARY OF SAID S.R. 75; THENCE SOUTH 0 DEGREES 09 MINUTES 00 SECONDS EAST 266.35 FEET ALONG THE BOUNDARY OF SAID S.R. 75 TO THE POINT OF BEGINNING AND CONTAINING 0.438 ACRES, MORE OR LESS, IN SAID SECTION 20; AND CONTAINING 0.220 ACRES MORE OR LESS IN SAID SECTION 29; AND CONTAINING IN ALL 1.358 ACRES, MORE OR LESS.

IT IS FURTHER ORDERED, ADJUSTED AND DECREED by the Court that the defendants, Maurice G. Bryant and Mary E. Bryant, have and recover from the State of Indiana as final and total damages the sum of Ten Thousand Dollars (\$10,000.00), which sum includes any interest to which the defendants may be entitled and that the Clerk of the Court pay said amount to the defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, State of Indiana, pay to the Clerk of the Court the sum of Ten Thousand Dollars (\$10,000.00), which amount equals the amount of this judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that defendant, Auditor of Hendricks County is defaulted and shall take nothing in this cause of action.

LINLEY E. PEARSON
Attorney General of Indiana

By: Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General

John M. Howard
John M. Howard
Attorney for Maurice and
Mary Bryant

[Signature]
Judge of Hendricks Circuit Court

FILED
IN OPEN COURT.

Date: _____
MAR 9 1982

[Signature]
Judge Hendricks Circuit Court

PARCEL NO. 1

OWNER: BRYANT, MAURICE G. ET UX.

DRAWN BY: J. HASA 2/29/80

PROJECT NO. RSG-3332(1)

DEED RECORD 213 PAGE 392 DATED 5/9/70

CHECKED BY: RON RANEY 3-20-80


ROAD NO. S.R. 75

COUNTY: HENDRICKS

SECTION: 20 & 29

TOWNSHIP: 15 N.

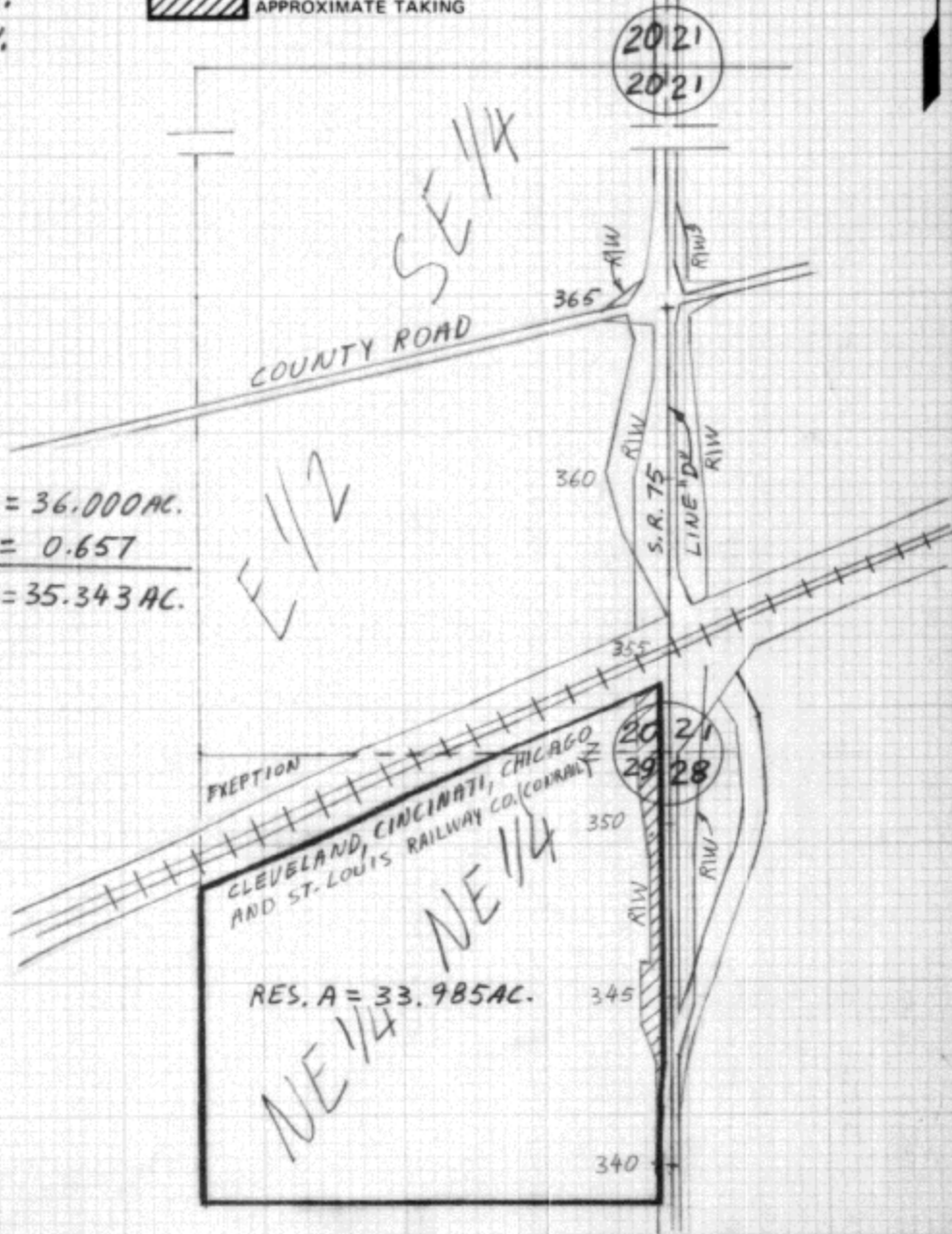
RANGE: 2 W.

 HATCHED AREA IS THE APPROXIMATE TAKING

SCALE: 1" = 400'

TOTAL AREA = 36.000 AC.
RIW EXISTING = 0.657

NET TOTAL AREA = 35.343 AC.



MEMORANDUM

Re: State v. Maurice Bryant
Hendricks Circuit Court
Cause No. C781-309

The adjustments set forth on page one of the mimeographed form are thought to be justified for the following reasons:

The original appraisal for the State was made November 19, 1980, almost eight months prior to the date of condemnation. An adjustment to the appraisal is necessary to conform to the date of valuation under law. (See FHPM 60, Vol. 7, Ch. 2, Sec. 4, Attachment 1, Paragraph III-A-4).

Recent jury verdicts in Hendricks County have run 203% of the State's offer. This factor may be considered. (See FHPM 60, Vol. 7, Ch. 2, Sec. 4, Paragraph III-A-11).

The appraiser for the State is a member of the highway staff. In light of the hostile jury verdicts in Hendricks County, it is advisable to hire an independent fee appraiser. This would cost at least \$800.00. This factor may be considered. (See FHPM 60, Vol. 7, Ch. 2, Sec. 4, Attachment 1, Paragraph III-B-1).

Defendants have hired Bob Sell to appraise the property and testify at trial. Mr. Sell will testify to damages of \$11,000.00. Mr. Sell is a very good witness with much experience and high qualifications. His testimony will carry much weight. (See FHPM 60, Vol. 7, Ch. 2, Sec. 4, Attachment 1, Paragraph III-A-5).

The key element of damages in this case will be residue damage. The project as planned will decrease the distance from the house to the State right-of-way from thirty-five feet to five feet. This will create a difficult valuation problem for the jury since all jurors can sympathize with the landowner because of the noise and inconvenience of having a road so close to the residence. This difficult situation will work against the State. (See FHPM 60, Vol. 7, Ch. 2, Sec. 4, Attachment 1, Paragraph III-A-8).

In addition, there has been no appointment of Court appraisers in this case. Although the amount of compensation varies, it would be at least \$375.00 to as much as \$600.00 or more. This factor may be considered. (See FHPM 60, Ch. 2, Sec. 4, Attachment 1, Paragraph III-B-1).

In conjunction with these items, the cost to the acquiring agency of preparing the case for trial and the cost of actually trying the case may be considered in justifying the settlement.

For the above reasons, the settlement in the amount of \$10,000.00 is thought to be justified and in the best interest of the State of Indiana.

Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General

Date: 11-18-81



OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
215 STATE HOUSE
46204

November 19, 1981

Mr. John M. Howard
HOWARD & LAWSON
110 S. Washington Street
Danville, IN 46122

Re: State v. Maurice Bryant, et al., Hendricks Circuit
Court, Cause #C781-309, Project #RSG-3332(1),
Parcel #1

Dear John:

This letter and enclosed Agreed Finding and Judgment concerns the above-captioned case. The project plans show that the existing drive will be saved up to the State right-of-way. The cash offer made in this case includes the cost for the landowner to erect new farm field-type fence on the property.

If this agreement meets with your approval, please sign all copies and forward two (2) copies to the Judge for his signature. Please ask the Judge to send me a copy of the judgment after he has signed it. I have enclosed an envelope for this purpose. You will receive payment thru the clerk three to six weeks after I have received the signed judgment.

I will be on vacation until December 7, 1981. If you have any questions during the interim period, please talk to Dennis McKinney. His number is 232-6307.

Yours truly,

Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General

SCMcN:mas

Enclosures

CIVIL COURT DOCKET, HENDRICKS CIRCUIT COURT

Filed

7-15-81

ATTORNEYS

PARTIES

NO. C781-309 ©

Stephen C. McNutt, DAG
Attorney General's Office
219 State House
Indianapolis, IN 46204

STATE OF INDIANA

VS

Treasurer of Hendricks Co.)
Arthur R. Welling, Jr.
O, DECKARD & O'BRIEN
N. Washington St.
Indianapolis, Indiana 46122

MAURICE G. BRYANT, MARY E. BRYANT,
AUDITOR OF HENDRICKS COUNTY and
TREASURER OF HENDRICKS COUNTY

DATE	MINUTES OF THE COURT
7-15-81	Complaint for Appropriation of Real Estate filed (H.I.). Summons by Sheriff of Hendricks County.
7-15-81	(Clerk please issue Complaint for Appropriation of Real Estate and Praecipe (H.I.) with Summons by the Sheriff of Hendricks County and make due return thereon and notify all attys. of record)
7-28-81	Arthur R. Welling enters his Appearance on behalf of Treasurer of Hendricks County (H.I.).
7/31/81	John M. Howard, Jr. enters his appearance on behalf of the defendants, Maurice G. Bryant and Mary E. Bryant, (H.I.) files Defendants' Objections to Plaintiff's Condemnation Complaint, (H.I.)
8/5/81	Request for hearing filed, (H.I.) This matter set for hearing on September 17, 1981 at 2:00 p.m.; 1 hour allotted. NOTIFY
8/10/81	Defendants' Request for Continuance of Hearing filed, (H.I.)
8/11/81	Hearing in this matter is reset for September 30, 1981 at 2:00 p.m. 1 hour allotted per signed order granting continuance and resetting of hearing, (H.I.) (Clerk please serve copies of signed order upon all attys. of record)
9-28-81	Defendants' Request for Continuance of Hearing filed (H.I.).
9-29-81	Trial in this matter is reset for November 20, 1981, at 11:00 a.m., 1 hr. allotted, per signed Order Granting Motion for Continuance and Re-Assigning Hearing on Defendants' Objections to Appropriation (H.I.). (Clerk please serve copies of Order upon all attys. of record)
11-18-81	Response to Defendants' Objections to the Appropriation of Real Estate filed (H.I.).
11-19-81	Letter from John M. Howard, Jr. filed (H.I.). Parties ordered to submit Judgment Entry pursuant to the letter within 30 days or this matter shall be dismissed. (Notify)

1705 Control

CERTIFICATE OF REVIEW APPRAISER AND CONCLUSION OF FAIR MARKET VALUE

Indiana State Highway Commission - Division of Land Acquisition

Project RS6332(1) Road SR75 County HENDRICKS Owner MAURICE BEYANT Parcel # 1

	1st APPRAISAL	2nd APPRAISAL	3rd APPRAISAL	4th APPRAISAL	REVIEWER'S
APPRaiser	BUNNELL				VALUE IF DIFFERENT FROM APPRAISAL
FEE (F), STAFF (S), OWNER (O)	STAFF				
DATE OF APPRAISAL	11/19/80				
BEFORE VALUE	131,100. ⁰⁰				
AFTER VALUE	122,650. ⁰⁰				
DIFFERENCE	8,450. ⁰⁰				
LAND &/OR IMPROVEMENTS	3,175. ⁰⁰				
LOSS IN VALUE TO REMAINDER	5,275. ⁰⁰				
ESTIMATED COMPENSATION (DUE PROPERTY OWNER)	8,450				
NON-COMPENSABLE ITEM	N/A				
CHECK (✓) IF APPROVED AS IS	✓				

REVIEWERS COMMENTS AND/OR CORRELATION (SEE ATTACHED SHEET)

I, the undersigned, certify that I have made a visual inspection of the subject and that I have inspected the comparables used in the appraisal (s). I also certify that I have no direct or indirect present or contemplated future personal interest in the subject property or in any benefit from its acquisition; and that my estimate of fair market value has been reached independently, based on appraisals and other factual data of record without collaboration or direction. Items compensable under State law, but not eligible for Federal reimbursement, if any, are set out in this review.

It is my understanding that the value estimate may be used in connection with a Federal-Aid highway project. I estimate the fair market value of the part taken, plus loss in value to the remainder (if any), as of 11/19/80 is \$ 8,450.⁰⁰.

DATE 2/3/81 SIGNED Samuel E. Taylor DATE _____ SIGNED _____
 1st REVIEW APPRAISER 2nd REVIEW APPRAISER
 DATE _____ APPROVED _____
 CHIEF REVIEW APPRAISER

APPROVED APPRAISAL AMT. FOR 1.358 Ac REQUIRED R/W \$ 8,450.⁰⁰
 (AREA SIZE)

APPROVED APPRAISAL AMT. FOR _____ EXCESS LAND \$ _____
 (AREA SIZE)

I certify that the above tabulation contains all appraisals made and no changes or alterations have been made therein since the reviewer's determination of value was established, except as documented above, and with the knowledge of the original reviewer. This certification is prepared and submitted in accordance with Federal Highway Administration PPM-80-1, Section 5, Paragraph 3c.

SIGNED: William J. White
 TITLE: ASSISTANT CHIEF APPRAISER
 INDIANA STATE HIGHWAY COMMISSION
 2-5-81

HISTORIC DATA

APPRAISER'S NAME	APPRAISED AMOUNT			DATE OF APPRAISAL			DATE OF APPR REVIEW			AMOUNT PAID FOR BUILDINGS			PROPERTY USE	L.A. CODE	
	26	29	32	35	37	39	41	43	45	47	50	53	56	75	79
BUNNELL DARNELL			845000	11	19	80	2	3	81				00	RUEL	170571

INDIANA STATE HIGHWAY COMMISSION, DIVISION OF LAND ACQUISITION, INDIANAPOLIS, INDIANA
STATEMENT OF THE BASIS FOR JUST COMPENSATION

1. This is a written statement of, and summary of the basis for, the amount established through the appraisal process as just compensation for the purchase of this right of way for highway purposes. The amount set forth in Item 5 below represents fair market value and said amount is not less than the State's approved appraised value. P.L. 91-646 provides that said value disregards any decrease or increase in fair market value of the property prior to the date of valuation caused by the public improvement for which the property is acquired other than physical deterioration within reasonable control of the owner.

2. The legal description of this acquisition is set forth in the instrument of conveyance in the following identified parcel and this acquisition is identified in Highway Commission records as:

Project R56-3332(1) Parcel 1 Road SR 75 County HENDRICKS
Owner(s) MAURICE BRYANT

3. Interest(s) being acquired: FEE SIMPLE
The amount in Item 5 below includes payment for the purchase of all interests in the real property and no separately held interest, if any, is being acquired separately in whole or part.

4. This acquisition is (check one): a. () -- A total taking of the real property.
b. () -- A partial taking of the real property.

5. The State's Offer: Just compensation has been determined by standard and accepted real property appraisal practices and procedures.
The State's offer for the purchase of this real property is: \$ 8,450.⁰⁰

6. The amount in Item 5 above includes damages such as loss in value to remainder land and/or improvements and other damages, if any. These values, if any, are as follows:

a. Loss in value to remainder (severance damages) \$ _____
b. Other damages (Itemize) SET BACK DAMAGES + \$ 5,275.⁰⁰
COST TO CURE Total Damages: \$ 5,275.⁰⁰

7. Buildings: The amount in Item 5 above includes payment for the purchase of certain buildings and improvements and their ownership shall pass to the State. These buildings and improvements are identified as follows:

N/A

8. Land Improvements, Fixtures, Equipment, Machinery, Signs, Etc.: The amount in Item 5 above includes payment for the purchase of the aforementioned items, and their ownership shall pass to the State. Unless otherwise stated below, said items are now owned by the landowner.

9. Remarks: N/A

2/3/01
Date

Samuel E. Taylor
Signature

STATE OF INDIANA)
COUNTY OF HENDRICKS)

SS:

IN THE HENDRICKS CIRCUIT COURT
1981 TERM
CAUSE NO. C781-309

STATE OF INDIANA)
Plaintiff,)

v.)

MAURICE G. BRYANT, MARY E.)
BRYANT, AUDITOR OF HENDRICKS COUNTY)
and TREASURER OF HENDRICKS COUNTY,)

Defendants.)

FILED CLERK
HENDRICKS COUNTY
DEC 31 8 25 AM '81
Clerk

MOTION FOR HEARING

Comes now the Plaintiff, State of Indiana, by Linley E, Pearson, Attorney General of Indiana, and Stephen C. McNutt, Deputy Attorney General, and do respectfully aver

1. That this Plaintiff filed a Complaint for the Appropriation of Real Estate on July 15, 1981.

2. That Defendant, Maurice G. Bryant, by counsel, filed objections to the Complaint on July 31, 1981.

3. That the Plaintiff and said Defendant, Maurice G. Bryant, by counsel, had worked out a preliminary agreement to settle this case, but the agreement failed.

WHEREFORE, Plaintiff requests the Court to set a hearing on Defendants' objections to Plaintiff's Complaint.

Respectfully submitted,

Stephen C. McNutt

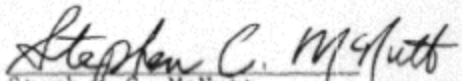
Stephen C. McNutt
Deputy Attorney General

Office of Attorney General
219 State House
Indianapolis, Indiana 46204
Telephone (317) 232-6303

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing
MOTION FOR HEARING has been duly served upon all counsel of
record listed below by United States Mail, first-class postage
prepaid, on this 2nd day of December, 1981:

Mr. John M. Howard, Jr.,
ATTORNEY AT LAW
Howard & Lawson
110 S. Washington Street
Danville, Indiana 46122


Stephen C. McNutt
Deputy Attorney General

Office of Attorney General
219 State House
Indianapolis, Indiana 46204
Telephone (317) 232-6303

STATE OF INDIANA)
COUNTY OF HENDRICKS)

SS:

IN THE HENDRICKS CIRCUIT COURT
1981 TERM
CAUSE NO. C781-309

STATE OF INDIANA

Plaintiff,

v.

MAURICE G. BRYANT, MARY E.
BRYANT, AUDITOR OF HENDRICKS
COUNTY and TREASURER OF HENDRICKS
COUNTY,

Defendants.

FILED
IN OPEN COURT

DEC 2 1981

J.V.B.

