

STATE OF INDIANA)
COUNTY OF MARION)

SS:

IN THE SUPERIOR COURT
OF MARION COUNTY, INDIANA

FILED
SI MAY 16 1969

STATE OF INDIANA,

Plaintiff

-vs-

MERLE A. DELPH, TRUSTEE
C. H. ELLIS COMPANY,
D.G.M. CORPORATION

Defendants.

Ed Allen Hand
CLERK

CAUSE NO. S168-579

Code 0536

Parcel 38

JUDGMENT

Comes now the plaintiff, State of Indiana, by Theodore L. Sendak, Attorney General, and R. Victor Stivers, Deputy Attorney General, and come now the defendants, Merle A. Delph, Trustee, by his attorneys of record herein, Paul DeVault and Harold Folley and this cause having been submitted for trial by jury upon the issues formed by the exceptions heretofore filed by the plaintiff, and said defendants, said jury returned its verdict herein on the 24th day of April, 1969, in favor of the defendants and against the plaintiff in the sum of One Hundred Seventy One Thousand Five Hundred Forty One Dollars (\$171,541.00), together with interest to be computed by the Court.

And the Court being duly advised finds as follows:

1. That the defendants are entitled to interest in the amount of Two Thousand Two Hundred Eighty Two Dollars and Forty Five Cents (\$2,282.45) plus the amount of the judgment as determined by the jury in the amount of One Hundred Seventy One Thousand Five Hundred Forty One Dollars (\$171,541.00).

2. That the plaintiff, State of Indiana, paid the award of the court appointed appraisers in the amount of One Hundred Twenty Four Thousand Three Hundred Dollars (\$124,300.00), together with the fees for said appraisers to the Clerk of the Court on the 20th day of September, 1968.

3. That the order of appropriation entered on the 28th day of June, 1968, for the fee for highway right of way over the defendants' real estate as described in the plaintiff's complaint should be confirmed.

4. That the defendants, C. H. Ellis Company and the D. G. M. Corporation having filed their disclaimer of any interest in the proceeds made available by the plaintiff herein, should take nothing by this judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 28th day of June, 1968, be, and the same is hereby confirmed and the fee for highway right of way over defendant's real estate described in plaintiff's complaint be, and the same is appropriated, said fee for highway right of way being more particularly described as follows:

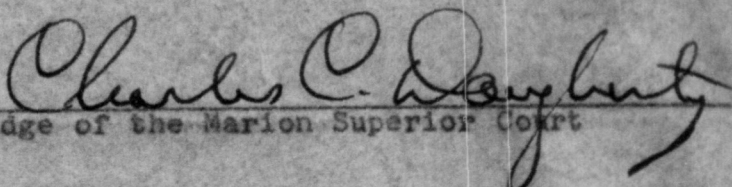
Project I-70-3 (52) Parcel 38 IN FEE-LIMITED ACCESS

Lot 99 to 107 both inclusive, 128, 131, 132, and 134 in Simon Yandes Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant Merle A. Delph, Trustee, have and recover from the State of Indiana as final and total damages the sum of One Hundred Seventy One Thousand Five Hundred Forty One Dollars (\$171,541.00), together with interest in the sum of Two Thousand Two Hundred Eighty Two Dollars and Forty Five Cents (\$2,282.45) and that the Clerk of the Court pay said amount to the defendant less the sum of Ninety Six Thousand Dollars (\$96,000.00), which said amount has already been paid the defendant herein when he withdrew a portion of the court appointed appraisers award of One Hundred Twenty Four Thousand Three Hundred Dollars (\$124,300.00), so Seventy Seven Thousand Eight Hundred Twenty Three Dollars and Forty Five Cents (\$77,823.45) more is owing the defendants in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, State of Indiana, pay to the Clerk of the Court that the sum of Forty Nine Thousand Five Hundred Twenty Three Dollars Fifty Cents (\$49,523.50), which amount when added to the amount of the court appointed appraisers' award of One Hundred Twenty Four Thousand Three Hundred Dollars (\$124,300.00) previously paid in, equals the amount of this judgment.

IT IS FURTHER ORDERED AND DECREED by the Court that the defendants C. H. Ellis Company and the D.G.M. Corporation having filed their disclaimer of any interest in the proceeds made available by the plaintiff herein shall take nothing by this judgment.


Judge of the Marion Superior Court

Dated: May 16, 1969

TRIAL REPORT

STATE VS Merle A. Delph Trustee FILED 6-17-68
COURT Marion Superior #2 CAUSE NO. S168-579
PROJECT I-70-3(52) PARCEL NO. 38 ROAD I-70

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY: So. Side Danville
Edgemoor End.

IMPROVEMENTS: Tranny

DESCRIPTION OF TAKE: (attach sketch) Total take

AREA OF TAKING 42.875 Sq. Ft. AREA OF REMAINDER 0
OFFER PRIOR TO CONDEMNATION \$ 113,000.00 COURT AWARD \$ 124,300.00
OFFER YOU MADE \$ 113,000.00 BASIS
FINAL DEMAND OF DEFENDANTS: \$200,000.00
DATES OF TRIAL April 22, 23, 24, '69 LENGTH OF TRIAL 3 Days
JUDGE Dougherty LOCAL COUNSEL None
DEFENDANTS ATTORNEY Paul DeVault, Harold Folley

Table with 6 columns: APPRAISERS NAME & DATE, LAND TAKEN, IMPROVEMENTS TAKEN, RESIDUE DAMAGE, OTHER DAMAGE OR BENEFITS, TOTAL COMPENSATION. Rows include State's Valuation Witnesses (Geo. Davidson, Claude Magnuson, Jim Gallager) and Defendants' Valuation Witnesses (Mr. Kahn, Mr. Brennan, John Wallace, Merle Delph).

Verdict by Judge
Jury Verdict \$ 171,541.00 Date of Verdict April 24, 1969
Interest on Verdict \$
Interest computation method: 4% or 4% from 9-20-68 to Nov 5-6-68 to Nov 5-24-69 on 171,541.00
Court Award: Deposited 9-20-68 Withdrawn 96,000.00 Amount \$ on 5-6-68

4. Brief Factual Account of Trial Including Major Issues Developed:

(Attach Memorandum) Memorandum should cover comments on jury, brief account of testimony of all witnesses, issues and theories of trial and any other information or occurrences that may or did affect trial of case, main issues and points of conflict between our and their evidence and case theories. (Use P.P.M. 80-6 Paragraph 4 (b) (1) (e thru i) as guide)

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
Other State's Appraisers:					
None					
Review Appraiser:					
Callagher					

1. Trial Preparation Held 5 conferences with appraisers, visited subject property and all comparables sales - obtained plans, overlays and ariel photo from Highway Department.

2. Explanation of Substantial Variance, if any, between Reviewing Appraiser's Determination of Value and amount of State's High Testimony: Updating of appraisals from 1966 to 1968

3. Does award include any elements of value, damages or costs not eligible for Federal participation under P.P.M. ~~XXXXXX~~ (exclusive of Sec. 6c)? If so, what amount, and for what element?

No

4. Brief Factual Account of Trial Including Major Issues Developed:

(Attach Memorandum) Memorandum should cover comments on jury, brief account of testimony of all witnesses, issues and theories of trial and any other information or occurrences that may or did affect trial of case, main issues and points of conflict between our and their evidence and case theories. (Use P.P.M. 80-6 Paragraph 4 (b) (1) (e thru i) as guide)

5. Are There Grounds for a Motion for New Trial or Appeal? In this Deputy's
If Grounds Exist, do you Recommend a Motion for New Trial or opinion, Yes
Appeal? Yes X No _____ Give reasons, legal authorities and
arguments if there are grounds for appeal.
(Use Paragraph 4 (b) (2) of P.P.M. 80-6 and Attachment 1, pages
2 and 3 as guide) (Attach separate memo, if necessary)

A motion for a new trial was filed pursuant to the above
recommendation. However, in preparing the motion and transcript of
the evidence a close analysis of the grounds of appeal was made.
After reconstructing all items of proof this office takes the
position that there was no appealable error. That is, no
objectionable evidence was admitted and there was
evidence to ~~sub~~ sustain the verdict.

James R. Nickels
A.A.G.

Date: 8-15-69

[Signature]

Trial Attorney

Reviewed and Approved:

JOHN J. DILLON
Attorney General of Indiana

By *James R. Nickels*
Title ASSISTANT ATTORNEY GENERAL -
HIGHWAYS

In concur in above opinion as to:

- (1) Motion for new trial and appeal where trial attorney states grounds exist;
- (2) Value of ineligible elements;
- (3) State's high testimony at trial or the amount stipulated to by the parties.

[Signature]
Indiana State Highway Commission
By *James R. Nickels*
Title CHIEF DIV. L/A

DEC 9 1969
Date: ~~NOV 10 1969~~

MEMORANDUM

The defendants witnesses were the property owner, Mr. Merle Delph, a Mr. Kuhn, Mr. Brennan, and a Mr. John Wallace. The defendants testimony ranged from Mr. Delph's introduction of a value for that part taken at \$200,000.00, to Mr. Brennan's opinion as to the value of that part taken at \$175,000.00. Inasmuch as the taking in this case was a total take the major issue raised during the course of the trial of the cause was that the property was such that it was specialized that the property could only be used for one utility and that utility being a tannery, further that the sales in the area would not be of any help in arriving at a value for this property. The defense would contend that considering the type of property that the subject property was that as a matter of fact there was no other sales in the county of Marion of this particular type of property; therefore, the only value that could be placed on the subject property would be that value arrived at while considering the subject property a tannery, and the tannery only.

All the plaintiffs witnesses determined their value by arriving at sales of similar properties in the area, not considering the subject property to be good for only one use, that use being a tannery. All of the plaintiffs witnesses supported their value opinions by numerous sales occurring within the immediate area of the subject property and within a reasonable time. The plaintiffs opinion as to value ranged from Mr. Claude Magnuson's opinion \$109,500.00 to Mr. George Davidsons opinion of value at \$118,000.00. The plaintiffs appraisers substantiated their opinion as to value further by using the cost approach in their arriving at an opinion as to value. The defendants valuation witnesses used the market approach to arrive at a value for the land of the subject property and a nebulous approach in arriving at the value of the buildings, such nebulous approach being anywhere from, "that is my opinion as to what the building is worth to,..." I can substantiate the value for the building in my own mind as being the figure.

Many side issues were raised during the course of this trial, one of them being the introduction of evidence by the defendants expert opinion, Mr. Kuhn. Mr. Kuhn's testimony was based upon appraisal made in the year 1966, and it came out during the course of cross-examination that the appraisal was not updated to the date of take which was June, 1968, Mr. Kuhn further testified that there was an increase in value between 1966 and 1968 of the subject property however, he testified that he didn't take that increase in value into consideration in arriving at testimony in which he was giving to the court and jury that day. Further problems arising during the course of this trial were seen as instructions given by the defendants over the objection of the plaintiff, those instructions being instruction number 4, which said in effect the subject property must be found to be a special purpose property and could not be compared to properties not being the same or used as the same as the subject property, in otherwords that the jury must find that the subject property, a tannery, could not be compared with any other buildings in the vicinity or the State of Indiana unless those other buildings were tanneries also.

The jury felt as if the defendant was right in his argument that a tannery^s is a special purpose property and a property which could only be valuable to another person who intended to continue the use as a tannery; in otherwords a tannery was such a highly specialized piece of property that it would be useless and valueless to anyone except another person who would intend to use the property as a tannery; therefore, the jury felt that, and took it upon itself to consider primarily the testimony of the defendants witnesses.

The trial being in Marion County, was handled completely by Deputy Attorney General, R. Victor Stivers.

Project 1-70-3(52)

Parcel 38

IN FEE - LIMITED ACCESS

Lots 99 to 107 both inclusive, 128,131,132, and 134 in Simon Yandes Sub-division of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.



