

STATE OF INDIANA }  
COUNTY OF MARION } SS:

IN THE SUPERIOR COURT OF  
MARION COUNTY, INDIANA

STATE OF INDIANA,  
Plaintiff

-vs-

KATHRYN McLAFFERTY and  
JOSEPH McLAFFERTY

Defendants

0536-325  
CAUSE NO. S369-212

FILED  
S3  
OCT 15 1971  
S3  
Clerk

FINDING AND JUDGMENT

Comes now the plaintiff, State of Indiana, by Theodore Sendak, Attorney General, by and through Alex Baker, Deputy Attorney General, <sup>and defendants</sup> by their attorney of record herein, John Tinder, and plaintiff now withdraw its request for a jury trial, defendants consenting thereto and this cause is now submitted to the court upon the issues formed by the exceptions heretofore filed by the plaintiff, and the court being duly advised finds as follows:

1. That the plaintiff, State of Indiana, filed its complaint for the appropriation of the fee for highway right of way over defendants' real estate on the 3rd day of March, 1969, and the defendants were properly served with notice as provided by statute prior to the hearing in this cause.

2. That on the 24th day of March, 1969, being the day set for the hearing of the cause, an order was entered upon the record of the Marion Superior Court, signed by Glenn Funk, Judge, showing that the fee for highway right of way over the defendant's real estate was condemned for the uses and purposes described in said complaint.

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

4. That on the 7th day of April, 1969, said court-appointed appraisers returned their report to the court showing total damages in the sum of Eight Thousand Dollars (\$8,000.00), and the court ordered the appraisers' fees set at One Hundred Fifty Dollars (\$150.00) each.

5. That the plaintiff, State of Indiana, paid the award of the appraisers together with the fees for the services of said appraisers to the clerk of the court on the 2nd day of May, 1969, and the defendants subsequently withdrew a portion of said award on the 29th day of July, 1969.

6. That the plaintiff, State of Indiana, filed exceptions to the court-appointed appraisers' report on the 7th day of April, 1969.

7. That the defendants, filed no exceptions to the court-appointed appraisers' report.

8. That the total value of the fee for highway right of way taken and the damages to the remaining land of the defendants is Seven Thousand Dollars (\$7,000.00), which sum includes any interest to which the defendants may be entitled, and that the defendants, should recover from the plaintiff, State of Indiana, total damages in the sum of Seven Thousand Dollars (\$7,000.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 24th day of March, 1969, be, and the same is hereby confirmed and the fee for highway right of way over defendants' real estate described in plaintiff's complaint be, and the same is appropriated, for highway right of way being more particularly described as follows:

Project 1-70-3(52)77

Parcel 325

IN FEE - LIMITED ACCESS

Lot number 44 in McKernan & Pierce's Subdivision of Out Lot 128 in the City of Indianapolis, as per plat thereof recorded in Plat Book 2, page 136, of the records of the Recorder of Marion County, Indiana.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the above described real estate, excepting on any part of said real estate which is not utilized in the limited access portion of the above designated project.



Given under my hand and seal April 25, 1968

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED By the Court that the defendants, Kathryn McLafferty and Joseph McLafferty, have and recover from the State of Indiana as final and total damages the sum of Seven Thousand Dollars (\$7,000.00), which sum includes any interest to which the defendants may be entitled, which said amount has partially been paid the defendants herein when they withdrew a portion of the court-appointed appraisers award in the sum of Five Thousand Five Hundred Dollars (\$5,500.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of the Court pay to the plaintiff, State of Indiana, the sum of One Thousand Dollars (\$1,000.00), which amount when added to the amount paid to the defendants as set out above equals the amount of the court-appointed appraisers' award.