Judge Hendricks Circuit Court

ORDER

Comes now the Plaintiff, State of Indiana, and files
it's Motion for Hearing, which motion is in the following words
and figures, to-wit:

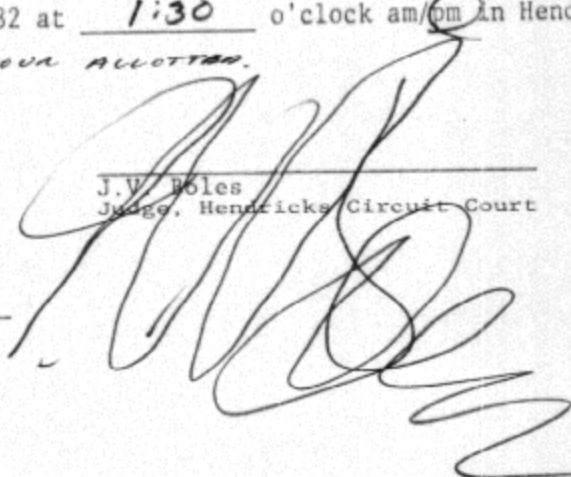
(H.I.)

Comes now the Court, and upon considering said Motion,
and being otherwise duly advised, grants said motion.

IT IS THEREFORE ORDERED that Defendants' objections to
Plaintiff's Complaint are set for hearing on the 19TH day
of FEBRUARY, 1982 at 1:30 o'clock am/pm in Hendricks
Circuit Court. 1/2 HOUR ALLOTED.

J.V. Boles
Judge, Hendricks Circuit Court

Date: _____



STATE OF INDIANA)

COUNTY OF HENDRICKS)

SS:

IN THE HENDRICKS CIRCUIT COURT

CAUSE NO. _____

STATE OF INDIANA,)
Plaintiff.)

v.)

MAURICE G. BRYANT, et. al.)

Defendant(s).)

SUMMONS AND NOTICE OF
APPROPRIATION OF REAL
ESTATE

The Sheriff of Hendricks County, Indiana is hereby ordered to notify the defendant

Auditor of Hendricks County

Courthouse

Danville, IN 46122

to appear before the Hon. Jeffery V. Boles, Judge of the Hendricks Circuit Court at the courthouse on or before the

3rd day of August, 1981.

TO SHOW CAUSE, IF ANY HE MAY HAVE, why the real estate sought to be appropriated herein by the STATE OF INDIANA should not be appropriated, and to deliver to said defendant personally a copy of this notice and said complaint, or to leave said notice and complaint at his usual place of residence or business and sending by first class mail a copy of this notice without the complaint to defendant's last known address.

Witness my Hand the Seal of said Court affixed at Danville Indiana, this _____ day of _____, 1981.

Clerk of Hendricks Circuit Court

RETURN OF SUMMONS

This summons came to hand this _____ day of _____, 19____, and I served the same on the _____ day of _____, 19____,

(1) by reading same to and in the hearing of and by delivering _____ copies of the summons and complaint to _____ (or)

(2) by leaving a copy of the summons and complaint at _____, which is the last and usual residence and place of abode of _____, and by mailing a copy of the summons to _____ at _____

And I now return this writ this _____ day of _____, 19____ his last known address.

SHERIFF

DEPUTY

STATE OF INDIANA)

COUNTY OF HENDRICKS)

SS:

IN THE HENDRICKS CIRCUIT COURT

CAUSE NO. _____

STATE OF INDIANA,)
Plaintiff,)

v.)

MAURICE G. BRYANT, et. al.)

Defendant(s).)

SUMMONS AND NOTICE OF
APPROPRIATION OF REAL
ESTATE

The Sheriff of Hendricks County, Indiana is hereby

ordered to notify the defendant

Treasurer of Hendricks County

Courthouse

Danville, IN 46122

to appear before the Hon. Jeffery V. Boles, Judge of the
Hendricks Circuit Court at the courthouse on or before the

3rd day of August, 1981,

TO SHOW CAUSE, IF ANY HE MAY HAVE, why the real estate sought to
be appropriated herein by the STATE OF INDIANA should not be appropriated,
and to deliver to said defendant personally a copy of this notice and
said complaint, or to leave said notice and complaint at his usual
place of residence or business and sending by first class mail a copy
of this notice without the complaint to defendant's last known address.

Witness my Hand the Seal of said Court affixed at Danville

Indiana, this _____ day of _____, 1981.

Clerk of Hendricks Circuit Court

RETURN OF SUMMONS

This summons came to hand this _____ day of _____, 19____,
and I served the same on the _____ day of _____, 19____.

(1) by reading same to and in the hearing of and by delivering _____
copies of the summons and complaint to _____ (or)

(2) by leaving a copy of the summons and complaint at _____,
which is the last and usual resi-
dence and place of abode of _____, and by
mailing a copy of the summons to _____ at _____

his last known address.
And I now return this writ this _____ day of _____, 19____.

SHERIFF

DEPUTY

STATE OF INDIANA)

IN THE HENDRICKS CIRCUIT COURT

COUNTY OF HENDRICKS)

SS:

CAUSE NO. _____

STATE OF INDIANA,)
Plaintiff,)

v.)

MAURICE G. BRYANT, et. al.)

Defendant(s).)

SUMMONS AND NOTICE OF
APPROPRIATION OF REAL
ESTATE

The Sheriff of Hendricks County, Indiana is hereby
ordered to notify the defendant

Mary E. Bryant

R.R. 1

Coatsville, Indiana 46121

to appear before the Hon. Jeffery V. Boles, Judge of the
Hendricks Circuit Court at the courthouse on or before the

3rd day of August, 1981,

TO SHOW CAUSE, IF ANY HE MAY HAVE, why the real estate sought to
be appropriated herein by the STATE OF INDIANA should not be appropriated,
and to deliver to said defendant personally a copy of this notice and
said complaint, or to leave said notice and complaint at his usual
place of residence or business and sending by first class mail a copy
of this notice without the complaint to defendant's last known address.

Witness my Hand the Seal of said Court affixed at Danville

Indiana, this _____ day of _____, 1981.

Clerk of Hendricks Circuit Court

RETURN OF SUMMONS

This summons came to hand this _____ day of _____, 19____,
and I served the same on the _____ day of _____, 19____.

(1) by reading same to and in the hearing of and by delivering _____ (or)

(2) by leaving a copy of the summons and complaint at _____, which is the last and usual resi-
dence and place of abode of _____, and by
mailing a copy of the summons to _____ at _____
his last known address.

And I now return this writ this _____ day of _____, 19____.

SHERIFF _____

DEPUTY _____

STATE OF INDIANA)

IN THE HENDRICKS CIRCUIT COURT

COUNTY OF HENDRICKS)

SS:

CAUSE NO. _____

STATE OF INDIANA,)
Plaintiff,)

v.)

MAURICE G. BRYANT, et. al.)

Defendant(s).)

SUMMONS AND NOTICE OF
APPROPRIATION OF REAL
ESTATE

The Sheriff of Hendricks County, Indiana is hereby
ordered to notify the defendant

Maurice G. Bryant

R.R. 1

Coatsville, IN 46121

to appear before the Hon. Jeffery V. Boles, Judge of the
Hendricks Circuit Court at the courthouse on or before the

3rd day of August, 1981,

TO SHOW CAUSE, IF ANY HE MAY HAVE, why the real estate sought to
be appropriated herein by the STATE OF INDIANA should not be appropriated,
and to deliver to said defendant personally a copy of this notice and
said complaint, or to leave said notice and complaint at his usual
place of residence or business and sending by first class mail a copy
of this notice without the complaint to defendant's last known address.

Witness my Hand the Seal of said Court affixed at Danville,
Indiana, this _____ day of _____, 1981.

Clerk of Hendricks Circuit Court

RETURN OF SUMMONS

This summons came to hand this _____ day of _____, 19____,
and I served the same on the _____ day of _____, 19____,

(1) by reading same to and in the hearing of and by delivering
copies of the summons and complaint to _____ (or)

(2) by leaving a copy of the summons and complaint at _____,
which is the last and usual resi-
dence and place of abode of _____, and by
mailing a copy of the summons to _____ at _____
his last known address.

And I now return this writ this _____ day of _____, 19____.

SHERIFF

DEPUTY

Decker v. State (1981), ___ Ind. App. ___, 426 N.E.2d 151, 154;

8. That the instant "Motion for Summary Ruling" is accompanied by an affidavit representing that the State's offer was based on an appraisal by a qualified appraiser, with a copy of the appraisal attached to the affidavit, pursuant to Decker;

9. That the State can proceed no further with its plans to make State Road 75 safer at the Conrail overpass until this matter has been resolved;

10. That with the filing of this motion and the accompanying affidavit and appraisal there remains no question of fact requiring an evidentiary hearing; and

11. That because Defendants' objections are insufficient as a matter of law there is nothing before the Court which requires a hearing.

WHEREFORE, Plaintiff State of Indiana respectfully moves the Court for an expeditious, summary overruling of Defendants' objections filed in July 1981. In the alternative, the State moves the Court to rule that the State has made the necessary showing of a good-faith offer as required by Decker v. State and therefore need not present evidence upon that question at the March 9, 1982 hearing. The State finally moves the Court to grant it all other relief just and proper in the premises.

Respectfully submitted,

LINLEY E. PEARSON
Attorney General of Indiana

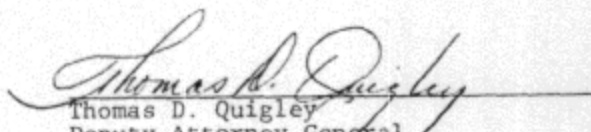
By: Thomas D. Quigley
Thomas D. Quigley
Deputy Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing MOTION FOR SUMMARY RULING has been duly served upon all counsel of record listed below by United States Mail, first-class postage prepaid, on this 2 day of March, 1982:

Mr. Arthur R. Welling, Jr.
Attorney at Law
LIND, DECKARD & O'BRIEN
106 North Washington Street
P.O. Box 371
Danville, Indiana 46122

Mr. John M. Howard, Jr.
Attorney at Law
HOWARD & LAWSON
110 South Washington Street
Danville, Indiana 46122


Thomas D. Quigley
Deputy Attorney General

Office of the Attorney General
219 State House
Indianapolis, Indiana 46204
Telephone: (317) 232-6298

STATE OF INDIANA)
COUNTY OF HENDRICKS) SS:

IN THE HENDRICKS CIRCUIT COURT
CAUSE NO. C781-309

STATE OF INDIANA,)
Plaintiff,)
vs.)
MAURICE G. BRYANT, et al.,)
Defendants.)

AFFIDAVIT OF PHILIP V. WERTENBERGER

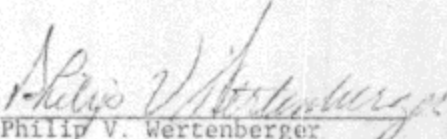
The undersigned, being duly sworn upon his oath, now deposes and says:

I am a land agent employed by the Indiana Department of Highways and was assigned on February 9, 1981 to meet with the Bryants to discuss the purchase of certain land and improvements thereon as described in the Complaint for Appropriation of Real Estate filed in the case of State of Indiana v. Maurice G. Bryant, et al., cause number C781-309 in the Hendricks Circuit Court, Project number RSG-3332(1), Parcel number 1.

In pursuing the purchase, I engaged in discussions with Maurice G. Bryant, Mary E. Bryant, or both of them on February 16, February 25, March 2, and March 18, 1981. During these conversations, I offered as an agent of the State of Indiana to purchase the land and improvements for \$8,450. On February 16, 1981, I presented them with the offer in writing and allowed them twenty-five days to accept it or reject it.

The offer I made was based upon an appraisal by Darrell E. Bunnell, a qualified appraiser. A copy of the appraisal, consisting of forty-nine (49) pages, is attached to this affidavit. According to that appraisal, the fair market value of the appropriated property, including severance damages and all other damages, was \$8,450.00

Further affiant saith not.


Philip V. Wertenberger

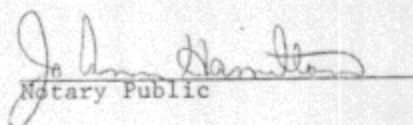
Date: 3/22/82

VERIFICATION

I affirm under the penalties of perjury that the foregoing representations are true and correct to the best of my knowledge.


Philip V. Wertenberger

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said County and State, this 22ND day of February, 1982.


Notary Public

My Commission Expires:

September 20, 1982

My County of Residence:

Marion

CIVIL COURT DOCKET, HENDRICKS CIRCUIT COURT

Complaint

Filed 7-15-81

ATTORNEYS

PARTIES

NO. C781-309 @

Stephen C. McNutt, DAG
 Attorney General's Office
 219 State House 234
 Indianapolis, IN 46204

STATE OF INDIANA

VS

MAURICE G. BRYANT, MARY E. BRYANT,
 AUDITOR OF HENDRICKS COUNTY and
 TREASURER OF HENDRICKS COUNTY

John M. Howard, Jr.
 for def. Bryant's
 Howard and Lawson
 110 S. Washington
 Danville, Ind. 46122

(for Treasurer of Hendricks Co.)
 Arthur R. Welling, Jr.
 LIND, DECKARD & O'BRIEN
 106 N. Washington St.
 Danville, Indiana 46122

MINUTES OF THE COURT

O.B. Page DATE

3-3-82 Plaintiff files Motion for Summary Ruling (H.I.) with Affidavits and Exhibits (H.I.). These matters will be taken up at the March 9, 1982, hearing at 9:00 a.m. (Notify)

CIVIL COURT DOCKET, HENDRICKS CIRCUIT COURT

Filed 7-15-81

50

Complaint

NO. C781-309 e

ATTORNEYS

PARTIES

Stephen C. McNutt, DAG
 Attorney General's Office
 219 State House
 Indianapolis, IN 46204

STATE OF INDIANA

VS

MAURICE G. BRYANT, MARY E. BRYANT,
 AUDITOR OF HENDRICKS COUNTY and
 TREASURER OF HENDRICKS COUNTY

John M. Howard, Jr.
 for def. Bryant's
 Howard and Lawson
 110 S. Washington
 Danville, Ind. 46122

(for Treasurer of Hendricks Co.)
 Arthur R. Welling, Jr.
 LIND, DECKARD & O'BRIEN
 106 N. Washington St.
 Danville, Indiana 46122

MINUTES OF THE COURT

O.B.	Page	DATE
------	------	------

2-19-82

Due to the intervention of a 1st choice jury trial, the hearing set by order of the court of 12-23-81 is hereby reset for March 9, 1982, at 9:00 a.m. (Notify)

CIVIL COURT DOCKET, HENDRICKS CIRCUIT COURT

Complaint

Filed 7-15-81

NO. C781-309

ATTORNEYS

PARTIES

Stephen C. McNutt, DAG
Attorney General's Office
219 State House
Indianapolis, IN 46204

STATE OF INDIANA

VS

(for Treasurer of Hendricks Co.)
Arthur R. Welling, Jr.
LIND, DECKARD & O'BRIEN
106 N. Washington St.
Danville, Indiana 46122

MAURICE G. BRYANT, MARY E. BRYANT,
AUDITOR OF HENDRICKS COUNTY and
TREASURER OF HENDRICKS COUNTY

John M. Howard, Jr.
for def. Bryant's
Howard and Lawson
110 S. Washington
Danville, Ind. 46122

O.B. Page DATE

MINUTES OF THE COURT

O.B.	Page	DATE	MINUTES OF THE COURT
126	406	7-15-81	Complaint for Appropriation of Real Estate filed (H.I.). Summons by Sheriff of Hendricks County.
126	406	7-15-81	(Clerk please issue Complaint for Appropriation of Real Estate and Praecipe (H.I.) with Summons by the Sheriff of Hendricks County and make due return thereon and notify all attys. of record)
126	424	7-28-81	Arthur R. Welling enters his Appearance on behalf of Treasurer of Hendricks County (H.I.).
126	432	7/31/81	John M. Howard, Jr. enters his appearance on behalf of the defendants, Maurice G. Bryant and Mary E. Bryant, (H.I.) files Defendants' Objections to Plaintiff's Condemnation Complaint, (H.I.)
		8/5/81	Request for hearing filed, (H.I.) This matter set for hearing on September 17, 1981 at 2:00 p.m.; 1 hour allotted. NOTIFY

*Summons issued: Copies to
7-15-81 K. atty*

19

STATE OF INDIANA)
COUNTY OF HENDRICKS) SS:

IN THE HENDRICKS CIRCUIT COURT
1981 TERM
CAUSE NO. C781-309

STATE OF INDIANA,
Plaintiff,
v.

MAURICE G. BRYANT, MARY E.
BRYANT, AUDITOR OF HENDRICKS
COUNTY AND TREASURER OF HENDRICKS
COUNTY,

Defendants.

FILED
HENDRICKS COUNTY
NOV 18 8 16 AM '81
CLERK

RESPONSE TO DEFENDANTS' OBJECTIONS
TO THE APPROPRIATION OF REAL ESTATE

Comes now the Plaintiff, State of Indiana, by Linley E. Pearson, Attorney General of Indiana, and Stephen C. McNutt, Deputy Attorney General and responds herein to the objections filed herein by defendants, Maurice G. Bryant and Mary E. Bryant, and would show the Court the following:

1. That Plaintiff will show through testimony that the State of Indiana made a proper offer to purchase the real estate owned by the defendants.
2. Paragraph 2 of defendants objections is without substance. The overwhelming weight of authority makes clear beyond any possible doubt that the question of the necessity of appropriating property or a right therein is not a proper subject of judicial review. Indianapolis Power and Light Company v. Barnard, (1978) ___ Ind., 371 NE 2d, 408. The Supreme Court of Indiana has consistently held that the determination of necessity is not judicial but legislative. It lies within the sound discretion of the condemning authority.

"...We do not think the court has the power to inquire into the wisdom of propriety of such judgment unless a question of fraud or bad faith is raised and where an attempt is made to show that the property taken will not be used for a public purpose, or the proceeding is a subterfuge to convey the property to a private use."
Cemetery Company v. Warren School Township (1952), 230 Ind. 171, at page 188, 139 NE 2d 538, at page 546.

So the matters alleged in paragraph 2 of defendants' objection cannot warrant the Court's interference with the proper exercise of the power of eminent domain by the plaintiff in establishing and maintaining state highways.

3. Concerning Paragraph 3 of defendants' objections defendants' objection is a mere generality. The only objections which, if proven, will bar a condemnor's right to appropriate property or property interests are those objections set out in the condemnation statutes. Vandalia Coal Co. v. Indpls. & L. Ry. Co. (1907), 168 Ind. 144, 79 NE. 1082. Defendant's objections must be specific, not general. Westport Stone Co. v. Thomas (1911), 175 Ind. 319, 94 NE 406; Joliff v. Muncie Electric Light Co. (1914), 181 Ind. 650, 105 NE 234. In a condemnation action, if facts exist which will defeat plaintiff's action, they must be affirmatively pleaded. Joint County Park Board, etc. v. Stegomoller (1940), 228 Ind. 103, 88 NE 2d 686. A party is required to affirmatively plead any matters has the burden of proving those matters. Indiana Rules of Procedure, Trial Rule 8(c).

At the hearing, Plaintiff will introduce a copy of the resolution of the Indiana State Highway Commission pertaining to the necessity of appropriating defendants' property. This resolution is admissible as evidence under the terms of IC34-1-17-7.

4. Paragraph 4 of defendants' objections is an attempt by defendants to substitute the judgment of this Court for the judgment of the Indiana State Highway Commission as to the best route for S.R. 75. The Courts are not free to substitute their own judgment for that of the legislature in these matters. Southern Indiana Gas and Electric Co. v. Cornelison, et al. (1978), ___ Ind. ___, 378 NE 2d 845. The Indiana Department of Highways is empowered by law to maintain and improve state highways. See IC 8-9.5-4-6. In order to do this, the department employs numerous engineers and technicians. The Indiana Department of Highways is better prepared than this Court to determine the best route for S.R. 75. Such power is specifically entrusted

to the Indiana Department of Highways by IC 8-9.5-4-6.

