

STATE OF INDIANA)
COUNTY OF VIGO) SS:

IN THE SUPERIOR COURT
OF VIGO COUNTY, INDIANA
FILED
SUPERIOR COURT OF VIGO COUNTY

APR 7 1967

Leonard H. Conrad
CLERK

STATE OF INDIANA,
Plaintiff

-vs-

^R
CHARLES FREDERICK ZIMMERMAN and
COR A ETHEL ZIMMERMAN (H&W),
TERRE HAUTE SAVINGS BANK (Mortgagee)
MABEL H. ZIMMERMAN (Life Estate)

Defendants.

CAUSE NO. 49202

Code 0392

13

FINDING AND JUDGMENT

Comes now the plaintiff, State of Indiana, by John J. Dillon, Attorney General, and Thomas Kern, Deputy Attorney General, and come now the defendants, Charles Frederick Zimmerman and Cora Ethel Zimmerman (H&W) and Mabel H. Zimmerman, by their attorney of record herein, Robert Duffy, and plaintiff and said defendants now withdraw their request for a jury trial, and this cause is now submitted to the Court upon the issues formed by the exceptions heretofore filed by the plaintiff and said defendants.

And the court being duly advised finds as follows:

1. That the plaintiff, State of Indiana, filed its complaint for the appropriation of an easement for highway right of way over defendants' real estate on the 19th day of February, 1965, and the defendants were properly served with notice as provided by statute prior to the hearing in this cause.

2. That on the ^{10th} ~~15th~~ day of March, 1965, being the day set for the hearing of the cause, an order was entered upon the record of the Superior Court of Vigo County, signed by Harold J. Bitzegaio, Judge, showing that an easement for highway right of way over the defendants'

real estate was condemned for the uses and purposes described in said complaint.

3. That by said order the court also appointed three disinterested freeholders of Vigo County to assess the damages and benefits to the defendants caused by the appropriation.

4. That on the 26th day of March, 1965, said court-appointed appraisers returned their report to the court showing total damages in the sum of Nineteen Thousand Four Hundred Thirteen Dollars (\$19,413.00), and the Court ordered the appraisers' fees set at Seventy Five Dollars (\$75.00) each.

5. That the plaintiff, State of Indiana, paid the award of the appraisers together with the fees for the services of said appraisers to the clerk of the court on the 23rd day of April, 1965, and the defendants, Charles Frederick Zimmerman and Cora Ethel Zimmerman (H&W), ^{and Mabel H. Zimmerman} subsequently withdrew said award on the ~~28th~~ ^{25th} day of ~~August~~ ^{May}, 1965.

6. That the plaintiff, State of Indiana, filed exceptions to the court-appointed appraisers' report on the 31st day of March, 1965.

7. That the defendant, Charles Frederick Zimmerman, filed exceptions to the court-appointed appraisers' report on the 30th day of March, 1965.

8. That the defendant Terre Haute Savings Bank filed a disclaimer of any interest in the proceeds made available to the defendants by the plaintiff herein.

9. That the total value of the easement for highway right of way taken and damages to the remaining land of the defendants is Eighteen Thousand Dollars (\$18,000.00), and that the defendants, Charles Frederick Zimmerman and Cora Ethel Zimmerman (H&W) and Mable H. Zimmerman, should recover from the plaintiff, State of Indiana, total damages in the sum of Eighteen Thousand Dollars (\$18,000.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court
that the order of appropriation herein on the ^{10th}~~15th~~ day of March,
1965, be and the same is hereby confirmed and the easement for
highway right of way over defendants' real estate described in
plaintiff's complaint be, and the same is appropriated, said
easement for highway right of way being more particularly des-
cribed as follows:

PROJECT S-705(2)

PARCEL 13 LIMITED ACCESS RIGHT OF WAY:

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BOUNDARY OF STATE ROAD 46, 1,081.0 FEET SOUTHERLY (ALONG THE WEST LINE OF SAID QUARTER SECTION) AND 45.3 FEET EASTERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 03 MINUTES EAST 830.0 FEET ALONG THE EAST BOUNDARY OF STATE ROAD 46; THENCE NORTH 44 DEGREES 56 MINUTES EAST 72.6 FEET ALONG SAID BOUNDARY; THENCE SOUTH 0 DEGREES 03 MINUTES WEST 881.4 FEET TO A SOUTHERN PROPERTY LINE OF THE OWNER'S LAND; THENCE WESTERLY 51.3 FEET ALONG SAID PROPERTY LINE TO THE POINT OF BEGINNING AND CONTAINING 1.007 ACRES, MORE OR LESS.