Dated: 10/15/71

*Glenn A. Jones*

Judge of the Marion Superior Court #3

Approved:

*John S. Rinder*  
Attorney for Defendants

*Oliver Baker*  
Deputy Attorney General  
Attorney for the Plaintiff,  
State of Indiana

SETTLEMENT ANALYSIS

DEPUTY Jay M. Brodey TRIAL DATE \_\_\_\_\_  
 STATE VS Kathryn McLafferty, et. vir. FILE March 3, 1969  
 COURT Marion Superior Court #3 CAUSE NO. S 369-212  
 PROJECT I-70-3(52) PARCEL NO. 325 ROAD I-70

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY:

This property is located at 829 S. West Street, Indianapolis, Indiana, and contains a 30 x 90 foot lot.

IMPROVEMENTS:

One and one-half story wood framed single family dwelling containing 1430 square feet.

DESCRIPTION OF TAKE: (Attach sketch)

Total take.

AREA OF TAKING 2700 square feet AREA OF REMAINDER -0-  
 OFFER PRIOR TO CONDEMNATION \$ 5500 COURT AWARD \$ 8000  
 DEFENDANTS' ATTORNEY Mr. Tinder  
 COURT APPRAISERS' REPORT - DATE FILED April 7, 1969  
 EXCEPTIONS -STATE Yes DATE 4-7-69 DEFENDANTS No DATE \_\_\_\_\_

REVIEW APPRAISERS:

REVIEWERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
Philip York 4-6-67		\$5500.00	-0-	-0-	\$5500.00

SUMMARY PROPOSED SETTLEMENT:

Review Appraisers' Amount \$ 5500.00  
 Adjustments (See Memo) \$ 700.00  
 Court Costs: (See Memo)  
 Additional Appraisals \$ 300.00  
 Witness Fees \$ 450.00  
 Local Counsel Fees \$ -0-  
 Jury Costs \$ -0-  
 Miscellaneous Costs \$ 50.00  
 TOTAL..... \$ 7000.00

REFUND DUE STATE from  
 Deposit with Court:  
 \$ 1000.00  
 ADDITIONAL AMOUNT to  
 Pay into Court:  
 \$ -0-

SETTLEMENT AT:

\$ 7000.00

*(Signature)* 3-1-71

RANGE OF STATE'S APPRAISALS:

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
Boyce 4-4-67	\$5500.00		-0-	-0-	\$5500.00

RANGE OF DEFENDANTS' APPRAISALS:

None known					

BREAKDOWN OF COURT APPRAISERS' AWARD:

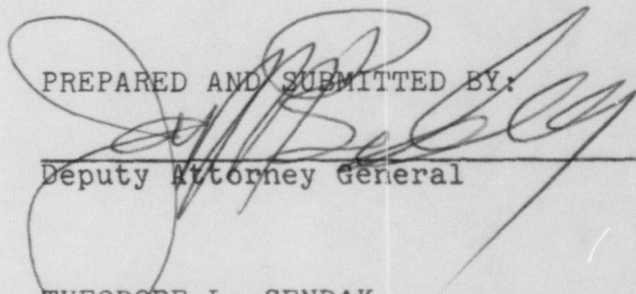
	\$3500.00	\$4500.00	-0-	-0-	\$8000.00
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COURT APPRAISERS' AWARD:

Deposited (date): 5-2-69 Withdrawn: No        Yes & Date 7-29-69  
 Amount Withdrawn \$ 5500.00 by McLafferty  
 \$                    by                   

EXPLANATION - Any increase over Review Appraisers' determination including adjustments, court costs and interest, on separate memo and attach. (Use attachment 1 to P.P.M. 80-6 as a guide)  
EXPLAIN FULLY.