Given under my hand and seal Oct. 30, 1967

Floyd E. Burroughs

Floyd E. Burroughs, Registered Land
Surveyor No. 10645, State of Indiana

EXIST. RIW
 W. RAY ST.

LAC 7

EXIST. RIW
 SIMON YANDES SUBDIVISION
 OF THE EAST PART OF OUT LOT 129 OF
 THE DONATION LANDS OF THE CITY OF
 INDIANAPOLIS PLAT BOOK 2,
 PAGE 112

107 106 105 104 103 102 101 100 99
 ALLEY

126 127 128 129 130 131 132 133 134
 ALLEY

38A

38B

38C

302

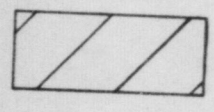
P.C. 302+03.98

303

EXIST. RIW

VINTON ST.

S. WEST ST.



HATCHED AREA IS
 APPROXIMATE TAKING

LAC

LAC

LAC

PARCEL 38
 IN FEE-LIMITED ACCESS
 LOTS 99 TO 107 BOTH INCLUSIVE, 128,
 131, 132, AND 134 IN SIMON YANDES
 SUBDIVISION OF THE EAST PART OF
 OUT LOT 129 OF THE DONATION
 LANDS OF THE CITY OF
 INDIANAPOLIS, AS PER PLAT
 THEREOF, RECORDED IN PLAT BOOK
 2, PAGE 112, IN THE OFFICE OF
 THE RECORDER OF MARION
 COUNTY, INDIANA.
 AREA: 42,876 S.F., MORE OR LESS

LEGEND

LAC = LIMITED ACCESS RIGHT OF WAY AND
 ACCESS CONTROL LINE (IN FEE)



Oct. 30, 1967

Floyd E. Burroughs

INDIANA STATE HIGHWAY COMMISSION

PROJECT: I-70-3(52)
 ROAD: I-70 MARION COUNTY
 RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM
 DELPH, MERLE A., TRUSTEE

SEC. 11, T. 15 N., R. 3 E.
 CONTAINING 42,876 S.F., MORE OR LESS
 DRAWN BY POLING CHECKED BY J. BRIDGES DATE 10-25-67

SCALE: 1" = 50'

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition
ROOM 1105 — 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA 46209

0536

March 28, 1969 19

To D.C. M. Corporation
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A-255371 3-14-69 19
in settlement of the following vouchers: 69-463

Description	Amount
For <u>Business Relocation</u> on State Road No. <u>49</u> in <u>Marion</u> County, Project <u>I-70-3(52)</u> Parcel No. <u>38</u> as per Grant/Warranty Deed, Dated <u>2-20-69</u>	\$1328 62

PLEASE RECEIPT (AND RETURN (Do not detach)

Payment Received: By [Signature]

Date 4/69

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition
 ROOM 1105 — 100 NORTH SENATE AVENUE
 INDIANAPOLIS, INDIANA 46209

0536

May 5, 1969

19

To M. A. Delph Co. Inc.

Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A-260316 4-22-69 19
 in settlement of the following vouchers:

69-533

Description	Amount	
For <u>Business Relocation</u> on State Road No. <u>49</u> in <u>Marion</u> County, Project <u>I-70-3(52)</u> Parcel No. <u>38</u> as per Grant/Warranty Deed, Dated <u>3-21-69</u>	\$2856	76

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received:

By

M. A. Delph Co. Inc.
By - M. A. Delph - Pres

Date

5-5-69

PAYEE'S NAME AND ADDRESS

George C. Davidson
2156 N. Meridian
Indianapolis, Indiana

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

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

DISTRIBUTION

DATE	1	1	2	4	6	9	Project Number		I		7	0	3		5	2	
	Month			Day			Prefix			Road			Section		Paren.		
LOCATION CODE				5	0	0	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount							
FUNCTION CODE					3	5	Valuation for Court Testimony										
OBJECT CODE							UPDATING APPRAISEL - 2 DAYS \$200.00										
							PRE-TRIAL CONFERENCE 2 DAYS 200.00										
PARCEL NO.						3	8	EXPERT WITNESS - 1½ DAYS 150.00									
COUNTY NAME & NO.	Marion					4	9	State vs. Delph Cause No. S168-579									
													Total	\$550.00			

CLAIMANTS

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

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

(If a firm or corporation, give name)

X By George J. Davidson
Personal Signature Title

11/24/69

GEORGE J. DAVIDSON

Signature if individual

Signature if individual

Signature if individual

Signature if individual

Recommend Approval:

Henry O. Setzer 11-26-69
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)

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.

William C. Lyle DEC 10 1969
Controller Date

Approved _____

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

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

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

Approved: James W. Townsend
Chief, Division of Land Acquisition

DEC 9 1969
Date

Approved: _____
Chairman, Indiana State Hwy Comm. Date

INDIANA STATE HIGHWAY COMMISSION—RIGHT OF WAY—CLAIM VOUCHER

R/W
(Comm.)
Created by State
of Accounts
July 1964

PAYEE'S NAME AND ADDRESS

**CLERK MARION SUPERIOR COURT
CITY COUNTY BUILDING
INDIANAPOLIS, INDIANA**

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

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 82.02
Federal Share: \$ 138.26
Total Amt. of Check: \$ 220.28

Warrant
No.

DISTRIBUTION

DATE	9	25	69	Project Number	I	703	52	
	Month	Day	Year		Prefix	Road	Section	Parcel
LOCATION CODE	5	0	0	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount	
FUNCTION CODE	3	5		Interest on Judgment			\$820.28	
OBJECT CODE								
PARCEL NO.			38	State vs. Delph, et al.,				
COUNTY NAME & NO.	MARION		49	Cause No. \$153-579				
							Total	\$820.28

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 E. Allen Hunter
(If a firm or corporation, give name) *NI*

X By _____
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

James W. Townsend 10-10-69
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.
William C. Long OCT 27 1969
Comptroller 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 such right-of-way has any interest or contemplates any benefit from any transaction which involves the acquisition of property for right-of-way for such project, other than as herein disclosed.

Approved: James W. Townsend
Chief, Division of Land Acquisition
OCT 23 1969
Date

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

PAYEE'S NAME AND ADDRESS

Clerk Marion County Superior Court
City County Building
Indianapolis, Indiana

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

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 4,752.35
Federal Share: \$ 44,571.15
Total Amt. of Check: \$ 49,323.50

Warrant No.

DISTRIBUTION

DATE	8	25	69	Project Number	I	703	52	
	Month	Day	Year		Prefix	Road	Section	
LOCATION CODE	5	0	0	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount	
FUNCTION CODE	3	5		To Satisfy Judgment Verdict			\$49,523.50	
OBJECT CODE	011			State vs. Delph, et al., Cause No. S168-579				
PARCEL NO.			38					
COUNTY NAME & NO.	MARION		49					
							Total	\$49,523.50

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.

X C. Allen Hunter
(If a firm or corporation, give name)

X By _____
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:
Henry L. ... 9/2/69
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.
Quentin E. ... SEP 9 1969
Contractor Date

Approved _____

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

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

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

Approved: James W. Townsend
Chief, Division of Land Acquisition
SEP 3 1969
Date

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

PAYEE'S NAME AND ADDRESS

File

Mr. Claude R. Magnuson
4380 Cooper Road
Indianapolis
Indiana 46208

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

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 15.00
Federal Share: \$ 15.00
Total Amt. of Check: \$ 15.00

DISTRIBUTION

DATE	6 1 6 6 9	Project Number	I 7 0 3 5 2
	Month Day Year	Prefix	Road Section Paren.
LOCATION CODE	5 0 0	Participating or Non-Participating	Cost Account
FUNCTION CODE	3 5	Dr. or Cr.	Amount
OBJECT CODE	6 1 1	Valuation for court testimony \$750.00	
PARCEL NO.	3 8	State vs. Merl A. Dalph Trustee Cause No. 8158-579	
COUNTY NAME & NO.	MARION 4 9	Total \$750 00	

CLAIMANTS

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

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

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

X By _____
Personal Signature Title

5/5/69 X *C.R. Magnuson*
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

R. Dickstein 5-5-69
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.

Quentin E. Golder JUN 7 1969
Contractor 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* JUN 25 1969
Chief, Division of Land Acquisition Date

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

PAYEE'S NAME AND ADDRESS

Mr. Claude R. Magnuson
4380 Cooper Road
Indianapolis
Indiana

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

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 115.00
Federal Share: \$ 105.00
Total Amt. of Check: \$ 150.00

DISTRIBUTION

DATE	5	2	6	9	Project Number	I	7	0	3	5	2
	Month	Day	Year			Prefix	Road	Section	Parent		
LOCATION CODE	5	0	0		Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount			
FUNCTION CODE	3	5			Valuation for Testimony for court	17	D	\$450.00			
OBJECT CODE											
PARCEL NO.			3	8	State vs. Delph, Trustee Cause No. S168-579						
COUNTY NAME & NO.	MARION			4	Total			\$450 00			

CLAIMANTS

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

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

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

X By _____
Personal Signature Title

4/29/69 X CRMagnuson
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

R. Dickstein 4-29-69
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.

Quentin E. Jordan MAY 14 1969
Controller Date

Approved

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

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

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

Approved: James W. Townsend
Chief, Division of Land Acquisition

MAY 12 1969
Date

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

INDIANA STATE HIGHWAY COMMISSION—RIGHT OF WAY—CLAIM VOUCHER

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

PAYEE'S NAME AND ADDRESS

CLERK OF MARION SUPERIOR COURT
COURT HOUSE
INDIANAPOLIS, INDIANA

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

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 12,655.00
Federal Share: \$ 113,275.00
Total Amt. of Check: \$ 126,550.00

Warrant No.

DISTRIBUTION

DATE	062868 Month Day Year	Project Number	I70352 Prefix Road Section Paren.
LOCATION CODE	500	Participating or Non-Participating	Cost Account
FUNCTION CODE	9-1-65	Appraisers Award	475 Dr. 124,300.00
OBJECT CODE	111	Appraisers Fee	479 Dr. 2250.00
PARCEL NO.	38	State vs Merle A. Delph et.al.	
COUNTY NAME & NO.	Marion 49	Cause No. 3168 579	Total 126,550.00

CLAIMANTS

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

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

8-1-68 X F. Allen Hunter
(if a firm or corporation, give name)

X By _____
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

Kerry 8-1-68
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

Conveyance Instrument 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.

Quentin E. Jordan SEP 12 1968
Controller Date

Approved

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

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

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

Approved: James W. Townsend
Chief, Division of Land Acquisition

AUG 14 1968

Date

Approved:

Chairman, Indiana State Hwy. Comm.

Date

APPRaisal REVIEW FORM
Division of Land Acquisition
Indiana State Highway Commission

Control

Project I-70-3(52)
Parcel No. 38
Road I-70
County Marion
Owner Merle A. Delph, Trustee
Address 517 W. Ray St
Address of Appraised Property:
same

I have reviewed this parcel and appraisal report for the following items:

- | | |
|--|-----------------------------|
| 1. I have personally checked all comparables and concur in the determinations made. | <u>yes</u> |
| 2. Planning and Detail Maps were supplied appraisers. | <u>Advanced Acquisition</u> |
| 3. The three approaches required (Income, Market Data, and Cost Replacement) were considered. | <u>yes</u> |
| 4. Necessary photos are enclosed. | <u>yes</u> |
| 5. The appraisal is fully documented and supported as required by the State Highway Commission and the requirements of P.P.M. 21-4.1 of the Federal Bureau of Roads. | <u>yes</u> |
| 6. Plats drawn by the appraisers are attached. | <u>yes</u> |
| 7. I have personally inspected the Plans. | <u>Advanced Acquisition</u> |
| 8. I have personally inspected the site and familiarized myself with the parcel on... | <u>December 8, 1965</u> |
| 9. The computations of this parcel have been checked and reviewed. | <u>yes</u> |
| 10. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices. | <u>yes</u> |

I have made a determined effort to consider all competent information that I have secured and that is documented by the appraisers, including any comments by the property owner, along with any recent awards by condemnation juries that have been brought to my attention, that is relevant to this matter.