5. As to Paragraph 5 of defendants' objection, their vague allegations as to unconstitutionality of the taking of defendants' land must fail. The only constitutional inhibition on the General Assembly's authority to enact laws for the taking of private property for public use is that such property shall not be taken without the payment of just compensation. Schnull v. Indianapolis Ry. Co. (1921), 190 Ind. 572, 131 NE 51. The Indiana Department of Highways has no intention of taking defendants' property without just compensation. Indeed, the eminent domain statutes (Indiana Code Chapter 32-11-1) specifically protect this right. Defendants' objection is without substance.

6. The allegations in Paragraphs 6, 7 and 8 of defendants' objections are basically repetitious of the allegations in Paragraphs 2 through 5. Consequently, they also fail for reasons outlined in this response.

WHEREFORE, the Plaintiff requests this Court to overrule defendants' objections and issue an order appropriating the property described in Plaintiff's complaint.

Respectfully submitted,

LINLEY E. PEARSON
Attorney General of Indiana

By:


Stephen C. McNutt
Deputy Attorney General

Office of Attorney General
219 State House
Indianapolis, Indiana 46204
Telephone (317) 232-6297

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing
"RESPONSE TO DEFENDANTS' OBJECTIONS TO THE APPROPRIATION OF REAL
ESTATE" has been duly served upon all counsel of record list-
ed below by United States Mail, first-class postage prepaid,
on this 17th day of November, 1981:

Mr. John M. Howard, Jr.,
ATTORNEY AT LAW
Howard & Lawson
110 S. Washington Street
Danville, Indiana 46122

Mr. Arthur R. Welling, Jr.,
ATTORNEY AT LAW
LIND, DECKARD & O'BRIEN
106 N. Washington Street
Danville, Indiana 46122

Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General

Office of Attorney General
219 State House
Indianapolis, Indiana 46204
Telephone (317) 232-6297

STATE OF INDIANA) IN THE HENDRICKS CIRCUIT COURT
) SS:
COUNTY OF HENDRICKS) 1981 TERM

STATE OF INDIANA,)
)
Plaintiff,)
)
VS.) CAUSE NO. C781-309
)
MAURICE G. BRYANT, MARY E.)
BRYANT, AUDITOR OF HENDRICKS)
COUNTY and TREASURER OF HEN-)
DRICKS COUNTY,)
)
Defendants.)

FILED
IN OPEN COURT

SEP 29 1981

ORDER GRANTING MOTION FOR CONTINUANCE AND
RE-ASSIGNING HEARING ON DEFENDANTS'
OBJECTIONS TO APPROPRIATION *J.V. Blair*
Judge Hendricks Circuit Court

Comes now Seth B. Lewis, one of the counsel of record for the defendants Maurice G. Bryant and Mary E. Bryant, and files herein verified request for a continuance of the hearing heretofore set on defendants Bryant's objections to the complaint for appropriation filed by the plaintiff, which motion is in the words and figures following, to-wit:

(H. I.)

And the Court being duly advised in the premises, for good cause shown, now GRANTS said request and vacates the hearing heretofore set for September 30, 1981, at 2:00 o'clock p.m.

IT IS FURTHER ORDERED that this matter be re-assigned for hearing on the 20TH day of NOVEMBER, 1981, at 11:00 o'clock A.M., with one (1) hour allotted therefor.

IT IS FURTHER ORDERED that the Clerk notify all counsel of record herein of said hearing.

SO ORDERED BY THE COURT THIS 29 DAY OF SEP, 1981.

[Handwritten signature]
JUDGE Hendricks Circuit Court

Copies to: John M. Howard, Jr.
HOWARD & LAWSON
110 S. Washington Street
Danville, IN 46122

Arthur R. Welling, Jr.
LIND, DECKARD & O'BRIEN
106 N. Washington Street
Danville, IN 46122

Stephen C. McNutt, DAG
ATTORNEY GENERAL'S OFFICE
219 State House
Indianapolis, IN 46204

SEP 28 3 23 PM '81

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

IN THE *Mary Jane Russell*
HENDRICKS CIRCUIT COURT
CLERK
1981 TERM

STATE OF INDIANA,)
)
Plaintiff.)
)
vs.)
)
MAURICE G. BRYANT, MARY E.)
BRYANT, AUDITOR OF HENDRICKS)
COUNTY and TREASURER OF HEN-)
DRICKS COUNTY,)
)
Defendant.)

CAUSE NO. C781-309

DEFENDANTS' REQUEST FOR CONTINUANCE OF HEARING

Comes now Seth B. Lewis of the law firm of Howard & Lawson, counsel of record for Maurice G. Bryant and Mary E. Bryant, and respectfully request that the hearing on Defendants' Objections be continued and the same be reset on a date subsequent to October 5, 1981, and in support thereof would advise this Court as follows:

1. Mr. John M. Howard, Jr., primary counsel of record on behalf of these defendants, is currently engaged in the trial of a certain cause entitled "Dennis Hahn vs. Bryant-Poff, Inc., et al.", being Cause No. C79-C 359 in the Morgan County Circuit Court, which trial commenced this date, namely September 28, 1981, the cause having been re-scheduled by the Court at an earlier date.
2. That the said cause is a products liability defense case and it is anticipated that the trial thereof will last throughout the entire week of September 28, 1981, and will specifically take up the entire day of September 30, 1981, on which latter date the foregoing cause is set for hearing at 2:00 o'clock p.m.
3. That the foregoing cause in the Morgan County Circuit Court was assigned for jury trial prior to the time of filing of the above-captioned cause.
4. That this request for a continuance and resetting of the hearing on Defendants' Objections is not made for purposes of delay but is made by reason of necessity because of counsel's

prior commitments for jury trial.

WHEREFORE, the undersigned, having personal knowledge of the facts herein set forth, respectfully requests and represents on behalf of the defendants herein and Mr. John M. Howard, Jr., that the foregoing hearing scheduled for September 30, 1981, at 2:00 o'clock p.m., should be continued and the setting of same be vacated and that this matter be reset for hearing on a date subsequent to October 5, 1981, that notice of the new hearing date be given to all counsel of record herein, and for such further relief as may be proper in the premises.

Respectfully submitted,

HOWARD & LAWSON

By 

Seth B. Lewis for John M. Howard,
Jr., Counsel for Defendants
Maurice G. Bryant and Mary E.
Bryant

I affirm under the penalties for perjury that the foregoing representations are true and correct to be best of my belief and knowledge this 28th day of September, 1981.


Seth B. Lewis

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been served upon the following counsel of record:

Stephen C. McNutt, DAG
ATTORNEY GENERAL'S OFFICE
219 State House
Indianapolis, IN 46204

Arthur R. Welling, Jr.
LIND, DECKARD & O'BRIEN
106 N. Washington Street
Danville, IN 46122

by first-class United States mail, postage prepaid, at the addresses shown herein on the 28th day of September, 1981.


Seth B. Lewis

HOWARD & LAWSON
110 S. Washington Street
Danville, IN 46122
745-6471

STATE OF INDIANA) IN THE HENDRICKS CIRCUIT COURT
) SS:
COUNTY OF HENDRICKS) 1981 TERM

STATE OF INDIANA,)
)
) Plaintiff,)
 vs.)
)
MAURICE G. BRYANT, MARY E.)
BRYANT, AUDITOR OF HENDRICKS)
COUNTY and TREASURER OF HEN-)
DRICKS COUNTY,)
)
) Defendant.)

CAUSE NO. C7-309

FILED
IN OPEN COURT

AUG 11 1981

J.V. Blum
Judge Hendricks Circuit Court

ORDER GRANTING MOTION FOR CONTINUANCE AND RESETTING HEARING

Come now John M. Howard, Jr., counsel for the defendants, Maurice G. Bryand and Mary E. Bryant, and files his request for a continuance of the hearing set on defendants Bryant's objections to the complaint for appropriation filed by the plaintiff, which motion is in the words and figures as follows, to-wit:

(H. I.)

And the Court being duly advised in the premises, for good cause shown, now grants said request and vacates the hearing heretofore set for September 17, 1981, at 2:00 o'clock p.m.

IT IS FURTHER ORDERED that this matter be set for hearing on the 30th day of SEPT, 1981, at 2:00 o'clock P.M., one (1) hour allotted.

IT IS FURTHER ORDERED that the Clerk notify all counsel of record.

SO ORDERED THIS 11 DAY OF AUGUST, 1981.

[Signature]
JUDGE, Hendricks Circuit Court

COPIES TO:

John M. Howard, Jr.
HOWARD & LAWSON
110 S. Washington Street
Danville, IN 46122

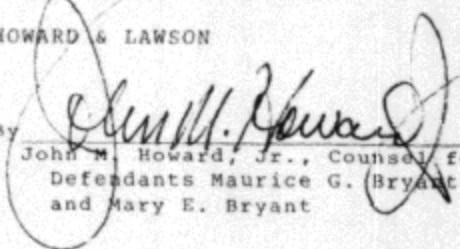
Arthur R. Welling, Jr.
LIND, DECKARD & O'BRIEN
106 N. Washington Street
Danville, IN 46122

Stephen C. McNutt, DAG
ATTORNEY GENERAL'S OFFICE
219 State House
Indianapolis, IN 46204

date be given to all counsel, and for such further relief as may be proper in the premises.

Respectfully submitted,

HOWARD & LAWSON

By 
John M. Howard, Jr., Counsel for
Defendants Maurice G. Bryant
and Mary E. Bryant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion for continuance of hearing date has been served upon the following counsel of record:

Stephen C. McNutt, DAG
ATTORNEY GENERAL'S OFFICE
219 State House
Indianapolis, IN 46204

Arthur R. Welling, Jr.
LIND, DECKARD & O'BRIEN
106 N. Washington Street
Danville, IN 46122

by first-class United States mail, postage prepaid, at the addresses shown herein on date of filing.


John M. Howard, Jr.

HOWARD & LAWSON
110 S. Washington Street
Danville, IN 46122
745-6471

"FILED" CLERK
 HENDRICKS COUNTY
 JUL 31 3 32 PM '91
 Mary G. ...
 CLERK

STATE OF INDIANA)
) SS:
 COUNTY OF HENDRICKS)

IN THE HENDRICKS CIRCUIT COURT
 1981 TERM

STATE OF INDIANA,)
)
 Plaintiff,)
)
 vs.)
)
 MAURICE G. BRYANT, MARY E.)
 BRYANT, AUDITOR OF HENDRICKS)
 COUNTY and TREASURER OF)
 HENDRICKS COUNTY,)
)
 Defendants.)

CAUSE NO. C781-309

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S
 CONDEMNATION COMPLAINT

Come now the defendants, Maurice G. Bryant and Mary E. Bryant, by their counsel, and pursuant to I.C.32-11-1-5 object to the appropriation and condemnation of the defendants' real estate as prayed for in plaintiff's complaint upon the following grounds:

1. That the plaintiff did not convey to the defendants a proper offer to purchase the real estate sought to be condemned as required by I.C.32-11-1-2-1 which is a pre-requisite to the filing of its complaint seeking to condemn the property, and therefore this Court does not have jurisdiction over the parties or the subject matter of this action.

2. That the condemnation and taking of defendants' property as prayed for in the complaint is not necessary in order to carry out the planned improvement of Road No. S.R. 75 in Hendricks County, Indiana. This taking is not necessary as that term is used as a jurisdictional condition precedent in the imminent domain statutes.

3. That the plaintiff's proposed appropriation of the defendants' real estate for the purpose of making improvements of State Road 75 in Hendricks County, Indiana, designated as Project RSG-3332(1) was selected in an arbitrary and capricious manner and is in violation of the State and Federal Constitutions.

4. That the proposed taking of defendants' real estate constitutes an undue burden upon the real estate when an alternate right-of-way had heretofore been planned and adopted by the State of Indiana which alternate right-of-way was available to the State of Indiana.

5. That the proposed condemnation and taking as provided in plaintiff's complaint constitutes a taking of property without due process of law and violation of both the State and Federal Constitutions.

6. That the route and method of the construction of the planned improvements as outlined in the plaintiff's complaint will destroy and impair the enjoyment and future use of the defendants' real estate.

7. That there is no immediate need or a fair or reasonable future need for the property sought to be acquired by the plaintiff from the defendants.

8. That the taking as set forth in plaintiff's complaint is capricious and illegal.

9. That by reason of the foregoing, it is not necessary for the plaintiff to acquire real estate from the defendants, Maurice G. Bryant and Mary E. Bryant, for the purpose of obtaining land with which to complete the construction of improvements to State Road 75 in Hendricks County, Indiana.

WHEREFORE, the defendants, and each of them, object to the taking and condemnation of the real estate and pray that the plaintiff take nothing by way of its complaint, that plaintiff's complaint be dismissed for the reasons set forth above, and for such further relief as may be proper in the premises.

HOWARD & LAWSON

By:

John M. Howard, Jr.
John M. Howard, Jr., Attorney *by dom*
for defendants, Maurice G.
Bryant and Mary E. Bryant

HOWARD & LAWSON
110 So. Washington Street
Danville, Indiana 46122
745-6471

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objections has been mailed to the office of Linley E. Pearson, Attorney General of Indiana, directed to the attention of Stephen C. McNutt, Deputy Attorney General, at 219 State House, Indianapolis, Indiana 46204 by first-class United States Mail, postage prepaid, this 31st day of July, 1981.

John M. Howard, Jr.
John M. Howard, Jr. *by dm*

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

IN THE HENDRICKS CIRCUIT COURT
1981 TERM CAUSE NO. C781-309

STATE OF INDIANA,)
)
Plaintiff,)

v.)

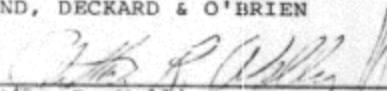
MAURICE G. BRYANT, et al,)
)
Defendants)

FILED
CLERK
JUL 28 1 42 PM '81
HENDRICKS COUNTY
Mary Owen

NOTICE OF APPEARANCE

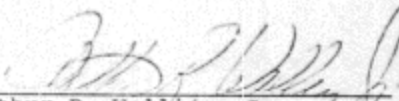
Please take notice that Arthur R. Welling, Jr. of LIND, DECKARD & O'BRIEN, respectfully enters his appearance on behalf of the defendant, Treasurer of Hendricks County, only in the above entitled matter.

Respectfully submitted,
LIND, DECKARD & O'BRIEN


Arthur R. Welling, Jr.
counsel for the Treasurer of
Hendricks County, Indiana

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing upon Mr. Stephen C. McNutt, Deputy Attorney General, 219 State House, Indianapolis, Indiana 46204, by mailing a copy of same to him this 28 day of July, 1981.


Arthur R. Welling, Jr.

Arthur R. Welling, Jr.
LIND, DECKARD & O'BRIEN
106 N. Washington Street
P.O. Box 371
Danville, Indiana 46122
745-4485

STATE OF INDIANA)
COUNTY OF HENDRICKS) SS:

IN THE HENDRICKS CIRCUIT COURT
CAUSE NO. 2781-309

STATE OF INDIANA)

Plaintiff,)

vs.)

MAURICE G. BRYANT, MARY E. BRYANT,
AUDITOR OF HENDRICKS COUNTY and
TREASURER OF HENDRICKS COUNTY,)

Defendants.)

FILED CLERK
HENDRICKS COUNTY
JUN 15 11 07 AM '91
Mary E. Bryant
CLERK

RESERVATION OF RIGHT
TO DEMAND JURY TRIAL

The State of Indiana, reserves the right to demand trial by jury as provided by I.C. 32-11-1-8 in the event either party hereto files timely exceptions to the assessment of benefits or damages.

LINLEY E. PEARSON
Attorney General of Indiana

By: Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General
Attorney for Plaintiff

STATE OF INDIANA)
)
) SS: IN THE HENDRICKS CIRCUIT COURT
COUNTY OF HENDRICKS) CAUSE NO. 0781-309

STATE OF INDIANA,)
)
) Plaintiff,)
)
) -vs-)
)
) MAURICE G. BRYANT, MARY E.)
) BRYANT, AUDITOR OF HENDRICKS)
) COUNTY and TREASURER OF)
) HENDRICKS COUNTY,)
)
) Defendants.)

CLERK
JUL 15 11 05 AM '81
HENDRICKS COUNTY

COMPLAINT FOR APPROPRIATION OF REAL ESTATE

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 commission, known and designated as the Indiana State Highway Commission is now engaged in the improvement of a certain public highway in Hendricks County, Indiana, said highway being known as Road No. S.R. 75, Project RSG-3332(1), said highway being one of the highways 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 Indiana State Highway Commission as a part of the said State Highway System. That said Indiana State Highway Commission has heretofore prepared and adopted plans for the improvement of said highway, which plans have been signed by the Chairman of said Indiana State Highway Commission and are now on file in its office.

NUMBER 2

That the defendants Maurice G. Bryant and Mary E. Bryant

are the owners of certain real estate in said county in which is included the real estate _____ hereby sought to be appropriated and condemned.

Defendants' said real estate is described as follows:

A part of the Southeast quarter of the Southeast quarter of Section 20, Township 15 North, Range 2 West which lays South of the right-of-way of the C.C.C. & St. L. Railway Company, same being a triangular tract containing approximately 1 acre, more or less in the Southeast corner of said quarter quarter section. ALSO: The Northeast quarter of the Northeast quarter of Section 29, Township 15 North of Range 2 West, except the right-of-way of the C.C.C. & St. L. Railway Company, estimated to contain, exclusive of said exception 36 acres more or less, except the following described tract: All that portion of the Northeast quarter of the Northeast quarter of Section 29, Township 15 North of Range 2 West, which lays North of the right-of-way of the C.C.C. & St. L. Railway Company, said being a triangular tract containing approximately 1 acre more or less, in the Northwest corner of said quarter quarter section. Estimated to contain in all, less said exception 35 acres, more or less.

Plaintiff is informed and verily believes that the defendant(s) _____

claims and asserts an interest in and to the real estate described in Paragraph 2.

Plaintiff further is informed and verily believes that the defendants, County Auditor of Hendricks County, and County Treasurer of Hendricks County has and holds a first, prior and existing lien on the real estate described in Paragraph 2 for any and all delinquent, current and future taxes, legally assessed against said property.

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

NUMBER 4

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, the fee simple title to part of said tract of real estate described in Paragraph 2 herein. The part so sought to be appropriated and condemned is described as follows:

A blue-print sketch plat of the above described real estate 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".

4

NUMBER 5

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

NUMBER 6

That prior to the bringing of this action, the plaintiff, through the said Indiana State Highway Commission, made an effort to purchase said real estate described in Paragraph 4 from the above-named owners, and did offer said owners the sum of Eight Thousand Four Hundred Fifty Dollars (\$8,450.00) therefor, but that the 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 real estate for the use hereinbefore stated.

NUMBER 7

That prior to the bringing of this action, the said Indiana State Highway Commission adopted a Resolution setting forth the description of said real estate herein 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 therefore be instituted by the Attorney General in the name of the State of Indiana.

NUMBER 8

That said highway so to be improved extends from beginning at a point on line "D: and S.R. 75, approximately 953 feet south of the section corner of Sections 20, 21, 28, and 29, thence extending 2500 feet north along said center line, all in Sections 20, 21, 28, and 29; Township 15 North, Range 2 West, Clay and Marion Townships,

in Hendricks County, State of Indiana, and said right of way is to be 120 feet wide, excepting where additional width may be required for construction purposes.

