

STATE OF INDIANA)
)
COUNTY OF MARION)

IN THE SUPERIOR COURT OF MARION COUNTY
SS:
CAUSE NO. S768-1177 ROOM NO. 7

0536-164

STATE OF INDIANA,)
)
Plaintiff)

-vs-

GEORGE J. EGENOLF, SR.,)
(adult, unmarried))
)
Defendant)

FILED

S7 JAN 11 1971 S7

E. R. Allen

RECEIVED

JAN 12 1971

FINDING AND JUDGMENT

ATTORNEY GENERAL
OF INDIANA-HIGHWAY

Comes now the Plaintiff, State of Indiana, by Theodore L.

Sendak, Attorney General, and Jay Brody, Deputy Attorney General, and comes now the Defendant George J. Egenolf, Sr., by Arthur J. Sullivan and David F. McNamar of the law firm of Steers, Klee, Sullivan & LEMay, in person and by counsel, and evidence having been concluded, argument of counsel having been concluded and the parties having made their objections to instructions submitted by both parties and to the instructions as given by the Court, and the jury being fully instructed, and said jury having retired, now submits its verdict fixing the total amount of damages of the fee for highway right-of-way taken and the damages to the improvements located on said real estate of the Defendant at \$68,000.00 together with interest in the sum of \$545.63 up to and including November 25, 1970 and that interest from November 25, 1970 up to and including January 5, 1971 is \$36.67, and the defendant George J. Egenolf, Sr. should recover from the plaintiff, State of Indiana, total damages in the sum of \$68,582.30.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 19th day of December, 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 hereby appropriated, said fee for highway right of way being more particularly described as follows:

Lots 35 and 36 in McCarty's Subdivision of Out Lot 116 and 2 acres on South side of Out Lot 117 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, page 77, in the Office of the Recorder of Marion County, Indiana. Also, a strip of land 18.75 in width north of and adjoining Lot 35 herein, being a part Bicking Street as vacated under Resolution No. 17529, recorded July 8, 1957, in Deed Record 1669 as Instrument No. 40777.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant George J. Egenolf, Sr. have and recover of and from the State of Indiana as final and total damages the sum of \$68,000.00, together with interest in the sum of \$582.30, to which the Defendant is entitled, making a total judgment in the sum of \$68,582.30.

All of which is Ordered, Adjudged and Decreed by the Court this 17th day of January 1971.

Charles W. Applegate

Judge of Marion Superior Court, Room No. 7

Arthur J. Sullivan
STEERS, KLEE, SULLIVAN & LEMAY
312 Union Federal Building
Indianapolis, Indiana 46204
636-3471

TRIAL REPORT

STATE VS. George J. Egenolf, Sr. FILED 12-5-68
 COURT Marion Superior Court #7 CAUSE NO. S-768-1177
 PROJECT I-70-3(52) PARCEL NO. 164 ROAD I-70

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY:

A rectangular tract of land containing 15,412 square feet located at 925 South Pennsylvania, Indianapolis, Indiana.

IMPROVEMENTS:

A welding shop, machine shop and residence containing 6177 square feet together with 300 feet of chainlink fencing and 8500 square feet of gravel parking area.

DESCRIPTION OF TAKE: (attach sketch)
 Total.

AREA OF TAKING 15,412 square feet AREA OF REMAINDER -0-
 OFFER PRIOR TO CONDEMNATION \$ 33,975.00 COURT AWARD \$ 62,500.00
 OFFER YOU MADE \$ None BASIS _____
 FINAL DEMAND OF DEFENDANTS: \$55,000.00
 DATES OF TRIAL November 23, 24, 25, 1970 LENGTH OF TRIAL Three days
 JUDGE Charles W. Applegate LOCAL COUNSEL None
 DEFENDANTS ATTORNEY Arthur J. Sullivan and David McNamar

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
---------------------------	---------------	-----------------------	-------------------	-----------------------------	-----------------------

State's Valuation Witnesses

Max S. Brunn 11-19-70	15,500	25,500	-0-	-0-	41,000.00
Jerry Speedy 11-23-70	11,500	23,500	-0-	-0-	35,000.00

Defendant's Valuation Witnesses

Bloor Redding 8-31-70	17,000	44,500	-0-	-0-	61,500.00
George Davidson 7-3-69	15,500	48,000	-0-	-0-	63,500.00
George Egenolf, Sr.					75,000.00
George Egenolf, Jr.					72,500.00
Robert Egenolf					75,000.00

~~Verdict xxxxxxxx~~
 Jury Verdict \$ 68,000.00 DATE OF VERDICT 11-25-70
 Interest on Verdict \$ 592.30
 Interest Computation Method: 6% or 4% from _____ to _____

Court Award: Date Deposited 1-27-69 Date Withdrawn 2-14-69
 Amount Withdrawn \$ 62,500.00

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
Other State's Appraisers:					
None					
Review Appraiser:					
Baird 11-13-68					33,975.00

1. Trial Preparation

I thoroughly reviewed the file, read both State's appraisals and the appraisals submitted by the landowners, ordered demonstrative evidence, contacted my appraisers, inspected subject property, requested updating by State's appraisers and complied with pre-trial order.

2. Explanation of Substantial Variance, if any, between Reviewing Appraiser's Determination of Value and amount of State's High Testimony:

The difference between the reviewing appraiser's determination of value, and the amount of State's high testimony, is accounted for by the fact that our appraisers as a matter of law were required to testify as to valuation on the legal date of taking being December 5, 1968. This updating of approximately two years necessitated a detailed consideration of any and all increases in costs of replacement or reproduction. The updated appraisals have been submitted to the Appraisal Section of the Indiana State Highway Commission and it was the conclusion of Mr. Fred Vehling, Assistant Chief Review Appraiser, that the updating was factually documented and realistic in judgment and that the determination made by the appraisers on their original reports is acceptable.

3. Does award include any elements of value, damages or costs not eligible for Federal participation under P.P.M. 24-4.1 (exclusive of Sec. 6c)? If so, what amount, and for what element?

The award does not include any elements of value, damages, or costs not eligible for Federal participation under P.P.M. 24-4.1 (exclusive of Sec. 6c).

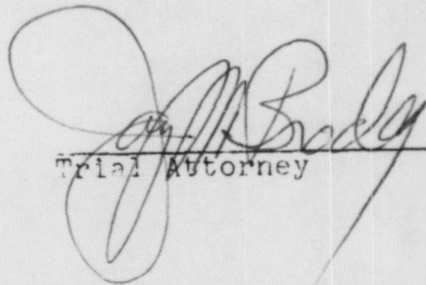
4. Brief Factual Account of Trial Including Major Issues Developed:

(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)

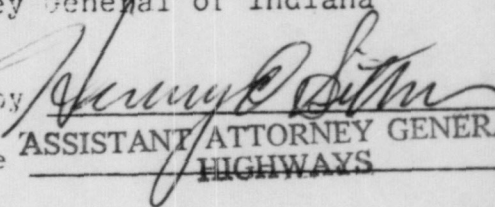
5. Are There Grounds for a Motion for New Trial or Appeal? No
 If Grounds Exist, do you Recommend a Motion for New Trial or Appeal?
 Yes _____ No _____ Give Reasons:

A comprehensive analysis of the proceedings does not in the opinion of the writer include any error which could be considered reversible in nature. The writer considers the verdict to be excessive, however, there is no basis upon which to predicate a Motion to Correct Errors.

Date: 1-27-71


 Trial Attorney

THEODORE L. SENDAK
 Attorney General of Indiana

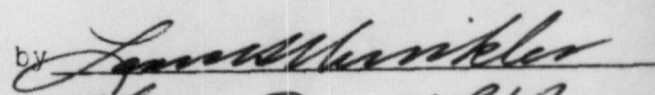
Reviewed and Approved by 
 Title ASSISTANT ATTORNEY GENERAL - HIGHWAYS

I concur in attorney's recommendation 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.

Indiana State Highway Commission

Date: 2-8-1971

by 
 Title Chief - Div. of I.A.