This is to certify that I have no present or contemplated future interest in this property, nor have I entered into collusion with the property owner or an agent of the property owner.

It is my opinion as of December 8, 1965 (Date):

Estimate of Appraisers:

	By: <u>Kettel</u>	By: <u>Davidson</u>	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$ 105,000.00	\$ 96,000.00	\$ 96,000.00
(b) The fair market value of the property after the taking, assuming the completion of the improvement is:	\$ 0	\$ 0	\$ 0
The Total Value of Taking Is: (a minus b) TOTAL	\$ 105,000.00	\$ 96,000.00	\$ 96,000.00
(1) Land and/or improvements	\$ 105,000.00	\$ 96,000.00	\$ 96,000.00
(2) Damages	\$ 0	\$ 0	\$ 0
(3) Less non-compensable items	\$ 0	\$ 0	\$ 0
(4) Estimated Total Compensation	\$ 105,000.00	\$ 96,000.00	\$ 96,000.00

Approved	Date	Signed
Rev. Appr.	12-16-65	<u>James R. Patton</u>
Asst. or Chief Appr.	12-17-65	<u>R. E. Sullivan</u>

STATE OF INDIANA
 COUNTY OF MARION

} SS:

IN THE SUPERIOR COURT 1
 OF MARION COUNTY, INDIANA

STATE OF INDIANA,
 Plaintiff
 -vs-
 MERLE A. DELPH, TRUSTEE
 C.H. ELLIS CO., D.G.H.
 CORPORATION

CAUSE NO. S168 579

FILED

S1 AUG 1-1968

REPORT OF APPRAISERS

Edwin Hendrix
 CLERK

The undersigned appraisers in the above entitled proceedings, appointed by the Hon. Charles C. Daugherty, Judge of the Marion Superior Court on the _____ day of _____, 19____, after being duly sworn by the Clerk of the Marion Superior 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 Marion Superior Court, at _____ o'clock _____ M., on the _____ day of _____, 19____, and after being duly sworn and instructed by the Court as to their duties as appraisers, proceeded in a body to view said real estate that will be affected by said appropriation and to assess and appraise the damages and the benefits sustained and resulting to each of said defendants by reason of the appropriation thereof, and said appraisers now report the damages and benefits to said defendants to be as follows:

The value of the land sought to be appropriated as described in the Court's order and warrant hereto attached, the appraisers find to be the sum of Sixty Four Thousand Three Hundred Dollars (\$ 64,300).

The value of improvements, if any, on the portion of said realty sought to be appropriated, we find to be the sum of Sixty Thousand ⁰⁰/₁₀₀ Dollars (\$ 60,000).

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

\$ None.

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

\$ None.

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 \$ 124,300.

Dated: Aug 1, 1968

Robert F. McLean
and W. G. Caldwell
Walter H. Slason

Appraisers

STATE OF INDIANA
COUNTY OF MARION } SS:

IN THE SUPERIOR COURT
OF MARION COUNTY, INDIANA

STATE OF INDIANA,
-vs- Plaintiff

MERLE A. DELPH, TRUSTEE
C.H. ELLIS COMPANY,
D.G.M. CORPORATION

Defendants

\$168 579

CAUSE NO. _____

FILED

JUN 17 1968

COMPLAINT FOR APPROPRIATION OF REAL ESTATE

[Signature]
CLERK

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 Marion County, Indiana, said highway being known as Road No. I-70 Project I-70-3(52), said highway being one of and a part of the State Highway System of the State of Indiana and the same is to be improved and maintained by said Highway Commission as a part of said State Highway System. That, under the plans of said Commission, now on file in its office, said highway is to be constructed, used and maintained by plaintiff, through said Commission, as a limited access facility as defined and authorized under the Act of the General Assembly of Indiana of 1945, Chapter 245, and subject to such regulations as therein provided as to access or use or to such subsequent regulations or use as may be made, adopted or provided by law governing such highways or highways in general.

That the defendants Merle A. Delph, Trustee

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:

Lots numbered 99 to 107, inclusive, 128, 131, 132 and 134 in Simon Yandes' Subdivision of the East part of Out lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat book 2, page 112, in the Office of the Recorder of Marion County, Indiana. Subject to conditions and easements of record.

NUMBER 3

Plaintiff is informed and verily believes that the defendants, C.H. Ellis Company and D.G.M. Corporation, claim and assert 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 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 all of said tract of real estate described in Paragraph 2 herein. The part so sought to be appropriated and condemned is described as follows:

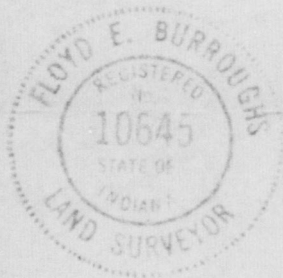
A blue-print sketch plat of the above described real estate sought to be appropriated and identified by means of cross-hatched lines is attached hereto and made a part hereof and designated as Exhibit "A".

Project 1-70-3(52)

Parcel 38

IN FEE - LIMITED ACCESS

Lots 99 to 107 both inclusive, 128,131,132, and 134 in Simon Yandes Sub-division of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.



Given under my hand and seal Oct. 30, 1967

Floyd E. Burroughs

Floyd E. Burroughs, Registered Land
Surveyor No. 10645, State of Indiana

3/65

~~NUMBER~~

~~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 road as alleged herein:~~

NUMBER 5

That prior to the bringing of this action, the plaintiff, through the said Indiana State Highway Commission, made an effort to purchase said Real Estate described in Paragraph 4 from the above-named owners, 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 6

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 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 7

~~That said highway so to be improved extends from the Indiana-Illinois boundary (West of Terre Haute) in a northeasterly and easterly direction through Indianapolis to the Indiana-Ohio boundary east of Richmond and Wayne County. THAT THE COURSE AND TERMINI OF THE PARTICULAR PROJECT INVOLVED IS AS FOLLOWS: Beginning at a point approximately 900 feet North of the south line and approximately 1020 feet East of the West line of Section 11 T 15 N, R 3 E, and extending in the easterly direction for a distance of 5,354.03 feet to a point approximately 550 feet North of the south line and approximately 2,700 feet West of the east line of Section 12, T 15, N, R 3 E, all in the City of Indianapolis, Marion County.~~

in Marion County, State of Indiana, and said right of way is to be 400 feet wide, excepting where additional width may be required for construction purposes.

NUMBER 8

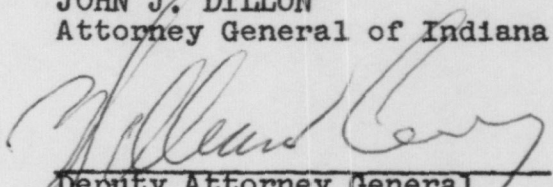
That the plaintiff, through said Indiana State Highway Commission, intends to use the Real Estate herein sought to be condemned for the purpose of the improvement of said highway and the widening thereof, and said Real Estate as herein described is necessary and proper for the carrying out of said work,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

NUMBER 9

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.

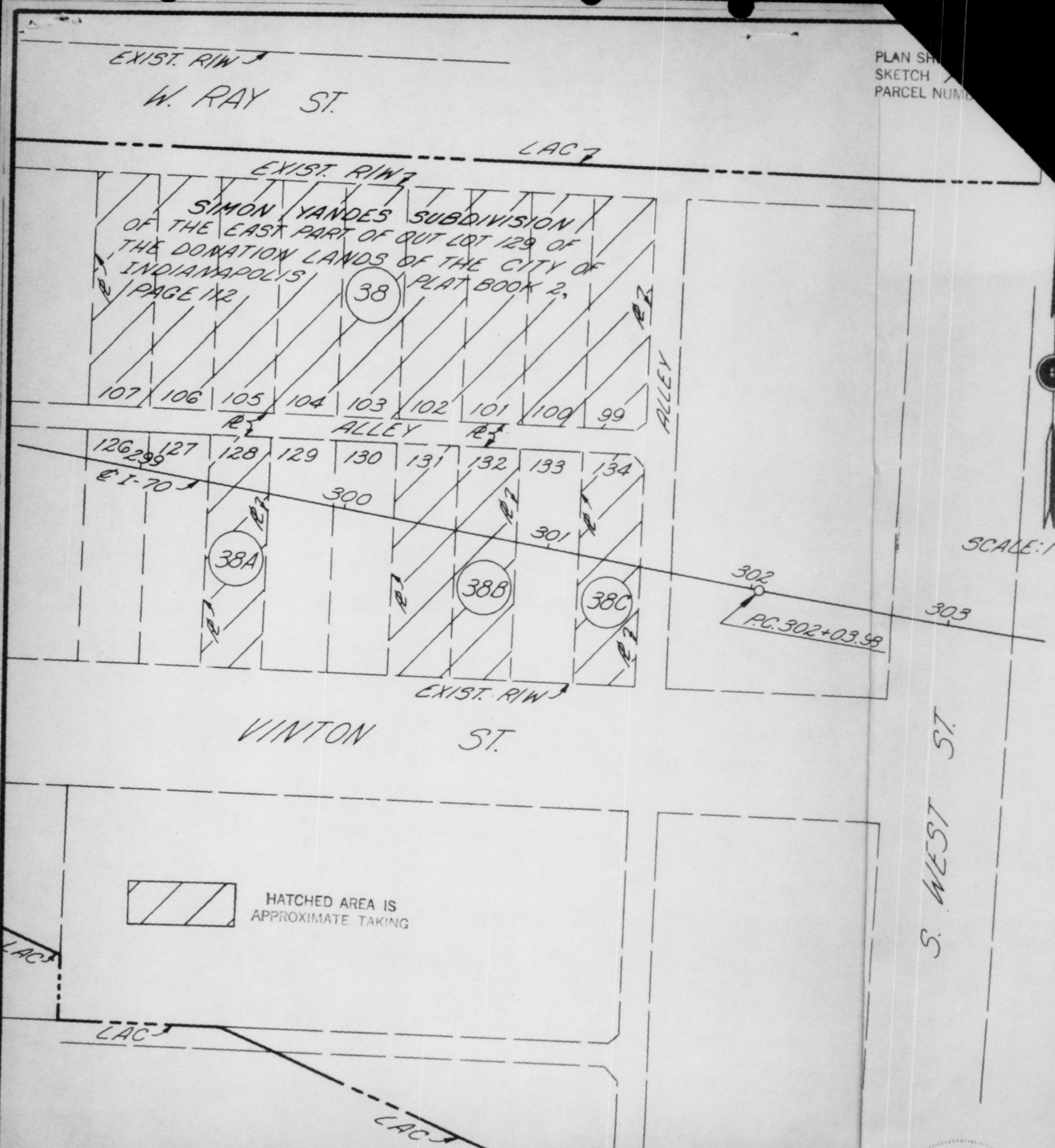
Respectfully submitted,

JOHN J. DILLON
Attorney General of Indiana

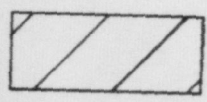

Deputy Attorney General

Attorneys for Plaintiff

Room 219
State House
Indianapolis, Indiana
633-5512



SCALE: 1" = 50'