NUMBER 9

That the plaintiff, through said Indiana State Highway Commission, intends to use the real estate herein sought to be condemned for the purpose of the improvement of said highway and the widening thereof, and said real estate as herein described is necessary and proper for the carrying out of said work, and said real estate 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, 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 real estate so sought to be condemned for the purpose aforesaid.

Respectfully submitted,

LINLEY E. PEARSON
Attorney General of Indiana

By: Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General
Attorneys for Plaintiff

Stephen C. McNutt
Deputy Attorney General
219 State House
Indianapolis, IN 46204
Telephone: (317) 232-6297

PARCEL NO. 1
 PROJECT NO. RSG-3332(1)
 ROAD NO. S.R. 75
 COUNTY: HENDRICKS
 SECTION: 20 & 29
 TOWNSHIP: 15 N.
 RANGE: 2 W.

OWNER: BRYANT, MAURICE G. ET UX. DRAWN BY: J. KAS 2/29/80
 DEED RECORD 213, PAGE 92 DATED 5/4/70 CHECKED BY: RON RANKY 3-20-80

 HATCHED AREA IS THE APPROXIMATE TAKING

SCALE: 1" = 400'

TOTAL AREA = 36.000 AC.
 RIW EXISTING = 0.657
 NET TOTAL AREA = 35.343 AC.

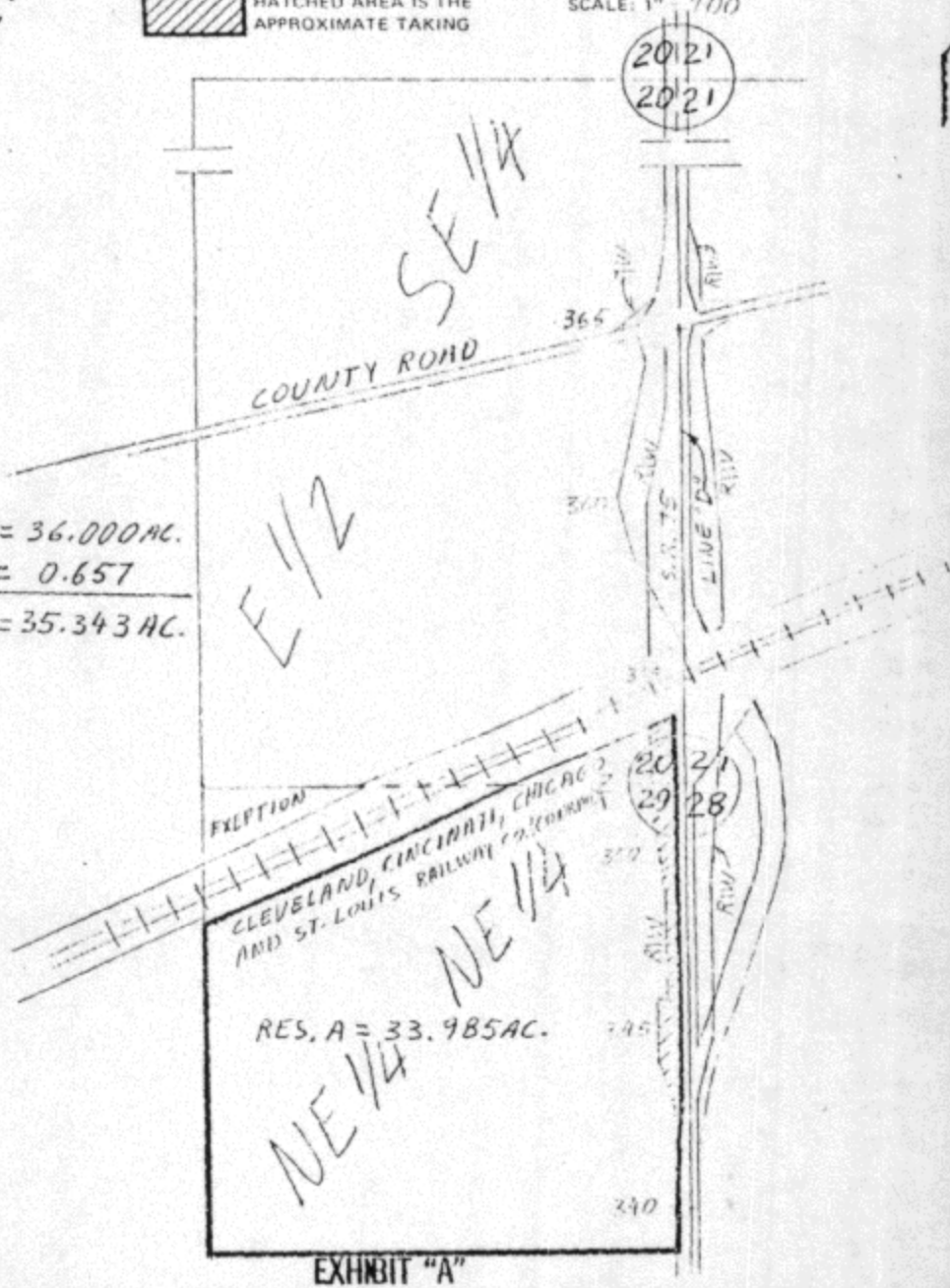


EXHIBIT "A"

LITIGATION DIVISION, HIGHWAY SECTION, INDEX

Case: STATE OF INDIANA v MAURICE G. BRYANT, et al.,Court: HENDRICKS CIRCUIT Cause No. C781-309

Venued To: _____ Cause No. _____

Deputy: STEPHEN C. McNUTT Opened: 7-9-81 Closed: _____

Local Counsel: _____

Opposing Counsel: John M. Howard Jr., / Arthur R. Welling, Jr.

Other Parties and Counsel: _____

Date	PLEADINGS	Page	Date	PLEADINGS	Page
1981 7-15	Complaint for Appropriation of R.S. & Praecipe	1 - 8	3-3	<i>Docket Sheet</i>	54
7-15	Summons	9 - 12			
7-15	Reservation of Right to Demand Jury Trial	13			
7-28	Notice of Appearance	14			
7-31	Written Entry of Appearance for Defendants	15			
7-31	Defendants' Objections to Plaintiff's Condemnation Compl.	16 - 18			
8-10	Civil Court Docket	19			
8-10	Request For Hearing	20			
8-10	D's Request for Continuance of Hearing	21 - 22			
8-11	Order Granting Motion for Continuance & Resetting Hearing	23			
9-28	D's Request for Continuance of Hearing	24 - 25			
9-29	Order Granting Motion For Continuance & Re-assigning Hearing on D's Objections To Appropriation	26 - 27			
11-18	Response to D's Objections To The Appropriation of R.S.	28-31			
11-23	Civil Court Docket	32			
	Settlement Analysis	33-37			
12-23	Order	38			
12-23	Motion for Hearing	39-40			
	Agreed Finding & Judgment	41-44			
2-18-82	Memo re hearing date	45			
2-19	Letter to John Howard	46-47			
2-22	Affidavit of P. Westenberger	48-49			
2-22	Docket sheet	50			
3-3	Motion for Summary Ruling	51-53			

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20; AND A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 15 NORTH, RANGE 2 WEST, HENDRICKS COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID SECTION 29 NORTH 89 DEGREES 25 MINUTES 55 SECONDS WEST 15.98 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 29, WHICH POINT OF BEGINNING IS ON THE WEST BOUNDARY OF S.R. 75; THENCE SOUTH 0 DEGREES 09 MINUTES 00 SECONDS EAST 25.33 FEET ALONG THE BOUNDARY OF SAID S.R. 75; THENCE SOUTH 0 DEGREES 07 MINUTES 00 SECONDS EAST 917.55 FEET ALONG SAID BOUNDARY TO THE WESTERN BOUNDARY OF THE RIGHT OF WAY AS RECORDED FEBRUARY 28, 1975 IN DEED RECORD 235, PAGE 581 IN THE OFFICE OF THE RECORDER OF HENDRICKS COUNTY, INDIANA; THENCE ALONG SAID WESTERN BOUNDARY OF SAID RIGHT OF WAY SOUTHWESTERLY 286.06 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 1,744.86 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 2 DEGREES 05 MINUTES 49 SECONDS WEST AND A LENGTH OF 285.80 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 374.67 FEET; THENCE NORTH 14 DEGREES 02 MINUTES 10 SECONDS WEST 100.00 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 100.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 10.00 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 400.00 FEET; THENCE NORTH 8 DEGREES 58 MINUTES 51 SECONDS WEST 20.124 FEET; THENCE NORTH 4 DEGREES 21 MINUTES 28 SECONDS WEST 272.57 FEET TO THE SOUTHEASTERN LINE OF THE RIGHT OF WAY OF THE CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY; THENCE NORTH 80 DEGREES 45 MINUTES 30 SECONDS EAST 98.45 FEET ALONG SAID SOUTHEASTERN LINE TO THE WEST BOUNDARY OF SAID S.R. 75; THENCE SOUTH 0 DEGREES 09 MINUTES 00 SECONDS EAST 266.35 FEET ALONG THE BOUNDARY OF SAID S.R. 75 TO THE POINT OF BEGINNING AND CONTAINING 0.438 ACRES, MORE OR LESS, IN SAID SECTION 20; AND CONTAINING 0.720 ACRES MORE OR LESS IN SAID SECTION 29; AND CONTAINING IN ALL 1.358 ACRES, MORE OR LESS.

COPY

STATE OF INDIANA)
COUNTY OF HENDRICKS) SS:

IN THE HENDRICKS CIRCUIT COURT
CAUSE NO. 0781-309

STATE OF INDIANA)

Plaintiff,)

-vs-)

MAURICE G. BRYANT, MARY E. BRYANT,
AUDITOR OF HENDRICKS COUNTY and
TREASURER OF HENDRICKS COUNTY)

Defendant(s).)

CLERK
JUL 15 11 05 AM '81
HENDRICKS COUNTY

P R A E C I P E

The Clerk will issue notice to the Sheriff of
Hendricks

County, and by _____,

and make said notice returnable on the 3rd

day of August, 1981, at _____

o'clock ____ M.

LINLEY E. PEARSON
Attorney General of Indiana

By: Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General

8

office of the clerk of any circuit or superior court in this state, as shall appear from the certificate or receipt of any such clerk, shall be admissible in all the courts of this state as evidence of the facts stated in such secretary's certificate. (Formerly: Acts 1881(ss), c.38, s.328).

34-1-17-7 Copies of records; deeds; office books; official bonds

Sec. 7. Exemplifications or copies of records, and records of deeds and other instruments, or of office books or parts thereof, and official bonds which are kept in any public office in this state, shall be proved or admitted as legal evidence in any court or office in this state, by the attestation of the keeper of said records, or books, deeds or other instruments, or official bonds, that the same are true and complete copies of the records, bonds, instruments or books, or parts thereof, in his custody, and the seal of office of said keeper thereto annexed if there be a seal, and if there be no official seal, there shall be attached to such attestation, the certificate of the clerk, and the seal of the circuit or superior court of the proper county where such keeper resides, that such attestation is made by the proper officer. (Formerly: Acts 1881(ss), c.38, s.329).

34-1-17-8 United States land office records; sale of canal or Michigan road lands

Sec. 8. The register, catalogue, tract-book, plat-book, and description of lands, kept at any land office of the United States, located in this state, or at any office for the sale of canal or Michigan road lands, and copies thereof duly certified as true and complete by their proper keeper, and copies duly certified by the auditor of state, as true and complete copies from said original documents, or from copies of the same, legally deposited in the office of said auditor of state, shall be admissible in evidence in civil actions in all the courts of this state, and shall be taken and held as prima facie evidence of the truth of their contents. (Formerly: Acts 1881(ss), c.38, s.330).

34-1-17-9 Certificate of purchase; United States land office

Sec. 9. Every certificate of purchase at a land office of the United States, shall be evidence of legal title to the land therein described. (Formerly: Acts 1881(ss), c.38, s.331).

Chapter 18. Canal Patents.

- 34-1-18-1 Wabash and Erie Canal lands; conveyances
- 34-1-18-2 Wabash and Erie Canal lands; conveyances; recording; bona fide purchasers
- 34-1-18-3 Corporate acts and proceedings; evidence
- 34-1-18-4 Legislative acts; foreign states or territories; full faith and credit
- 34-1-18-5 Michigan road lands; sales; register
- 34-1-18-6 Land patents; certificates of purchase; evidence
- 34-1-18-7 Records and judicial proceedings; foreign courts; evidence
- 34-1-18-8 Notice; publication
- 34-1-18-9 Notice; affidavit; presumptive evidence
- 34-1-18-10 Affidavits; foreign states; authenticated
- 34-1-18-11 Common law; foreign courts; evidence
- 34-1-18-12 Laws of foreign countries; evidence

34-1-18-1 Wabash and Erie Canal lands; conveyances

Sec. 1. Any and all conveyances of land made, under the law existing at the time by the trustees or other person designated by law to make such conveyance, by whatever name such conveyance be known, conveying any of the lands known as the "Wabash and Erie Canal Lands," or other canal lands in this state, assigned by such trustees or other authorized person, shall not be held invalid for want of a seal or scrawl in lieu thereof, nor because not duly acknowledged; but, if otherwise legal, shall be deemed and taken as valid and sufficient to convey the land therein described in full, and completely as if the same had been duly acknowledged and acknowledged, and when the same have been recorded in the records of the county where the land situated, and the records thereof located, the records thereof shall be deemed and taken to be authorized and valid, as if said deed had been duly acknowledged, or the execution thereof had been duly proven before recorded; and such conveyance and the records thereof, are each hereby legalized and declared valid and binding in law, as if the same had been made in full and proper form before being

**Clerk, Hendricks Circuit Court
Court House
Danville, Indiana 46122**

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: Department of Highways 800
Appr. Name: Construction
State Share: \$ _____
Federal Share: \$ _____
Total Amt. of Check: \$ _____

DISTRIBUTION

DATE	3	9	8	2	Project Number	R	S	G	3	3	3	2	1
	Month	Day	Year		Prefix	Number						Parc.	
LOCATION CODE		5	0	0	Federal Code 1 or 2	Cost Account			Dr.-1 Cr.-1	Amount			
FUNCTION CODE			3	5	1	4751				10,000.00			
OBJECT CODE			6	1									
PARCEL NO.				1									
COUNTY NAME & NO.	Hendricks			3	2					Total \$10,000.00			

Purpose of This Payment: **Amount to Satisfy Judgment \$10,000.00**

FOR HIGHWAY USE ONLY		
C/A	STATE	FEDERAL

**State vs. Maurice G. Bryant, et al.
Cause No. C781-309**

Check Delivery Instructions: Yes (See reverse side) Send when ready

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.

X **CLERK, HENDRICKS CIRCUIT COURT**

(If a firm or corporation, give name)

X By *Mary Ann Russell* Clerk
Personal Signature Title

X _____
Signature of individual

X _____

X _____

X _____
Signature of individual

INTERNAL REVIEW DIV.
DATE: MAR 23 1982
INITIALS: *[Signature]*
Signature of individual

Recommended Approval: *[Signature]* 3/23/82
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.

Mary A. McDaniel APR 2 1982
Controller Date

Approved: _____ Date

Director, Indiana Department of Highways Date

Approved: *Donald E. Christy* MAR 24 1982
Asst. Chf. Division of Land Acquisition Date

STATE HIGHWAY COMMISSION
STATE OFFICE BLDG.
INDIANAPOLIS, IND.

April 13, 1982

Clerk, Hendricks Circuit Court
Court House
Danville, IN 46122

GENTLEMEN:

We enclose State Warrant No. 5045918 dated April 6
1982 in settlement of the following voucher:

DESCRIPTION	AMOUNT
Amount to Satisfy Judgment	\$10,000.00

State vs. Maurice G. Bryant, et al.
Cause No. C781-309

Project RSG-3332 (1) Parcel 1

PLEASE FURNISH FOR OUR FILES YOUR OFFICIAL RECEIPT FOR
THIS AMOUNT. THANK YOU.

CERTIFIED MAIL NO. P27 0750920, RETURN RECEIPT REQUESTED

CHIEF ACCOUNTANT:

There are transmitted herewith for payment, original and duplicate vouchers as follows:

LEGAL DEPARTMENT

S. R.	PROJECT	COUNTY	PAYEE	AMOUNT
	RSC-333-2 (1) Parcel 1	Hendricks	Clerk, Hendricks Circuit Court Court House Danville, IN 46122 Account to Satisfy Judgment State vs. Maurice G. Bryant, et al. Cause No. C781-309	\$10,000.00

Thomas D. Quigley
Deputy Attorney General
Thomas D. Quigley

PROJECT NO. R56 3332 (1)

COUNTY Hendricks PARCEL NO. 1 CODE NO. 1705

NAME & ADDRESS OF OWNER Maurice G. Bryant & Mary E. Bryant (h'w)
RR #1 Coatesville In 46121 PHONE 1-317-386-7435

NAME & ADDRESS OF PERSON CONTACTED Mary E. Bryant
above PHONE _____

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 7-9-81 DATE OF CONTACT 3-18-81 TIME OF CONTACT 11:36 A

OFFER \$ 8450.00 TYPE OF CONTACT: ()-PERSONAL VISIT, (X)-TELEPHONE CALL
Write, YES, NO or N/A (for Not Applicable), as appropriate, in each numbered blank space:

- | | |
|---|---|
| 1. <u>NA</u> Checked Abstract with owner? | 13. <u>NA</u> Sent Daily Notice to Relocation Section? |
| 2. <u>✓</u> Any affidavits taken? | 14. <u>✓</u> LEFT FOLLOWING PAPERS WITH OWNERS:
Written offer? |
| 3. <u>✓</u> Any mortgage(s)? | 15. <u>✓</u> Land Acquisition Brochure? |
| 4. <u>✓</u> Any other liens, judgments, etc.? | 16. <u>✓</u> Retention Letter? |
| 5. <u>✓</u> Showed plans? Explained take? | 17. <u>✓</u> Statement of Just Compensation? |
| 6. <u>✓</u> Explained about retentions? | 18. <u>✓</u> Tax memo (interim period)? |
| 7. <u>✓</u> Any major item retained? | 19. <u>✓</u> Receipt of Deed? |
| 8. <u>✓</u> Any minor items retained? | 20. <u>✓</u> Copy of Deed? |
| 9. <u>✓</u> Walked over property? | 21. <u>✓</u> Private appraisal letter? |
| 10. <u>✓</u> Arranged for owner to pay taxes? | 22. <u>✓</u> Brochure, "Relocation & You"? |
| 11. <u>✓</u> Secured Right-of-Entry? | |
| 12. <u>✓</u> Secured driveway Right-of-Entry? | |

REMARKS: Mrs Bryant complained that our offer was not acceptable to them because, in their opinion, it does not provide adequate compensation for the acquisition including severance damages for the reduction in set-back on the residence because of the R/W line that comes within approximately 5 feet of the residence.

I told her we would go ahead and condemn the parcel and explained our 10-day letter.