MEMORANDUM

State vs. George J. Egenolf, Sr.
Cause No. S-768-1177
Marion County

I. A jury of six men and six women was selected after extensive voir dire by Mr. Sullivan, attorney for the defendant, and Mr. Jay M. Brodey, attorney for the plaintiff, said jury examination taking almost the first full day of trial. After instruction by the Court and opening statements, the defendants presented the first witness being Mr. George Egenolf. Mr. Egenolf testified that the subject property had a fair market value of \$75,000.00 on the date of taking his opinion being predicated upon his personal knowledge, experience and observation. The next witness, Mr. Robert Egenolf, also testified to the figure of \$75,000.00 representing the value of the land and improvements situated thereon. The third witness presented by the defendants was George Egenolf, Jr., who seemed to be the most well-informed of the three owners involved. Mr. Egenolf attempted to introduce into evidence the cost to them of the physical plant, but upon State's objection, said evidence was not admitted. There were repeated attempts during the trial by the defendants to circumvent the prior ruling of the Court whereby said Court refused to admit the cost for the reason that the cost is not necessarily equal to the value. However, the Court repeatedly sustained State's objections to the introduction of such evidence. The next witness presented by the landowners was Mr. Bloor Redding who testified to a figure of \$61,500.00. Upon cross-examination of Mr. Redding, it was discovered that he had never seen the subject improvements. The State at this time moved to have Mr. Redding's testimony stricken from the record but was overruled on the ground that his lack of actual observation went to the credibility of his testimony and not the admissibility thereof. The last witness presented by the defendants

in chief was Mr. George Davidson who testified in the amount of \$63,500.00. Mr. Davidson upon corss-examination manifested that he was thoroughly familiar with the subject property and the improvements thereon and when questioned as to the figures he used with reference to the cost approach, he was able to substantiate these with actual estimates secured from various reputable engineering establishments. The only other point that was examined in some detail in cross-examination of Mr. Davidson was the capitalization rate he utilized in his income approach.

The first witness for the State was Mr. Max Brunn who did a commendable job in presenting his testimony. In addition, he held up fairly well under a stringent cross-examination by Mr. Sullivan, attorney for the defendants. The State's last witness was Mr. Speedy who testified in the amount of \$35,000.00 which represented an increase of \$4000.00 from his previous appraisal. (Note: Mr. Brunn's appraisal also reflected an increase of approximately \$4000.00 from his original appraisal.) Mr. Speedey underwent a relatively comprehensive examination with emphasis placed on the fact that there were two signatures on his appraisal, one being his and the other being that of his superior at American Appraisal. Mr. Sullivan tried to infer that the appraisal was not in fact prepared by Mr. Speedey which inference was negated on redirect examination.

The defendants presented one rebuttal witness that being Mr. Robert Egenolf whose sole purpose was to attempt to reestablish the reliability of his testimony on direct examination on case in chief.

MAIN POINTS:

- I. In computing the cost approach should actual area or effective area be utilized as a criterion?

The State's appraisers disagreed as to the amount of area that should be multiplied by a base cost figure in order to arrive at the replacement cost of the subject improvements. It would seem

logical to utilize only one of these experts due to the obvious inconsistency. However, it was my opinion that the size of the case precluded me from taking the chance to proceeding to trial with only one expert witness.

II. In utilizing comparable sales in establishing the value of the subject property utilizing the market approach does the consideration of warehouse-type properties adding in specialized improvements as are found in the said property reflect the value of said property to a greater extent than a comparison of various machine shops already including various specialized improvements?

The State's appraisers utilized actual machine shops as a basis for establishing replacement cost of the subject property wherein the comparable machine shop included various specialized components whereas on the other hand the defendants' appraisers took basic warehouse-type structures and added in the replacement cost of these specialized improvements.

III. Is cost necessarily a basis for value?(A discussion of this can be found in the above analysis of Mr. George Egenolf, Jr.'s testimony.)

IV. Does fair market value possess a connotation of being subjective valuation, i.e. value and use?

The defendants repeatedly emphasized over objection what the property was worth to them, however, this approach was naturally not used by the defendants' appraisers. In overruling the State's objection to the said repeated reference, especially in defendants' summation, the Court admonished the jury that they will follow the Court's instruction as to what is fair market value. The Court's instruction was in fact a correct statement of the law with reference to defendants' fair market value.

The jury deliberated approximately four hours and returned a verdict in the amount of \$68,000.00. I spoke with some of the jurors who indicated that they believed it would take this amount of money to put the defendants in the same position financially after the taking as before the taking and the law of Indiana provides that such a proper consideration notwithstanding the fact

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE

INDIANAPOLIS, INDIANA 46209

Dec 10, 1968

19

To Egnolf Machine Co

City

GENTLEMEN:

We enclose State Warrant No. A 241072 11/25/19 68
 in settlement of the following vouchers: 69-276

Description	Amount
For <u>business moving</u> on State Road No. <u>49</u> in <u>Marion</u> County, Project <u>I-70-3(52)</u> Parcel No. <u>164</u> as per Grant/Warranty Deed, Dated <u>10/3/68</u>	28,000.00

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Egnolf Machine Co
By Robert V Egnolf Treasurer
 Date 5-27-69

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
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: \$ 6,355.00
Federal Share: \$ 5,715.00
Total Amt. of Check: \$ 6,355.00

Warrant No.

DISTRIBUTION

DATE	1 2 1 9 6 8 Month Day Year	Project Number	I 7 0 3 5 2 Prefix Road Section Paren.			
LOCATION CODE	5 0 0	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount	
FUNCTION CODE	3 5 3-29-67	Appraisers Award	475	D	62,500.00	
OBJECT CODE	011	Appraisers Fee	486	D	1050.00	
PARCEL NO.	1 6 4	Cause No.	9768-1177			
COUNTY NAME & NO.	Marion 4 9	State vs.	George J. Egenolf, Sr..			
					Total	63,550.00

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.

X E. 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

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. Godwin JAN 15 1969
Controller Date

Approved _____

Member, Indiana State Highway Commission _____ Date _____

Vice Chairman, Indiana State Highway Commission _____ Date _____

Recommend Approval:

William Levy 1-2-69
Originator 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 JAN 8 1969
Chief, Division of Land Acquisition Date

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

B. J.

PAYEE'S NAME AND ADDRESS

MAX S. BRUNN
 1229 N. State St.
 Greenfield, Indiana 46140

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: \$ _____

12-21-70
 337205
 11/17

DISTRIBUTION

DATE	1	1	2	7	7	0	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			<i>Prep. for Testimony & Cr. Testimony</i>											
OBJECT CODE																		
PARCEL NO.				1 6 6														
COUNTY NAME & NO.	Marion			4 9			<i>State vs. Cynol Cause # 5768-1177</i>											
Total																	950	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

11-27-70 X *Max S. Brunn*
 Signature if Individual

_____ X _____
 Signature if individual

_____ X _____
 Signature if individual

_____ X _____
 Signature if individual

Recommend Approval:
F. K. [Signature] 12-1-70
 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. Leys DEC 11 1970
 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 10 1970

Date

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

PAYEE'S NAME AND ADDRESS

Clerk of Marion Superior Court
City-County Building
Indianapolis, Indiana 46204

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: \$ _____

Warrant No. A 342789

DISTRIBUTION

DATE	Month <u>1</u>	Day <u>28</u>	Year <u>71</u>	Project Number	Prefix <u>1</u>	Road <u>7</u>	Section <u>03</u>	Parcn. <u>52</u>	
LOCATION CODE	<u>5 0 0</u>			Federal Code 1 or 2	Cost Account	Dr. Cr.	Amount		
FUNCTION CODE	<u>3 5</u>								
OBJECT CODE									
PARCEL NO.	<u>1 6 4</u>								
COUNTY NAME & NO.	<u>MARION 49</u>								
								Total	<u>\$6,082.30</u>

Purpose of This Payment: (Highway) (Attorney General) and (Claimant)
~~Additional amount to satisfy Judgment Verdict~~
State vs. George J. Egenolf, Sr.
Cause No. S7-68-1177

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

CLAIMANTS

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

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

1-28-71 X [Signature]
(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: [Signature] 1-29-71
Originator Date

Approved: [Signature] FEB 2 1971
Chief, Division of Land Acquisition 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 [Signature] FEB 8
 Controller Date

Approved: _____ Date _____
 Member, Indiana State Highway Commission
 Vice Chairman, Indiana State Highway Commission _____ Date _____

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

BB

Warrant No. A 356342
6/22/71

PAYEE'S NAME AND ADDRESS

Intertherm
Community Development Division
Park Fletcher
5406 West Bradbury
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

I-70-3 (52)

DATE	1 2 7 7 0 Month Day Year	Project Number	I 7 0 3 5 2 XXXXXXXXXX Prefix Road Section Paren.				
LOCATION CODE	5 0 0	Federal Code 1 or 2	Cost Account	Dr. Cr.	Amount		
FUNCTION CODE	3 5						
OBJECT CODE							
PARCEL NO.	1 6 4						
COUNTY NAME & NO.	Marion 4 9				Total \$1,050.00		

Purpose of This Payment: (Highway) (Attorney General) and (Claimant)

Pre-Trial Conferences, Pre-Trial & Court Testimony
State vs. Egenolf
Cause No. S 768-1177

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

CLAIMANTS

Pursuant to the provisions and penalties of Chapter 155 Acts of 1953, as amended:
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid. I also authorize payment to be made as indicated above.

