

STATE OF INDIANA }
COUNTY OF WAYNE } SS:

IN THE WAYNE SUPERIOR COURT
APRIL TERM, 1964

Parcel 28

STATE OF INDIANA
Plaintiff,
-vs-
LOWELL F. HARTER and
MARCELLO HARTER (H&W),
Defendants.

CAUSE NO. 3502

FILED
SEP 16 1964

FINDING AND JUDGMENT
ON THE JURY VERDICT

Comes now the plaintiff, State of Indiana, represented by Edwin K. Steers, Attorney General, and James C. Puckett of counsel, and John L. Rybolt, Deputy Attorney General; come also the defendants, Lowell F. Harter and Marcello Harter, husband and wife, and Albert K. Federico, their attorney, and now said defendants by their said attorney move the Court to enter judgment herein on the verdict of the jury, which was heretofore returned herein on this date.

And it appearing to the Court that the land owned by the defendants, Lowell F. Harter and Marcello Harter, husband and wife, which has been taken by the plaintiff, State of Indiana, to be used for highway purposes, pursuant to the complaint in this action, has been appropriated for such purpose and said land appropriated is described as follows:

Parcel 28 Permanent Right of Way.

Commencing at the Northwest corner of Section 21, Township 17 North, Range 12 East, Wayne County, Indiana; thence Southerly 30.0 feet, / / -, along the Wayne-Henry County Line, said line being the West line of said section to the point of beginning of this description:

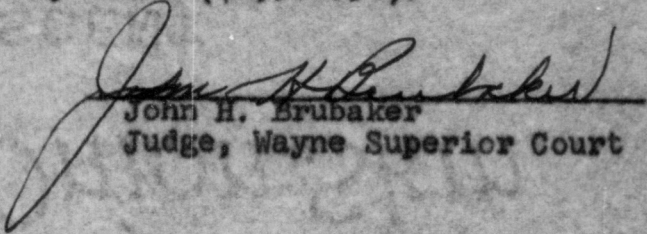
Hence along the Southern boundary of State Road 38 by the following courses: thence South 86 degrees 07 minutes East, 79.7 feet; thence South 85 degrees 28 minutes East, 100.2 feet; thence South 79 degrees 57 minutes East, 100.1 feet; thence South 76 degrees 44 minutes East, 100.1 feet; thence South 74 degrees 39 minutes East, 100.2 feet; thence South 74 degrees 34 minutes East, 146.9 feet; thence South 73 degrees 10 minutes East, 28.0 feet; thence South 74 degrees 35 minutes East, 323.8 feet; thence South 74 degrees 28 minutes East, 57.1 feet to the Eastern property line of the owner's land; hence departing from said boundary: thence Southerly 18.8 feet along said property line; thence North 74 degrees 28 minutes West, 105.4 feet; thence Northwesterly 551.8 feet along an arc to the left and having a radius of 5,679.6 feet and subtended by a long chord having a bearing

Parcel
28

of North 77 degrees 16 minutes West, and a length of 551.6 feet; thence North 89 degrees 09 minutes West, 100.1 feet; thence North 82 degrees 03 minutes West, 197.7 feet; thence North 70 degrees 04 minutes West, 76.5 feet to the Western property line of the owner's land, also said South line and the Wayne County line; thence Northerly 42.8 feet along said line to the point of beginning and containing 0.911 acres, more or less.

And it further appearing that for said real estate so taken and appropriated by said plaintiff, and the damages to the residue of the lands of said defendants, and for any and all damages sustained by any and all defendants, the jury has found that the defendants should recover from the plaintiff the sum of Fourteen Hundred Dollars (\$1,400.00), together with six per cent (6%) from June 1, 1963, the date of the taking or appropriation of said land by said plaintiff to the date of judgment, September 16, 1964, for a sum of One Hundred One Dollars and fifty cents (\$101.50) in interest, and making a total of Fifteen Hundred One Dollars and fifty cents (\$1,501.50), to which defendants are entitled to judgment.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the condemnation heretofore ordered in this Court be and the same is hereby confirmed as against all of said defendants, and for said condemnation and as damages, said defendants shall have and recover of and from the plaintiff, State of Indiana, the sum of Fifteen Hundred One Dollars and fifty cents (\$1,501.50).


John H. Brubaker
Judge, Wayne Superior Court

Dated: Sept 16, 1964

STATE HIGHWAY COMMISSION
STATE OFFICE BLDG.
INDPLS, IND.