DATED: 4.1.71

PREPARED AND SUBMITTED BY:  
  
 Deputy Attorney General

We concur in the above settlement:

THEODORE L. SENDAK  
 Attorney General of Indiana

By: Theodore L. Sendak  
 Title Attorney General

Indiana State Highway Commission

By: Donald Whiskler

Date: 4-5-1971

Title: Chief, Division of Land Acquisition

MEMORANDUM

Re: State vs. Kathryn McLafferty, et. vir.  
Cause No. S 369-212  
Marion Superior Court #3

A review of the State's appraisal together with all other pertinent information related to the file has convinced the writer that a settlement in the amount of \$7000.00 is both justified and in the best interests of the State of Indiana for the following reasons, to-wit:

1. The State's only appraiser, Mr. Timothy Boyce, is a resident of Fort Wayne, Indiana, and it is the writer's considered opinion that the best interests of the State would not be served by utilizing a man from Fort Wayne to testify as to the value of land in Marion County. This opinion is substantiated in at least one instance by the jury verdict in State vs. Steinmetz, wherein the State utilized one appraiser from Greenfield, Indiana, and one from Louisville, Kentucky, whereas the subject property is located here in Marion County. The writer worked on the case in preparing it for trial, but another deputy in fact tried it and informed me that the jury found it difficult to believe the opinions of the appraisers who were not really familiar with the subject property in this area. Based upon this, I believe that an additional appraisal would be in order which would create an additional expense, in the opinion of the writer, of at least \$300.00. This increase is recommended pursuant to PPM 80-6 C(5) in as much as this case has been pending for two years.

2. Assuming arguendo that Mr. Boyce would be utilized as a valuation expert, it would be necessary for him to update his appraisal to conform with the legal date of taking. PPM 80-6(4)

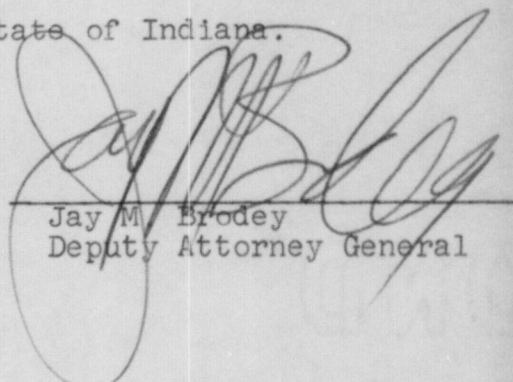
This appraisal would have to be updated then for a period of approximately two years and it is the writer's opinion based upon cost information furnished to him by appraisers as to properties in the same general area that there would be an increase in value.

3. The writer pursuant to PPM 80-6 B11 also deems relevant the fact that verdicts in Marion County have in many instances greatly exceeded the State's offer in condemnation proceedings. Examples of cases which illustrate the above are as follows:

	<u>Offer</u>	<u>Court Award</u>	<u>Verdict</u>
<u>State vs. Wysong</u>	\$5975.00	\$8500.00	\$16,850.00
<u>State vs. Tyner</u>	\$77,809.00	\$136,838.00	\$203,700.00
<u>State vs. Egenolf</u>	\$33,975.00	\$62,500.00	\$68,000.00

4. It is further the writer's opinion that the appraisal of Mr. Boyce is legally deficient for the reason that the comparable sales utilized by him are too remote in time with the possible exception of No. 24 which sold in January, 1966. See PPM 80-6, B1.

Based upon the foregoing, the writer is firmly of the opinion that a settlement in the amount of \$7000.00 is legally justified and in furtherance of the interests of the State of Indiana.

  
Jay M. Brodey  
Deputy Attorney General



**INDIANA STATE HIGHWAY COMMISSION**

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

0536

Dec 15, 1967 19

To Marie Powell  
City

GENTLEMEN:

We enclose State Warrant No. A 185248 12/11/67 19  
in settlement of the following vouchers:

68-315

Description	Amount
For <u>relocation expense</u> on State Road <u>49</u> <u>Marion</u> No. _____ in _____ County, Project <u>I-70-3(52)</u> Parcel No. <u>325</u> as per Grant/Warranty Deed, Dated <u>11/7/67</u>	235. 00

**PLEASE RECEIPT AND RETURN (Do not detach)**

Payment Received: By Marie Powell  
Date 1/5/70

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

0536

March 25 1970

To Marie Powell  
909 S. Missouri  
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A301191 3/12 19 70  
in settlement of the following vouchers:

70-509

Description	Amount
For <u>Supplemental Housing</u> on State Road No. <u>49</u> in <u>Marion</u> County, Project <u>I-70-3(52)</u> Parcel No. <u>325</u> as per Grant/Warranty Deed, Dated <u>3/4/70</u>	\$559. 92

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Marie Powell  
*JPM* Date April 9, 1970

*Recorded*

PAYEE'S NAME AND ADDRESS

CLERK OF MARION SUPERIOR  
COURT  
CITY COUNTY BLDG.  
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: \$ 845.00  
Federal Share: \$ 7605.00  
Total Amt. of Check: \$ 8450.00

DISTRIBUTION

DATE	3	2	4	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	Dr. or Cr.	Amount			
FUNCTION CODE	3 5					Appraisers Award part	4750	D	8000.00			
OBJECT CODE	011					Appraisers Fee part	4860	D	450.00			
PARCEL NO.	3 2 5					State vs-Kathryn McLafferty etux						
COUNTY NAME & NO.	Marion 4 9					Cause No. S369-212						
								Total	8450.00			

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) *nt*

X By \_\_\_\_\_  
Personal Signature Title

X \_\_\_\_\_  
Signature if individual

X \_\_\_\_\_  
Signature if individual

X \_\_\_\_\_  
Signature if individual

X \_\_\_\_\_  
Signature if individual

Recommend Approval:

William Key 4-769  
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. Godek APR 23 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 Date APR 11 1969

Approved: \_\_\_\_\_  
Chairman, Indiana State Hwy. Comm. Date \_\_\_\_\_

Control

APPRAISAL REVIEW FORM  
Division of Land Acquisition  
Indiana State Highway Commission

Project I 70-3(52)  
Parcel No. 325  
Road I 70  
County Marion  
Owner Kathryn McLaugherty  
Address 540 N Somerset St  
Address of Appraised Property:  
829 S. Heat 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. yes
- 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. Adv. Acq.
- 8. I have personally inspected the site and familiarized myself with the parcel on... 4/4/67
- 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 4/4/67 :  
(Date)

Estimate of Appraisers:

	By: <u>Boyce</u>	By:	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$ 5,500	\$	\$ 5,500
(b) The fair market value of the property after the taking, assuming the completion of the improvement is:	\$ -0-	\$	\$ -0-
The Total Value of Taking Is: (a minus b) TOTAL	\$ 5,500	\$	\$ 5,500
(1) Land and/or improvements	\$ 5,500	\$	\$ 5,500
(2) Damages	\$ -0-	\$	\$ -0-
(3) Less non-compensable items	\$ -0-	\$	\$ -0-
(4) Estimated Total Compensation	\$ 5,500	\$	\$ 5,500

Approved	Date	Signed
Acting Rev. Appr.	4/6/67	James R. Zank
Asst. or Chief Appr.	4/13/67	Phillip B. York
		Fred W. Lehky

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

STATE OF INDIANA )  
 )  
COUNTY OF MARION )

IN THE SUPERIOR COURT \_\_\_\_\_  
SS: OF MARION COUNTY, INDIANA

STATE OF INDIANA, )  
 )  
Plaintiff )

-vs-

KATHRYN MCLAFFERTY AND  
JOSEPH MCLAFFERTY (H&W)

CAUSE NO. S369-212

**FILED**

**S3 APR 7 1969 S3**

REPORT OF APPRAISERS

*E. W. Funk*  
CLERK

The undersigned appraisers in the above-entitled proceedings, appointed by the Hon. Glen W. Funk, Judge of the Superior Court on the 24 day of March, 1969, 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 ~~XXXX~~ 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 Thirty five hundred Dollars (\$ 3500.00 ).

The value of improvements, if any, on the portion of said realty sought to be appropriated, we find to be the sum of Forty five hundred Dollars (\$ 4500.00 ).