X Intertherm Inc.
(If a firm or corporation, give name)

X By Jerry R. Beedy Manager
Personal Signature Title

X _____ Signature if individual

X _____ Signature if individual

X _____ Signature if individual

X _____ Signature if individual

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.
Donald J. Graham Controller JUN 7 1971 Date

Approved: _____ Date _____

Member, Indiana State Highway Commission _____ Date _____

Vice Chairman, Indiana State Highway Commission _____ Date _____

Recommend Approval
Jerry R. Beedy 1-18-71
Originator Date

Approved: James W. Townsend JUN 3 1971
Chief, Division of Land Acquisition Date

Approved: _____ Date _____

Chairman, Indiana State Hwy. Comm. _____ Date _____

RECEIVED
ATTORNEY GENERAL
DEC 3 1971
STATE OF INDIANA

Notification # 67-60 *Contal*

APPRAISAL REVIEW FORM

Division of Land Acquisition
Indiana State Highway Commission

Project I-70-3(52)
 Parcel No. #164
 Road I-70
 County MARION
 Owner GEO. J. EGENOLF
 Address 928 S. PENN
 Address of Appraised Property:
Same

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

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. I have personally checked all comparables and concur in the determinations made. 2. Planning and Detail Maps were supplied appraisers. 3. The three approaches required (Income, Market Data, and Cost Replacement) were considered. 4. Necessary photos are enclosed. 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. 6. Plats drawn by the appraisers are attached. 7. I have personally inspected the Plans. 8. I have personally inspected the site and familiarized myself with the parcel on... 9. The computations of this parcel have been checked and reviewed. 10. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices. | <p><u>See Review</u></p> <p><u>yes</u></p> <p><u>yes</u></p> <p><u>yes</u></p> <p><u>See Review</u></p> <p><u>yes</u></p> <p><u>yes</u></p> <p><u>9-27-67</u></p> <p><u>yes</u></p> <p><u>See Review</u></p> |
|---|--|

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 9-27-67 (Date):

Estimate of Appraisers:

	By: <u>BRANN</u>	By: <u>SPEEDY</u>	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$ <u>37,000</u>	\$ <u>31,000</u>	\$ <u>35,500</u>
(b) The fair market value of the property after the taking, assuming the completion of the improvement is:	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
The Total Value of Taking Is: (a minus b) TOTAL	\$ <u>37,000</u>	\$ <u>31,000</u>	\$ <u>35,500</u>
(1) Land and/or improvements	\$ <u>37,000</u>	\$ <u>31,000</u>	\$ <u>35,500</u>
(2) Damages	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
(3) Less non-compensable items	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
(4) Estimated Total Compensation	\$ <u>37,000</u>	\$ <u>31,000</u>	\$ <u>35,500</u>

Approved	Date	Signed
Rev. Appr.	<u>9-27-67</u>	<u>[Signature]</u>
Asst. or Chief Appr.	<u>10-3-67</u>	<u>[Signature]</u>

Chief Review Appraiser

Control

APPRAISAL REVIEW FORM

Division of Land Acquisition
Indiana State Highway Commission

Egenolf Machine Co.

Project I-70-3(52)
Parcel No. 164
Road I-70
County Marion
Owner George Egenolf, Sr.
Address 4045 Union St.
Address of Appraised Property:
928 Union St.

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. See supplement
- 2. Planning and Detail Maps were supplied appraisers. Adv. Acq.
- 3. The three approaches required (Income, Market Data, and Cost Replacement) were considered. Yes
- 4. Necessary photos are enclosed. Yes
- 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. Yes
- 6. Plats drawn by the appraisers are attached. Yes
- 7. I have personally inspected the Plans. Yes
- 8. I have personally inspected the site and familiarized myself with the parcel on... 4-28-67
- 9. The computations of this parcel have been checked and reviewed. Yes
- 10. The appraiser has complied with the Indiana State Highway Commission instructional outline and/or good appraisal practices. Yes

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 April 28, 1967 :
(Date)

Estimate of Appraisers:

	By: <u>Speedy</u>	By: <u>Brunn</u>	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$ <u>31,000</u>	\$ <u>37,000</u>	\$ <u>32,000</u>
(b) The fair market value of the property after the taking, assuming the completion of the improvement is:	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
The Total Value of Taking Is: (a minus b) TOTAL	\$ <u>31,000</u>	\$ <u>37,000</u>	\$ <u>32,000</u>
(1) Land and/or improvements	\$ <u>31,000</u>	\$ <u>37,000</u>	\$ <u>32,000</u>
(2) Damages	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
(3) Less non-compensable items	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
(4) Estimated Total Compensation	\$ <u>31,000</u>	\$ <u>37,000</u>	\$ <u>32,000</u>

Approved	Date	Signed
Rev. Appr.	<u>4-28-67</u>	<u>Phillip D. York</u>
Asst. or Chief Appr.	<u>MAY 5 1967</u>	<u>Fred W. Vohler</u>

(All comments and additional information will be shown on the reverse side of this page and/or by use of supplemental sheets.)

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 \$ 0.

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 \$ 0.

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 \$ 0.

The total damages we find to be the sum of \$ 62,500.

Dated: Dec. 31, 1968

Robert H. Graves
Walter Louks
Faye J. Mowery

That the defendants George J. Egenolf, Sr.

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 35 and 36 in McCarty's Subdivision of Out Lot 116 and 2 acrossoff the South Side of Out Lot 117 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 77 and 78, in the Office of the Recorder of Marion County, Indiana.

Also, a strip of land 12 feet in width north of and adjoining Lot 35 herein, being a part Bicking Street as vacated under Resolution N. 17529, recorded July 8, 1957 in Deed Record 1669 as Instrument No. 40777.

Since September 20, 1950, 7 A.M.

NUMBER 3

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:

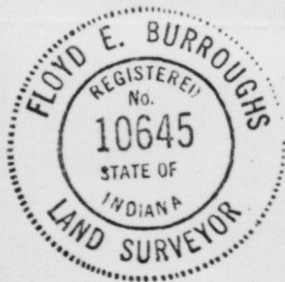
A blue-print sketch plat of the above described real estate sought to be appropriated and identified by means of cross-hatched lines is attached hereto and made a part hereof and designated as Exhibit "A".

Project 1-70-3(52)77

Parcel 164

IN FEE - LIMITED ACCESS

Lots 35 and 36 in McCarty's Subdivision of Out Lot 116 and 2 acres on South side of Out Lot 117 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, page 77, in the Office of the Recorder of Marion County, Indiana. Also, a strip of land 18.75 feet in width north of and adjoining Lot 35 herein, being a part Bicking Street as vacated under Resolution No. 17529, recorded July 8, 1957, in Deed Record 1669 as Instrument No. 40777.



Given under my hand and seal April 25, 1968

Floyd E. Burroughs

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

NUMBER 4

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 3 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 in Wayne County. THAT THE COURSE AND THE TERMINI OF THE PARTICULAR PROJECT INVOLVED IS 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.