June 20, 1963

GENTLEMEN:

We enclose State Warrant No. A 141286 dated
6 - 21, 1963, in settlement of
the following voucher:

DESCRIPTION	AMOUNT
Clerk Wayne Superior Court Court House Richmond, Indiana	
For the amount of the appraisers' award in the condemnation case of State of Indiana vs. LOWELL F. HARTER et al., Cause 3502 in the Wayne Superior Court	-----\$2,050.00
Appr's fees	----- <u>75.00</u> \$2,125.00

Parcel No. 28 (1) Project F778 (1)
S.R. # 38

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

INDIANA STATE HIGHWAY COMMISSION

RIGHT OF WAY

CLAIM — VOUCHER

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

Warrant No. 1

Payee's Name and Address

**Dennis, Dennis & Puckett
Attorneys at Law
Colonial Building
Richmond, Indiana**

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction 351.80
State Share: \$ _____
Federal Share: \$ _____
Total Amt. of Check: \$ 351.80

DISTRIBUTION

DATE	0 9 2 8 6 4 Month Day Year	Project Number	S 7 7 8 1 Prefix Road Section Paren.
LOCATION CODE	5 0 0	Participating or Non-Participating	Cost Account
FUNCTION CODE	3 5	NON PART	4 8 1 Dr.
OBJECT CODE	6 1 1	State v. Lowell F. Harter Wayne Superior Court Cause No. 3502	Amount
PARCEL NO.	2 8		351 80
COUNTY NAME & NO.	Wayne 8 9		351 80
			Total

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.

10-1-64 X Dennis, Dennis and Puckett
(If a firm or corporation, give name)

X By James C. Puckett Partner
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

James W. Townsend 7/21/64
Attorney Originator General 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.

Byron R. Shipley OCT 14 1964
Controller Date

Approved

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

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

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

Approved: James W. Townsend OCT 8 1964
Chief, Division of Land Acquisition Date

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

CLAIM - VOUCHER

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

Payee's Name and Address

VS. **LOWELL HARTER**

CREDIT VOUCHER

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ **274.25**
Federal Share: \$ **274.25**
Total Amt. of Check: \$ **- 0 -**

Warrant No. CR-10/08

DISTRIBUTION

DATE	1	0	2	9	6	4	Project Number	8	7	7	8	1
	Month		Day		Year		Prefix	Road		Section	Paren.	
LOCATION CODE			5	0	0	Participating or Non-Participating	Cost Account		Dr. or Cr.	Amount		
FUNCTION CODE			3	5		PART.	9	6	5	CR	548.50	
OBJECT CODE			6	1	1							
PARCEL NO.			2	8								
COUNTY NAME & NO.	Wayne		8	9								
										Total	548.50	

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.

(If a firm or corporation, give name)

By _____
Personal Signature Title

Signature if individual

Signature if individual

Signature if individual

Signature if individual

Recommend Approval:

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.

(If a firm or corporation, give name)

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.

Controller Date

Approved

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

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

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

Approved:

Approved:

Chief, Division of Land Acquisition Date

Chairman, Indiana State Hwy. Comm. Date



REPORT OF APPRAISERS

STATE OF INDIANA, }
COUNTY OF WAYNE } SS:

IN THE WAYNE SUPERIOR ~~22222~~ CIRCUIT COURT

STATE OF INDIANA, }
vs. }
LOWELL P. HANTER, et al., } No. 3502

The undersigned appraisers in the above entitled proceedings, appointed by ~~HON.~~
JOHN H. BRIDGEMAN, Judge of the WAYNE SUPERIOR ~~2222~~ Circuit
Court on the 31st day of May, 19 63, after
being duly sworn by the clerk of the WAYNE SUPERIOR ~~2222~~ Circuit Court
to honestly and impartially assess the damages and the benefits, if any, that may be
sustained by or result to said defendants by reason of the appropriation of the real estate
described in the complaint in said proceeding, met at the office of the clerk of the
WAYNE SUPERIOR ~~2222~~ Circuit Court, at 1:30 o'clock PM., on the 31st
day of May, 19 63, and after being duly sworn and
instructed by the court as to their duties as appraisers proceeded in a body to view
said real estate that will be affected by said appropriation and to assess and appraise
the damages and the benefits sustained and resulting to each of said defendants by reason
of the appropriation thereof, and said appraisers now report the damages and benefits to
said defendants to be as follows:

The value of the land sought to be appropriated as described in the court's order and
warrant hereto attached, the appraisers find to be the sum of One Thousand
Dollars (\$ 1,000.00).

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

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

Such other damages, if any, as will result to the defendants from the construction of the improvement described in the complaint, in the manner proposed by plaintiff, we find to be \$.....550.00.....

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

The total damages we find to be the sum of \$.....2,050.00.....

Date June 4, 1963

/s/ Frank Bond

/s/ Claude E. Berry

/s/ George Flanagan

Appraisers

R E C E I P T

Received of the Attorney General's Office Check No. 5023 from the Clerk of the Wayne Circuit Court in the amount of \$548.50. Said amount represents the difference between the court-appointed appraisers' award and the verdict rendered in the condemnation action State v. Lowell Harter, Wayne Superior Court, Wayne Circuit Court, Cause No. 3502, Project S778(1), Parcel 28, S.R. 38.

J. L. Dulin
Division of Land Acquisition

Dated: Oct. 29, 1964

STATE OF INDIANA

COUNTY OF WAYNE

SS:

IN THE WAYNE SUPERIOR COURT

OF WAYNE COUNTY, INDIANA

April Term, 19 63

STATE OF INDIANA,

Plaintiff

versus

**LOWELL F. HARTER &
MARCELLO HARTER (H&W)
METROPOLITAN LIFE INSURANCE CO.**

Cause No. 3522

COMPLAINT FOR APPROPRIATION
OF REAL ESTATE

Defendants.