Status of Parcel: ()-Secured, (X)-Condemned, ()-Other (Explain):
Distribution Made

- ✓ Parcel
✓ Owner
NA Broker
✓ Weekly Summary
✓ Attorney
NA Other, Specify

Philip J. Stertenger
(Signature)

1705

PROJECT NO. R56 3332 (1)

COUNTY Hendricks PARCEL NO. 1 CODE NO. 1705

NAME & ADDRESS OF OWNER Maurice G. Bryant & Mary E. Bryant (h:w)
RR#1 Coatesville In 46121 PHONE 1-317-38-7435

NAME & ADDRESS OF PERSON CONTACTED Maurice G. Bryant
above PHONE _____

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 2-9-81 DATE OF CONTACT 3-2-81 TIME OF CONTACT 8:00 AM

OFFER \$ 8450.00 TYPE OF CONTACT: ()-PERSONAL VISIT, (X)-TELEPHONE CALL
Write, YES, NO or N/A (for Not Applicable), as appropriate, in each numbered blank space:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> <u>NA</u> Checked Abstract with owner? | 13. <input checked="" type="checkbox"/> <u>NA</u> Sent Daily Notice to Relocation Section? |
| 2. <input type="checkbox"/> Any affidavits taken? | LEFT FOLLOWING PAPERS WITH OWNERS: |
| 3. <input type="checkbox"/> Any mortgage(s)? | 14. <input type="checkbox"/> Written offer? |
| 4. <input type="checkbox"/> Any other liens, judgments, etc.? | 15. <input type="checkbox"/> Land Acquisition Brochure? |
| 5. <input type="checkbox"/> Showed plans? Explained take? | 16. <input type="checkbox"/> Retention Letter? |
| 6. <input type="checkbox"/> Explained about retentions? | 17. <input type="checkbox"/> Statement of Just Compensation? |
| 7. <input type="checkbox"/> Any major item retained? | 18. <input type="checkbox"/> Tax memo (interim period)? |
| 8. <input type="checkbox"/> Any minor items retained? | 19. <input type="checkbox"/> Receipt of Deed? |
| 9. <input type="checkbox"/> Walked over property? | 20. <input type="checkbox"/> Copy of Deed? |
| 10. <input type="checkbox"/> Arranged for owner to pay taxes? | 21. <input type="checkbox"/> Private appraisal letter? |
| 11. <input type="checkbox"/> Secured Right-of-Entry? | 22. <input type="checkbox"/> Brochure, "Relocation & You"? |
| 12. <input type="checkbox"/> Secured driveway Right-of-Entry? | |

REMARKS: Coded Mr Bryant as a follow-up to my conver-
sation w/ Mrs Bryant on 2-25-81 at which time I
clarified the \$1600 for c to c fence damages and the
\$3675 in severance damages.

He confirmed that this clarification had been
requested for their appraiser but since then he had
decided to reject our offer and go with the
court appointed appraisers - so I told him I'd discuss the
matter within upon expiration of the 25-day period for
responding to the offer as covered in the offering letter

Status of Parcel: ()-Secured, ()-Condemned, (X)-Other (Explain): Follow-up
Distribution Made
{ } Parcel { } Weekly Summary
{ } Owner { } Attorney
{ } Broker { } Other, Specify

Philip W. Vertenbergo
(Signature)

PROJECT NO. RS9 3332 (1)

COUNTY Hendricks PARCEL NO. 1 CODE NO. 1705

NAME & ADDRESS OF OWNER Maurice G. Bryant & Mary E. Bryant (H & W)
RR #1 Coatesville In 46121 PHONE 1-317-316-7435

NAME & ADDRESS OF PERSON CONTACTED Mary E. Bryant
above PHONE _____

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 7-9-81 DATE OF CONTACT 2-25-81 TIME OF CONTACT 9:00 A.M.

OFFER \$ 8450.00 TYPE OF CONTACT: ()-PERSONAL VISIT, (X)-TELEPHONE CALL
Write, YES, NO or N/A (for Not Applicable), as appropriate, in each numbered blank space:

- | | |
|---|--|
| 1. <u>NA</u> Checked Abstract with owner? | 13. <u>NA</u> Sent Daily Notice to Relocation Section? |
| 2. <u>/</u> Any affidavits taken? | |
| 3. <u>/</u> Any mortgage(s)? | LEFT FOLLOWING PAPERS WITH OWNERS: |
| 4. <u>/</u> Any other liens, judgments, etc.? | 14. <u>/</u> Written offer? |
| 5. <u>/</u> Showed plans? Explained take? | 15. <u>/</u> Land Acquisition Brochure? |
| 6. <u>/</u> Explained about retentions? | 16. <u>/</u> Retention Letter? |
| 7. <u>/</u> Any major item retained? | 17. <u>/</u> Statement of Just Compensation? |
| 8. <u>/</u> Any minor items retained? | 18. <u>/</u> Tax memo (interim period)? |
| 9. <u>/</u> Walked over property? | 19. <u>/</u> Receipt of Deed? |
| 10. <u>/</u> Arranged for owner to pay taxes? | 20. <u>/</u> Copy of Deed? |
| 11. <u>/</u> Secured Right-of-Entry? | 21. <u>/</u> Private appraisal letter? |
| 12. <u>/</u> Secured driveway Right-of-Entry? | 22. <u>/</u> Brochure, "Relocation & You"? |

REMARKS: Returned Mrs Bryant's call to tell her that our offer included \$1600 for c to c damages for 1075 ft of fencing which when deducted from the overall damage figure of \$5275 left \$3675 for severance (or set-back) damage.

She said they had someone working on a private appraisal and she wanted clarification of these figures for that purpose.

She also argued that the house violating the law was occupied by their son as a month-to-month renter.

Disposition Made: ()-Secured, ()-Condemned, (X)-Other (Explain): Follow-up

Philip V. Hertzberg
(Signature)

- { } Weekly Summary
- { } Attorney
- { } Other, Specify

PROJECT NO. R56 3332 (1)

COUNTY Hendricks PARCEL NO. 1 CORN NO. 1705

NAME & ADDRESS OF OWNER Maurice G. Bryant & Mary E. Bryant (b/w)
RR#1 Coopersville In 4621 PHONE 1-317-386-7435

NAME & ADDRESS OF PERSON CONTACTED above

PHONE

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 7-9-81 DATE OF CONTACT 7-16-81 TIME OF CONTACT 7:00 PM

OFFER \$ \$450.00 TYPE OF CONTACT: ()-PERSONAL VISIT, ()-TELEPHONE CALL
Write, YES, NO or N/A (for Not Applicable), as appropriate, in each numbered blank space:

- | | |
|--|---|
| 1. <u>YES</u> Checked Abstract with owner? | 13. <u>YES</u> Sent Daily Notice to Relocation Section? |
| 2. <u>NO</u> Any affidavits taken? | |
| 3. <u>NO</u> Any mortgage(s)? | LEFT FOLLOWING PAPERS WITH OWNERS: |
| 4. <u>NO</u> Any other liens, judgments, etc.? | 14. <u>YES</u> Written offer? |
| 5. <u>YES</u> Showed plans? Explained take? | 15. <u>YES</u> Land Acquisition Brochure? |
| 6. <u>NO</u> Explained about retentions? | 16. <u>NO</u> Retention Letter? |
| 7. <u>NO</u> Any major items retained? | 17. <u>YES</u> Statement of Just Compensation? |
| 8. <u>NO</u> Any minor items retained? | 18. <u>NO</u> Tax memo (interim period)? |
| 9. <u>NO</u> Walked over property? | 19. <u>NO</u> Receipt of Deed? |
| 10. <u>NO</u> Arranged for owner to pay taxes? | 20. <u>YES</u> Copy of Deed? <u>Xerox copy</u> |
| 11. <u>NO</u> Secured Right-of-Entry? | 21. <u>YES</u> Private appraisal letter? |
| 12. <u>NO</u> Secured driveway Right-of-Entry? | 22. <u>NO</u> Brochure, "Relocation & You"? |

REMARKS: With the aid of The Plan and Profile sheets discussed the project in general as a 16-bridging of the Canal tracks with a realignment of S.R. 75 which eliminates the "S" curve joined with the present bridge and highway approaches. The approaches to the new bridge to be 2 12' travel lanes with 11' foot shoulders both to be blacktopped. The bridge to provide 44' clear roadway.

Also specifically discussed the need to acquire approx. 1.358 acres of perm. R/W from this property, being a strip of land paralleling the highway for a distance of approx. 1500ft

Status of Parcel: ()-Secured, ()-Condemned, ()-Other (Explain): no off
Distribution Made
 Parcel () Weekly Summary
 Owner () Attorney
 Broker () Other, Specify
Philip C. Hartman
(Signature)

REMARKS (Continued)

and varying in width from some 9' at the north end to a tapered point at the south end of the acquisition as reflected on the attached Land Plat and described on the attached copy of the Warranty Deed. Also discussed ① the continuation of the existing drive access of approx. station 347+29, left, and to be some 24' in width extending from the roadway to the property line; ② the side ditch on the left to be paved from station 344+30 to 345+25 - sodded from station 345+25 to 347+10 - and paved from station 347+46 to 348+25; ③ the fill required to provide the proposed 2 grade varying in depth from about 2' venting the residence to about 75' at the north end of the property.

Presented the State's offer for this acquisition of \$450.00 being \$375.00 for the land and hardware and fees thereon and \$75.00 in severance damages and cost-to-cure damages for fencing as supported by the State's offering letter, statement of the Basis for Just Compensation, copy of the Warranty Deed describing the acquisition and copy of the Land Plat reflecting the acquisition.

The owners will review our offer and I can check with them in a couple of weeks to respond to any questions they may have

Philip W. Winters
Signature Date 2/16

PROJECT NO. RSG 3332 (1)

COUNTY Hendricks PARCEL NO. 1 CODE NO. 1705

NAME & ADDRESS OF OWNER Maurice G. Bryant & Mary E. Bryant (h & w)
RR#1 Coatesville In 46121 PHONE 1-317-316-7435

NAME & ADDRESS OF PERSON CONTACTED Mary E. Bryant

PHONE

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 2-9-81 DATE OF CONTACT 2-13-81 TIME OF CONTACT 9:51 A.M.

OFFER \$ 1450.00 TYPE OF CONTACT: ()-PERSONAL VISIT, ()-TELEPHONE CALL
Write, YES, NO or N/A (for Not Applicable), as appropriate, in each numbered blank space:

- | | |
|---|--|
| 1. <u>NA</u> Checked Abstract with owner? | 13. <u>NA</u> Sent Daily Notice to Relocation Section? |
| 2. <u>/</u> Any affidavits taken? | |
| 3. <u>/</u> Any mortgage(s)? | LEFT FOLLOWING PAPERS WITH OWNERS: |
| 4. <u>/</u> Any other liens, judgments, etc.? | 14. <u>/</u> Written offer? |
| 5. <u>/</u> Showed plans? Explained take? | 15. <u>/</u> Land Acquisition Brochure? |
| 6. <u>/</u> Explained about retentions? | 16. <u>/</u> Retention Letter? |
| 7. <u>/</u> Any major item retained? | 17. <u>/</u> Statement of Just Compensation? |
| 8. <u>/</u> Any minor items retained? | 18. <u>/</u> Tax memo (interim period)? |
| 9. <u>/</u> Walked over property? | 19. <u>/</u> Receipt of Deed? |
| 10. <u>/</u> Arranged for owner to pay taxes? | 20. <u>/</u> Copy of Deed? |
| 11. <u>/</u> Secured Right-of-Entry? | 21. <u>/</u> Private appraisal letter? |
| 12. <u>/</u> Secured driveway Right-of-Entry? | 22. <u>/</u> Brochure, "Relocation & You"? |

REMARKS: No Bryant gave me an appointment for 2:00 pm Monday 2-16-81 to make the offer

Status of Parcel: ()-Secured, ()-Condemned, (X)-Other (Explain): Vol/par-up
Distribution Made

- | | |
|------------------|--------------------|
| <u>NA</u> Parcel | () Weekly Summary |
| Owner | () Attorney |
| Broker | (X) Other, Specify |

Philip J. Stenderberger
(Signature)

PROJECT NO. RS6-3332(1)

COUNTY Hendricks PARCEL NO. _____ CODE NO. 1705

NAME & ADDRESS OF OWNER Maurice G. Bryant & Mary E Bryant (h&w)
RR#1 Cootesville In 46121 PHONE 1-317-386-7435

NAME & ADDRESS OF PERSON CONTACTED Mary E. Bryant
PHONE _____

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 2-9-81 DATE OF CONTACT 2-11-81 TIME OF CONTACT 1:01 PM

OFFER \$ 8450.00 TYPE OF CONTACT: ()-PERSONAL VISIT, (X)-TELEPHONE CALL
Write, YES, NO or N/A (for Not Applicable), as appropriate, in each numbered blank space:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> <u>N/A</u> Checked Abstract with owner? | 13. <input checked="" type="checkbox"/> <u>N/A</u> Sent Daily Notice to Relocation Section? |
| 2. <input checked="" type="checkbox"/> Any affidavits taken? | LEFT FOLLOWING PAPERS WITH OWNERS: |
| 3. <input checked="" type="checkbox"/> Any mortgage(s)? | 14. <input checked="" type="checkbox"/> Written offer? |
| 4. <input checked="" type="checkbox"/> Any other liens, judgments, etc.? | 15. <input checked="" type="checkbox"/> Land Acquisition Brochure? |
| 5. <input checked="" type="checkbox"/> Showed plans? Explained take? | 16. <input checked="" type="checkbox"/> Retention Letter? |
| 6. <input checked="" type="checkbox"/> Explained about retentions? | 17. <input checked="" type="checkbox"/> Statement of Just Compensation? |
| 7. <input checked="" type="checkbox"/> Any major item retained? | 18. <input checked="" type="checkbox"/> Tax memo (interim period)? |
| 8. <input checked="" type="checkbox"/> Any minor items retained? | 19. <input checked="" type="checkbox"/> Receipt of Deed? |
| 9. <input checked="" type="checkbox"/> Walked over property? | 20. <input checked="" type="checkbox"/> Copy of Deed? |
| 10. <input checked="" type="checkbox"/> Arranged for owner to pay taxes? | 21. <input checked="" type="checkbox"/> Private appraisal letter? |
| 11. <input checked="" type="checkbox"/> Secured Right-of-Entry? | 22. <input checked="" type="checkbox"/> Brochure, "Relocation & You"? |
| 12. <input checked="" type="checkbox"/> Secured driveway Right-of-Entry? | |

REMARKS: Mrs Bryant told me that an appointment with them would have to be an evening appointment because Mr Bryant didn't get home from work until about 5:00 PM. So she said almost any evening next week except Tuesday should be convenient so I told her I'd call on Monday 2-16-81 to confirm a date and time.

Status of Parcel: ()-Secured, ()-Condemned, (X)-Other (Explain): mkj app't
Distribution Made
 Parcel
 Owner
 Broker
 Weekly Summary
 Attorney
 Other, Specify
Philip V. Hertenberger
(Signature)

INDIANA STATE HIGHWAY COMMISSION
INDIANAPOLIS, INDIANA 46204
INTER-DEPARTMENT COMMUNICATION

MEMORANDUM FOR THE FILE

DATE February 6, 1981
PROJECT RSG 3332 (1)
PARCEL #1

TO: Buying Section
Relocation File
Control

THIS PARCEL HAS NO RELOCATION.

CHECK ONE:

THE 90 DAY LETTER HAS BEEN SENT _____

THE 90 DAY LETTER IS NOT REQUIRED Bare Land

L. C. Wilson
Relocation Agent

INDIANA STATE HIGHWAY COMMISSION

INDIANAPOLIS, INDIANA 46204

INTER-DEPARTMENT COMMUNICATION

Date: March 24, 1961

MEMORANDUM TO DEPUTY ATTORNEY GENERAL AND FILE:

Project: RSG-3332 (1)

Parcel: # 1

County: Hendricks

Owner: Mr. Maurice G. Bryant, et ux

This parcel is being forwarded to condemnation using only one appraisal in accordance with instructions from Chief, Division of Land Acquisition.

Additional appraisal or appraisals will be secured at a later date.

Jack T. Small

Jack T. Small, Chief
Buying Section

JTS:rb

cc: Control

CONDENSATION REPORT

Past experience has indicated that the negotiator is in an excellent position to gather information which frequently proves very valuable and helpful during a trial. Completing of the following questions will materially aid the attorney representing the State. In answering the following questions, please answer them as accurately and as completely as you can, avoiding yes and no answers wherever possible. Where more than one negotiator has participated, each should fill out separate forms. Answer legibly in the space provided. If more space is needed, please complete answer on back of that sheet and make reference in answer to paragraph and question number.

DATE 2-20-81

1. PROJECT NUMBER RS633326 2. PARCEL # 1
 3. COUNTY Hendricks 4. ROAD # S.R. 75
 5. OWNER'S NAME Maurice G Bryant & Mary S. Bryant

1. COMPLETE ADDRESS R.R. #1 (APPROX. ONE MILE NORTH OF THE INTERSECTION OF C.R. 350 SOUTH AND S.R. 75 ON THE WEST SIDE OF S.R. 75)
 COUNTY Hendricks CITY Cootesville STATE Indiana 46121

2. RELATIONSHIP (CORPORATION) (HUSBAND-WIFE) (ETC.)
husband-wife

3. IF CORPORATION, NAME OF PRESIDENT NA

4. NAME AND TITLE OF CORP. OFFICIAL YOU NEGOTIATED WITH
NA

5. State is the interest of those in possession (occupants)
OWNERS

(See 7 ——— for complete addresses and names.)

7. A. LESSOR NONE

- a. ADDRESS _____

COUNTY _____ CITY _____ STATE _____

- B. TENANT NONE

- a. ADDRESS _____

COUNTY _____ CITY _____ STATE _____

J. D. Sawilley
 3-23-81

C. OWNER Jay M. Bryant
a. ADDRESS RR #1
COUNTY Hendricks CITY Cortesville STATE In 46121

D. CONTRACT PURCHASER NONE
a. ADDRESS _____
COUNTY _____ CITY _____ STATE _____

E. MORTGAGEE NONE
a. ADDRESS _____
COUNTY _____ CITY _____ STATE _____

F. OWNER'S ATTORNEY UNKNOWN
a. ADDRESS _____
COUNTY _____ CITY _____ STATE _____

G. COUNTY AUDITOR Patricia J. Noel
a. ADDRESS Hendricks County Courthouse
COUNTY Hendricks CITY Danville STATE Indiana 46122

H. OTHER NA
a. ADDRESS _____
COUNTY _____ CITY _____ STATE _____

8. A. DATE PARCEL ASSIGNED FOR NEGOTIATION 2-9-81

B. DATE OF FIRST NEGOTIATION CONTACT WITH PROPERTY OWNER 2-16-81

9. PLACE owner's residence

10. PERSONS PRESENT Maurice G. Bryant; Mary E Bryant; Buyer ^{Wettraberger} Philip V.

11. WHAT WAS SAID AND BY WHOM? Buyer ^{Wettraberger} Wettraberger with the aid of the Plan & Profile sheets discussed the project in general as a re-bridging of the current tracks with a realignment of S.E. 75 which eliminates the 'S' curve joined by the present bridge and highway approaches. The approaches to the new bridge to be 212' blacktopped travel lanes and 11' foot blacktopped shoulders; with the bridge providing 44' clear roadway. Discussed the continuation of the existing drive access at approx sta. 347+79 left and to be 20' wide extending from the roadway to the property line. Also discussed the side

details and will required to attain the proposed & grade. Presented the stated offer for 1.358 acres per acre. Also described on copy of Warranty Deed attached to the offering letter.

The owners said I could again call them regarding any questions they might have regarding the acquisition and the offer.

12. A. How many times have you contacted the property owner(s) or their attorney(s) since your initial visit? Specify dates, places, and resume of discussions, also persons present. **3 times**

2-25-81 - Returned Mrs Bryant's call to tell her that the offer included \$1600 for cost-to-cure damages for 1075 sq ft of fencing which when deducted from the overall damage figure of \$5275 leaves \$3675 for severance or set-back damages.

She said they had someone working on a private appraisal and she wanted clarification of these figures for that purpose.