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

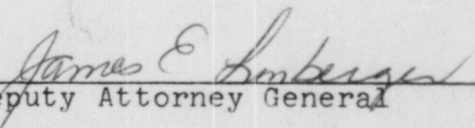
That the plaintiff, through said Indiana State Highway Commission, intends to use the real estate herein sought to be condemned for the purpose of the improvement of said highway and the widening thereof, and said real estate as herein described is necessary and proper for the carrying out of said work,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

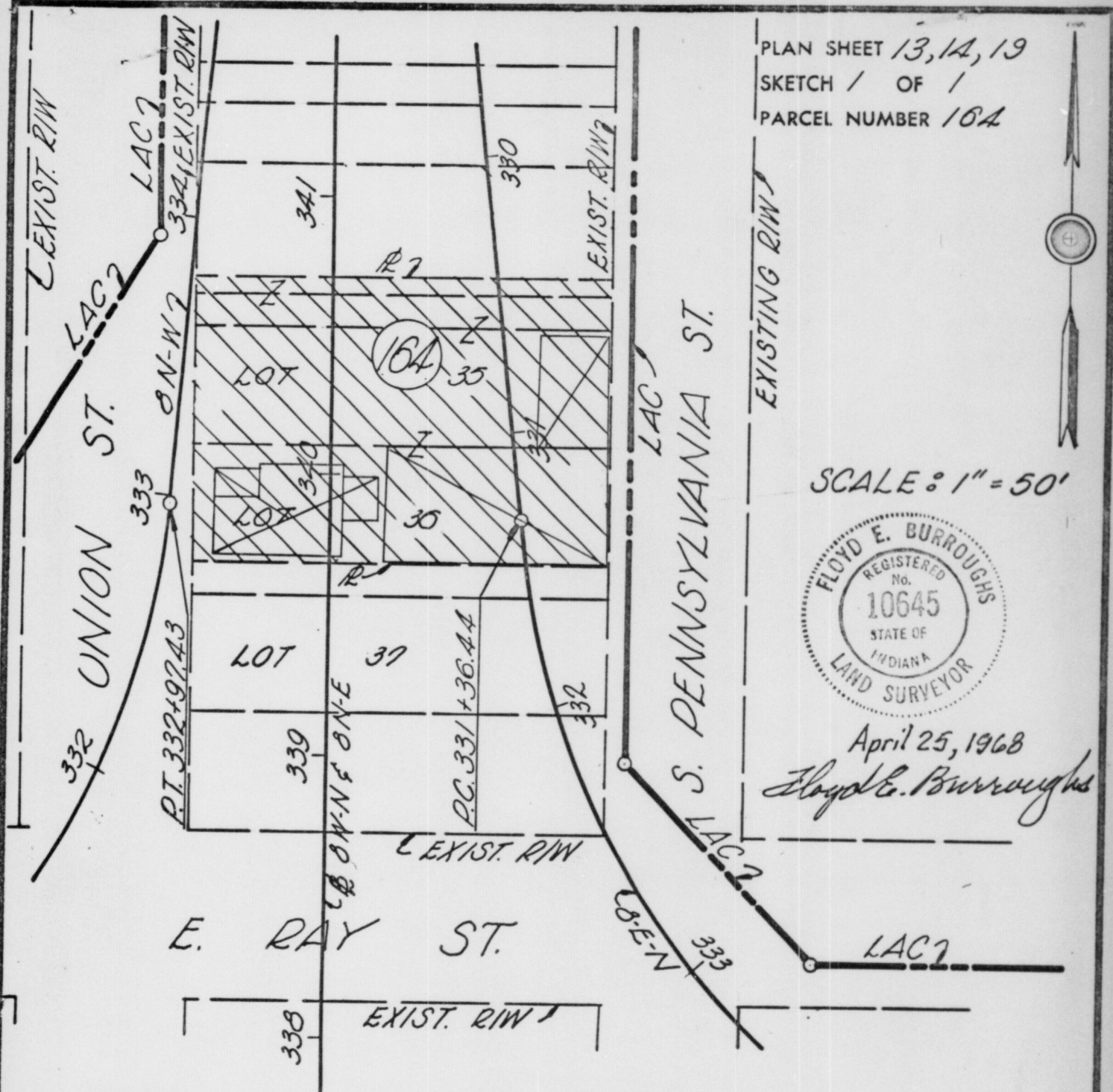
Respectfully submitted,

JOHN J. DILLON
Attorney General of Indiana


Deputy Attorney General
Attorneys for Plaintiff

Room 219
State House
Indianapolis, Indiana
633-5512

PLAN SHEET 13, 14, 19
 SKETCH / OF /
 PARCEL NUMBER 10A



SCALE: 1" = 50'



April 25, 1968
 Floyd E. Burroughs

PARCEL 10A
 IN FEE — LIMITED ACCESS

LOTS 35 AND 36 IN McCARTY'S SUBDIVISION OF OUT LOT 110 AND 2 ACRES ON SOUTH SIDE OF OUT LOT 117 OF THE DONATION LANDS IN THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE ??, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA. ALSO, A STRIP OF LAND 18.75 FT. IN WIDTH NORTH OF AND ADJOIN LOT 35 HEREIN, BEING A PART BICKING STREET AS VACATED UNDER RESOLUTION NO 17529, RECORDED JULY 8, 1957, IN DEED RECORD 1069 AS INSTRUMENT NO 40777.

AREA: 15,412 S.F., MORE OR LESS

LEGEND

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

HATCHED AREA IS APPROXIMATE TAKING

INDIANA STATE HIGHWAY COMMISSION
 PROJECT: I-70-3(52) ??
 ROAD I-70 MARION COUNTY
 RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM
 EGENOLF, GEORGE J.
 SEC. 12 , T. 15N. , R. 3E.
 CONTAINING 15,412 S.F., MORE OR LESS
 DRAWN BY CHECKED BY: BRIDGES DATE
 William D. Keller A-10-08

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I70-3 (52)

BUYER'S REPORT NUMBER: _____ COUNTY MARION PARCEL NO. 164

NAME & ADDRESS OF OWNER GEORGE J EGNOLF SENIOR.
928 So Penn PHONE # GENERALLY ROBERT
638-7649 EGNOLF

NAME & ADDRESS OF PERSON CONTACTED ROBERT V. EGNOLF (SON) TREAS.
PHONE # Home 881-4432

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

DATE ASSIGNED 5-9-67 DATE OF CONTACT 5-10-67

OFFER \$ 32000⁰⁰ TIME OF CONTACT 2:30 PM

- | YES | NO | N/A | (Circle N/A if all questions are not applicable) |
|---------------------|-----|-----|---|
| 1. (X) | () | () | Checked abstract with owner? (Affidavit taken? ^{TROUBLE ON BICKING STREET} Yes ___ No ___) |
| 2. (X) | () | () | 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: FIRM STRUCTURE. MET AT ROOM 1105 STATE OFFICE BLDG)
EGNOLF MACHINE CO, INC
OFFICERS - GEORGE SR PRES FATHER
GEORGE JR VP.
PAUL F SECY
ROBERT V. TREAS
ALL BROTHERS
JAMES J EGNOLF AND JOSEPH J. EGNOLF ALSO OWNERS
AND DIRECTORS

CHANGE DEED TO INCLUDE THE EXTRA 6.75 ON BICKING ST.
NEW SET BINDER - ~~ATTACHED~~ SET ATTACHED MAPS

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

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

Chadwick D. Hae
(Signature)

30

PROJECT NO. I 70-3 (57)

BUYER'S REPORT NUMBER: _____ COUNTY Marion PARCEL NO. 164

NAME & ADDRESS OF OWNER GEORGE J. EGNOLF SENIOR OWNER EGNOLF MACHINE CO.

928 SOUTH PENNSYLVANIA PHONE # 638-7649

NAME & ADDRESS OF PERSON CONTACTED THE ABOVE

PHONE # _____

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

DATE ASSIGNED 5-9-67 DATE OF CONTACT 11-2-67

OFFER \$ REOFFER 35500⁰⁰ TIME OF CONTACT 12:30 PM

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: MET MR EGNOLF IN HIS OFFICE GAVE HIM NEW OFFER. MR EGNOLF SAID THAT IT WAS NOT ENOUGH TO COVER ALL THE SPECIAL WIRING AND EXTRA EXPENSES PUT INTO THE PROPERTY. HE STATED THAT THE STATE WAS "PUTTING HIM OUT OF BUSINESS" SINCE HE COULD NOT RELOCATE WITH THE AMOUNT OFFERED. BUYER STATED THAT ALL ITEMS HAD BEEN LISTED IN EVALUATING THE PROPERTY AND THAT THE STATE PAID "CURRENT MARKET VALUE" AND THAT THIS HAD BEEN DONE ON HIS PROPERTY - MR EGNOLF SAID THAT A MAN WHOSE HOUSE WAS JUST NORTH OF HIS PLACE HAD GOTTEN "10900⁰⁰" AND THAT MR COPELAND HAD GOTTEN TWO MILLION DOLLARS FOR HIS PROPERTY JUST SOUTH OF HIS AND THAT THE STATE HIGHWAY MEN WERE "ROTTEN" AND "ALL POLITICS" AND THAT I, THE BUYER, WAS ALSO A "POLITICIAN" AND BUYER STATED THAT HE SHOULD TAKE HIS COMPLAINTS TO THE LAW MAKERS SINCE THEY HAD PASSED THE LAWS WE, THE HIGHWAY, HAD TO WORKER TO. HE STATED THAT THE POLITICIANS WERE "ROTTEN TOO" BUYER STATED TO LEAVE AND MR EGNOLF SAID HE HAD GOOD LAWYERS AND "WOULD USE THEM"