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 Wayne County, Indiana, said highway being known as State Road No. 38, Project No. F 778 (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.

FILED

MAY 9 1963

Mark E. Carver
Clerk, Wayne Superior Court

That the defendants LOWELL F. HARTER & MARCELLO HARTER (H&W) et al.

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

The West 1/2 of the Northwest quarter of Section 21, Township 17 North, Range 12 East, containing 76 acres, more or less, except therefrom the following described real estate, to-wit: Beginning at a marked stone at the Southwest corner of the above described tract; thence North along the Henry and Wayne County line 630'; thence East 69.12'; thence South 630'; thence West 69.12' to the place of beginning, containing 1 acre, more or less. Also excepting 0.96 acre from said West 1/2 of the Northwest quarter conveyed by these Grantors to Ancel H. & Elizabeth A. Bell, H&W as shown by D. R. 237 page 193, Wayne County, Indiana and further excepting 0.96 of an acre from said West 1/2 of said Northwest Quarter conveyed by these Grantors to James E. & Martha J. Giggy, H. & W. as shown by Deed Record 237 Page 267, Wayne County, Indiana.

Plaintiff is informed and verily believes that the defendant, Metropolitan Life Insurance Co. claims and asserts an interest in and to the real estate described in paragraph 2.

Plaintiff alleges that ownership of the fee in and to the real estate is set forth in Rhetorical paragraph 2 and said defendant last above mentioned is made a party hereto, to answer as to any right, title or interest it 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, an easement for highway right of way over a part of said tract of real estate described in Paragraph 2 herein. The part so sought to be appropriated and condemned for a highway right of way easement is described as follows:

**SEE NEXT
PAGE**

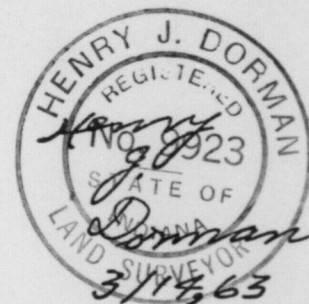
A blue-print sketch plat of the above described right of way easement sought to be appropriated and identified by means of cross-hatched lines, is attached hereto and made a part hereof and designated as Exhibit "A".

PROJECT S-778(1) PARCEL 28

PARCEL 28 PERMANENT RIGHT OF WAY.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 12 EAST, WAYNE COUNTY, INDIANA; THENCE SOUTHERLY 30.0 FEET, +/-, ALONG THE WAYNE-HENRY COUNTY LINE, SAID LINE BEING THE WEST LINE OF SAID SECTION TO THE POINT OF BEGINNING OF THIS DESCRIPTION:

HENCE ALONG THE SOUTHERN BOUNDARY OF STATE ROAD 38 BY THE FOLLOWING COURSES: THENCE SOUTH 86 DEGREES 07 MINUTES EAST, 79.7 FEET; THENCE SOUTH 85 DEGREES 28 MINUTES EAST, 100.2 FEET; THENCE SOUTH 79 DEGREES 57 MINUTES EAST, 100.1 FEET; THENCE SOUTH 76 DEGREES 44 MINUTES EAST, 100.1 FEET; THENCE SOUTH 74 DEGREES 39 MINUTES EAST, 100.2 FEET; THENCE SOUTH 74 DEGREES 34 MINUTES EAST, 146.9 FEET; THENCE SOUTH 73 DEGREES 10 MINUTES EAST, 28.0 FEET; THENCE SOUTH 74 DEGREES 35 MINUTES EAST, 323.8 FEET; THENCE SOUTH 74 DEGREES 28 MINUTES EAST, 57.1 FEET TO THE EASTERN PROPERTY LINE OF THE OWNER'S LAND; HENCE DEPARTING FROM SAID BOUNDARY: THENCE SOUTHERLY 18.8 FEET ALONG SAID PROPERTY LINE; THENCE NORTH 74 DEGREES 28 MINUTES WEST, 105.4 FEET; THENCE NORTHWESTERLY 551.8 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 5,679.6 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 77 DEGREES 16 MINUTES WEST, AND A LENGTH OF 551.6 FEET; THENCE NORTH 89 DEGREES 09 MINUTES WEST, 100.1 FEET; THENCE NORTH 82 DEGREES 03 MINUTES WEST, 197.7 FEET; THENCE NORTH 70 DEGREES 04 MINUTES WEST, 76.5 FEET TO THE WESTERN PROPERTY LINE OF THE OWNER'S LAND, ALSO SAID SOUTH LINE AND THE WAYNE COUNTY LINE; THENCE NORTHERLY 42.8 FEET ALONG SAID LINE TO THE POINT OF BEGINNING AND CONTAINING 0.911 ACRES, MORE OR LESS.