HATCHED AREA IS APPROXIMATE TAKING

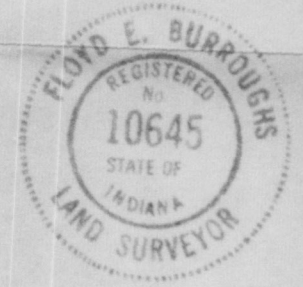
PARCEL 38
IN FEE-LIMITED ACCESS

LOTS 99 TO 107 BOTH INCLUSIVE, 128, 131, 132, AND 134 IN SIMON YANDES SUBDIVISION OF THE EAST PART OF OUT LOT 129 OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 112, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

AREA: 42,876 S.F., MORE OR LESS

LEGEND

LAC7 = LIMITED ACCESS RIGHT OF WAY AND ACCESS CONTROL LINE (IN FEE)



Oct. 30, 1967
Floyd E. Burroughs
INDIANA STATE HIGHWAY COMMISSION

PROJECT: I-70-3(5)
ROAD: I-70 MARION COUNTY
RIGHT OF WAY PLAT SHING LAND REQUIRED FROM
DELPH, MERLA, TRUSTEE

SEC. 11 T5 N. R. 3 E.
CONTAINING 42,876 S.F. MORE OR LESS
DRAWN BY POLING CHECKED BY RIDGES DATE 10-25-67

9-29-67

RESOLUTION

WHEREAS, the carrying out of the construction and improvement by the Indiana State Highway Commission of Project No. I-70-3(52) Sec. (3) in Marion County, Indiana requires construction, reconstruction, relocation or maintenance and repair (strike out inappropriate) of a public highway in said County, locally known as the I-70 Road, which highway forms a part of a State Highway designated in the records and files of the Indiana State Highway Commission as Road No. I-70 which extends from From the Indiana-Illinois boundary (West of Terre Haute) in a North-easterly and Easterly direction through Indianapolis to the Indiana-Ohio boundary East of Richmond in Wayne County.

the general width of the right of way for said project is 400 feet, which proposed construction project necessitates 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, and which highway is to be constructed and improved as a "limited access facility", subject to regulations as proved in Chapter 245 of the Acts of the General Assembly of 1945, the general route, location and termini thereof being as follows: **Beginning at a point approximately 900 feet North of the south line and approximately 1620 feet East of the west line of Section 11, T 15 N, R 3 E, and extending in the easterly direction for a distance of 5,354.03 feet to a point approximately 550 feet North of the south line and approximately 2,700 feet West of the east line of Section 12, T 15 N, R 3 E, all in the City of Indianapolis, Marion County.**

AND WHEREAS it is necessary in making said improvement to acquire a right of way as hereinafter described over the land of Merle A. Delph, Trustee, C.H. Ellis Company, D. G. M. Corporation,

and,

WHEREAS, that 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.

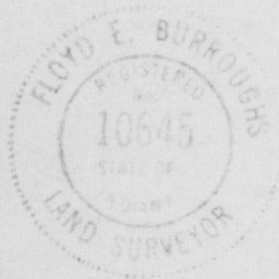
BE IT RESOLVED, that condemnation proceedings be instituted by the Attorney General in the name of the State of Indiana in a court of appropriate jurisdiction for the land hereinafter described in fee, the same being in Marion County, Indiana, and to be used as a right of way for said highway improvement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

Project 1-70-3(52)

Parcel 38

IN FEE - LIMITED ACCESS

Lots 99 to 107 both inclusive, 128,131,132, and 134 in Simon Yandes Sub-division of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.



Given under my hand and seal Oct. 30, 1967

Floyd E. Burroughs

Floyd E. Burroughs, Registered Land
Surveyor No. 10645, State of Indiana

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 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 29th day of September 19 67.

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. 12-65

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 _____
~~Merle A. Delph, Trustee, 517 West Ray Street, Indpls., Ind.~~
~~C. H. Ellis Company, 517 W. Ray Street, Indianapolis, Ind.~~
~~D.G.M. Corporation, 517 W. Ray Street, Indianapolis, Ind.~~

in Marion 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, Clyde Goen, Secretary of the
Indiana State Highway Commission of Indiana, hereto place
my hand and seal of said Commission on this 29th day
of September, 1967.


Secretary

SEAL:

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: _____ COUNTY Marion PARCEL NO. 38

NAME & ADDRESS OF OWNER Marle A Delfk, Trustee
517 W Ray Street, Indianapolis PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Mr. Delfk
PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT September 25, 1967

OFFER \$ _____ TIME OF CONTACT 2:00

Write YES, NO, or NA (for Not Applicable), as appropriate, in each numbered blank space:

- 1. _____ Checked abstract with owner? 2. _____ Any affidavits taken?
- 3. _____ Any mortgage(s)? 4. _____ Any other liens, judgements, etc.?
- 5. _____ Showed plans, explained take, made offer, etc.?
- 6. _____ Explained about retention of buildings, etc.? 7. _____ Any being retained?
- 8. _____ Walked over property with owner? (or with whom? _____)
- 9. _____ Arranged for owner to pay taxes? (Explain how in remarks)
- 10. _____ Secured Right of Entry? 11. _____ Secured Driveway Right of Entry?
- 12. _____ Was Chapter 316, Acts of 1967 Indiana General Assembly, explained?
- 13. _____ Was 180 Day Notice Letter delivered or mailed to all parties?
- 14. _____ Waivers, were any secured? 15. _____ Filled out RAAP Form?

REMARKS: Talked To Mr. Delfk and made a complete list of occupants in the building at 517 W. Ray St. The companies listed are all owned by Mr. Delfk or he holds controlling interest in the properties of the companies

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, () - Condemned
() Other, awaiting what? _____

Distribution Made
'1) Parcel (1) Weekly Summary
) Owner () Other, Specify

Luther C. Hepler
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: 6 COUNTY Marion PARCEL NO. 38

NAME & ADDRESS OF OWNER Merle A. Delph, Trustee
517 W. Ray Street, Indianapolis PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED C.H. Ellis Company and D.C.M. Corporation
Mr. C.H. Ellis Pres. PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT September 21, 1967

OFFER \$ _____ TIME OF CONTACT 3:15

Write YES, NO, or NA (for Not Applicable), as appropriate, in each numbered blank space:

1. _____ Checked abstract with owner? 2. _____ Any affidavits taken?
3. _____ Any mortgage(s)? 4. _____ Any other liens, judgements, etc.?
5. _____ Showed plans, explained take, made offer, etc.?
6. _____ Explained about retention of buildings, etc.? 7. _____ Any being retained?
8. _____ Walked over property with owner? (or with whom? _____)
9. _____ Arranged for owner to pay taxes? (Explain how in remarks)
10. _____ Secured Right of Entry? 11. _____ Secured Driveway Right of Entry?
12. _____ Was Chapter 316, Acts of 1967 Indiana General Assembly, explained?
13. _____ Was 180 Day Notice Letter delivered or mailed to all parties?
14. _____ Waivers, were any secured? 15. _____ Filled out RAAP Form?

REMARKS: Filled out the Statement of Occupancy and application for Relocation Payments.

Contact Mr. Jim Crawford
Room 805 State Office Building
Phone 633-4138

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, () - Condemned
() Other, awaiting what? _____

Distribution Made

- | | |
|------------|--------------------|
| (1) Parcel | (1) Weekly Summary |
| () Owner | () Other, Specify |

Luther C Hepler
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: 5 COUNTY Marion

PARCEL NO. 38

NAME & ADDRESS OF OWNER M. A. Delfh, Trustee

517 W. Ray St. Indianapolis

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED M. A. Delfh

PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT September 20, 1967

OFFER \$ _____ TIME OF CONTACT 9:30

Write YES, NO, or NA (for Not Applicable), as appropriate, in each numbered blank space:

- 1. _____ Checked abstract with owner? 2. _____ Any affidavits taken?
- 3. _____ Any mortgage(s)? 4. _____ Any other liens, judgements, etc.?
- 5. _____ Showed plans, explained take, made offer, etc.?
- 6. _____ Explained about retention of buildings, etc.? 7. _____ Any being retained?
- 8. _____ Walked over property with owner? (or with whom? _____)
- 9. _____ Arranged for owner to pay taxes? (Explain how in remarks)
- 10. _____ Secured Right of Entry? 11. _____ Secured Driveway Right of Entry?
- 12. _____ Was Chapter 316, Acts of 1967 Indiana General Assembly, explained?
- 13. _____ Was 180 Day Notice Letter delivered or mailed to all parties?
- 14. _____ Waivers, were any secured? 15. _____ Filled out RAAP Form?

REMARKS: Discussed the offer with Mr Delfh and
reviewed our appraisal discussion with Mr. Paul
DeVault in the State Office building. The meeting was
reported on a previous buyers report.
Left the 180 day letter and obtained a list
of occupants and filled out the application
for moving expense.

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, () - Condemned
() Other, awaiting what? _____

Distribution Made
(1) Parcel (1) Weekly Summary
() Owner () Other, Specify

Luther C Hepler
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. T-70-3(52)

BUYER'S REPORT NUMBER: 4 COUNTY Marion

PARCEL NO. 38

NAME & ADDRESS OF OWNER M. A. Delfs (Trustee)

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Mr. Jim Bally

PHONE # _____

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

DATE ASSIGNED December 21 1966

DATE OF CONTACT May 25 1966

OFFER \$ _____

TIME OF CONTACT _____

YES NO N/A (Circle N/A if all questions are not applicable)

- 1. () () () Checked abstract with owner? (Affidavit taken?: Yes ___ No ___)
- 2. () () () Showed plans, explained take, made offer, etc.?
- 3. () () () Any Mortgage? (Any other Liens, Judgements? Yes ___ No ___)
- 4. () () () Explained about retention of Bldgs. (any being retained? Yes ___ No ___)
- 5. () () () Filled out RAAP Form?
- 6. () () () Walked over property with owner? (or who? _____)
- 7. () () () Arranged for payment of taxes? (Explain how in remarks)
- 8. () () () Secured Right of Entry? (Secured Driveway R.O.E.? Yes ___ No ___ N/A ___)
- 9. () () () Gave Owner Firm Offer & Eminent Domain Procedures Letter & Explained it?

REMARKS: Showered Mr Bally the buyers report of the meeting in Mr. Bally's office. He agreed with the buyers report. We agree that the State offered price is fair

Status of Parcel: () Secured () Bought, awaiting mortgage release, () Condemned
() Other, awaiting what? _____

Distribution Made
(1) Parcel (1) Weekly Summary
() Owner () Other, Specify:

Lester C. Hooper
(Signature)

724-1093

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-8(52)

BUYER'S REPORT NUMBER: 3 COUNTY Marion PARCEL NO. 38

NAME & ADDRESS OF OWNER M. A. Delfs Hide Company

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Mr. DeVault

PHONE # _____

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

DATE ASSIGNED _____ DATE OF CONTACT May 24, 1966

OFFER \$ _____ TIME OF CONTACT _____

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> | (Circle N/A if all questions are not applicable) |
|----|------------|-----------|------------|---|
| 1. | () | () | () | Checked abstract with owner? (Affidavit taken?: Yes ___ No ___) |
| 2. | () | () | () | Showed plans, explained take, made offer, etc.? |
| 3. | () | () | () | Any Mortgage? (Any other Liens, Judgements? Yes ___ No ___) |
| 4. | () | () | () | Explained about retention of Bldgs. (any being retained? Yes ___ No ___) |
| 5. | () | () | () | Filled out RAAP Form? |
| 6. | () | () | () | Walked over property with owner? (or who? _____) |
| 7. | () | () | () | Arranged for payment of taxes? (Explain how in remarks) |
| 8. | () | () | () | Secured Right of Entry? (Secured Driveway R.O.E.? Yes ___ No ___ N/A ___) |
| 9. | () | () | () | Gave Owner Firm Offer & Eminent Domain Procedures Letter & Explained it? |

REMARKS: Mr. DeVault representing the Delfs Company met with Mr. O. Cornell, Mr. Scheetz, Mr. Ball and Mr. J. Gallagher and L. Hepler. Mr. Delfs stated his appraisers were approximately \$9,000 higher than the state offer. The problem was discussed and the conclusion was the states offer is fair and it was not advisable to hire another appraiser.