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, () - Condemned
~~IF~~ UPON LEAVING BUYER OFFERED HIS NAME AND WILL WENT'S AND MR EGNOLF
 () Other, awaiting what? STATED THAT WE "DID NOT HAVE TO SHAKE HANDS"

COPY TO MR EGNOLF
11-2-67

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

Chadwick P. Hall
 (Signature)

HIGHWAY COMMISSION
Acquisition Division

7

PROJECT NO. I70-3(52)

BUYER'S REPORT NUMBER: _____ COUNTY MARION PARCEL NO. 164

NAME & ADDRESS OF OWNER GEORGE J. EGINOLF SR
928 So Penn PHONE # (R0007) 638-7649
Home 991-4432

NAME & ADDRESS OF PERSON CONTACTED _____
SUB PROP AT 928 UNION ST PHONE # _____
(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 5-10-67 DATE OF CONTACT 6-1-67

OFFER \$ 32000⁰⁰ TIME OF CONTACT 1PM

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

1. YES Checked abstract with owner? 2. NO Any affidavits taken?
3. NO Any mortgage(s)? 4. NO Any other liens, judgements, etc.?
5. _____ Showed plans, explained take, made offer, etc.?
6. YES Explained about retention of buildings, etc.? 7. SEE BELOW Any being retained?
8. YES Walked over property with owner? (or with whom? BY MYSELF)
9. YES Arranged for owner to pay taxes? (Explain how in remarks)
10. NO Secured Right of Entry? 11. NO Secured Driveway Right of Entry?
12. YES Was Chapter 316, Acts of 1967 Indiana General Assembly, explained?
13. YES Was 180 Day Notice Letter delivered or mailed to all parties?
14. NO Waivers, were any secured? 15. NA Filled out RAAP Form?

REMARKS: #6 GET SALVAGE VALUE ON ALL (NO) } Sons
#9 LEFT TAX MEMO. } GEORGE
#11 SEE LIST ATTACHED (EXPLAINED) } PAUL
MET AT 4045 So UNION ST. WITH _____ } BOB
MADE OFFER - MR EGINOLF SR SAID THE AMOUNT WAS TOO SMALL } JIM
THEY PAID 22000 FOR IT IN 1949 AND IMPROVED & ALSO TOOK FOR } JIM
BLOG NORTH (WELDING) AND 2400 FOR BLDG BETWEEN SHOP HOUSE } GEORGE SR.
WALKED A HOUSE & 900 FOR VACATING ALLEY. MR EGINOLF SR SAID } MR EGINOLF SERVING ON
IT WAS NOT ANYWHERE NEAR ENOUGH. HE WOULD HAVE TO GO OUT } CONSERVATION BOARD BOISTATE
OF BUSINESS. "HE WANTS ONLY ENOUGH TO GET GOING AGAIN."
BUYER EXPLAINED MKT VALUE - COST & INCOME APPROACHES.

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, () - Condemned
() Other, awaiting what (FLAT REFUSAL) 6-1-67

PER MR WINDOR - THIS PARCEL TO REVIEW ON 6-2-67 AFTER MEETING AT 1105 SOB WITH MR WINDOR - MR BOUQUER AND HALL (BUYER)

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

Chadwick H Hall
(Signature)

164

INTERIM CERTIFICATE OF TITLE

Pioneer National Title Insurance Company
Union Title Division

S.R. 1-70	PROJECT I-70-3 (52)	COUNTY Marion	PNTIC # 66-16613-S
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Name on Plans None Given

Name of Fee Owner George J. Egenolf

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 January 18, 1967 8 A.M. to and including April 1, 1968 8 A.M. reveals no changes as to the real estate described under PNTIC # 66-16613-0 except:

- on 20 ft S. Side Lot 27 O. L. 117 & 1/2 Vac St. Gatling's Sub*

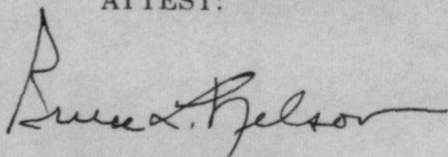
1. Taxes for 19 66 payable 19 67 in name of Jence and Anna Biro
 Duplicate # 7019619 Parcel # 1092540 Township I-Center Code # 1-01
 May \$ 70.39 (paid) ~~XXXXXX~~; November \$ 70.39 (paid) ~~XXXXXX~~
 Taxes for 19 67 payable 19 68 ~~XXXXXX~~ unpaid in name of Jence and Anna Biro
 Taxes for 1968 payable 1969 now a lien in name of Jence and Anna Biro

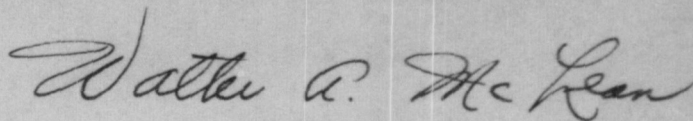
2. Taxes for the year 1966 payable 1967 on Lot 35 O. L. 117 in McCartys Sub. in the name of George Egenolf.
 Duplicate # 7067879, Parcel # 1003534, Township I-Center Code No. 1-01
 May \$ 27.03 Paid, November \$ 27.03 Paid.
 Taxes for 1967 unpaid in name of George Egenolf
 Taxes for 1968 now a lien in name of George Egenolf.

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

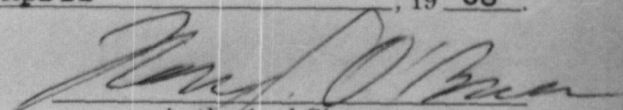
ATTEST:

PIONEER NATIONAL TITLE INSURANCE COMPANY


Assistant Secretary


Vice President

Countersigned and validated as of the 11 day of April, 19 68.


Authorized Signatory
TOM J. O'BRIEN, Attorney

PRELIMINARY TITLE INSURANCE CERTIFICATE

Pioneer National Title Insurance Company

Union Title Division

155 East Market Street
P. O. Box 876
Indianapolis, Indiana 46204

Parcel 164
I-70-3(52)

Owners Policy No. 66-16613-0

Amount \$1,000.00

Mortgage Policy No. _____

Amount \$ _____

Pioneer National Title Insurance Company, in consideration of the payment of its premiums, hereby certifies that the title to the premises hereinafter described has been examined and approved by it, and that a good title thereto in fee, clear of all encumbrances and defects except as hereinafter noted under Schedule B hereof, is vested in and can be conveyed, mortgaged or leased by the party or parties hereinafter named, joined by their respective spouses; and upon the proper execution, delivery and recordation of the papers conveying such interest, as hereinafter provided, said Company will insure the title of such grantee, mortgagee, assignee or lessee, as directed in the application herefor.

When the title is properly closed and the papers are duly executed and delivered by the proper parties and duly recorded, and title evidence furnished certifying same, a policy of Title Insurance in the usual form of the Pioneer National Title Insurance Company will be issued for the amount named above, excepting all estates, liens, encumbrances and defects shown herein or created subsequent to the date hereof, and not properly disposed of.

No liability will be assumed by the Company under this certificate unless the premium is paid.

This certificate shall not be binding until it shall have been signed by an authorized officer or agent of the Pioneer National Title Insurance Company.

Dated as of January 18, 1967, 8 A.M.

Ralph W. Fraker

Authorized Signature
RALPH W. FRAKER, ATTORNEY

Name of party or parties in whom title is vested:

GEORGE J. EGENOLF

Description of Premises:

State of Indiana, County of Marion:

③ { The South 6.75 feet of the North 25.5 feet of Bicking Street (now vacated), said 25.5 foot strip being the street abutting Lot 27, in Richard J. Gatling's Subdivision of Part of Out Lot 117 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Deed Record U page 368, in the office of the Recorder of Marion County, Indiana.

SCHEDULE B

Showing estates, liens, encumbrances, defects and other objections to title which now exist thereon, and will be made exceptions in the policy, unless removed.