NUMBER 5

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

NUMBER 6

That prior to the bringing of this action, the plaintiff through the said Indiana State Highway Commission, made an effort to purchase said right of way easement described in Paragraph 4 from the above-named owners, but that plaintiff and said owners have been unable to agree as to the purchase price thereof, or as to the amount of damages, if any, sustained by said defendants by reason of the appropriation of said right of way easement for the use hereinbefore stated.

NUMBER 7

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

NUMBER 8

That said highway so to be improved extends from Wayne County, Indiana thence Westerly through New Castle, Noblesville, Frankfort and terminating in LaFayette; that the termini and course of the particular project involved is as follows: Beginning at a point on State Road # 38 approximately 781.5 feet East of the Westline of Section 20, Township 17 North, Range 11 East, and extending in an Easterly direction approximately 33,000 feet to a point on State Road 38 approximately 3280.5 feet East of the Henry-Wayne County line.

in Wayne County, State of Indiana, and said right of way is to be 100 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 right of way easement herein sought to be condemned for the purpose of the improvement of said highway and the widening thereof, and said right of way easement as herein described is necessary and proper for the carrying out of said work, and said right of way easement when obtained will be used for such purpose.

NUMBER 10

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

EDWIN K. STEERS

Attorney General

Norman G. Kittel

Deputy Attorney General

Deputy Attorney General

Attorneys for Plaintiff

R E S O L U T I O N

WHEREAS, the carrying out of the construction and improvement by the Indiana State Highway Commission of Indiana of Project No. S 778 Sec. (1), in Wayne County, Indiana, requires the construction, reconstruction, relocation or maintenance and repair (strike out inappropriate) of a public highway in said County, locally known as the State Road 38 ~~11111~~ which highway forms a part of a State Highway designated in the records and files of the Indiana State Highway Commission of Indiana as Road No. 38 which extends from Wayne County, Indiana thence Westerly through New Castle, Noblesville, Frankfort and terminating in LaFayette, Indiana,

the general width of the right of way for said project is 100 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 of Indiana at Indianapolis, Indiana, the general route, location and termini thereof being as follows: **Beginning at a point on State Road Number 38 approximately 781.5 feet East of the Westline of Section 20, Township 17 North, Range 11 East, and extending in an Easterly direction approximately 33,000 feet to a point on State Road 38 approximately 3280.5 feet East of the Henry-Wayne County line.**

AND WHEREAS, it is necessary in making said improvement to acquire a right of way as hereinafter described over the land of Lowell F. Harter, Marcello Harter, R.R. #3, Hagerstown, Indiana;
Metropolitan Life Insurance Company,

_____, and ,

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

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

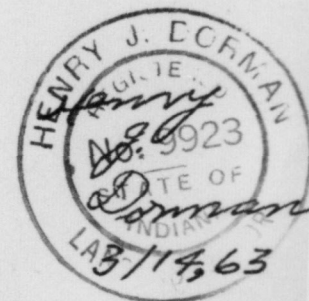
BE IT RESOLVED, that condemnation proceedings be instituted by the Attorney General in the name of the State of Indiana in a court of appropriate jurisdiction, for the land hereinafter described, the same being in Wayne County, Indiana, and to be used as right of way easement for said highway improvement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

PROJECT S-778(1) PARCEL 28

PARCEL 28 PERMANENT RIGHT OF WAY.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 12 EAST, WAYNE COUNTY, INDIANA; THENCE SOUTHERLY 30.0 FEET, +/-, ALONG THE WAYNE-HENRY COUNTY LINE, SAID LINE BEING THE WEST LINE OF SAID SECTION TO THE POINT OF BEGINNING OF THIS DESCRIPTION:

HENCE ALONG THE SOUTHERN BOUNDARY OF STATE ROAD 38 BY THE FOLLOWING COURSES: THENCE SOUTH 86 DEGREES 07 MINUTES EAST, 79.7 FEET; THENCE SOUTH 85 DEGREES 28 MINUTES EAST, 100.2 FEET; THENCE SOUTH 79 DEGREES 57 MINUTES EAST, 100.1 FEET; THENCE SOUTH 76 DEGREES 44 MINUTES EAST, 100.1 FEET; THENCE SOUTH 74 DEGREES 39 MINUTES EAST, 100.2 FEET; THENCE SOUTH 74 DEGREES 34 MINUTES EAST, 146.9 FEET; THENCE SOUTH 73 DEGREES 10 MINUTES EAST, 28.0 FEET; THENCE SOUTH 74 DEGREES 35 MINUTES EAST, 323.8 FEET; THENCE SOUTH 74 DEGREES 28 MINUTES EAST, 57.1 FEET TO THE EASTERN PROPERTY LINE OF THE OWNER'S LAND; HENCE DEPARTING FROM SAID BOUNDARY: THENCE SOUTHERLY 18.8 FEET ALONG SAID PROPERTY LINE; THENCE NORTH 74 DEGREES 28 MINUTES WEST, 105.4 FEET; THENCE NORTHWESTERLY 551.8 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 5,679.6 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 77 DEGREES 16 MINUTES WEST, AND A LENGTH OF 551.6 FEET; THENCE NORTH 89 DEGREES 09 MINUTES WEST, 100.1 FEET; THENCE NORTH 82 DEGREES 03 MINUTES WEST, 197.7 FEET; THENCE NORTH 70 DEGREES 04 MINUTES WEST, 76.5 FEET TO THE WESTERN PROPERTY LINE OF THE OWNER'S LAND, ALSO SAID SOUTH LINE AND THE WAYNE COUNTY LINE; THENCE NORTHERLY 42.8 FEET ALONG SAID LINE TO THE POINT OF BEGINNING AND CONTAINING 0.911 ACRES, MORE OR LESS.