The apparent difference is in the use value of the buildings against the market value and depreciated value.

Status of Parcel: () Secured () Bought, awaiting mortgage release, () Condemned
() Other, awaiting what? _____

Distribution Made
(1) Parcel (1) Weekly Summary
() Owner () Other, Specify:

Lester Hepler
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 2

PROJECT # T-70-3(52) PARCEL # 38 COUNTY Marion

NAME & ADDRESS OF OWNER Merle A. Delph Trustee
517 West Ray Street, Indianapolis PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Paul J. DeVault
111 Monument Circle, Indianapolis PHONE # _____

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

DATE ASSIGNED Dec 21, 1965 DATE OF CONTACT January 7, 1965

OFFER \$ 96,000 TIME OF CONTACT 11:45

YES NO N/A (Circle N/A if all questions are not applicable)

- 1. () () () Checked abstract with owner? Affidavit taken? () Yes () No
- 2. () () () Showed plans, explained take, made offer, etc.?
- 3. () () () Any mortgage? (Is it VA _____, FHA _____, FNMA _____, Fed.Ld. Bk. _____, Conv'l. _____?)
- 4. () () () Explained about retention of Buildings? (any being retained? () Yes, () No)
- 5. () () () Filled out RAAP Form?
- 6. () () () Walked over property with owner (or who? _____)
- 7. () () () Arranged for payment of taxes? (Explain how in remarks)
- 8. () () () Secured Right of Entry? Secured Driveway Permit? () Yes () No () N/A
- 9. () () () Explained Eminent Domain Procedures?

REMARKS: Talked to Mr DeVault about the property and
the appraisals made by the state fee appraisers.
Told him the two appraisals were close on the
amount shown as the property value.
He stated the appraisal made by Mr Kuhn
of Klein & Kuhn was nearly double our offer.
and the appraisal was documented and had
used the cost approach in figuring the replacement
cost of the buildings. They will have another appraisal
made.

Status of Parcel: () Secured, () Bought, awaiting mortgage release, () Condemned
() Other, awaiting what? _____

Distribution Made
(1) Parcel (1) Weekly Summary
() Owner () Other, Specify: _____

LeRoy C. Hoffer
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

BUYERS REPORT # 1

PROJECT # I-70-3(52) PARCEL # 38 COUNTY Marian

NAME & ADDRESS OF OWNER Mark A. Dellh, Trustee
517 W. Ray Street Indianapolis PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Mr Dellh
same PHONE # _____

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

DATE ASSIGNED December 21 1965 DATE OF CONTACT December 30 1965

OFFER \$ 96,000⁰⁰ TIME OF CONTACT 3:30 PM

YES NO N/A (Circle N/A if all questions are not applicable)

- 1. () () () Checked abstract with owner? Affidavit taken? () Yes () No
- 2. () () () Showed plans, explained take, made offer, etc.?
- 3. () () () Any mortgage? (Is it VA, FHA, FNMA, Fed.Ld. Bk., Conv'l. ?)
- 4. () () () Explained about retention of Buildings? (any being retained? () Yes, () No)
- 5. () () () Filled out RAAP Form?
- 6. () () () Walked over property with owner (or who? _____)
- 7. () () () Arranged for payment of taxes? (Explain how in remarks)
- 8. () () () Secured Right of Entry? Secured Driveway Permit? () Yes () No () N/A
- 9. () () () Explained Eminent Domain Procedures?

REMARKS: Made the offer to Mr Dellh. He stated the offer was less than the independent appraisal by law. He will take the offer under advisement with his attorneys and report at a later date. The property can be vacated from the State Highway. That cash of 90% in 8 to 10 weeks. Second check of 10% upon possession.

Status of Parcel: () Secured, () Bought, awaiting mortgage release, () Condemned
() Other, awaiting what? _____

Distribution Made
(1) Parcel (1) Weekly Summary
() Owner () Other, Specify: _____

Lester C. Hepler
(Signature)
ME 3-6650

INTERIM CERTIFICATE OF TITLE

PARCEL 30

Pioneer National Title Insurance Company

Union Title Division

S.R. I-70	PROJECT I-70-3 (52)	COUNTY Marion	PNTIC # 65-3128-S
--------------	------------------------	------------------	----------------------

Name on Plans None Given

Name of Fee Owner None Given

PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation with its principal Indiana Office in the City of Indianapolis, in consideration of premium paid, hereby certifies that a search of the records from February 18, 1967 8 A.M. to and including September 27, 1967 8AM reveals no changes as to the real estate described under PNTIC # 65-3128-A except:

1. Taxes for 1966 payable 1967 in name of Merle A. Delph, Trustee
~~Duplicate No's 7059231 to 7059243~~ Township I-Center Code # 1-01
 May \$ 1,785.63 (paid) ~~(unpaid)~~; November \$ 1,785.63 ~~(paid)~~ (unpaid)
 Taxes for 19 67 payable 19 68 now a lien.
 Duplicate No's 7059231 to 7059243 Both inclusive
 Parcel No's 1025312, 1054196, 106676, 1057702-3, 1081435-6-7,
 1081438-9 and 1081440-1-2.

2. Deed from M. A. Delph Company Inc. and Delph Hide Co., Inc. To Merle A. Delph, dated April 7, 1965, recorded April 12, 1965, as Instrument #65-16578.

IN WITNESS WHEREOF, PIONEER NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereto affixed by its duly authorized officers.

ATTEST:

PIONEER NATIONAL TITLE INSURANCE COMPANY

Russell Nelson

Assistant Secretary

Walter A. McLean

Vice President

Countersigned and validated as of the 3rd day of October, 19 67.

Thomas J. O'Brien

Authorized Signatory

THOMAS J. O'BRIEN
Attorney

APR 1 1965

65-16578

C-4w

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That M. A. DELPH COMPANY, INC. and DELPH HIDE CO., INC. ("Grantors"), corporations organized and existing under the laws of the State of Indiana, CONVEY AND WARRANT to MERLE A. DELPH, of Marion County, in the State of Indiana, as Trustee, the following described real estate in Marion County, in the State of Indiana:

DULY ENTERED FOR TAXATION

APR 2 1965

RECEIVED FOR RECORD

REGISTER 12 PM 3:13

MARION COUNTY RECORDER OF DEEDS

Lots numbered 99 to 107, inclusive, 128, 131, 132 and 134 in Simon Yandes' Subdivision of the East of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat book 2, page 112, in the Office of the Recorder of Marion County, Indiana. Subject to conditions and easements of record.

John T. Sutton COUNTY AUDITOR

DULY ENTERED FOR TAXATION

APR 9 1965

John T. Sutton COUNTY AUDITOR

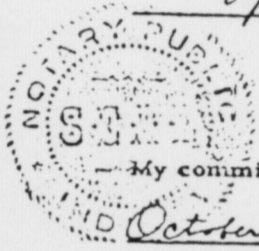
During his lifetime and capacity to act, the Trustee is vested with full power to bargain, grant, sell, convey, mortgage, encumber, license and lease said real estate, and any purchaser or purchasers from said Trustee or person or persons dealing with said Trustee shall not be required to look beyond the provisions of this Deed for authority in said Trustee, nor shall any purchaser or person be required to see to or be chargeable with the application of the purchase money paid to said Trustee.

In the event that the Trustee, while still holding legal title to said real estate, dies or loses his capacity to act, then, and in either such event, said real estate shall revert to the Grantors. Nothing herein contained shall be construed as limiting the interest hereby conveyed to the Trustee to that of a life estate.

65-16578

Full of 22 to President and Assistant Secretary,
respectively, of M. A. Delph Co., Inc., and DAVID W. DELPH
and PAUL GRIGGS, the President and Secretary,
respectively, of Delph Hide Co., Inc., who acknowledged execution of the
foregoing Deed for and on behalf of said Grantors, and who, having been
duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 7th day of
April, 1965.



C. E. Ball
Notary Public

This instrument was prepared by Harold L. Folley, attorney at law.

DULY ENTERED
FOR TAXATION

APR 22 1965

John T. Sutton
COUNTY AUDITOR

The undersigned persons executing this Deed on behalf of the Grantors represent and certify that they are duly elected officers of the Grantors and have been fully empowered, by proper resolution of the Boards of Directors of the Grantors, to execute and deliver this Deed; that the Grantors have full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

This conveyance is made without any consideration paid to the Grantors or either of them. No Indiana gross income tax is due hereby.

IN WITNESS WHEREOF, Grantors have caused this deed to be executed this 7th day of April, 1965.

M. A. DELPH COMPANY, INC.

By *Merle A. Delph*
President



(SEAL)

ATTEST:

By *Paul H. King*
Assistant Secretary

DELPH HIDE CO., INC.

By *Walter M. Delph*
President



(SEAL)

ATTEST:

By *Paul H. King*
Secretary

DULY ENTERED
FOR TAXATION

APR 12 1965

John T. Sutton
COUNTY AUDITOR

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State,
personally appeared MERLE A. DELPH and _____

65-3128A

CAPTION

-1-

Continuation of Abstract of Title to Lot 99 in Simon Yandes' Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.

Since June 5, 1951.

ALSO

Lots 100 to 107 both inclusive in Simon Yandes' Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.

Since May 14, 1956.

ALSO

Lot 128 in Simon Yandes' Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.

Since April 17, 1958, 8 A.M.

ALSO

Lots 131 and 132 in Simon Yandes' Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.

Since May 21, 1957, 8 A.M.

ALSO

Lot 134 in Simon Yandes' Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the Office of the Recorder of Marion County, Indiana.

Since October 10, 1961, 8 A.M.

Prepared For: Krieg, DeVault, Alexander & Capehart

65-3128A

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
128 page 46237

-2-

IN THE MATTER OF THE ESTATE OF ADAM W. SHERER, DECEASED.
(As continued from a preceding continuation)

October 1, 1951. Verified final report filed.

October 26, 1951. Proof of publication of final notice filed.

October 27, 1951. Proof of posting of final notice filed, final report approved and estate closed.

Order Book 292, page 403.

Final Report Record RB265, page 620.

Note: Entry on final report reads in part as follows, to-wit: That all of decedent's debts have been paid and discharged.

That under the terms of decedent's last will and testament the following Real Estate in Marion County, Indiana, owned by said decedent at the time of his death, to-wit:

623 & 636 638 & 640 South West St.

509 and 511 & 513-515 & 521 Abbott St.

513 and 515 West Ray St.

567 and 569 and Jones St.

570 and 572 and 574 West Morris St.

241 and 243 West Morris St.

Was devised to Laura Stamper who was the sole and only devisee under said decedent's will, and that title thereto vested in her, under the terms of said will; that all of the terms and provisions of decedent's will have been carried out as to the above described real estate.

That said decedent died intestate as to all other property owned by him, both real and personal, at the time of his death; that he was also the owner of the following described Real Estate in Marion County, Indiana, to-wit: (Real estate other than that certified to herein).

That under the laws of descent, title thereto vested, upon his death, in his sole and only heir at law, Catherine Link, (who is said Administratrix); that said decedent was an unmarried man at the time of his death and was survived by one child, said Catherine S. Link; that he was not survived by any other child or children or the descendants of any deceased child or children.

That the assets of said estate were duly investigated for Inheritance Tax purposes and that the Inheritance Tax assessed against the same, together with interest thereon, has been fully paid; that said estate was not subject to the payment of any gross income tax under the laws of the State of Indiana.

That said decedent was not an employer, as provided by the Indiana Employment Compensation Act.