1. Rights or claims of parties in possession not shown of record.
2. Encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements and claims of easement not shown of record.
4. Mechanic's or materialmen's liens, or other statutory liens for labor or material not shown of record.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Taxes for 1965 payable 1966 on 20 ft. S Side L 27 OL 117 & 1/2 Vac. St. Gatlinges Sub. in name of Jenoe & Anna Biro.
Duplicate #6007715, Code #1-01
Township: I-Center, Parcel #1092540
May \$65.69 paid; November \$65.69 paid;
Assessed Valuation: Land \$720.00; Improvements \$1,660.00;
Exemptions \$1,000.00
Taxes for 1966 payable 1967 in name of same.
7. Taxes for 1965 payable 1966 on Lot 25 OL 117 McCartys Sub. in name of George Egenolf.
Duplicate #6026292, Code #1-01
Township: I-Center, Parcel #1003534
May \$25.23 paid; November \$25.23 paid;
Assessed Valuation: Land \$530.00; Improvements None;
Exemptions None.
Taxes for 1966 payable 1967 in name of same.
8. Electric Line Easement granted from George J. Egenolf, widower to Indianapolis Power & Light Company, for purposes of constructing and maintaining electric power lines over a strip of land 5.0 ft. in width lying South of, adjacent to and parallel with the following described line; beginning at a point on the West line of Pennsylvania Street, 18.75 ft. North of the Northeast corner of lot 35 in said McCarty's Sub. thence West, 80.0 ft. to a point, recorded August 9, 1962 in Deed Record 1942, as Instrument #71996.

NOTE: Real Estate herein zoned D-8 according to zoning maps of Dwelling Districts Zoning Ordinance.

"Variance #506-V-50, granted November 13, 1950 to permit the use of one motor in excess of three horsepower in the operation of a shop for repair of printing and binding machinery in the existing non-conforming machine shop and garage at 928 South Pennsylvania Street."

164

INTERIM CERTIFICATE OF TITLE

Pioneer National Title Insurance Company

Union Title Division

S.R. I-70	PROJECT I-70-3 (52)	COUNTY Marion	PNTIC # 66-6359-S
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Name on Plans None Given

Name of Fee Owner George Egenolf

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 May 5, 1966 8 A.M. to and including April 1, 1968 8 A.M. reveals no changes as to the real estate described under PNTIC # 66-6359-0 except:

- Taxes for 1966 payable 1967 in name of George Egenolf
Duplicate # 7067879-80 Parcel # 1003534-1067 Township I-Center Code # 1-01
May \$ 472.82 (paid) ~~(XXXXX)~~; November \$ 472.82 (paid) ~~(XXXXX)~~
Taxes for 1967 payable 1968 ~~now a lien~~ unpaid in name of George Egenolf
Taxes for 1968 payable 1969 now a lien in name of George Egenolf.

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

Bruce A. Nelson
Assistant Secretary

Walter A. McLean
Vice President

Countersigned and validated as of the 11 day of April, 19 68.

[Signature]
Authorized Signatory

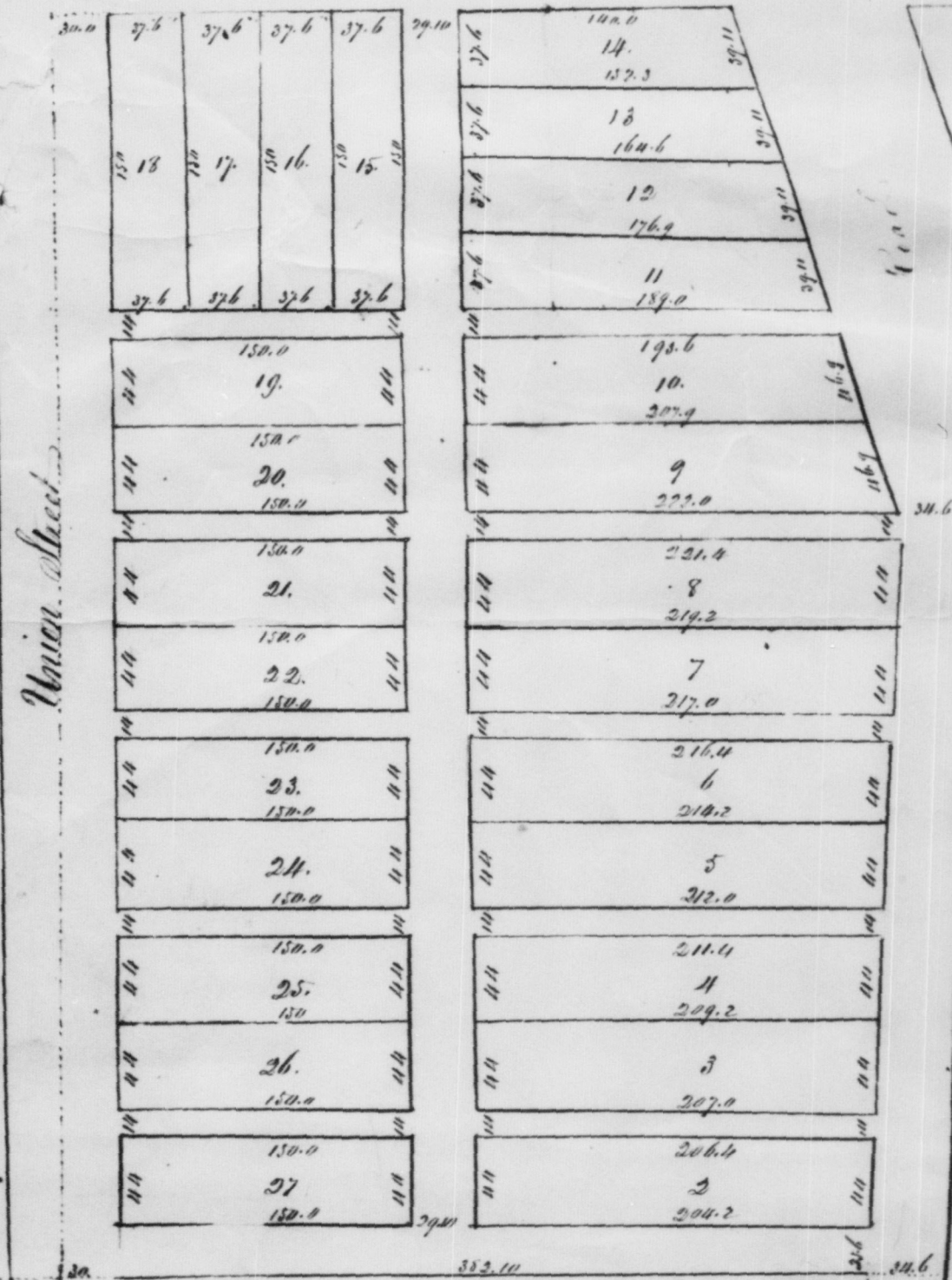
TOM WITHROW, Title Officer

2917-1

Subdivision of Gattings part of Unit Lot No. 117

Record No. U

McCarly Street



GATLING'S SUB.
LAND RECORD-U
PAGE 368

Indiana
 Vance County
 I Richard S. Gattling being the legal
 owner and proprietor of the part of Unit Lot No. 117 in Indianapolis embraced
 the above plat have subdivided the same into lots as follows more or less
 in 1 to 27 inclusive as represented in the above plat. of each lot in
 it and parts of feet is correct, and also the width and depth
 legs as designated are true and correct as shown in the above plat
 and no hindrance shall be made to the same

66-6359A

CAPTION

-1-

Continuation of Abstract of Title to Lots 35 and 36 in McCarty's Subdivision of Out Lot 116 and 2 acres on South side of Out Lot 117 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, page 77, in the Office of the Recorder of Marion County, Indiana.

② { Also, a strip of land 12 feet in width north of and adjoining Lot 35 herein, being a part Bicking Street as vacated under Resolution No. 17529, recorded July 8, 1957 in Deed Record 1669 as Instrument No. 40777.

Since September 20, 1950, 7 A.M.

Prepared For: Egenolf Machine Company, Inc.

Deed Record
1394 Instr.#70643
Dated
Oct. 20, 1950
Recorded
Oct. 21, 1950

H. Ralph Huey and
Nell Huey,
his wife
to
George Egenolf and
Leona Egenolf,
husband and wife

Warranty Deed
(U. S. Revenue
Stamp Attached)

-2-

Stamp
① { Lots 35 and 36 in McCarty's Subdivision of Out Lot 116 and 2 acres off the South Side of Out Lot 117 of the Donation Lands of the City of Indianapolis, as per plat thereof, recorded in Plat Book 1, pages 77 and 78, in the Office of the Recorder of Marion County, Indiana.