3-2-81 Called Mr Bryant as a follow-up on the 2-25-81 call to learn that they had decided not to present a private appraisal but had decided to reject our offer and proceed under the condemnation procedure outlined on page 2 of our offering letter.

So I told him I'd check with him after the 25-day period for a response as coined in the offering letter.

3-15-81 Called the owner's as a follow-up to their indicated rejection of our offer to learn from Mrs Mary S. Bryant that they were rejecting our offer because, in their opinion, it was not adequate compensation for the acquisition including the severance damages for the reduction in set-back on the residence from approx. 33 ft to 5 ft. I told her we would proceed with the condemnation and explained our 10-day letter

12. only one personal contact was made, explain why no more were ad-able before condemning this parcel.

NA

13. What statements have you made to the property owner(s) or their attorney(s) with reference to the highway project or its affect upon their property?
NONE except those involving the need for replacing the bridge
14. What complaints, if any, have the property owner(s) made with reference to the highway project on their property? Describe in detail.
NONE - except they don't consider the offer reflects adequate compensation for the acquisition
15. What adjustments or actions have been taken, if any, and by whom with respect to any of the complaints of the property owner(s)? Describe in detail.

NONE

16. A. Date last offer was made 2-16-81
Amount of last offer \$ 8460.00
- B. If amount of last offer is different than amount of first offer state amount of first offer and explain why.

NA

17. How much does property owner demand?
don't mention a figure
18. What are the reasons for claiming a higher amount than that offered by the State?
Not adequate compensation for the acquisition with particular reverence to severance damages for the reduced set-back on the residence from approx 35 feet to 5 feet

19. How many acres or square feet are involved in the take and what is the nature of the take (e.g., 12 acres right of way, $\frac{1}{2}$ acre temporary, roads, etc.)?

1.358 ACRES of permanent RLW

20. How many acres are there in the remaining property?

32485 ACRES

21. What were the uses of this property in the before condition? Describe in detail.

IMPROVED AGRICULTURAL

22. How will these uses be affected by the highway project? Describe in detail.

UNCHANGED

23. How many appraisals have been made on the subject property? Specify names of appraisers and date(s) of appraisals.

*ONE - DORRILL E. BUNNELL -
2-3-81*

24. Has the landowner received any recent offers for his property? If so, describe fully.

UNKNOWN

25. Who are the appraisers for the property owner(s), if any?

UNKNOWN

26. If you have any information about their qualifications, experience, etc., please describe.

NA

27. In your opinion, what kind of a witness would the property owner make, viz., good appearance, intelligent, good reputation in the community, etc.?

GOOD

28. How long has he owned this land?

SINCE MAY 1970

29. Are there any unique features about his farming or business operations? Are they generally good or poor? *NO*

30. Are there any unique topographical features on his land? Please explain.

no

31. Has there existed any united feeling in the community against the highway project?

no

32. Do you know of any landowner(s) in the area who might make good witness(es) for the State?

no

33. A. Have you discovered any items of damage that have been omitted, or improperly included, or that are too high or too low? YES _____
NO X. (If "Yes," explain.)

B. Have you sent this parcel back to the Review Appraiser, or have you discussed it with the Review Appraiser, concerning any problems (including those in "A" above)? YES _____ NO X.

C. If "B" above is "Yes", what was the nature of the problem and what was the Review Appraiser's determination concerning it?

NA

D. Have you prepared Buyer's Reports covering the remarks in "C" above? YES _____ Not Applicable X.

E. Have you prepared Buyer's Reports on all contacts made on this parcel, so that a complete story is contained in them? YES X NO _____.

F. Have you rechecked the parcel in order to make sure that all reports are in the parcel and that the information is completed? YES X NO _____.

34. In your opinion, are there any strong points the State should emphasize in the presentation of its case? (Answer must be well considered and thorough.)

Appraisal is consistent with those on the project

35. Are there any weak points in the State's position? If so, specify.

NO

36. Any other information you feel would be helpful in the trial of this case?

NO

37. Were holders of other interests contacted?

NA

38. Date and Place of meeting(s).

NA

39. Those present.

NA

40. Were the actual premises to be condemned viewed by you and were those in possession contacted?

41. A. Description of buildings and structures in the take. (Be exact on this and view them yourself to verify):

NA

B. Location and address of building or structures sufficient for advertisement.

NA

42. A. Does the deed (or grant) contain a metes and bounds description covering temporary right of way for driveway construction?

YES _____ NO X

B. If the answer to 42 A is "No" and a driveway is involved, did you get the form "Authorization for Entry Upon Private Property for Driveway Construction" signed?

YES _____ NOT APPLICABLE X

43. Is Replacement Supplemental Housing Payment Applicable?

YES _____ NOT APPLICABLE X

44. Was Explanation of Eligibility Requirement for Replacement Housing Payment (Owner-Occupant) (RAAP Form #12) letter given and explained?

YES _____ NO X

45.

Have you verified in your contacts with the fee owner, or his representative, that there are no other leases, lien, or encumbrances of any kind on the property other than those listed in the report.

400

I CERTIFY THAT THE ABOVE IS A COMPLETE STATEMENT OF THE NEGOTIATIONS CARRIED ON IN THIS CASE AND THAT IT WILL BE MY TESTIMONY IF CALLED UPON IN THE COURT PROCEEDINGS.

Philip V. Hertanberg
LAND AGENT'S SIGNATURE

STATE OF INDIANA



INDIANAPOLIS

INDIANA STATE HIGHWAY COMMISSION

100 North Senate Avenue
Indianapolis, Indiana 46204

Room 1101, State Office Building

317-232-5533

March 24, 1981

Mr. Maurice G. Bryant
Mrs. Mary E. Bryant
R. R. 1
Coatsville, Indiana 46121

RE: Project RSG-3332 (1)
Parcel #1
Road S. R. 75
County Hendricks
Code 1705

Dear Mr. & Mrs. Bryant:

In reviewing your file, I note there is a difference of opinion as to the value of your property which we propose to acquire.

Due to the urgency of the highway construction program, an orderly and systematic acquisition of properties must be vigorously pursued. I trust you will understand this need. We have attempted to arrive at a fair market value of your property by the use of highly competent, professional appraisers. We have made full use of all information supplied by our Buying Representative. From all the facts we have gathered we have in our opinion arrived at a just and fair market value of the property in the amount of \$8,450.00.

I am again repeating the offer as stated. This offer will remain open ten days from date of receipt of this letter, at which time it will be considered terminated, and it shall be necessary for us to forward your file to the Office of the Attorney General of Indiana in order that he may institute proceedings in eminent domain.

I wish to thank you for the courtesy and consideration you have extended to our various representatives in the past. If you should decide to reconsider your position and accept the offer, please contact me at the address or phone number indicated below my name and I shall be glad to have our representative contact you again.

We regret any inconvenience this project may cause you personally but feel quite sure, after evaluating all the facts, you may wish to join the Indiana State Highway Commission in rendering to the people of Indiana a modern and safe highway system.

JDT/e

cc: Control
Parcel
File

Sincerely,

John D. Terwilliger
Assistant Chief Buyer

Division of Land Acquisition
Room 1105 State Office Building
Phone 317-232-5050

INDIANA DEPARTMENT OF HIGHWAYS

INDIANAPOLIS, INDIANA 46204
INTER-DEPARTMENT COMMUNICATION

MARCH 22, 1982

MEMO TO : MR. GALE B. CONRAD
DEVELOPMENT ENGINEER
CRAWFORDSVILLE DSITRICT

FROM : MR. BILL BEST
ENGINEER SERVICES SUPERVISOR

RE: PROJECT R50-3332(1)
ROAD S.R. 75
COUNTY HENDRICKS
CODE 1705
PARCEL 1

PLEASE ARRANGE TO HAVE PARCEL 1 RESTAKED AS SOON AS POSSIBLE. THIS PARCEL IS IN CONDEMNATION AND THE STAKING IS NEEDED TO REACH A SETTLEMENT. ALSO, THE PROPERTY OWNER HAS REQUESTED THAT HE WANTS TO BE PRESENT WHEN THE STAKING IS DONE.

BB:LJ

CC: MR. W. J. GRIFFITH
MR. B. WOOD
MR. B. BEST
CENTRAL CONTROL
ENG. FILE

STATE OF INDIANA

B F M - 5-2a - 7-77



INDIANAPOLIS

INDIANA STATE HIGHWAY COMMISSION

100 North Senate Avenue
Indianapolis, Indiana 46204

Room 1101, State Office Building

317-232-5533

UNIFORM LAND OR EASEMENT ACQUISITION OFFER

PROJECT: R34 333 Z (1)PARCEL: 1 CODE: 1705ROAD: SR 75COUNTY: Hendricks

TO: Maurice & Bryant
Mary Z. Bryant
RR #1
Cootesville IN 46121

The State of Indiana, acting by and through the Indiana State Highway Commission (hereinafter referred to as the Indiana State Highway Commission) is authorized by Indiana law to obtain your land or an easement across your land for certain public purposes. The Indiana State Highway Commission needs (your land) (~~easement~~ ~~across your land~~) for a public highway improvement SR 75

and needs to take the land (~~easement~~) (~~right~~) as described on the attached legal description.

It is our opinion that the fair market value of the (property) (~~easement~~) we want to acquire from you is \$ 8450.00, and, therefore, the Indiana State Highway Commission offers you \$ 8450.00 for the above described (property) (~~easement~~). You have twenty-five (25) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the easement, and provided there are no difficulties in clearing liens or other problems with title to land. Possession will be required thirty (30) days after you have received your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, the Indiana State Highway Commission is required to make a good faith effort to purchase (your property) (~~an agreement that assess your property~~).
2. You do not have to accept this offer.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of (your land) (~~an agreement~~), the Indiana State Highway Commission has the right to file suit to condemn and appropriate the (land) (~~assess~~) in the county in which the real estate is located.
4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Indiana State Highway Commission files a suit to condemn and appropriate (your land) (~~an agreement~~), and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (land) (~~assess~~) to be appropriated.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the (land) (~~assess~~) condemned.
8. If the court appraisers' report is not accepted by either of us, then the Indiana State Highway Commission has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, the Indiana State Highway Commission is legally entitled to immediate possession of the (land) (~~assess~~). You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the land or easement. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in this notice. The offer of \$ 245,000 made herein is a total offer for the entire acquisition and is intended to justly compensate you and all parties of interest.
- _____
- _____
- _____
- _____
- _____
- _____

10. If you have any questions concerning this matter, you may contact us at:

The Indiana State Highway Commission
 Division of Land Acquisition
 State Office Building, Room 1105
 100 North Senate Avenue
 Indianapolis, Indiana 46204
 Attn: Buying Section
 Phone: 317-232-5050

This offer was made to owner(s):

Shirley G. Bryant of Headricks County on 2-16-81 (Date)

Mary E. Bryant of Headricks County on 2-16-81 (Date)

_____ of _____ on _____ (Date)

_____ of _____ on _____ (Date)

BY: _____

(Signature)

Philip V. Warden

(Printed Name and Title)

Agent of: The Indiana State Highway Commission

If you decide to accept the offer of \$ 8450.00 made by the Indiana State Highway Commission, sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I (We), _____,

landowner(s) of the above described property or interest in property, hereby accept the offer of \$ _____ made by the Indiana State Highway Commission on this _____ day of _____, 19____.

NOTARY'S CERTIFICATE

STATE OF _____ }
COUNTY OF _____ } SS:

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission Expires: _____

(Signature)

(Printed) NOTARY PUBLIC

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 Project RSC-3332 (1), in Hendricks County, Indiana, requires the construction, reconstruction, relocation or maintenance and repair of a public highway in said County, which highway forms a part of a State Highway designated in the records and files of the Indiana State Highway Commission as Road No. S.R. 75 which extends from Owensboro bridge to S.R. 66, from U.S. 40 west of Stilesville thru New Winchester to Jct. With S.R. 47 in Thoinstown, from the junction with S.R. 39 in Frankfort north thru Catier and Flora to the junction with S.R. 216 in Camden.

the general width of the right of way for said project is 120 feet, which proposed construction project will 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 at Indianapolis, Indiana, the general route, location and termini thereof being as follows:

Beginning at a point on line "D" and S.R. 75, approximately 953 feet south of the section corner of sections 20, 21, 28, and 29, thence extending 2500 feet north along said center line, all in sections 20, 21, 28, and 29; Township 15 north, Range 2 west, Clay and Marion Townships, Hendricks County.

AND WHEREAS, it is necessary in making said improvement to acquire a right of way as hereinafter described over the land of Maurice G. Bryant, Mary E. Bryant, Auditor of Hendricks County and Treasurer of Hendricks County

and,

WHEREAS, the fee to the said land hereinafter described is to be taken for the reason that the public interest will be best served and economy effected, and,

WHEREAS, the Indiana State Highway Commission 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 in fee, the same being in Hendricks County, Indiana, and to be used as right of way for said highway improvement, and being necessary for such purposes, which land is specifically described as follows, to-wit:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20; AND A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 15 NORTH, RANGE 2 WEST, HENDRICKS COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID SECTION 29 NORTH 89 DEGREES 26 MINUTES 53 SECONDS WEST 13.88 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 29, WHICH POINT OF BEGINNING IS ON THE WEST BOUNDARY OF S.R. 75; THENCE SOUTH 0 DEGREES 09 MINUTES 00 SECONDS EAST 25.33 FEET ALONG THE BOUNDARY OF SAID S.R. 75; THENCE SOUTH 0 DEGREES 07 MINUTES 00 SECONDS EAST 917.53 FEET ALONG SAID BOUNDARY TO THE WESTERN BOUNDARY OF THE RIGHT OF WAY AS RECORDED FEBRUARY 28, 1975 IN DEED RECORD 235, PAGE 503 IN THE OFFICE OF THE RECORDER OF HENDRICKS COUNTY, INDIANA; THENCE ALONG SAID WESTERN BOUNDARY OF SAID RIGHT OF WAY SOUTHWESTERLY 285.05 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 1,944.85 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 4 DEGREES 05 MINUTES 49 SECONDS WEST AND A LENGTH OF 285.80 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 374.67 FEET; THENCE NORTH 14 DEGREES 09 MINUTES 10 SECONDS WEST 105.08 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 100.00 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 00 SECONDS EAST 10.00 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 00 SECONDS WEST 400.00 FEET; THENCE NORTH 8 DEGREES 38 MINUTES 51 SECONDS WEST 20.24 FEET; THENCE NORTH 4 DEGREES 21 MINUTES 28 SECONDS WEST 272.37 FEET TO THE SOUTHEASTERN LINE OF THE RIGHT OF WAY OF THE CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY; THENCE NORTH 60 DEGREES 43 MINUTES 30 SECONDS EAST 98.45 FEET ALONG SAID SOUTHEASTERN LINE TO THE WEST BOUNDARY OF SAID S.R. 75; THENCE SOUTH 0 DEGREES 09 MINUTES 00 SECONDS EAST 206.35 FEET ALONG THE BOUNDARY OF SAID S.R. 75 TO THE POINT OF BEGINNING AND CONTAINING 0.438 ACRES, MORE OR LESS, IN SAID SECTION 20; AND CONTAINING 0.720 ACRES MORE OR LESS IN SAID SECTION 29; AND CONTAINING IN ALL 1.358 ACRES, MORE OR LESS.

AG-12
Rev. 6-68

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 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 26th day of March, 1981.

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

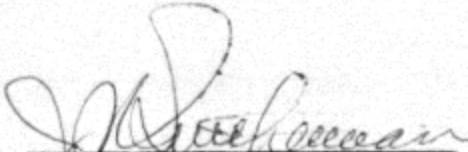
INDIANA STATE HIGHWAY COMMISSION

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 Maurice G. Bryant, R.R. 1,
Coatsville, IN 46121, Mary E. Bryant, R.R. 1, Coatsville, IN 46121,
Auditor of Hendricks County, Courthouse, Danville, IN 46122 and
Treasurer of Hendricks County, Courthouse, Danville, IN 46122

in Hendricks County, Indiana, as the same appears on
records in the files of said Commission in the State Office Building
in the City of Indianapolis, Indiana.

IN WITNESS WHEREOF, I Jack N. Smitherman, Secretary of the
Indiana State Highway Commission of Indiana, hereto place my hand
and seal of said Commission on this 26th day of April,
19 81.


Secretary

SEAL:

SETTLEMENT ANALYSIS

DEPUTY STEPHEN C. McNUTT TRIAL DATE NOT SET

STATE VS. MAURICE G. BRYANT, et al FILED 7-9-81 - 7-15-81

COURT HENDRICKS CIRCUIT CAUSE NO. C781-309

PROJECT RSG-3332(1) PARCEL NO. 1 ROAD S.R. 75

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY:

S.R. 75, 1 1/2 miles north of Coatsville in Hendricks County.

IMPROVEMENTS:

Two residences, pole shed, chicken house

DESCRIPTION OF TAKE: (Attach sketch)

see sketch

AREA OF TAKING 1.358 acres AREA OF REMAINDER 33.985 acres

OFFER PRIOR TO CONDEMNATION \$8,450.00 COURT AWARD \$ not awarded

DEFENDANTS' ATTORNEY John Howard

COURT APPRAISERS' REPORT - DATE FILED N/A

EXCEPTIONS - STATE N/A DATE N/A DEFENDANTS N/A DATE N/A

REVIEW APPRAISERS:

REVIEWERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
2-3-81 Sam Taylor	\$3,175.00		\$5,275		\$8,450.00

SUMMARY PROPOSED SETTLEMENT:

Review Appraisers' Amount	\$ <u>8,450.00</u>	REFUND DUE STATE from Deposit with Court:
Adjustments (See Memo)	\$ <u>-0-</u>	\$ <u>-0-</u>
Court Costs: (See Memo)	\$ <u>500.00</u>	ADDITIONAL AMOUNT to Pay into Court:
Additional Appraisals	\$ <u>800.00</u>	\$ <u>10,000.00</u>
Witness Fees	\$ <u>1,500.00</u>	SETTLEMENT AT:
Local Counsel Fees	\$ <u>400.00</u>	\$ <u>10,000.00</u>
Jury Costs	\$ <u>100.00</u>	
Miscellaneous Costs	\$ <u>11,750.00</u>	
TOTAL	\$ <u>11,750.00</u>	

RANGE OF STATE'S APPRAISALS:

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGES OR BENEFITS	TOTAL COMPENSATION
11-19-80 Bunnell	\$3,175.00		\$5,275.00		\$8,450.00

RANGE OF DEFENDANTS' APPRAISALS:

10-1-81 Bob Sell	\$4,500.00		\$6,500.00		\$11,000.00

BREAKDOWN OF COURT APPRAISERS' AWARD:

N/A					
-----	--	--	--	--	--

COURT APPRAISERS' AWARD:

Deposited (date): N/A Withdrawn: No Yes & Date

Amount Withdrawn \$ by

\$ by

EXPLANATION - Any increase over Review Appraisers' determination including adjustments, court costs and interest, on separate memo and attach. (Use Attachment 1 to Section 4, Chapter 2, Volume 7 of FHPM, as a guide.)
EXPLAIN FULLY.

PREPARED AND SUBMITTED BY:

Date: 11-18-81

Stephen C. McNutt
Stephen C. McNutt
Deputy Attorney General

We concur in the above settlement:

Robert S. Spear
ROBERT S. SPEAR
Division Chief - Litigation

Date: 11-19-81

John W. Brossart
JOHN W. BROSSART
Chief, Division of Land Acquisition
Indiana State Highway Commission

OFFICIAL RECEIPT - CLERK OF CIRCUIT COURT

Receipt No.