65-3128A

ABSTRACTORS' NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for inheritance tax appraisal and order determining tax, lists Lot 99 in Yandes Subdivision of the East part of Out Lot 129 in the City of Indianapolis, 513-515 W. Ray Street as an asset of said estate. Said Schedule and Order further shows the gross value of said decedent's estate to be \$28,130.08.

Misc. Record
508, Instr. #64592
Dated
September 17, 1953
Recorded
October 2, 1958

STATE OF INDIANA, COUNTY OF MARION, SS:

I, Laura Stamper Rodewald, being first duly sworn upon my oath do say: that I am the same person as Laura Stamper mentioned in the will of Adam W. Sherer; under date of January 19, 1943, which will is recorded in Will Record HHH at page 57 and was probated March 10, 1944; that in said will Lots nine and ten in Simon Yandes Subdivision of the East Part of Out Lot 130, in the City of Indianapolis, Marion County, Indiana were mentioned as the houses and property 634 and 636 and 638 and 640 South West Street; that I was well acquainted with said Adam W. Sherer and know that he had no child or children born to him from January 18, 1943 to March 9, 1944 the date of his death; that he was unmarried and left surviving him his only child Catherine S. Link and left him surviving no other child or children or descendant of any deceased child or children; that afterwards on the 10 day of November, 1948, I married one William F. Rodewald, who departed this life on the 23 day of October, 1952; that said Adam W. Sherer's estate did not exceed \$35,000.00, including any joint titles or life insurance policies carried by him on his life at the time of his death, and further affiant saith not.

Laura Stamper Rodewald

Subscribed and sworn to before me this 17 day of September, 1953.

Ernest J. Nicolai (L.S.)

Notary Public

My Commission expires: February 4, 1956.

65-3128A

-4-

NOTE: We find no record of the marriage of Laura Stamper to William Rodewald on file in the clerk's Office of Marion County, Indiana.

Town Lot Record
1422 page 637
Inst. #42949
July 9, 1951
Recorded
July 13, 1951

Catherine S. Link and
Charles E. Link,
her husband

Quit Claim Deed
(U. S. Revenue
Stamp Attached)

to
Laura Stamper Rodewald

Lot Numbered 9 in Simon Yandes Subdivision of the East part of Out Lot 130 in the City of Indianapolis.

Also, Lot Numbered 10 in Simon Yandes Subdivision of the East part of Out Lot 130 in the City of Indianapolis.

Also, Lot Numbered 69 in Simon Yandes Subdivision of the East part of Out Lot 130 in the City of Indianapolis.

Also, 20 feet off the East side of Lot Numbered 67 in Simon Yandes Subdivision of the East part of Out Lot 130 in the City of Indianapolis.

Also, Lot Numbered 99 in Simon Yandes Subdivision of the East part of Out Lot 129 in the City of Indianapolis.

Also, Lot Numbered 8 in Drake and Buell's Subdivision of Lots Numbered 1, 2, 3 and 15 of Peru and Indianapolis Railroad Company's South Addition to the City of Indianapolis.

Proper citizenship clause is attached.

-5-

Town Lot Record
1423, Inst. #43115
Dated
July 11, 1951
Recorded
July 14, 1951

Laura Stamper Rodewald and
William Rodewald,
her husband

Special Warranty Deed
(U. S. Revenue
Stamp Attached)

to
M. A. Delph Company, Inc.

Lot Numbered 99 in Simon Yandes Subdivision of the East part of Outlet 129 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 2, page 112, in the office of the Recorder of Marion County, Indiana.

-6-

-4- mg -over-

65-3128A

It is understood and agreed by and between the parties to this conveyance that the title to the real estate herein conveyed is warranted only so far as it has been affected by any act of the grantor, Laura Stamper Rodewald, during her ownership and not otherwise.

BUILDING CONTRACT

Misc. Record
497, Inst.#18150
Dated
March 20, 1953
Recorded
March 23, 1953

THIS AGREEMENT made the 20th day of March, 1953, by and between M. A. DELPH COMPANY, INC., an Indiana corporation, of 517 W. Ray Street, Indianapolis, Indiana, hereinafter called "OWNER", and A. E. FITCHER, of Rural Route 8, Box 592, Indianapolis, Marion County, Indiana, hereinafter called "CONTRACTOR", for the considerations hereinafter named agree as follows:

-7-

The contract between the parties consists of this agreement and the plans and specifications prepared by JOE MORRIS including all modifications incorporated in such prior to this date. The contract documents are complementary, and what is called for by any one shall be as binding as if called for by all.

The construction contemplated is the office building to be built at 515 W. Ray Street, Indianapolis, Indiana, immediately east of the present warehouse of OWNER. Such building will be built on real estate more particularly described as:

Lot numbered 99 in Simon Yandes Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 2, page 112, in the office of the Recorder of Marion County, Indiana.

The term "work" of the CONTRACTOR or SUBCONTRACTOR includes labor or materials or both.

The term "SUBCONTRACTOR", as employed herein, includes only those having a contract direct with the CONTRACTOR.

The intention of the documents is to include all labor and materials, equipment and transportation necessary for the work or change shall be determined by OWNER and CONTRACTOR prior to beginning such extra work and such agreed addition to or deduction from the contract price shall be reduced to writing and signed by CONTRACTOR and OWNER.

65-3128A

If CONTRACTOR should neglect to prosecute the work properly or fail to perform any provisions of this contract, or stop the normal rate of construction at any time for a period of ten days or more, OWNER, after three days written notice to CONTRACTOR, may, without prejudice to any other remedy he may have, terminate the CONTRACTOR'S right to perform said contract and proceed to complete said building.

If the CONTRACTOR should be adjudged a bankrupt, or if he should make a general assignment for the benefit of his creditors, or if a receiver should be appointed on account of his insolvency, the OWNER may, without prejudice to any other right or remedy, or repair the insured damaged or destroyed work.

The sum to be paid by OWNER to CONTRACTOR for said work shall be Thirty-Three Thousand (\$33,00.00) Dollars subject to additions or deductions on account of changes or alterations. OWNER shall furnish the furnace, air conditioning equipment, carpets, PBX System and Inter-communication System and shall pay CONTRACTOR such additional sums as may be needed to pay for the labor of installing same unless OWNER shall pay such labor bills direct to those entitled to receive same.

As bills for labor and materials fall due, they shall be presented to OWNER by CONTRACTOR. CONTRACTOR shall certify on each, if such be true, that such labor or materials have been used in the construction of such improvements. OWNER shall promptly pay same to CONTRACTOR in amounts up to and including the contract price.

Upon the improvements being completed and accepted by OWNER, the balance due, if any, shall within fifteen days be paid to CONTRACTOR provided that CONTRACTOR shall have furnished OWNER good and sufficient evidence that all labor and material bills have been fully paid and that all subcontractors have been fully paid.

The OWNER and CONTRACTOR, for themselves, their successors, executors, administrators and assigns, hereby agree to the full performance of the covenants herein contained.

(For further particulars see instrument)

Above instrument irregular by reason of Corporate Seal of M. A. Delph Company, Inc. not affixed.

65-3128A

Town Lot Record
1621, Inst#39967
Dated
June 11, 1956
Acknowledged
---- 1956
Recorded
June 13, 1956

The Rauh Realty Company,
an Indiana Corporation

Warranty Deed
(U. S. Revenue
Stamp Attached)

to
M. A. Delph Company, Inc.

Lots numbered 100 to 107 both inclusive, in
Simon Yandes" Subdivision of the East part of Out
Lot 129 of the Donation Lands of the City of Indiana-
polis, the plat of which is recorded in Plat Book 2,
page 112, in the office of the Recorder of Marion
County, Indiana.

-8-

Subject to any and all conditions, utility
easements, highways, rights-of-way, and other restrictions
and limitations of record.

Grantor herein represents and warrants that this
conveyance was authorized by the Board of Directors of
said corporation and that Grantor has no preferred
stock outstanding.

Above instrument irregular by reason of Acknowledgment.

Town Lot Record
1910, Inst. #14393
Dated
February 14, 1962
Recorded
February 15, 1962

M. A. Delph Company, Inc.

Warranty Deed
(No U. S. Revenue
Stamp Attached)
(Consideration \$1.00
and other valuable
considerations)

to
Delph Hide Co., Inc.

Four lots numbered 100 to 103, both inclusive,
in Simon Yandes Subdivision of the East part of Our
Lot 129 of the Donation Lands of the City of Indiana-
polis, the plot of which is recorded in Plat Book 2,
page 112, in the Office of the Recorder of Marion
County, Indiana.

-9-

The undersigned persons executing this deed on
behalf of said grantor corporation represent and certify
that they are duly elected officers of said corporation
and have been fully empowered, by proper resolution of
the Board of Directors of said corporation to execute
and deliver this deed; that the grantor corporation has
full corporate capacity to convey the real estate des-
cribed herein and that all necessary corporate action
for the making of such conveyance has been taken and
done.

Instrument shows name of person preparing same.
Corporate Seal of M. A. Delph Company, Inc.
affixed.

-7- mg

65-3128A

Misc. Record
688, Inst. #86077
Sept. 12, 1961
Recorded
Oct. 13, 1961

ARTICLES OF INCORPORATION OF DELPH-HIDE CO., INC.

Pursuant to the provisions of The Indiana General Corporation Act, as amended.

The name of the Corporation is Delph-Hide Co., Inc.

The purposes for which the Corporation is formed are:

To purchase, acquire, sell, dispose of, transport, hypothecate and otherwise deal in and with hides, tallow, fats, oils, greases and all by-products produced from the slaughtering, processing or rendering of animals and parts thereof or from the processing of vegetables or minerals and other related items; and to acquire, use, dispose of, transport and otherwise deal in and with all materials, supplies, products, machinery, equipment and other property of any nature whatsoever in connection therewith; and to engage in all allied and incidental lines of business.

To sue and be sued in its corporate name;

To acquire, own, hold, use, lease, mortgage, pledge, sell, convey or otherwise dispose of property, real and personal, tangible and intangible;

To borrow money, and to issue, sell or pledge its obligations and evidences of indebtedness, and to mortgage or pledge its property and franchises to secure the payment thereof;

To do all acts and things necessary, convenient or expedient to carry out the purposes for which it is formed.

The period during which the Corporation shall continue is perpetual.

The total number of shares into which the authorized capital stock of the Corporation is divided is 1000 shares without par value.

The amount of paid-in capital with which the Corporation is beginning business is \$105,000.00.

The seal of the Corporation shall be as provided by the By-Laws of the Corporation.

Approved and filed Sep. 20, 1961.

Charles O. Hendricks

Secretary of State of Indiana

Instrument shows name of person preparing same.

-10-

Misc. Record
688, Inst. #86078
Sept. 29, 1961
Recorded
Oct. 13, 1961

ARTICLES OF AMENDMENT OF THE ARTICLES OF INCORPORATION OF DELPH-HIDE CO., INC.

The exact text of Article I of the Articles of Incorporation of the Corporation as amended (hereinafter referred to as "The Amendments"), now is as follows:

-11-

-8- mg -over-

65-3128A

ARTICLE I

Name

The name of the corporation is Delph Hide Co., Inc.
The manner and adoption and Vote shows therein that the Board of Directors of the Corporation at a meeting held on September 29, 1961, duly adopted a resolution proposing to the Shareholders of the Corporation entitled to vote in respect of The Amendments, and the Shareholders of the Corporation entitled to vote, at a meeting thereof duly called, constituted and held on September 29, 1961, adopted The Amendments.

Approved and Filed Oct. 2, 1961.

Charles O. Hendricks

Secretary of State of Indiana

Instrument fails to show name of person preparing same.

PAID IN CAPITAL AFFIDAVIT

FOR DELPH HIDE CO., INC.

Misc. Record
688, Inst. #86079
September 30, 1961
Recorded
October 13, 1961

Affidavit signed by majority of directors of said corporation states that required capital has been fully paid in.