66-6359A

Deed Record
1669, Inst. #40777
Dated
June 13, 1957
Recorded
July 8, 1957

-3-

Certificate to Recorder of Marion County, of proceedings had by the Board of Public Works of the City of Indianapolis, in the matter of the Vacation of Bicking Street from the West Line of Pennsylvania Street to the East Line of Union Street Declaratory Resolution No. 17529 adopted February 21, 1957 and all legal proceedings were had by said Board pursuant thereto as provided by statute and final assessment roll approved which proceedings are duly recorded in Street and Alley Opening and Vacation Record No. --, page --, said vacation is more particularly described as follows:

The proposed Vacation being a part of the South Half of the Southwest Quarter of Section 12, Township 15 North, Range 3 East more particularly described as follows:

Beginning at the intersection of the west line of Pennsylvania Street with the south line of Bicking Street in the City of Indianapolis, Indiana, which point is the northeast corner of Lot 35 in McCarty's Subdivision of Outlot 116 as recorded in Plat Book 1, Page 77 in the office of the Recorder of Marion County, Indiana. Thence north along the (north) line of Pennsylvania Street, extended, 37.5 feet, to the north line of Bicking Street. Thence west along the north line of Bicking Street 150 feet to the east line of Union Street. Thence south along the east line of Union Street, extended, 37.5 feet to the south line of Bicking Street. Thence east along the south line of Bicking Street 150 feet to the place of beginning.

The property beneficially or injuriously affected being the abutting property.

10 foot Utility Easement Retained, south side, entire length of Vacation.

Be it further resolved that the above described street be and is hereby Vacated.

By the foregoing proceedings a strip of ground of the uniform width of 12 feet was added to the entire northside of Lot 35 described in the Caption hereof.

-4-

Leona G. Egenolf died testate July 15, 1962.

-2- mg

66-6359A

Will Record
A67 page 10
Probated
July 23, 1962

LAST WILL AND TESTAMENT OF LEONA G. EGENOLF, DECEASED.
Will does not specifically mention or describe
caption real estate and is not set out herein.

-5-

IN THE PROBATE COURT OF MARION COUNTY

Estate Docket
E62-993

IN THE MATTER OF THE ESTATE OF LEONA G. EGENOLF, DECEASED.
July 23, 1962. George J. Egenolf duly appointed
and qualified as Executor of the last will and testament
of Leona G. Egenolf, deceased.

-6-

Order Book 581 page 256.
August 14, 1962. Proof of notice of appointment
filed.
February 25, 1963. Verified final report filed.
----- Proof of publication of final notice filed.
March 25, 1963. Final Report approved and estate
closed.

Order Book 608 page 493.
Final Report Record 367, page 163.
Note: Entry on final report reads in part
as follows, to wit:

And it appearing that no objections were filed
thereto, and the Court being duly advised in the premises
NOW FINDS:

Due notice of the filing of said final report
and of the hearing on the same were given to all persons
interested in said estate, and the same are now properly
before the Court for final action thereon.

More than six months have elapsed since the date
of the first published notice to the heirs and creditors
of said decedent; all claims filed against said estate
have been paid and discharged; neither said decedent
nor her Executor were employers of labor within the
meaning of that term as used in the Indiana Employment
Security Act; that said estate was not subject to any
inheritance taxes nor was said estate subject to
any Gross Income Taxes; that said estate was not subject
to Federal Estate Taxes although estate tax returns
were duly filed in the Office of Internal Revenue
Service, U. S. Treasury Department, on October 12, 1962.

-3- mg -over-

66-6359A

That said decedent died the owner of no real estate in her own name at the time of her death, but she, together with her husband, George J. Egenolf, as tenants by the entireties, were the owners of the following described real estate located in Marion County, Indiana, to wit:

Lots 35 and 36 in McCarty's Subdivision of Out Lot 116 and 2 acres off the South Side of Out Lot 117 of the Donation Lands of the City of Indianapolis, as per plat Book 1, pages 77 and 78 in the Office of the Recorder of Marion County, Indiana, (Also other real estate) which said real estate, upon the death of testatrix, became vested in George J. Egenolf, surviving husband of said testatrix.

Said Executor is hereby directed to procure and record in the Office of the Recorder of Marion County, Indiana, a certified copy of this final decree.

ABSTRACTOR'S NOTE: Schedule of property of said decedent filed with the Inheritance Tax Appraiser for Inheritance Tax Appraisal lists caption real estate under joint tenancies as an asset of said estate. Said Schedule further shows the gross value of said decedent's estate to be \$1,910.00.

Note: Transcript of decree approving Final Report was recorded April 8, 1963 in Deed Record 1986, as Instrument No. 22788.

SHOWN FOR REFERENCE ONLY

ELECTRIC LINE EASEMENT

Deed Record
1942, Instr. #71996
Dated
July 23, 1962
Recorded
August 9, 1962

THIS INDENTURE WITNESSETH, That George J. Egenolf, widower hereinafter referred to as Grantor, for and in consideration of the sum of \$1.00 and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants unto Indianapolis Power & Light Company, an Indiana corporation, of Indianapolis, Indiana, its successors and assigns, hereinafter referred to as Grantee, the right, privilege, easement and authority to construct, reconstruct, repair, operate, maintain and remove an electric power line or lines, with all necessary poles, wires, cables, fixtures and appliances, including guy wires, stubs, anchors and brace poles and other facilities and equipment as by it may be deemed necessary, for the transmission and distribution of electrical energy through, upon, over, along, under and across the following described real estate, owned by the Grantor, or in which the Grantor has an interest, situated in the County of Marion, State of Indiana, to wit:

-7-

66-6359A

A part of vacated (Resolution #17529) Bicking Street in McCarty's Sub of part of Outlot 117 described as follows; a strip of land 5.0 ft. in width lying South of, adjacent to and parallel with the following described line; beginning at a point on the West line of Pennsylvania Street 18.75 ft. North of the Northeast corner of lot 35 in said McCarty's Sub. thence West, 80.0 ft. to a point.

Grantor certifies that there is no Indiana Gross Income Tax due on proceeds received from the transfer herein, or any interest therein described in this instrument, at the time of this transfer, and upon and along the roads, streets or highways adjoining said real estate, with the right to permit the attachment of the wires and appurtenances of any other company, and the right, privilege and authority (1) of ingress and egress for the employees, agents, licensees and representatives of the Grantee to, from and over said above described real estate and over adjoining lands of the Grantor, (2) to cut and trim any and all trees and shrubbery located within and adjacent to said above described real estate so as to keep the wires and appurtenances free and clear of any obstruction and interference by at least 4 feet, and (3) to do all other acts and things requisite or necessary for the full enjoyment of the rights, privileges, easement and authority herein granted.

The Grantor expressly reserves unto himself, and/or his heirs, administrators, executors, successors and assigns, all right, title and interest in and to the real estate hereinabove described not specifically granted to the Grantee herein, its successors and assigns.

IN WITNESS WHEREOF, the undersigned has hereunto set his hands, this 23rd day of July, 1962.

George J. Egenolf,
Widower

Instrument shows name of person preparing same.

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

-8-

66-6359A

Juvenile Court
Search

-9-

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
Code

-10-

Search has been made of the records in the Office of the Recorder of Marion County, Indiana, which 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".

Judgment Search

-11-

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:

George Egenolf
or
George J. Egenolf
and
Leona Egenolf
or
Leona G. Egenolf
jointly and
not individually

from May 2, 1956,
to and including
July 15, 1962

and vs

George Egenolf
and
George J. Egenolf

for the 10 years
last past and
against none other

66-6359A

-12- Taxes for the year 1964 and prior years paid in full.

-13- Taxes for 1965 payable 1966 in name of George Egenolf.

Duplicate Nos. 6026292-3, E-F-G, Indianapolis,
Center Township, Code No. 1-01, Parcel Nos. 1003534,
1063122.

May Installment \$441.26 Paid.

November Installment \$441.26 Unpaid.

-14- Assessed Valuation:

Land \$2,080.00 Improvements \$7,190.00 Exemptions (None)

-15- Taxes for 1966 now a lien in name of George Egenolf.