1345

4-14-82

Date

No.

C 5277 State of Ind.

Kind

No.

Page

Record

From Whom Received

C 781-309

On What Account

\$10,000⁰⁰

Total Cash

Received

DISTRIBUTION

1. Court Costs	2. State Docket Fee	3. State Judicial Fee	4. Service of Process	5. County Docket Fees	6. Jury Fees	7. Support Fees
\$	\$	\$	\$	\$	\$	\$
Prosecuting Attorney Fees			11. Fines and Forfeitures	12. State Counsel Fees	13. County Court Judicial Fees	14. Marriage Licenses
8. Due State	9. Due County	10. Violent Crimes	\$	\$	\$	\$
\$	\$	\$	18. Administrative Fees	19. Miscellaneous Fees	20. Interest on Investments	21.
15. Certified Mail	16. Domestic Violence	17. Alcohol and Drug Rehab.	\$	\$	\$	\$
\$	\$	\$	25. Support	26. Garnishments	27. Trust Funds	28.
22. Safety Resp. Comm. Fees	23. Fish and Game	24. Municipal Pros. Fees	\$	\$	\$10,000 ⁰⁰	\$
\$	\$	\$				

Clerk

Maurice & Mary L. Bryant Court

STATE OF INDIANA



INDIANAPOLIS

OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
215 STATE HOUSE
46204

May 13, 1983

Hon. Patricia J. Noel
Auditor Hendricks County
Court House
Danville, Indiana 46122

Re; Certifications for Transfer
of Real Estate

Dear Mrs. Noel;

Enclosed are Certifications of Payment of Amount to Satisfy Judgment to Clerk of Court in the following entitled cause action.

State v. Maurice G. Bryant, et al.
Cause No. C781-309

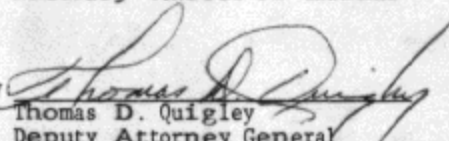
Please remove the real estate described in these certifications from the tax rolls and forward to Recorder's Office, in accordance with I.C. 32-11-1-7.

Please file stamp this letter indicating that the real estate has been transferred from the tax rolls and return it to this office in the self-addressed, stamped envelope. The attached certifications are furnished for such disposition as may be desired by you and the Recorder's Office.

Thank you for your attention to this matter.


Very truly yours,

LINLEY E. PEARSON
Attorney General of Indiana

By 
Thomas D. Quigley
Deputy Attorney General

FILED

MAY 16 1983


AUDITOR HENDRICKS COUNTY

8163

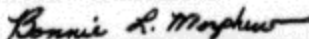
ENTERED FOR RECORD

BOOK

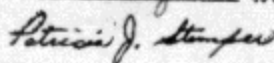
275

PAGE

MAY 16 1983



Duty entered for taxation this 16th
day of May 19 83



AUDITOR HENDRICKS COUNTY



OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
211 STATE HOUSE
46204

March 23, 1982

Mr. John M. Howard, Jr.
HOWARD & LAWSON
110 S. Washington Street
Danville, Indiana 46122

Re: State v. Maurice G. Bryant, et al., Cause No. C781-309,
Project No. RSG-3332(1), Parcel No. 1

Dear Mr. Howard:

I received your letter of March 17 yesterday and spoke with several people in the Department of Highways. Although I was unable to respond by return mail as you requested, the extra time I have taken has allowed me to respond more fully and accurately to your questions.

At the outset, I must admit I was wrong in asserting in my March 8 letter that the only driveway appearing on the plans is the northern driveway. My review of the plans shows a private drive faintly marked approximately at Station 341 + 40; I assume that that is the southern drive which concerns the Bryants, although you have never specified the location. Am I correct?

The Department of Highways has agreed to your request to have the area staked again. In fact, in less than an hour after my inquiry Mr. Best issued an interdepartment communication to Mr. Conrad, a copy of which I enclose. I do not expect the Bryants to be told where the right-of-way or the construction will end, as you request, since that is north of their land; but I do expect that the person or persons doing the staking will explain to the Bryants' satisfaction how their property will be affected.

I have carefully investigated the plans for the south drive. There is absolutely no doubt that it is beyond the boundaries of the construction and should not be touched. If the contractors do interfere with that drive they will be in breach of contract and I hope that you or the Bryants will immediately contact me or the Department of Highways. There are no two ways about it, that drive is south of the construction area; consequently, there should be no need for the temporary access or restoration you mention.

As to the north drive, I do not believe you have previously advised me that the Bryants pasture their cattle near there. That is of no moment, however, because the construction contract does assure them access across that drive. (I am referring here to the Class V field

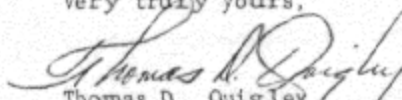
Mr. John Howard, Jr.
March 23, 1982
Page 2

entrance which appears on the plans at the end of an arrow labeled "Structure No. 3" approximately located at Station 347 + 50.) I am enclosing a copy of Section 104.04 of the Indiana State Highway Standard Specifications which has been highlighted in yellow to show the contractual provision. (Other sheets are also provided for your more complete information.)

You will note on the plans that thirty-two linear feet of fifteen-inch pipe will be installed beneath that drive. Obviously, it will be impossible for the Bryants to use the drive during the installation. I have been assured, however, that it will take no more than a day to complete the task, so the Bryants should not be greatly inconvenienced. With the possible exception of that one day, the Department of Highways is confident that the north drive will be serviceable.

I sincerely hope that this letter, together with the restaking of the land, will dispose of the Bryants' last lingering misapprehensions.

Very truly yours,



Thomas D. Quigley
Deputy Attorney General

TDQ:mas

Enclosures

HOWARD & LAWSON
118 S WASHINGTON STREET
DANVILLE, INDIANA 46122

JOHN M. HOWARD, JR.
DAVID E. LAWSON
SETH B. LEWIS

TELEPHONE 746-6471
AREA CODE 317

March 17, 1982

Mr. Thomas D. Quigley
Deputy Attorney General
Office of the Attorney General
219 State House
Indianapolis, Indiana 46204

Re: State of Indiana vs. Maurice G. Bryant, et al.
Cause Number: C781-309
Hendricks Circuit Court
Your Project Number: RSG-3332 (1)

Dear Tom:

I have reviewed the construction drawings which you provided me with my clients, and it appears that the right-of-way which you have acquired goes to the south of the Bryant's second driveway, which is the main driveway to their home. However, it also appears that the construction work begins a little bit north of their present existing driveway. So that we will all understand exactly what we are doing, and so that there will be no problems in the future, on behalf of Mr. and Mrs. Bryant, I am asking if you would please have your field crew go out and set stakes designating where the right-of-way begins, where the right-of-way ends, where the construction begins, and where it ends. Mr. Bryant is in the process of ordering materials to build his fencing and he needs to know certain points so that he will know what type of corner basing posts to order. I understand that your surveyor just lives a couple of miles from Mr. Bryant, south on 75, and my client would be available about any time to work with you people, as he is retired. After this has been done, if it appears that the main driveway to their home on the south is going to be affected by the construction, I have assured my clients that the State will provide temporary access across their driveway into their home, and further, that when the job is finished, their driveway will be restored to its present condition.

Also, as I advised you, Mr. and Mrs. Bryant do keep cattle on their farm, and they do have to go into their pasture to the cattle barn from the northernmost driveway which is by the rental dwelling. I have assured them that during construction they

Mr. Thomas D. Quigley
Deputy Attorney General
March 17, 1982
Page Two

would have access through this area so that they could feed their cattle.

Please carefully review this letter, and if there is anything stated herein which is not correct, contact me immediately and advise me. If everything is proper as I have set forth in this letter, then please confirm that by return mail.

Basically, Mr. and Mrs. Bryant wish to cooperate with the State toward this improvement, however, they do also want to be certain that their access and use of their land will not be hampered beyond what has been set forth in this letter.

Thank you very much for your consideration to the matters contained in this letter. I will expect a response from you shortly.

Very truly yours,

HOWARD & LAWSON



John M. Howard, Jr.

JMH/ngs
cc: Mr. and Mrs. Maurice Bryant

STATE OF INDIANA



INDIANAPOLIS

OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL

219 STATE HOUSE

46204

March 17, 1982

Mr. John M. Howard, Jr.
Howard & Lawson
110 S. Washington Street
Danville, Indiana 46122

Re: State v. Maurice G. Bryant, et al.
Hendricks Circuit Court
Cause No. C781-309

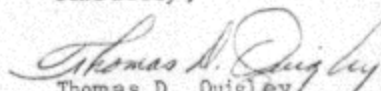
Dear Mr. Howard:

Thank you for returning the signed and file-marked copy of the Agreed Finding and Judgment in this cause. I bent the rules a bit; instead of waiting for you to return the copy, I forwarded a claim voucher to the Hendricks Circuit Court clerk on March 9.

I hope to receive the completed voucher from her today or tomorrow. After that, it will take three weeks, perhaps four, for the Department of Highways to pay the money to the clerk of the court as ordered by Judge Boles. I certainly appreciate your clients' desire to get their money as soon as possible, and I will do what I can to speed the process along. Please remember, though, that the Department of Highways is my client and no more; just as your clients, I am sure, do not always act as quickly as you would like, mine does not always satisfy me.

I will advise you by letter when the check is sent to the clerk of court. If you have not received notice by April 15, please let me know.

Sincerely,


Thomas D. Quigley
Deputy Attorney General

TDQ:cet

LAW OFFICES

HOWARD & LAWSON

110 S WASHINGTON STREET

DANVILLE, INDIANA 46122

JOHN M. HOWARD, JR.

DAVID E. LAWSON

SETH B. LEWIS

TELEPHONE 745-6471

AREA CODE 317

March 11, 1982

Mr. Thomas D. Quigley
Deputy Attorney General
Offices of Attorney General
219 State House
Indianapolis, IN 46204

Re: State v. Maurice G. Bryant, et al.,
Hendricks Circuit Court
Cause No. C781-309

Dear Tom:

I enclose herewith a signed and file-marked copy of the Agreed Finding and Judgment which has been entered in the above cause of action. Please issue your check payable to my clients as promptly as possible and then advise me as to when we may expect to receive these proceeds. Since the State is not wanting to pay any interest on this money, it would seem to me that it is incumbent upon them to immediately get the check to my clients.

I also want to thank you for your letter and the copy of the construction plans which I am going over with my clients. If we find anything in there which is contrary to what we have believed to be the story, we will advise you and set up an additional conference.

Thank you very much for the gentlemanly way in which you conducted negotiations with me, my clients and I do appreciate your courtesies.

Very truly yours,

HOWARD & LAWSON

By:  John M. Howard, Jr.

JMH/dm

Enclosure

cc: Mr. and Mrs. Maurice G. Bryant



OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL

219 STATE HOUSE

46204

March 9, 1982

Hon. Mary Jane Russell
Hendricks Circuit Court
Court House
Danville, Indiana 46122

Re: State vs. Maurice G. Bryant, et al., Cause C781-309

Dear Mrs. Russell:

Enclosed herein, please find Claim Voucher, in triplicate, in the above-numbered causes of action.

Please sign and date all copies of same under the heading "CLAIMANTS" and return Voucher to this office.

Thank you for your cooperation in this matter.

Very truly yours,

Thomas D. Quigley
Deputy Attorney General

TDQ:mp
Enclosures



OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
219 STATE HOUSE
46204

March 9, 1982

Mr. John M. Howard, Jr.,
Attorney At Law
HOWARD & LAWSON
110 South Washington Street
Danville, Indiana 46122

Re: State v. Maurice G. Bryant, et al.,
Cause No. C781-309, Project No. RSG-3332(1),
Parcel No. 1, Hendricks County.

Dear Mr. Howard:

After our conversation this morning, I procured a copy of the construction plans to insure that the southern driveway would not be affected by the road construction. I now forward the plans to you, after trimming off the blank half of one page. As you look at the two sheets, the smaller should be to the left of the larger.

As you can see, the only driveway appearing on the plans is at approximately Station 347 + 50; that is the northern driveway. Since the other drive does not show, it is not involved. I assume, therefore, that it lies south of Station 342 + 00; as the plans show, it is at that point that the State will "Begin Project." You should note the very faint dashed lines identified "Constr. Limits," since construction is planned only between those lines.

I must assume after reviewing the plans that the driveway at issue is beyond the construction area. If you or the Bryants find that this is wrong, I and the Department of Highways would greatly appreciate prompt notification of that fact, because it would mean that a significant error has been made. Of course, our settlement is partly based upon our mutual understanding that the southern drive is beyond the affected area and will not be damaged.

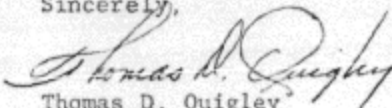
In any case, if it were to turn out that the Bryants' southern driveway was somehow damaged by the State during construction,

Mr. Edward
March 9, 1982
page 2

an action in inverse condemnation would probably lie. The Bryants should not be without a remedy.

I hope this letter and the enclosed plan will allay any suspicions that you or the Bryants may be harboring concerning the future of the driveway. If not, please do not hesitate to let me know how I can be of service.

Sincerely,



Thomas D. Quigley
Deputy Attorney General

TDQ:clz

Enclosure



OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
219 STATE HOUSE
46204

March 2, 1982

Honorable Mary Jane Russell
Clerk, Hendricks Circuit Court
Courthouse
Danville, Indiana 46122

Re: State of Indiana v.
Maurice G. Bryant, et al.
Cause No. C781-309

Dear Mrs. Russell:

Enclosed are an original and one copy of a "Motion for Summary Ruling" to be filed in the above-captioned cause. Please return the copy, file-stamped, in the enclosed envelope.

Also enclosed is an affidavit to which is attached a lengthy appraisal. Please file them with the motion. I do not need a file-marked copy of the affidavit and appraisal.

Thank you for your assistance.

Sincerely,

Thomas D. Quigley
Deputy Attorney General

TDQ:jec

Enclosures



OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
219 STATE HOUSE
46204

February 19, 1982

Mr. John M. Howard Jr.
HOWARD & LAWSON
110 S. Washington St.
Danville, IN 46122

Re: State v. Maurice G. Bryant, et al., Cause No. C781-309, Project No. RSG-3332(1), Parcel No. 1

Dear Mr. Howard:

Your proposed settlement of \$10,800 has been submitted to and reviewed by various personnel in the Attorney General's office, and I must decline. A careful review of our appraisal and the case file shows that the cost-to-cure figure of \$1,600 was taken into account in our original offer of \$8,450. Still, Mr. McNutt increased that offer by \$1,550 (almost the cost-to-cure) when he convinced the Department of Highways to settle at \$10,000 in November 1981.

Your clients seem now to want half of the cost-to-cure added on again; in essence, they want to be paid that cost two and a half times. We simply cannot agree to settle for more than \$10,000, and consequently that offer remains firm.

Perhaps the Bryants will reconsider if you remind them that we are already offering them twice the cost-to-cure. Of course, they might want to consider the expense involved in two court appearances (the hearing on their objection, and the trial) as well as the cost of any expert witnesses they might retain. (We took these costs into account in agreeing to settle at \$1,550 over our appraisal.)

We are convinced that our original offer of \$8,450 is fair and that we have gone more than half-way to settle at \$10,000 (which is, after all, \$550 closer to your \$11,000 figure than to our figure). We want to settle, but \$10,800 is unreasonable. If your clients cannot agree to \$10,000, I am afraid we will have to go to trial.

Mr. John M. Howard Jr.
Feb. 19, 1982
Page 2

I spoke to the bailiff in Judge Boles' court this morning, and the hearing has been set for 9:00 the morning of March 8, 1982. From our conversation today I assume that this is satisfactory to you, and I look forward to seeing you then.

Very truly yours,

T D Q

Thomas D. Quigley
Deputy Attorney General

TDQ:mas

LAW OFFICES
HOWARD & LAWSON
110 S. WASHINGTON STREET
DANVILLE, INDIANA 46122

JOHN M. HOWARD, JR.
DAVID E. LAWSON
SETH B. LEWIS

TELEPHONE 745-6471
AREA CODE 317

November 19, 1981

Honorable J. V. Boles
Judge, Hendricks Circuit Court
Courthouse
Danville, Indiana 46122

Re: State of Indiana vs. Maurice Bryant, et al.
Hendricks Circuit Court; Cause No. C781-309

Dear Judge Boles:

I wish to advise you that I have entered into a settlement agreement with Mr. Stephen McNutt of the Attorney General's Office relative to this case. The case has been settled, and Mr. McNutt is in the process of preparing the judgment entry. This being the case, I have been authorized by Mr. McNutt on behalf of the State of Indiana and my clients to request that the hearing on objections to condemnation scheduled for 11:00 o'clock A.M. on Friday, November 20, 1981 be continued pending receipt of the judgment entry.

Thank you very much for your consideration to this request.

Very truly yours,

HOWARD & LAWSON

John M. Howard, Jr.

JMH/ngs

cc: ✓ Mr. Stephen C. McNutt
Mr. and Mrs. Maurice G. Bryant

LAW OFFICES
HOWARD & LAWSON
110 S. WASHINGTON STREET
DANVILLE, INDIANA 46122

JOHN M. HOWARD, JR.
DAVID E. LAWSON
SETH B. LEWIS

TELEPHONE 365-601
AREA CODE 317

November 19, 1981

Mr. and Mrs. Maurice G. Bryant
Rural Route #1
Coatesville, Indiana 46121

Re: State of Indiana vs. Maurice G. Bryant, et al.
Hendricks Circuit Court; Cause No. C781-309

Dear Mr. and Mrs. Bryant:

This letter is to confirm that the State of Indiana has agreed to pay to the two of you, the sum of Ten Thousand and No/100 Dollars (\$10,000.00) for the right-of-way they seek to condemn. Mr. McNutt of the Attorney General's Office advises me that your check will be sent out three to six weeks from the date that judgment is entered. The State of Indiana has also agreed to fix the fences and to provide two residential driveway entrances onto the highway as we discussed. This being the case I have obtained a continuance of the hearing on your objections to the State of Indiana's condemnation action and it will not be necessary for you to appear in Court tomorrow. As soon as I receive the judgment entry and the other documents which are necessary to complete this matter, I will contact you and arrange a time for you to come into my office.

Kindest regards -

Very truly yours,

HOWARD & LAWSON

John M. Howard, Jr.

JMH/ngs

✓cc: Mr. Stephen McNutt

LAW OFFICES
HOWARD & LAWSON
110 S. WASHINGTON STREET
DANVILLE, INDIANA 46122

JOHN M. HOWARD, JR.
DAVID E. LAWSON
SETH B. LEWIS

TELEPHONE 746-6471
AREA CODE 317

September 28, 1981

Mr. Stephen C. McNutt, DAG
ATTORNEY GENERAL'S OFFICE
219 State House
Indianapolis, IN 46204

Re: State vs. Bryant
Hendricks Circuit Court
Cause No. C781-309

Dear Mr. McNutt:

I enclose herewith a file-marked copy of a Request for Continuance of Hearing which I have filed on behalf of the defendants Maurice G. Bryant and Mary E. Bryant at the request of my associate, John M. Howard, Jr., who is in a products liability jury trial in Morgan County this week and the better part of next week.

Very truly yours,

HOWARD & LAWSON

Seth B. Lewis (195)
By: Seth B. Lewis

SBL/dm

Enclosure

Enclosure

JMH/dm

By: John M. Howard, Jr.