Form CR -2

Rev. 5 - 61

Resolution (cont.)

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

WHEREAS this matter was considered and adopted by voice vote by a quorum of the members of the Indiana State Highway Commission present at a regular meeting held in the office of the Indiana State Highway Commission in Indianapolis, Indiana, on the 15th day of April, 1963.

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

INDIANA STATE HIGHWAY COMMISSION

Form CR-3
Rev. 5-61

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

This is to certify that the attached and foregoing is
a full, true and complete copy of a Resolution with Right of
Way map attached affecting the lands of Lowell F. Harter,
Marcello Harter, R.R. #3, Hagerstown, Indiana; Metropolitan
Life Insurance Company,

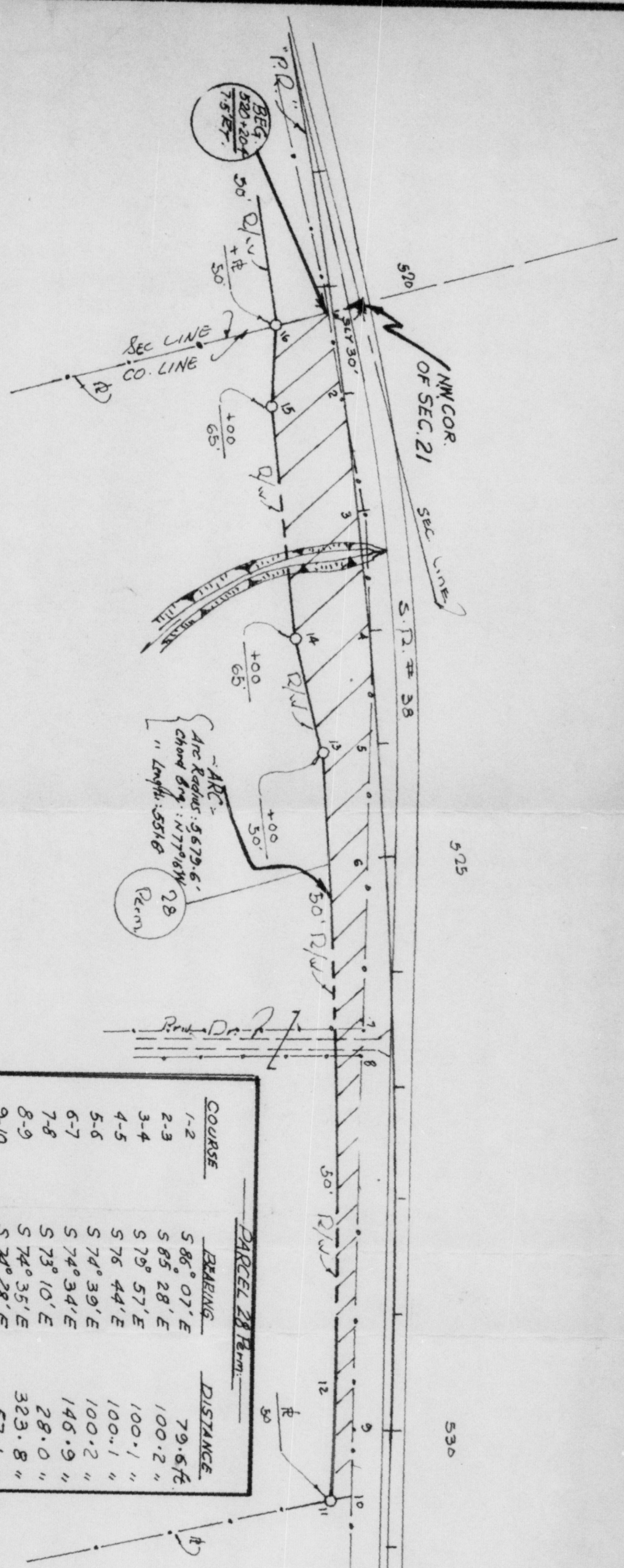
in Wayne County, Indiana, as the same appears in
the minutes of the Commission in the State Office Building in
the City of Indianapolis, Indiana.

IN WITNESS WHEREOF, I, Roy Whitton, Secretary of the
Indiana State Highway Commission of Indiana, hereto place my
hand and seal of said Commission on this 18th day of April,
1963.