SYNOPSIS OF ZONING AND PLANNING REGULATIONS

-16-

The original comprehensive Zoning Ordinance of the City of Indianapolis, General Ordinance No. 114-1922, was repealed and reordained by General Ordinance No. 104-1950, as amended, to regulate and restrict height, area, bulk and use of buildings and to specify and regulate location of industries and commercial enterprises.

A Marion County Master Plan, Permanent Zoning Ordinance, prepared by the Marion County Plan Commission, was adopted by the Board of Commissioners Nov. 12, 1948, and a certified copy was recorded February 24, 1949, in Miscellaneous Record 430, page 384 etc., for regulating use and intensity of use of land, location of industries and commercial enterprises, prescribing minimum dwelling dimensions and lot area requirements and defining use classifications, providing subdivision controls and thoroughfare plans.

The Metropolitan Plan Commission of Marion County, by Resolution adopted by the County Council as Ordinance No. 8-1957 effective March 28, 1957, recorded April 1, 1957, in Deed Record 1657, page 486, adopted and continued all existing Master Plans then in force in Marion County and in the various Cities and Towns as a consolidated Master Plan.

An Airport District Ordinance was adopted by the Marion County Council Sept. 4, 1963, and recorded Oct. 7, 1963, as Instrument #59018 in the Recorder's Office, establishing an "Airport Approach Area" within a radius of 10,000 feet from the airport reference point, and an "Airport Circling Area", prescribing regulations as to character, use and height of structures and cleanness of air in said areas.

A Central Business District Zoning Ordinance effective April 7, 1964, was adopted for Metropolitan Indianapolis, classifying areas and permitted businesses, with regulations respecting use of buildings, parking, etc.

An Industrial Zoning Ordinance #63-AO-4 was adopted Nov. 7, 1963, 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 Indianapolis and Marion County, including regulation and limitation of height, area, bulk and floor space of structures, and performance standards, standards of density, and traffic distribution therefor.

Low Rise Multiple Dwelling Zoning Districts Zoning Ordinance was adopted August 4, 1964, to provide for establishment of Multiple Dwelling Zoning Districts and regulations pertaining thereto, to be designated by Zoning District symbols D-6, etc.

Ordinances generally provide that lots platted or owned previously may be used even if substandard in size and legally established non-conforming use may be continued under existing conditions. Specified set-back lines and yard sizes are required in all areas.

Attached hereto is an exhibit showing the basic classifications designated in the ordinances affecting the City of Indianapolis and Marion County. The provisions of the ordinances are too voluminous to permit adequate reporting herein. More details can be furnished upon request, but for specific information, reference should be had to the complete text of the appropriate ordinance. This statement is a synopsis only and is furnished for general information.

According to the maps filed with the respective ordinances, the real estate described herein appears to lie in District designated U-3, H-1, A-4 as to 40 feet East End of Lots 35 and 36 herein, Lots 35 and 36 herein, except 40 feet off of the East End thereof Zoned U-2, H-1, A-4.

-17- April 19, 1966. We hereby certify that no Variance has been granted by the Metropolitan Board of Zoning Appeals, Division I and II (Indianapolis) affecting the use of the real estate described in the caption hereof, except the following.

SYNOPSIS OF BASIC CLASSIFICATIONS OF ZONING ORDINANCES

CITY OF INDIANAPOLIS ZONING ORDINANCE AS AMENDED, ESTABLISHED THE FOLLOWING DISTRICTS:

Six classes of Use Districts termed respectively Class U-1, or Dwelling House Districts; Class U-2, or Apartment House Districts; Class U-3, or Business Districts; Class U-3, (S), or General Commercial Districts; Class U-4, or First Industrial Districts; and Class U-5 or Second Industrial Districts; In addition to the six classes of Use Districts, there are two additional classes, namely U-6 or Prohibited Uses, and U-7, or Special Permit Uses.

Four classes of Height Districts, H-1, 50 foot Height limit; H-2, 80 foot Height limit; H-3, 108 foot Height limit; and H-4, 180 foot Height limit.

Modifications of said height restrictions are provided depending upon position of building on lot, generally allowing 2 feet additional height in Classes H1 and H2 and 3 feet in H3 and H4 for each 1 foot the higher portion is set back from required yard lines.

Seven classes of Area Districts, Class AA, 15,000 square feet per family; Class A-1, 7,500 square feet per family; Class A-2, 6,800 square feet per family; Class A-3, 6000 square feet per family; Class A-4, 1700 square feet per family; Class A-5, 1100 square feet per family; Class A-6, 800 square feet per family.

Restrictions of Floor Areas;

In Class AA district 1500 square feet;

In Class A1 district 900 square feet;

In Class A2 District 900 square feet;

In Class A-3, A4, A5 or A6 district 720 square feet.

MARION COUNTY MASTER PLAN AS AMENDED ESTABLISHED THE FOLLOWING:

F-1 Forestry District: A-1, A-2, Agricultural District: R-1, R-2, R-3, R-4, R-5, R-6, Residential Districts: B-1, B-2, B-3, B-4, B-5, B-6, Business Districts: I-1, I-2, I-3, Industrial Districts: RT-1, RT-2, RT-3, Residential District Temporary: S, Special Uses District: RR, Railroad District; G-S, Gravel Sand District.

Minimum requirements as follows:

District - Lot Area - Lot Width - Dwelling Dimensions

			one-story	higher
A-1	15,000	80	900	660
A-2	15,000	80	900	660
R-1	24,000	100	1500	1000
R-2	20,000	90	1200	800
R-3	15,000	80	900	660
R-4	11,250	70	720	500
R-5	9,000	60	500	500
R-6	14,000	80	900	660

Variations of foregoing are provided for multiple dwellings.

CENTRAL BUSINESS DISTRICT ZONING ORDINANCE CREATES CLASSES AS FOLLOWS:

Central Business District One (CBD-1)

Central Business District Two (CBD-2)

Central Business District Three (CBD-3)

INDUSTRIAL ZONING ORDINANCE CREATES CLASSES AS FOLLOWS:

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

66-6359A

VARIANCE

Case No. 506
Year 1950

-18-

Records in the Office of the Board of Zoning Appeals of the City of Indianapolis, show that said Board, at its meeting held November 13, 1950 granted a variance to permit the use of one motor in excess of three of three horsepower in the operation of a shop for repair of printing and binding machinery in the existing non-conforming machine shop and garage at 928 South Pennsylvania Street.

VARIANCE

Case No. 187
Year 1963

-19-

Records in the Office of the Board of Zoning Appeals of the City of Indianapolis, show that said Board, at its meeting held May 10, 1963 granted a variance of use and front building line requirements to permit operation of an office in the existing residence at 927 Union Street and to erect an addition connecting said residence to the existing machine shop previously granted by variance, at 928 South Pennsylvania Street, with a pole sign 5 feet from Union Street front lot line, and with offstreet parking and loading spaces provided.

GUARANTEED CERTIFICATE

-20-

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 20 both inclusive and sheets watermarked "Pioneer National Title Insurance Company" Nos. 1 to 11 both inclusive.

Dated at Indianapolis, Indiana, May 5, 1966, 8 A.M.

PIONEER NATIONAL TITLE INSURANCE COMPANY

UNION TITLE DIVISION

by Walter A. McLean

Vice President and Division Manager

-11- mg

PIONEER NATIONAL TITLE INSURANCE COMPANY

UNION TITLE DIVISION

ABSTRACTS OF TITLE · TITLE INSURANCE · ESCROWS

P.O. Box 876

Union Title Building
155 EAST MARKET ST.
632-2361

Indianapolis, Indiana 46206

66-6359A

UNITED STATES DISTRICT COURTS OF INDIANA

SOUTHERN DISTRICT

NORTHERN DISTRICT

Indianapolis Division
Terre Haute Division
Evansville Division
New Albany Division

South Bend Division
Hammond Division
Fort Wayne Division
Lafayette Division

**SEARCH FOR
PENDING BANKRUPTCIES
INTERNAL REVENUE TAX LIENS**

Prepared for: **Egenolf Machine Company, Inc.**

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

April 27, 1966, 8 A.M. and

The Indianapolis Division of the Southern District down to and including

April 28, 1966, 8 A.M.

George Egenolf

George J. Egenolf

Leona Egenolf

Leona G. Egenolf

Pioneer National Title Insurance Company
Union Title Division
By Walter A. McLean
Vice President and Division Manager

mg