HOWARD & LAWSON

Very truly yours,

I enclose herewith a copy of the motion of continuance of the hearing on my clients' objections which I have filed today. This request is necessary due to the fact that I am committed to a jury trial in the Morgan County Circuit Court commencing on Monday, September 14, 1981 and it is our conservative estimate that this trial will take all that week and perhaps a part of the following week. For this reason, it is necessary that the hearing in the above matter be continued.

Dear Mr. McNutt:

Re: State of Indiana vs. Bryant, et al
Hendricks Circuit Court
Cause No. C781-309

Mr. Stephen C. McNutt, DAG
ATTORNEY GENERAL'S OFFICE
219 State House
Indianapolis, IN 46204

August 10, 1981

TELEPHONE 146-6471
AREA CODE 317

JOHN M. HOWARD, JR.
DAVID E. LAWSON
SETH B. LERIS

LAW OFFICES
HOWARD & LAWSON
110 S. WASHINGTON STREET
DANVILLE, INDIANA 46122

STATE OF INDIANA



INDIANAPOLIS

OFFICES OF ATTORNEY GENERAL

LINLEY E. PEARSON, ATTORNEY GENERAL
219 STATE HOUSE
46204

July 9, 1981

Honorable Mary Jane Russell
Clerk, Hendricks County
Courthouse
Danville, IN 46122

Re: State v. Maurice G. Bryant, et. al.
Project No.: RSG-3332 (1); Parcel No. 1

Dear Miss Russell:


Enclosed please find the original and five (5) copies of the State's Complaint for Appropriation of Real Estate, together with Summons for service upon the four (4) defendants. The original of the Complaint, which should be retained for your file is attached to the State's Praecipe. A copy of the Complaint with a copy of the Praecipe is enclosed to be file-marked and returned to this office.

Also enclosed is Reservation of Right to Demand Jury Trial in the above cause. We are enclosing a stamped, self-addressed envelope for your use in returning file-marked copies of each of the documents to our office.

The form of Summons is specifically provided for condemnation actions by IC 1971, 32-11-1-3 and requires dating and signature by the Clerk.

Thank you for your cooperation and assistance with this matter. If you have any questions regarding this procedure, please feel free to contact me.

Very truly yours,


Stephen C. McNutt
Deputy Attorney General

SCMcN:ncw

Enclosures

SENT BY CERTIFIED MAIL NO. P19 0975370, RETURN RECEIPT REQUESTED

LAW OFFICES
HOWARD & LAWSON
110 S. WASHINGTON STREET
DANVILLE, INDIANA 46122

JOHN M. HOWARD, JR.
DAVID E. LAWSON
SETH I. LEWIS

TELEPHONE 746-5471
AREA CODE 317

August 10, 1981

Mr. Stephen C. McNutt, DAG
ATTORNEY GENERAL'S OFFICE
219 State House
Indianapolis, IN 46204

Re: State of Indiana vs. Bryant, et al
Hendricks Circuit Court
Cause No. C781-309

Dear Mr. McNutt:

I enclose herewith a copy of the motion of continuance of the hearing on my clients' objections which I have filed today. This request is necessary due to the fact that I am committed to a jury trial in the Morgan County Circuit Court commencing on Monday, September 14, 1981 and it is our conservative estimate that this trial will take all that week and perhaps a part of the following week. For this reason, it is necessary that the hearing in the above matter be continued.

Very truly yours,

HOWARD & LAWSON

By: John M. Howard, Jr.

JMH/dn

Enclosure

LAW OFFICES
HOWARD & LAWSON
110 S. WASHINGTON STREET
DANVILLE, INDIANA 46122

JOHN M. HOWARD, JR.
DAVID E. LAWSON
SETH B. LEWIS

TELEPHONE 16-6471
AREA CODE 317

July 31, 1981

Mr. Stephen C. McNutt
Deputy Attorney General
219 State House
Indianapolis, Indiana 46204

Re: State of Indiana vs. Maurice G. Bryant, Mary E. Bryant,
Auditor of Hendricks County and Treasurer of Hendricks County
Hendricks County Circuit Court
Cause No. C781-309

Dear Mr. McNutt:

I enclose herewith a copy of the Appearance which I have filed on behalf of Mr. & Mrs. Bryant and the Objections To The Condemnation sought which I have filed on their behalf. I am in the process of gathering together information on the value of this property and as soon as I have more information available I will be happy to discuss this with you further.

Kindest regards.

Very truly yours,

HOWARD & LAWSON

John M. Howard, Jr.
By: John M. Howard, Jr.

JMH/ns1
Enclosures
cc: Mr. & Mrs. Maurice G. Bryant

TITLE AND ENCUMBRANCE REPORT

DIVISION OF LAND ACQUISITION

INDIANA STATE HIGHWAY COMMISSION

S.R. 75 PROJ. RSG 3332 (1) COUNTY HENRICKSNames on Plans MAURICE G. AND MARY E. BRYANTNames in Trans. Book SAME

Description or Addition	Sec.	Twp.	Rge.	Acreage	Political Twp. <u>CLAY & MARION</u>	
					Assessed Value	
					Land	Improvements
Pr. NE NE	29	15N	2W	35	2130	4,050
Pr. SE SE	20	15N	2W	1.0	50	0

LAST OWNER OF RECORDDeed Record 213 Page 392 Dated 5/9/70 Recorded 5/9/70 Type Deed WARRANTYGrantor LESTER LLOYD BRYANT AND MARJORIE AVIS BRYANT, HUSBAND AND WIFEGrantee MAURICE G. BRYANT AND MARY E. BRYANT, HUSBAND AND WIFEAddress of Grantee R.R. #1, Box 45, COATESVILLE, IN 46121MORTGAGE RECORDMortgage Record NONE Page Amount Dated Mortgagor Mortgagee JUDGMENT RECORD Yes None X LIS PENDENS RECORD Yes None XMISCELLANEOUS RECORD Yes None X EASEMENT Yes None X

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

TAXES SEE ENTRY #5 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 hereinbefore requested for the same period are set forth.

Dated this 1ST Day of JUNE 1979

James W. Price
Abstractor
JAMES W. PRICE

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

SUPPLEMENTAL TITLE AND ENCUMBRANCE REPORT

1705

James W. Price

PROJECT NO. RSG 3332 (1) STATE ROAD NO. 75 PARCEL NO. 1RECORD OWNER Maurice G. Bryant and Mary E. Bryant, husband and wife.FROM June 1, 1979 TO March 26, 1981

I have checked the following records in Hendricks County, Indiana, for the Caption Property as described in the original T. & E. Report.

DEED RECORD	<u>No Change</u>
MORTGAGE RECORD	<u>" "</u>
MISCELLANEOUS RECORD	<u>" "</u>
OLD AGE ASSISTANCE RECORD	<u>" "</u>
TAX LIEN RECORD	<u>" "</u>
JUDGMENT RECORD	<u>" "</u>
LES PENDENS RECORD	<u>" "</u>
TAX DUPLICATE	<u>Current Tax Paid-None Delinquent</u>

CHANGES SINCE DATE OF LAST ABSTRACT ARE AS FOLLOWS: _____

SIGNED Donald L. Perrigo
Donald L. Perrigo

DATE March 26, 1981

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach top front of article if space permits, otherwise affix to back of article.
- Endorse article "Returns Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE: \$300



RETURN
TO



State v. Maurice G. Bryant, et al

Stephen C. McNutt, D.A.G.

(Name of Sender)

219 State House

(Street or P.O. Box)

Indianapolis, IN 46204

(City, State, and ZIP Code)

P19 0975370

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO

Hon. Mary Jane Russell, Clk.
STREET AND NO.
Hendricks Co., Courthouse
P.O. STATE AND ZIP CODE
Danville, IN 46122

POSTAGE

CERTIFIED FEE

SPECIAL DELIVERY

RESTRICTED DELIVERY

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

SHOW TO WHOM AND DATE DELIVERED

SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY

SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY

SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY

TOTAL POSTAGE AND FEES

POSTMARK OR DATE

State v. Bryant, et. al.

Project # RSG-3332 (1)

Parcel # 1

S. C. McNutt, D.A.G.

PS Form 3800, Apr. 1976

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

C A P T I O N

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN HENDRICKS COUNTY, IN THE STATE OF INDIANA, TO WIT:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 2 WEST WHICH LAYS SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY, SAME BEING A TRIANGULAR TRACT CONTAINING APPROXIMATELY 1 ACRE, MORE OR LESS IN THE SOUTHEAST CORNER OF SAID QUARTER SECTION. ALSO: THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH OF RANGE 2 WEST, EXCEPT THE RIGHT-OF-WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY, ESTIMATED TO CONTAIN, EXCLUSIVE OF SAID EXCEPTION 36 ACRES MORE OR LESS, EXCEPT THE FOLLOWING DESCRIBED TRACT: ALL THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH OF RANGE 2 WEST, WHICH LAYS NORTH OF THE RIGHT-OF-WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY, SAID BEING A TRIANGULAR TRACT CONTAINING APPROXIMATELY 1 ACRE MORE OR LESS, IN THE NORTHWEST CORNER OF SAID QUARTER SECTION. ESTIMATED TO CONTAIN IN ALL, LESS SAID EXCEPTION 35 ACRES, MORE OR LESS.

NORTHEAST
M. W. JAMES
3/11/80

CONTIGUOUS PROPERTY

A SEARCH OF THE RECORDS DISCLOSES NO CONTIGUOUS PROPERTY WITHIN A ONE MILE RADIUS.

CHAIN OF TITLE

ENTRY #1
(TRACT #1)

GRANTOR: LEONARD C. WALTON AND DOROTHY
MAY WALTON, HIS WIFE

WARRANTY DEED #3608
DEED RECORD 156, PAGE 49
DATED SEPTEMBER 3, 1946
RECORDED SEPTEMBER 10, 1946

GRANTEE: FORREST L. BOWEN AND LEONA
PEARL BOWEN, HUSBAND AND WIFE

CONVEYS: REAL ESTATE. DEED ATTACHED

DULY ACKNOWLEDGED

SIGNED: GRANTOR

ENTRY #2
(TRACT #2)

GRANTOR: CHARLEY F. SMITH AND DILLIE
I. SMITH, HUSBAND AND WIFE

WARRANTY DEED #4885
DEED RECORD 169, PAGE 367-368
DATED FEBRUARY 4, 1955
RECORDED FEBRUARY 4, 1955

GRANTEE: FORREST L. BOWEN AND LEONA
PEARL BOWEN, HUSBAND AND WIFE

CONVEYS: REAL ESTATE. DEED ATTACHED.

DULY ACKNOWLEDGED

SIGNED: GRANTOR

ENTRY #3

GRANTOR: FORREST L. BOWEN AND LEONA
PEARL BOWEN, HUSBAND AND WIFE

WARRANTY DEED #2800
DEED RECORD 180, PAGE 273
DATED JANUARY 29, 1960
RECORDED JANUARY 29, 1960

GRANTEE: LESTER LLOYD BRYANT AND MARJORIE
AVIS BRYANT, HUSBAND AND WIFE

CONVEYS: REAL ESTATE. DEED ATTACHED.

DULY ACKNOWLEDGED

SIGNED: GRANTOR

ENTRY #4
(CAPTION)

GRANTOR: LESTER LLOYD BRYANT AND MARJORIE
AVIS BRYANT, HUSBAND AND WIFE

WARRANTY DEED #5099
DEED RECORD 213, PAGE 392
DATED MAY 9, 1970
RECORDED MAY 9, 1970

GRANTEE: MAURICE G. BRYANT AND MARY E.
BRYANT, HUSBAND AND WIFE

CONVEYS: CAPTION REAL ESTATE. DEED ATTACHED.

DULY ACKNOWLEDGED

SIGNED: GRANTOR

ENTRY #5

TAXES: TAXES ARE ASSESSED IN CLAY AND MARION TOWNSHIP, HENRICKS
COUNTY, IN THE NAME OF MAURICE G. AND MARY E. BRYANT.

IMP
#19-3
#20-6-01

EACH INSTALLMENT
\$153.89
\$ 1.36

1977 PAYABLE 1978. PAID IN FULL.

1978 PAYABLE 1979. NOT POSTED.

No. 3608

LEONARD C. WALTON ET UX TO FORREST L. BOWEN ET UX

THIS INDENTURE WITNESSETH, That Leonard C. Walton and Dorothy May Walton, his wife, of Hendricks County, and State of Indiana CONVEY AND WARRANT to Forrest L. Bowen and Leona Pearl Bowen, husband and wife, of Hendricks County, in the State of Indiana for the sum of One Dollar and other valuable consideration the receipt of which is hereby acknowledged, the following REAL ESTATE, in Hendricks County, in the State of Indiana to wit:

The North East quarter of the North East quarter of Section Twenty-nine (29), Township Fifteen (15) North of Range Two (2) West, except the right of way of the C. C. C. & St. L. Railway Company, estimated to contain, exclusive of said exception, 36 acres more or less.

The Grantees herein assume and agree to pay the taxes for the year 1946 due and payable in 1947 assessed against the above described real estate.

Said grantors do hereby represent and state that they are each citizens of the United States of America, and that said citizenship has existed continuously since prior to April 8, 1940; that they have been domiciled and residing continuously within the United States since prior to April 8, 1940; that they are not acting directly or indirectly in any capacity whatsoever for any foreign country or national thereof; that there is no one other than above grantor(s), who has (have) had any proprietary right title or interest in the above described real estate, either directly or indirectly, since April 8, 1940; that these representations are made under oath to induce the acceptance of this deed of conveyance.

In Witness Whereof, The said Leonard C. Walton and Dorothy May Walton, his wife, have hereunto set their hands and seal this 3rd day of September, 1946.

Leonard C. Walton (Seal)

Dorothy May Walton (Seal)

STATE OF INDIANA }
Hendricks County } SS:

Personally appeared before me Vernon Nichols a Notary Public in and for said County and State Leonard C. Walton and Dorothy May Walton, his wife, who acknowledged the execution of the annexed deed to be their voluntary act and deed, and who, having been duly sworn, swears that the statements therein contained are true.

Witness my hand and notarial seal, this 3rd day of September, 1946.

(Seal)
My Commission expires Jan. 23, 1950

Vernon Nichols (Seal)
Notary Public

Revenue stamps affixed & cancelled \$4.95
Transferred Sept. 10, 1946
Entered for Record Sept. 10, 1946 at 9:50 A.M.

Ernestine Blair
R.H.C.

No. 4835 / CHARLEY F. SMITH ET UX TO FORREST L. BOWEN ET UX

THIS INDENTURE WITNESSETH, That Charley F. Smith and Ollie I. Smith, husband and wife of Hendricks County, and State of Indiana

CONVEY AND WARRANT to Forrest L. Bowen and Leona Pearl Bowen, husband and wife of Hendricks County, in the State of Indiana for the sum of One dollar and exchange of real estate Dollars, the receipt of which is hereby acknowledged, the following REAL ESTATE, in Hendricks County, in the State of Indiana, to wit:

All that portion of the Southeast quarter of the Southeast quarter of Section 20, Township 15 North, Range 2 West which lays South of the right-of-way of the C.C.C. & St. L. Railway Company, same being a triangular tract containing approximately 1 acre, more or less, in the Southeast corner of said quarter quarter section.

Subject to all taxes liens and encumbrances thereon.

And further states that said grantors do hereby represent and state that they are each citizens of the United States of America, and that said citizenship has existed continuously since prior to April 8, 1940; that they have been domiciled and residing continuously within the United States since prior to April 8, 1940; that they are not acting directly or indirectly in any capacity whatsoever for any foreign country or national thereof; that there is no one other than above grantor(s) who has (have) had any proprietary right, title or interest in the above described real estate, either directly or indirectly, during grantors ownership, that these representations and statements are made under oath to induce the acceptance of this deed of conveyance.

IN WITNESS WHEREOF, The said Charley F. Smith and Ollie I. Smith, husband and wife have hereunto set their hands and seals this 4th day of February, 1955.

Charley F. Smith (SEAL)
(Charley F. Smith)
Ollie I. Smith (SEAL)
(Ollie I. Smith)

STATE OF INDIANA }
Hendricks County } ss:

Personally appeared before me Norman S. Comer a Notary Public in and for said County and State Charley F. Smith and Ollie I. Smith, husband and wife who acknowledged the execution of the annexed Deed to be their voluntary act and deed, and who, having been duly sworn, swears that the statements therein contained are true.

Witness my hand and Notarial Seal, this 4th day of February, 1955.

(SEAL)
My Commission expires Jan. 17, 1959.

Norman S. Comer (Seal)
(Norman S. Comer) Notary Public

Transferred Feb. 4, 1955
Entered for record Feb. 4, 1955 at 1:25 P.M.

Maude E. Apperson R.H.C.

**THE FOLLOWING
DOCUMENTS
ARE THE BEST
AVAILABLE COPIES**

This Indenture Witnesseth, That Lester Lloyd Bryant and Marjorie Avis Bryant, husband and wife

of Hendricks County, and State of Indiana

CONVEY AND WARRANT to Maurice G. Bryant and Mary E. Bryant
husband and wife

of Hendricks County, in the State of Indiana

for the sum of One dollar and other valuable consideration

the receipt of which is hereby acknowledged, the following REAL ESTATE, in Hendricks County, in the State of Indiana, to wit:

A part of the Southeast quarter of the Southeast quarter of Section 20, Township 15 North, Range 2 West which lays South of the right-of-way of the C.C.C. & St. L. Railway Company, same being a triangular tract containing approximately 1 acre, more or less in the Southeast corner of said quarter quarter section. ALSO: The Northeast quarter of the Northeast quarter of Section 29, Township 15 North of Range 2 West, except the right-of-way of the C.C.C. & St. L. Railway Company, estimated to contain, exclusive of said exception 36 acres more or less, except the following described tract: All that portion of the Northeast quarter of the Northeast quarter of Section 29, Township 15 North of Range 2 West, which lays North of the right-of-way of the C.C.C. & St. L. Railway Company, said being a triangular tract containing approximately 1 acre more or less, in the Northwest corner of said quarter quarter section. Estimated to contain in all, less said exception 35 acres, more or less.

Subject to all taxes now a lien and to become a lien thereon.

And further states that said grantors do hereby represent and state that they are each citizens of the United States of America, and that said citizenship has existed continuously since prior to April 8, 1940; that they have been domiciled and residing continuously within the United States since prior to April 8, 1940; that they are not acting directly or indirectly in any capacity whatsoever for any foreign country or national thereof; that there is no one other than above grantor(s) who has (have) had any proprietary right, title or interest in the above described real estate, either directly or indirectly, during grantors ownership, that these representations and statements are made under oath to induce the acceptance of this deed of conveyance.

In Witness Whereof, The said Lester Lloyd Bryant and Marjorie Avis Bryant, husband and wife

has hereunto set their hands and seal this 9th day of May 1970

Lester Lloyd Bryant (SEAL)
(Lester Lloyd Bryant)

Marjorie Avis Bryant (SEAL)
(Marjorie Avis Bryant)

(SEAL) (SEAL)
(SEAL) (SEAL)
(SEAL) (SEAL)

State of Indiana
Hendricks County ss:

Personally appeared before me the undersigned, a Notary Public in and for said County and State Lester Lloyd Bryant and Marjorie Avis Bryant, husband and wife

who acknowledged the execution of the annexed Deed to be their voluntary act and deed, and who, having been duly sworn, swears that the statements therein contained are true.

Witness my hand and Notarial Seal, this 9th day of May 1970

Lee T. Comer (Seal)
(Lee T. Comer) Notary Public

My Commission expires May 19, 1973

(This instrument was prepared by John Kendall-Joe Stevenson, Attorneys.)