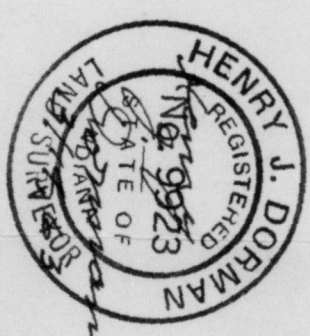
Roy J. Whitton
Secretary

SEAL:

CROSS HATCHED AREA IS APPROXIMATE TAKING

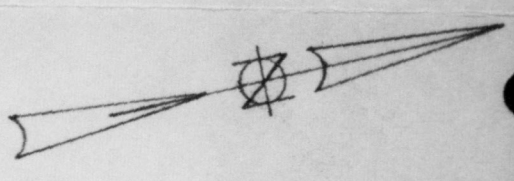


COURSE	BEARING	DISTANCE
1-2	S 86° 07' E	79.6 ft.
2-3	S 85° 28' E	100.2 "
3-4	S 79° 57' E	100.2 "
4-5	S 76° 44' E	100.1 "
5-6	S 74° 39' E	100.2 "
6-7	S 74° 34' E	146.9 "
7-8	S 73° 10' E	28.0 "
8-9	S 74° 35' E	323.8 "
9-10	S 74° 28' E	57.1 "
10-11	S 74° 28' W	18.8 "
11-12	ARC	105.4 "
12-13	ARC	551.8 "
13-14	N 89° 09' W	100.1 "
14-15	N 82° 03' W	197.7 "
15-16	N 70° 04' W	76.5 "
16-1	N 70° 04' W	42.8 "



INDIANA STATE HIGHWAY COMMISSION
 PROJECT: S-778(G), WAYNE COUNTY
 ROAD: S.R. #38
 RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM
 LOCAL TRACTER OF US
 SEC. 21, T. 17N, R. 12E.
 CONTAINING 0.911 ACRES
 DRAWN BY AM... CHECKED BY TH... DATE 3-14-63

R/W PLAN SHEET: 16
 SKETCH 1 OF 1
 PARCEL NUMBER: 28 Perm.



SCALE: 1" = 100'