-12-

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
174 page 64791

IN THE MATTER OF THE ESTATE OF JAMES MADISON MORGAN,
DECEASED.

(As continued from a preceding continuation)

July 8, 1958. Verified final report filed.

August 4, 1958. Proof of publication of final notice filed.

August 13, 1958. Final Report approved and estate closed.

Order Book 440, page 220.

Final Report Record 312, page 225.

-13-

-9- mg -over-

65-3128A

Note: Entry on final report reads in part as follows, towit:

More than six months have elapsed since the date of the first published notice to the heirs and creditors herein; all claims filed against said estate have been paid and discharged; neither said decedent nor his Administrator were employers of labor within the meaning of that term as used in the Indiana Employment Security Act; that all inheritance taxes and gross income taxes assessed in said estate have been paid; and said estate was not subject to federal estate taxes.

That Leah Ruth Morgan and Max Louis Morgan are the sole and only heirs at law of said decedent.

(Does not list any real estate)

ABSTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisal and Order determining Tax, lists Lot 128 in Simon Yandes' Sub. of the East part of Out Lot 129 as an asset of said estate. Said Schedule and Order further shows the gross value of said decedent's estate to be \$9,879.35.

Town Lot Record
1704, Inst. #27124
Dated
April 16, 1958
Recorded
May 8, 1958

-14-

Henley C. Sloan,
as Administrator of the
estate of
James Madison Morgan, deceased,
by order of the Probate Court
of Marion County, Indiana,
dated April 2nd, 1958, and
entered in Order Book 431,
Page -

Administrator's Deed
(U. S. Revenue
Stamp Attached)

to
M. A. Delph Company, Inc.

Lot 128 in Simon Yandes Subdivision of the East
part of Out Lot 129 in the City of Indianapolis, as per
plat thereof, recorded in Plat Book 2, page 112, in
the office of the Recorder of Marion County, Indiana.

Examined and Approved in open court, April 17, 1958.

Dan V. White
Judge of the Probate Court
of Marion County, Indiana

65-3128A

TRANSCRIPT

Town Lot Record
1669, Instr. #41933
Dated
July 2, 1957
Recorded
July 12, 1957

-15-

STATE OF INDIANA, MONROE COUNTY, SS:

BE IT KNOWN, That on the 14th day of May, 1957 being the 104th judicial day of the January Term, 1957 of the CIRCUIT COURT of Monroe County, held at the Court House in the City of Bloomington, County of Monroe, and State of Indiana, before the Honorable Nat U. Hill, Judge of said Court, the following proceedings were had in the cause of 2269 Eva Iola Sparks vs Oscar C. Sparks.

Comes now the plaintiff in person and by counsel, Tackitt and comes also the defendant and appears in person and by counsel, Regester & Regester.

This cause being at issue is now submitted to the Court for trial, finding and decree. The witnesses are sworn, evidence is heard and the Court being duly advised now finds for the plaintiff on her complaint and that she is entitled to and hereby is awarded a decree of absolute divorce from the defendant herein. The Court further finds and determines that the plaintiff is a fit and proper person to have the care and custody of the minor child of the parties to-wit: Patricia Ann, born July 25, 1942 and care and custody of the minor child is now awarded to the plaintiff until further order of the Court.

Defendant is ordered and directed to pay to the plaintiff for the use and benefit of the minor child of the parties through the office of the Clerk of the Monroe Circuit Court the sum of \$5.00 per week; first payment to be made on Saturday May 18, 1957 and a like amount on each and every Saturday, thereafter, until further order of the Court.

The Court further grants plaintiff alimony herein in the sum of \$350.00.

Defendant shall have the right to see and visit with the minor child at reasonable times and to have the minor child visit with him at reasonable times and places.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony existing between the plaintiff and the defendant be and the same now are fully and forever dissolved and the plaintiff is now granted an absolute divorce from the defendant.

It is further ordered adjudged and decreed by the Court that the plaintiff is a fit and proper person and is hereby awarded the care and custody of the minor child of the parties, to-wit: Patricia Ann, born July 25, 1942.

It is further ordered, adjudged and decreed by the Court that the defendant pay to the plaintiff for the use and benefit of the minor child of the parties through the office of the Clerk of the Monroe Circuit Court the sum of \$5.00 per week; first payment to be made on Saturday May 18, 1957 and a like amount on each and every Saturday, thereafter until further order of the Court.

65-3128A

It is further ordered, adjudged and decreed by the Court that the plaintiff be and hereby is granted alimony herein in the sum of \$350.00.

It is further ordered, adjudged and decreed by the Court that the defendant shall have the right to see and visit with the minor child at reasonable times and to have the minor child visit with him at reasonable times and places.

STATE OF INDIANA, MONROE COUNTY, SS:

I, the undersigned, Clerk of the Circuit Court of Monroe County, in the State of Indiana, do hereby certify that the foregoing is a true and complete copy of the proceedings had in said Court, and entered on the records thereof, in the above entitled cause, on the day and year first aforesaid, as appears of record in my office.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Circuit Court, at my office, in the City of Bloomington, this 2 day of July, 1957.

T. Nofis Welch (LS)
Clerk Circuit Court,
Monroe County

Town Lot Record
1669, Instr. #41934
Dated
July 11, 1957
Recorded
July 12, 1957

Oscar Sparks,
a single person
to

Paul Griggs

Lots 131 and 132 in Simon Yandes' Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2 page 112, in the Office of the Recorder of Marion County, Indiana.

Subject to conditions and easments of record.

Warranty Deed
(U. S. Revenue
Stamp Attached)

-16-

65-3128A

Town Lot Record
1693, Instr.#7428
Dated
July 11, 1957
Recorded
February 5, 1958

Paul Griggs and
Ruth Marie Griggs,
his wife

to
M. A. Delph Company, Inc.

Lots 131 and 132 in Simon Yandes' Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2 page 112, in the Office of the Recorder of Marion County, Indiana.

Subject to conditions and easments of record.

Warranty Deed
(No U. S. Revenue
Stamp Attached)
(Consideration: \$1.00
and other valuable
considerations)

-17-

Town Lot Record
1890, Instr.#90603
Dated
October 25, 1961
Recorded
October 25, 1961

Homer B. Skaggs and
Sarah A. Skaggs,
husband and wife

to
M. A. Delph Company, Inc.

Lot 134 in Simon Yandes Subdivision of the East part of Out Lot 129 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 112, in the office of the Recorder of Marion County, Indiana.

Instrument shows name of person preparing same.

Warranty Deed
(U. S. Revenue
Stamp Attached)

-18-

Misc. Record
376, Inst.#8867
Feb. 1, 1946
Recorded
Feb. 7, 1946

ARTICLES OF INCORPORATION OF M. A. DELPH COMPANY, INC.

BE IT FURTHER REMEMBERED, That the following Articles of Incorporation, and all matters heretofore done or hereafter to be done are in accordance with "An Act concerning domestic and foreign corporations for profit, providing penalties for the violation hereof, and repealing all laws or parts of laws in conflict herewith" approved March 16, 1929 and all acts amendatory thereof, and supplemental thereto.

The name of this corporation shall be M. A. Delph Company, Inc.

-19-

-13- mg -over-

65-3128A

The purpose or purposes for which it is formed are as follows:

To operate a general hide and grease business; to deal in the purchase and sale of animal hides; to deal in and sell edible and inedible grease and grease products; to deal in and sell all by-products produced from the rendering of dead animals such as, meat scraps, grease, fertilizer, hides, cracklings, etc.; to operate a general mercantile business and to buy and sell at wholesale and retail the general merchandise thereof; to buy, exchange, contract for, lease and in any and all ways acquire, take, hold, and own and sell real estate and personal property of every character and description analogous and pertaining to the above described business and to do any and all things whatsoever necessary or expedient to carry out the objects and purposes herein expressed.

The period during which it is to continue as a corporation is 99 years.

The total number of shares into which its authorized capital stock is to be divided is 1000 shares without par value.

The amount of paid in capital with which this corporation shall begin business is \$75,000.00

Approved and filed Feb. 7, 1946.

Rue J. Alexander,
Secretary of State of Indiana.

PAID IN CAPITAL AFFIDAVIT

FOR M. A. DELPH COMPANY, INC.

Affidavit signed by majority of directors of said corporation states that required capital has been fully paid in.

Misc. Record
376, Instr. #8868
Dated
-----, 1946
Recorded
Feb. 7, 1946

65-3128A

Old Age Assistance Examination has been made, as to the persons in
Search title subsequent to May 1, 1947, for liens shown

-21-

by notices of Old Age Assistance, filed in the
Office of the Recorder of Marion County, as
provided by the Acts concerning Public Welfare,
effective May 1, 1947.

Juvenile Court
Search

-22-

Examination has been made, as to the persons named
under the heading of Judgment Search, and for the
period so specified under said search, for judgments
as appear from the General Judgment Dockets of the
Juvenile Court of Marion County, as said dockets are
now entered up.

Note: Search has been made for the 10 years last
past as to the persons listed below, irrespective
of dates given.

Uniform Commercial Search has been made of the records in the Office
Code of the Recorder of Marion County, Indiana, which

-23-

search discloses no financing statements as
required by the Uniform Commercial Code (Chapter 317,
1963 Acts of Indiana General Assembly) with respect
to any Security Interest in crops or in fixtures
containing an adequate description of real estate
herein, except "NONE".

65-3128A

Judgment Search

-24-

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

The Rauh Realty Company	from May 14, 1956, to and including June 13, 1956
Max Louis Morgan and Leah Ruth Morgan	from April 17, 1958, 8 A.M. to and including May 8, 1958
Oscar Sparks and Oscar C. Sparks	from May 21, 1957, 8 A.M. to and including July 12, 1957
Paul Griggs	from February 15, 1955, to and including February 5, 1958
Homer B. Skaggs and Sarah A. Skaggs jointly and not individually	from October 10, 1961, 8 A.M. to and including October 25, 1961
Delph-Hide Co., Inc.	from September 13, 1961, to date
Delph Hide Co., Inc.	from September 29, 1961, to date
and vs	
M. A. Delph Company, Inc.	for the 10 years last past and against none other

65-3128A

-25- Taxes for the year 1962 and prior years paid in full.

-26- Taxes for 1963 payable 1964 on Lots 131, 99, 104, 105, 106, 107 and 134 in the name of M. A. Delph Company, Inc.

Duplicate Nos. 347050 to 347058 Both Inclusive, C-D, Indianapolis, Center Township, Code No. 1-01, Parcel Nos. 27685-52, 61011-63.

May Installment \$1684.31 Paid.

November Installment \$1684.31 Paid.

Assessed Valuation:

Land \$5,180.00 Improvements \$32,450.00 Exemptions (None)

-27- Taxes for the year 1963, payable 1964 on Lots 100, 101, 102, and 103 in the name of Delph Hide Co., Inc.

Duplicate Nos. 347046, 347047, 347048, 347049, C-D, Indianapolis, Center Township, Code No. 1-01, Parcels Nos. 81435-6-7-8.

May Installment \$137.87 Paid.

November Installment \$137.87 Paid.

Assessed Valuation:

Land \$3,080.00 Improvements (None) Exemptions (None)

-28- Taxes for 1964 now a lien.

65-3128A

INDUSTRIAL ZONING ORDINANCE

-29-

By Ordinance 63-AO-4 adopted November 7, 1963, The Marion County Council amended Ordinance 8-1957, incorporating the Industrial Land Use Map and Industrial Land Use Plan adopted by the Metropolitan Plan Commission for the classification, regulation and development of industrial uses in Marion County, Indiana, including the regulation and limitation of height, area, bulk and floor space of structures, and performance standards, standards of density and traffic distribution therefor.