TOGETHER WITH THE EXTINGUISHMENT OF ALL RIGHTS OR EASEMENTS OF INGRESS OR EGRESS TO, FROM, OR ACROSS SAID LIMITED ACCESS FACILITY TO OR FROM THE OWNER'S ABUTTING LANDS ALONG THE LINE DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BOUNDARY OF STATE ROAD 46, 198.6 FEET SOUTHERLY (ALONG THE WEST LINE OF SAID QUARTER SECTION) AND 97.94 FEET EASTERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 44 DEGREES 55 MINUTES EAST 181.3 FEET ALONG THE EAST BOUNDARY OF STATE ROAD 46.



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Jimmy D. Hufford
Jan. 28, 1965

PROJECT S-705(2)

PARCEL 13A LIMITED ACCESS RIGHT OF WAY:

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BOUNDARY OF STATE ROAD 46, 1,281.0 FEET SOUTHERLY (ALONG THE WEST LINE OF SAID QUARTER SECTION) AND 45.0 FEET EASTERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY 51.3 FEET ALONG A PROPERTY LINE OF THE OWNER'S LAND; THENCE SOUTH 0 DEGREES 03 MINUTES WEST 143.6 FEET; THENCE NORTH 89 DEGREES 57 MINUTES WEST 51.3 FEET TO THE EAST BOUNDARY OF STATE ROAD 46; THENCE NORTH 0 DEGREES 03 MINUTES EAST 143.6 FEET ALONG SAID EAST BOUNDARY TO THE POINT OF BEGINNING AND CONTAINING 0.169 ACRES, MORE OR LESS.



Jimmy D. Hufford
Jan. 26, 1965

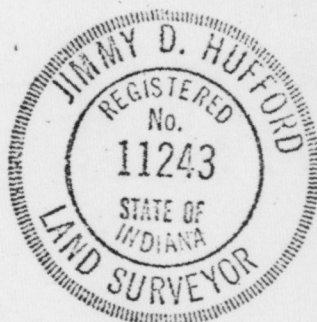
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PROJECT S-705(2)

PARCEL 138 LIMITED ACCESS RIGHT OF WAY:

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BOUNDARY OF STATE ROAD 46, 1,472.6 FEET SOUTHERLY (ALONG THE WEST LINE OF SAID QUARTER SECTION) AND 44.7 FEET EASTERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 57 MINUTES EAST 51.3 FEET; THENCE SOUTH 0 DEGREES 03 MINUTES WEST 72.5 FEET; THENCE NORTH 89 DEGREES 57 MINUTES WEST 51.3 FEET TO THE EAST BOUNDARY OF STATE ROAD 46; THENCE NORTH 0 DEGREES 03 MINUTES EAST 72.5 FEET ALONG SAID EAST BOUNDARY TO THE POINT OF BEGINNING AND CONTAINING 0.085 ACRES, MORE OR LESS.