PARC NO. 2 PERM
PROJECT NO. S-778(1)
ROAD S.R. 38

OWNER: L. F. HARTER ET UX.
DRAWN BY WIXOM, R.F.
DEED RECORD 250

CHECKED BY *Best*
PAGE 477

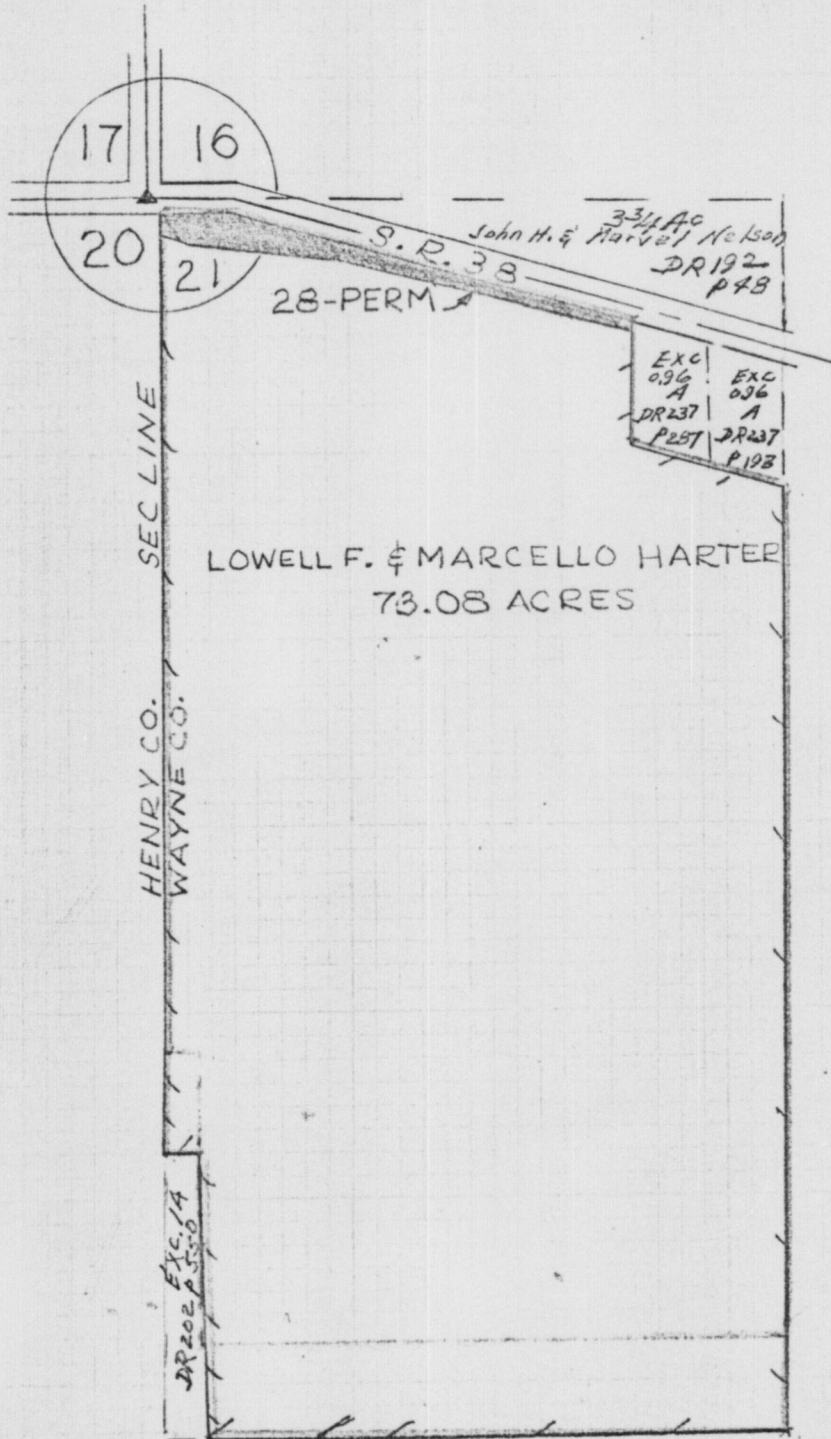
DTD., 10-8-52 NORTH

COUNTY : WAYNE
SECTION : 21
T. 17 : N
R. 12 : E



CROSSHATCHED
AREA IS
APPROX. TAKE

SCALE:
1"=400'



TITLE AND ENCUMBRANCE REPORT

22 Perm

DIVISION OF LAND ACQUISITION

INDIANA STATE HIGHWAY COMMISSION

S.R. 38 PROJ. S-778 (1) COUNTY Wayne

Names on Plans Lowell F. & Marcello Harter

Names in Trans. Book _____

Description or Addition	Sec.	Twp.	Rge.	Acreage	Assessed Value
Pt. W. $\frac{1}{2}$ of N.W. Q	21	17	12	74.08	Imp. \$26.30
				73.08	Land \$21.70
					Total \$48.00

LAST OWNER OF RECORD

Deed Record 350 P. 477 Recorded 10-9-52 Dated 10-8-52 Deed

Grantor Raymond D. & Elizabeth Jones

Grantee Lowell F. & Marcello Harter

Address of Grantee _____

MORTGAGE RECORD

Mortgage Recrd 305 P. 119 Amount \$10,000.00 Dated 3-4-57

Mortgagor Lowell F. & Marcello Harter

Mortgagee Metropolitian Life Ins. Co.

JUDGMENT RECORD Yes None LIS PENDENS RECORD Yes None

MISCELLANEOUS RECORD Yes None EASEMENT Yes None

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

TAXES Current Paid Delinquent
 Fall Inst. \$117.12

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 12 day of June 1962

John Huntington
 Abstractor

Prel. Approval of Title _____
 Date

By _____
 Deputy Attorney General

Final Approval of Title _____
 Date

By _____
 Deputy Attorney General

C A P T I O N

Lying south of SR38

The West $\frac{1}{2}$ of the Northwest Quarter of Section 21, Township 17 North, Range 12 East, containing 76 acres, more or less, except therefrom the following described real estate, to-wit: Beginning at a marked stone at the Southwest corner of the above described tract; thence North along the Henry and Wayne County line 630'; thence East 69.12'; thence South 630'; thence West 69.12' to the place of beginning, containing 1 acre, more or less. Also excepting 0.96 acre from said West $\frac{1}{2}$ of the Northwest Quarter conveyed by these Grantors to Ancel H. & Elizabeth A. Bell, H. & W. as shown by D.R. 237 page 193, Wayne County, Indiana and futher excepting 0.96 of an acre from said West $\frac{1}{2}$ of said Northwest Quarter conveyed by these Grantors to James E. & Martha J. Giggy, H. & W. as shown by Deed Record 237 Page 287, Wayne County, Indiana.

C O N V E Y A N C E S

GRANTOR

Raymond D. and
Elizabeth N. Jones, H. & W.

INST. Warranty Deed

REVENUE STAMPS \$22.00

DEED RECORD 250 PAGE 477

GRANTEE

Lowell F. and
Marcello Harter, H. & W.

INST. # 11335

DATED 10-8-52

RECORDED 10-9-52

Real Estate same as Caption.

It is the intent and purpose of the Grantors by this deed to convey all the real estate owned by them in the Northwest Quarter of Section 21, Township 17 North, Range 12 East.

C O N V E Y A N C E S

GRANTOR

Elmer E. & Flossie M.
McGrew, H. & W.

INST. Warranty Deed

REVENUE STAMPS \$6.05

DEED RECORD 202 PAGE 550

GRANTEE

Raymond D. & Elizabeth
N. Jones, H. & W.

INST. #1765

DATED 2-13-42

RECORDED 2-28-42

Real Estate Conveyed

The West $\frac{1}{2}$ of the Northwest Quarter of Section 21, Township 17 North, Range 12 East, containing 76 Acres, more or less, except therefrom the following described real estate, to-wit: Beginning at a marked stone at the Southwest corner of the above described tract; thence North along the Henry and Wayne County line 630'; thence East 69.12'; thence South 630'; thence West 69.12' to the place of beginning, containing 1 acre, more or less.

C O N V E Y A N C E S

GRANTOR

Raymond D. &
Elizabeth N. Jones, H. & W.