SECTION 1.00. The following primary INDUSTRIAL ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, is hereby classified, divided and zoned into said districts as designated on the INDUSTRIAL ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

INDUSTRIAL ZONING DISTRICTS
I-1-S RESTRICTED INDUSTRIAL SUBURBAN DISTRICT
I-2-S LIGHT INDUSTRIAL SUBURBAN DISTRICT
I-3-S MEDIUM INDUSTRIAL SUBURBAN DISTRICT
I-4-S HEAVY INDUSTRIAL SUBURBAN DISTRICT
I-1-U RESTRICTED INDUSTRIAL URBAN DISTRICT
I-2-U LIGHT INDUSTRIAL URBAN DISTRICT
I-3-U MEDIUM INDUSTRIAL URBAN DISTRICT
I-4-U HEAVY INDUSTRIAL URBAN DISTRICT

SECTION 2.00 The following regulations shall apply to all land within the INDUSTRIAL ZONING DISTRICTS.

1. With the exception of legally established non-conforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.

2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established non-conforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed 2/3 of the gross floor area of the structures or facilities affected.

3. For purposes of this ordinance, "lot" shall be defined as: any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy by one principal use.

Note: The provisions of the ordinance are too voluminous and detailed to permit adequate reporting herein. This statement is a synopsis only and furnished for general information. For specific details, reference should be had to the complete text of the ordinance.

According to the map filed with the ordinance the real estate described herein appears to lie in District designated I-4-U District.

65-3128A

SECTION 2.08 I-4-U HEAVY INDUSTRIAL CENTRAL CITY
DISTRICT REGULATIONS

Note: This district is designed for those heavy industrial uses within the central city which are typically characterized by certain factors which would be exceedingly difficult, expensive, or impossible to eliminate, and should be buffered by sufficient area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Wherever practical, this district is removed as far as possible from residential areas and buffered by intervening lighter industrial districts.

A. (1) PERMITTED I-4-U USES

The following uses shall be permitted in the I-4-U DISTRICT. All uses in the I-4-U DISTRICT shall conform to the I-4-U Development Standards (section 2.08, B hereof) and I-4-U Performance Standards (section 2.08, C hereof).

1. Any use permitted in the I-3-U District.
2. Creosote manufacturing and treatment.
3. Bulk storage of petroleum products.
4. Boiler tank manufacturing; structural steel fabricating.
5. Manufacture of detergents and soaps.
6. Foundries.
7. Railroad equipment manufacturing, repair and servicing.
8. Processing of forest products such as, but not limited to veneer mills, planing mills and saw mills.
9. Utility pole yards and pipe yards.
10. Motor truck terminals subject to the regulations of section 2.11, 9.

(2) I-4-U USES PERMITTED BY SPECIAL EXCEPTION.

In addition, the following uses shall be permitted in the I-4-U DISTRICT by special exception only, upon issuance of a special exception permit therefor by the Metropolitan Board of Zoning Appeals as set forth in section 2.11, A, 1.

These uses shall conform to the I-4-U Development Standards (section 2.08, B hereof); I-4-U Performance Standards (section 2.08, C hereof); all requirements set forth in section 2.11, A 1 and all conditions attached to the grant of such permit by the Metropolitan Board of Zoning Appeals--in case of conflict, the more restrictive standards or requirements to control.

1. Cement, lime and gypsum manufacturing. (Special exception permit required.)
2. Oil processing, refining and manufacturing. (Special exception permit required.)
3. Open hearths and blast furnaces. (Special exception permit required.)
4. Coke ovens. (Special exception permit required.)
5. Fat rendering and fertilizer manufacturing. (Special exception permit required.)
6. Leather curing and tanning. (Special exception permit required.)
7. Tar, tar paper and tar products manufacturing and processing. (Special exception permit required.)

8. Slaughtering and allied food processing.
(Special exception permit required.)
9. Manufacture of explosives, matches, and fire-
works, subject to the requirements of section 2.11, 3.
(Special exception permit required.)
10. Concrete mixing; production of concrete blocks
and shapes, cinder blocks and other similar building
materials manufacture. (Special exception permit
required.)
11. Stock yards for shipping, holding and the sale
of animals. (Special exception permit required.)
12. Production of emulsified asphalt and preparation
of asphaltic concrete paving material. (Special exception
permit required.)
13. Manufacture of chemicals and gases. (Special
exception permit required.)
14. Sand, gravel or aggregate washing, screening
or processing (not including mining or dredging.)
(Special exception permit required.)

-30-

January 22, 1965. We hereby certify that no Variance has been granted by the Board of Zoning Appeals of the City of Indianapolis and/or Marion County; affecting the use of the real estate described in the caption hereof.

EXCERPTS OF THE "AIRPORT DISTRICT ORDINANCE", ADOPTED BY THE MARION COUNTY COUNCIL, SEPTEMBER 4, 1963.

BE IT ORDAINED by The Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by The Marion County Council on March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof be amended by the addition of the following provisions:

SECTION 1.01 AIRPORT DISTRICT

An AIRPORT DISTRICT, a secondary zoning district, is hereby established for Marion County, Indiana. The AIRPORT DISTRICT shall consist of two parts, the "Airport Approach Area" and the "Airport Circling Area" as each is defined in this ordinance and indicated on the Airport District Map for each public airport (which Map dated November 7, 1962 is a part of this ordinance and incorporated herein by reference).

All land so defined and indicated is hereby zoned and classified as the AIRPORT DISTRICT.

SECTION 2.01 AIRPORT DISTRICT REGULATIONS

The following regulations shall apply to land within the Airport District. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall control.

1. USE

Within that part of the Airport Approach Area of the Airport District within a horizontal radius of 10,000 feet from the airport reference point, as defined in this ordinance, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, public auditorium, theater, public assembly hall, public swimming pool, picnic grounds, carnival, amusement park, penal institution or sports arena.

2. HEIGHT

a. Within the Airport Circling Area and the Airport Approach Area, of the Airport District, no projection of any building, structure, or plant growth hereafter constructed, located or grown, or of any existing building, structure, or plant growth hereafter reconstructed, relocated or enlarged shall penetrate above the approach surfaces, the runway surfaces, the transitional surfaces, the horizontal surface, or the conical surface, whichever is more restrictive.

b. Provided, however, projections may extend to a maximum height of 50 feet above the established airport elevation.

3. PERFORMANCE STANDARDS

The following performance standards shall apply within the Airport Circling Area and the Airport Approach Area, of the Airport District, except that part of the Airport Area whose horizontal distance from the airport reference point is greater than the radius of the Airport Circling Area:

Interference with Communication

No use shall create interference with any form of communication whose primary purpose is for air navigation.

Smoke, Dust and Particulate matter

(1) No use shall create or emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the United States Bureau of Mines.

(2) No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport in landing, taking off, or maneuvering of aircraft.

NOTE: COPIES OF MAP ABOVE REFERRED TO BEING A DISTRICT MAP FOR INDIANAPOLIS (WEIR COOK) MUNICIPAL AIRPORT ARE ON FILE IN THE OFFICE OF THE METROPOLITAN PLANNING DEPARTMENT: ALSO A COPY FILED OCTOBER 7, 1963, AS INSTRUMENT #59018, IN THE MARION COUNTY RECORDER'S OFFICE.

GUARANTEED CERTIFICATE

-32-

STATE OF INDIANA }
 COUNTY OF MARION } ss:

The undersigned hereby certifies, guarantees and warrants to whoever relies upon this certificate, and this certificate inures to the benefit of the present and all future persons in interest and runs with the real estate described in the caption hereof.

FIRST That the foregoing contains a true and correct abstract of all deeds, mortgages unsatisfied of record, notices of mechanic's liens unsatisfied of record, and all other instruments filed for record or recorded in the Office of the Recorder of said County, including the Federal Tax Lien Index in said Office, and notices of liens for Old Age Assistance entered in the Abstract of Old Age Certificate in said Office, affecting the title to the real estate described in the Caption hereof.

That all instruments abstracted herein appear regular in form, execution, and acknowledgment, unless otherwise noted.

SECOND That there are no wills, estates, nor guardianships affecting the title to the real estate described in the caption hereof, except as shown herein.

That there are no notices of Lis Pendens filed in the Lis Pendens Records of Complaints and Attachments, and no judgments against, nor any Recognizance or Replevin Bail signed by any of the parties named above under the caption of judgment search which are now liens upon the real estate described in the caption hereof, as appears from the General Judgment Dockets of the Criminal, Circuit, Juvenile, Superior and Probate Courts, and the Civil Municipal Courts of Marion County, nor any transcripts of judgments of the United States Courts filed in the Office of the Clerk of the Circuit Court of Marion County, as said records and dockets are now entered up, except as herein set out.

THIRD That according to the current tax duplicates and special tax duplicates, and the municipal assessment records in the County Treasurer's Office as certified by the City Comptroller, there are no taxes, ditch assessments nor municipal assessments assessed or entered against said real estate, either general or special, due and unpaid, except as shown herein. That according to the tax sale records in the Auditor's Office, there are no tax sales unredeemed, except as shown herein.

FOURTH That there are no liens for unpaid unemployment compensation taxes nor for unpaid gross income taxes as shown by warrants docketed in the judgment docket in the Office of the Clerk of the Circuit Court, nor for unpaid taxes on intangibles entered upon the duplicates for omitted taxes in the Office of the County Treasurer, against any of the parties named above under the Caption of Judgment Search entered within the periods designated in said Judgment Search.

The period of search of the General Judgment Dockets is specifically set forth in the judgment caption and as to all other matters the period of search covered by this abstract is from the date set out in the caption hereof to the date of this certificate, both inclusive, and the foregoing recitals relates and our liability hereunder is limited to matters filed or entered of record within such period.

This certificate covers entries Nos. 1 to 32 both inclusive and sheets watermarked "Union Title Company" Nos. 1 to 22 both inclusive.

Dated at Indianapolis, Indiana, February 18, 1965, 8 A.M.

UNION TITLE COMPANY

by

C. Edward Blum
 President

-22- mg

UNION TITLE COMPANY

ABSTRACTS OF TITLE + TITLE INSURANCE + ESCROWS

155 East Market Street

Union Title Building

Indianapolis 4, Indiana

MEIrose 2-2361

Capital Stock \$1,000,000.00

65-3128A

UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

Indianapolis Division
Terre Haute Division
Evansville Division
New Albany Division

NORTHERN DISTRICT

South Bend Division
Hammond Division
Fort Wayne Division
Lafayette Division

SEARCH FOR
PENDING BANKRUPTCIES
INTERNAL REVENUE TAX LIENS

Prepared for: **Krieg, DeVault, Alexander & Capehart**

The undersigned hereby CERTIFIES, GUARANTEES, and WARRANTS to whoever relies upon this certificate, that there are no transcripts of judgments of the United States Courts filed in the office of the Clerk of the Circuit Court of Marion County, Indiana; that there is no notice of lien for unpaid internal revenue taxes or notice of income tax lien constituting a lien on real estate prior to March 4, 1925, the date of the Indiana Recording Act, that there is no notice of lien filed in the Federal Tax Lien Index in the office of the Recorder of Marion County, Indiana; and that there are not now pending upon the records of any of the eight divisions of the Federal Courts above named, voluntary bankruptcy proceedings by or involuntary bankruptcy proceedings against any of the following named persons, except as hereinafter set out:

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

This certificate covers all divisions of both Districts of the State down to and including

February 17, 1965, 8 A.M. and

The Indianapolis Division of the Southern District down to and including

February 18, 1965, 8 A.M.

**The Rauh Realty Company
Max Louis Morgan
Leah Ruth Morgan
Oscar Sparks
Oscar C. Sparks
Paul Griggs
Homer B. Skaggs
Sarah A. Skaggs
Delph-Hide Co., Inc.
Delph Hide Co., Inc.
M. A. Delph Company, Inc.**

UNION TITLE CO.
Edward Blum
PRESIDENT

mg