Jimmy D. Hufford
Jan. 28, 1965

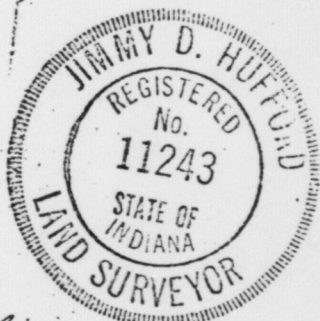
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PROJECT S-705(2)

PARCEL 13C LIMITED ACCESS RIGHT OF WAY

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BOUNDARY OF STATE ROAD 46, 1,593.1 FEET SOUTHERLY (ALONG THE WEST LINE OF SAID QUARTER SECTION) AND 44.5 FEET EASTERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 57 MINUTES EAST 51.3 FEET; THENCE WESTERLY SOUTH 0 DEGREES 03 MINUTES WEST 213.0 FEET TO THE SOUTH PROPERTY LINE OF THE OWNER'S LAND; THENCE WESTERLY 51.3 FEET ALONG SAID SOUTH PROPERTY LINE TO THE EAST BOUNDARY OF STATE ROAD 46; THENCE NORTH 0 DEGREES 03 MINUTES EAST 213.0 FEET ALONG SAID EAST BOUNDARY TO THE POINT OF BEGINNING AND CONTAINING 0.251 ACRES, MORE OR LESS.



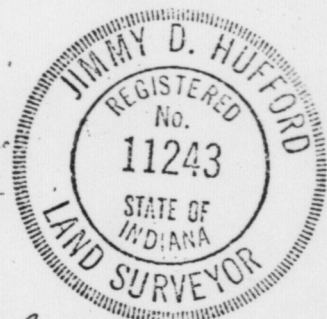
Jimmy D. Hufford
Jan. 28, 1965

PROJECT S-705(2)

PARCEL 13D PERMANENT RIGHT OF WAY:

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BOUNDARY OF STATE ROAD 46, 1,472.6 FEET SOUTHERLY (ALONG THE WEST LINE OF SAID QUARTER SECTION) AND 44.7 FEET EASTERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 03 MINUTES EAST 48.0 FEET ALONG THE EAST BOUNDARY OF STATE ROAD 46; THENCE SOUTH 89 DEGREES 57 MINUTES EAST 51.3 FEET; THENCE SOUTH 0 DEGREES 03 MINUTES WEST 48.0 FEET; THENCE NORTH 89 DEGREES 57 MINUTES WEST 51.3 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.056 ACRES, MORE OR LESS.



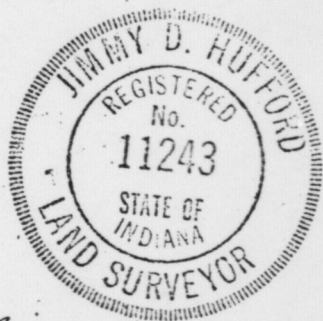
Jimmy D. Hufford
Jan. 28, 1965

PROJECT S-705(2)

PARCEL 13E PERMANENT RIGHT OF WAY:

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST BOUNDARY OF STATE ROAD 46, 1,593.1 FEET SOUTHERLY (ALONG THE WEST LINE OF SAID QUARTER SECTION) AND 44.5 FEET EASTERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 03 MINUTES EAST 48.0 FEET ALONG THE EAST BOUNDARY OF STATE ROAD 46; THENCE SOUTH 89 DEGREES 57 MINUTES EAST 51.3 FEET; THENCE SOUTH 0 DEGREES 03 MINUTES WEST 48.0 FEET; THENCE NORTH 89 DEGREES 57 MINUTES WEST 51.3 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.056 ACRES, MORE OR LESS.



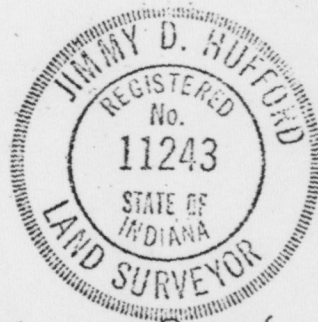
Jimmy D. Hufford
Jan. 28, 1965

PROJECT S-705(2)

PARCEL 13F PERMANENT RIGHT OF WAY:

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH BOUNDARY OF STATE ROAD 42 AND A PROPERTY LINE OF THE OWNER'S LAND, SAID INTERSECTION BEING 500.0 FEET EASTERLY (ALONG THE NORTH LINE OF SAID QUARTER SECTION) AND 36.0 FEET SOUTHERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTHERLY 26.7 FEET ALONG A PROPERTY LINE OF THE OWNER'S LAND; THENCE SOUTH 88 DEGREES 42 MINUTES WEST 274.3 FEET TO THE EASTERN BOUNDARY OF STATE ROAD 46; THENCE NORTH 44 DEGREES 55 MINUTES EAST 43.6 FEET ALONG SAID EASTERN BOUNDARY TO THE SOUTH BOUNDARY OF STATE ROAD 42; THENCE NORTH 89 DEGREES 31 MINUTES EAST 243.6 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING AND CONTAINING 0.170 ACRES, MORE OR LESS.



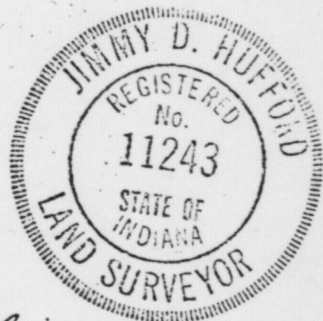
Jimmy D. Hufford
Jan. 28, 1965

PROJECT S-705(2)

PARCEL 13G PERMANENT RIGHT OF WAY

SHEET 1 OF 1

A PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 8 WEST, VIGO COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH BOUNDARY OF STATE ROAD 42 AND A PROPERTY LINE OF THE OWNER'S LAND, SAID INTERSECTION BEING 604.4 FEET EASTERLY (ALONG THE NORTH LINE OF SAID QUARTER SECTION) AND 36.0 FEET SOUTHERLY (AT RIGHT ANGLES TO SAID QUARTER LINE) FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 47 MINUTES EAST 548.4 FEET ALONG THE SOUTH BOUNDARY OF STATE ROAD 42 TO AN EASTERN PROPERTY LINE OF THE OWNER'S LAND; THENCE SOUTHERLY 24.0 FEET ALONG SAID EASTERN PROPERTY LINE; THENCE NORTH 89 DEGREES 47 MINUTES WEST 548.4 FEET TO A WESTERN PROPERTY LINE OF THE OWNER'S LAND; THENCE NORTHERLY 24.0 FEET ALONG SAID PROPERTY LINE TO THE POINT OF BEGINNING AND CONTAINING 0.302 ACRES, MORE OR LESS.



Jimmy D. Hufford
Jan. 28, 1965

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants, Charles Frederick Zimmerman and Cora Ethel Zimmerman and Mabel H. Zimmerman, have and recover from the State of Indiana as final and total damages the sum of Eighteen Thousand Dollars (\$18,000.00), which said amount has already been paid the defendants Charles Frederick Zimmerman, ~~and~~ ^{and Mabel H. Zimmerman} Cora Ethel Zimmerman, ^{and Mabel H. Zimmerman} herein when they withdrew the court-appointed appraisers award of Nineteen Thousand Four Hundred Thirteen Dollars (\$19,413.00), so nothing more is owing the defendants in this cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Terre Haute Savings Bank having filed its disclaimer in this cause shall take nothing by this judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants Charles Frederick Zimmerman and Cora Ethel Zimmerman ^{and Mabel H. Zimmerman} (H&W), ^{and Mabel H. Zimmerman} shall refund to the Clerk of the Court the sum of One Thousand Four Hundred Thirteen Dollars (\$1,413.00), and the Clerk of the Court shall pay said partial refund of the Court-appointed appraisers' award to the plaintiff, State of Indiana.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court should be, and he hereby is, directed to execute and deliver his Clerk's Deed to the plaintiff, State of Indiana, dated as of the date of this judgment, conveying to the plaintiff, State of Indiana an easement over the real estate appropriated by the plaintiff in this cause, such conveyance to be subject to all non-delinquent taxes and assessments.

Dated: April 7, 1967

Nancy J. Potts
Judge of the Vigo Superior Court

Approved: Robert A. Bluff
Attorney for defendants

Thomas J. Kern
Deputy Attorney General
Attorney for the Plaintiff, State of Indiana