INST. WARRANTY DEED

REVENUE STAMPS \$1.10

GRANTEE

Ancel H. &
Elizabeth A. Bell

DEED RECORD 237 PAGE 193

INST. #8475

DATED 7-3-50

RECORDED 7-11-50

Real Estate Conveyed

A part of the West $\frac{1}{2}$ of the Northwest Quarter of Section 21, Township 17 North, Range 12 East, more particularly described as follows: Beginning at the intersection of the East line of the West $\frac{1}{2}$ of the Northwest Quarter of Section with the centerline of State Road 38, said intersection being two 2388' North of the Southeast corner of said West $\frac{1}{2}$ and running thence South 264; thence North 75° West, parallel to the centerline of said road, 165'; thence North 264' to the centerline of said road; thence South 75° East 165' along said centerline, to the place of beginning, containing 0.96 acres, more or less.

For reference only.

C O N V E Y A N C E S

GRANTOR

Raymond D. and
Elizabeth N. Jones, H. & W.

INST. Warranty Deed

REVENUE STAMPS \$1.10

DEED RECORD 237 PAGE 287

GRANTEE

James E. and Martha J. Giggy

INST. # 8997

DATED 7-7-50

RECORDED 7-22-50

Real Estate Conveyed

A part of the West $\frac{1}{2}$ of the Northwest Quarter of Section 21, Township 17 North, Range 12 East in Jefferson Township, Wayne County, Indiana and being more particularly described as follows: Beginning at a point in the centerline of S.R. #38, said point being 165' North 75° West of the intersection of said centerline with the East line of the West $\frac{1}{2}$ of the Northwest Quarter of said section, said intersection being 2388' North of the Southeast corner of said West $\frac{1}{2}$, and running thence North 75° West, along said centerline, 165'; thence South 264' thence South 75° East, parallel to the centerline of said road, 165'; thence North 264' to the place of beginning, containing 0.96 of an acre, more or less.

For reference only.

M O R T G A G E

MORTGAGOR

Lowell F. and
Marcello Harter, H. & W.

MORTGAGEE

Metropolitian Life Insurance Co.

INST. Real Estate Mortgage

MORTGAGE RECORD 305 PAGE 119

INST. #1926

DATED 3-4-57

RECORDED 3-5-57

Real Estate encumbered.
Same as Caption of this Abstract.

OK 8-10

READY TO FILE

PROGRAM LST
PROJ CODE 0090 ROAD COUNTY
I-74-4(19) RW 74 RIPLEY
LANDSLIDE PARCELS
3.983

PLANS REC EST PAR

SCHEDULED ACTIVITY COMPLETION DATES CONTRACT
ABST ENG AUTH PROC APPR NEGO COND CLEAR R/W CLEAR LETTING

PAR PLD	GRANTOR	CURRENT STATUS OF PARCELS		R/E	CON SEC
		ACTIVITY	TOTAL PARCELS=002		
1	PERMANENT SAVINGS ET AL	09-21-61	CLEAR	*	*
2	PERMANENT SAVINGS ET AL	09-21-61	CLEAR	*	*
3	VOEGELE, MARTIN ET AL.	09-26-86	CLEAR	*	*
4	FIRST NAT. BANK ET AL.	10-12-61	CLEAR	*	*
5	FIRST NAT. BANK ET AL.	10-04-61	CLEAR	*	*
6	NIESE, WILLIAM ET UX.	10-04-61	CLEAR	*	*
7	MERKEL, HERBERT ET UX.	10-04-61	CLEAR	*	*
8	FIRST NAT. BANK ET AL.	10-10-61	CLEAR	*	*
9	HARTMAN, ANTHONY ET AL.	09-19-61	CLEAR	*	*
10	KLEINE, MARTIN	03-02-62	CLEAR	*	*
11	PRICKEL, ALPHONS ET UX.	03-01-62	CLEAR	*	*
12	DEYE, BERNARD J.	02-27-62	CLEAR	*	*
13	WEISENBACH, LOUIS ET UX	02-28-62	CLEAR	*	*
14	WEISENBACH, VICTOR P.	02-28-62	CLEAR	*	*
15	ROS, JACOB ESTATE ET AL	01-03-62	CLEAR	*	*
16	GROSSMAN, JOSEPH R.	09-25-61	CLEAR	*	*
17	DOLL, LAMBERT ET UX.	10-03-61	CLEAR	*	*
18	NOBBE, ROMAN F. ET UX.	10-04-61	CLEAR	*	*
19	WEISTER, JOSEPH ET AL.	03-07-62	CLEAR	*	*
20	WOOD, BILLY G. ET AL.	10-18-61	CLEAR	*	*
21	SCHUCK, TED ET AL.	11-16-61	CLEAR	*	*
22	NIESE, LAURENCE ET AL.	11-28-61	CLEAR	*	*
23	BALLINGER, WARREN, C. ET UX	08-08-69	CONDENSE	*	*
24	WEISTER, JOSEPH E. ET UX	09-19-69	CONDENSE	*	*