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 \$ 8,000.00 .

Dated: 3-31-69

William M. Thompson  
Fred J. Henry  
L. O. B. Cahill

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

AFFIDAVIT

JOSEPH McLAFFERTY, being first duly sworn upon his oath, deposes and says:

1. That Affiant is the surviving widower of KATHRYN McLAFFERTY, who died intestate a resident of Marion County, State of Indiana, on January 17, 1969.

2. That on the date of her death, the said KATHRYN McLAFFERTY was the sole owner in fee simple title of the following described real estate in said County of Marion, State of Indiana, to-wit:

Lot Number Forty-Four in McKernan & Pierce's Sub-division of Out Lot 128 in the City of Indianapolis, as per plat thereof recorded in Plat Book 2, page 136, in the Office of the Recorder of Marion County, Indiana;

and at her death, the said decedent, KATHRYN McLAFFERTY, was survived by the following persons, as her sole and only heirs-at-law, who thereupon became the owners of the aforescribed realty in the interests as set forth opposite their respective names, to-wit:

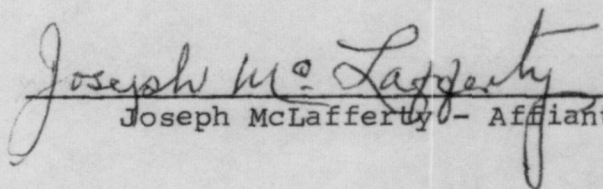
Joseph McLafferty - Husband (Adult) - One-third (1/3)  
Margaret Ann Hayes - Daughter (Adult) - Two-ninths (2/9)  
Mary Frye - Daughter (Adult) - Two-ninths (2/9)  
Kathryn Kahl - Granddaughter (Minor) - Two-ninths (2/9)

and said decedent was not survived by any other child or children, nor by any descendant of any other child.

3. That no administration was had in the estate of the said KATHRYN McLAFFERTY, and this Affiant does not anticipate that any

estate will be administered in respect thereto; that all of the property in the estate of said decedent was not of sufficient amount to require the filing of an Inheritance Tax Schedule under the Inheritance Tax laws of the State of Indiana; and the gross value of the estate of said decedent, taking into consideration the necessity of including in the evaluation thereof all gifts, if any, made by said decedent within three (3) years next preceding the date of her death, together with the value of her investment in all joint properties and estates by the entireties, plus all insurance upon her life, did not equal or exceed the sum of \$60,000.00, in consequence of which her estate was not subject to the Estate Tax law of the United States.

4. That this Affidavit is made to induce the State of Indiana to purchase the aforesaid real estate from said heirs-at-law of the said decedent, KATHRYN McLAFFERTY, and also to induce the Auditor of Marion County, Indiana to transfer said real estate from the name of the said KATHRYN McLAFFERTY, deceased, as sole owner, to the names of her said sole heirs-at-law; and further Affiant saith not.

  
Joseph McLafferty - Affiant

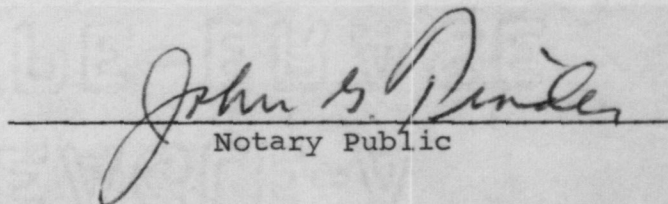
Subscribed and sworn to before me, a Notary Public in and for said County and State, this 18 day of October, 1971.

My Commission Expires:

Jan 19, 1975

This Instrument Prepared By:

JOHN G. TINDER, Attorney-at-Law

  
Notary Public



COPY

STATE OF INDIANA  
COUNTY OF MARION

SS:

IN THE SUPERIOR COURT  
OF MARION COUNTY, INDIANA

STATE OF INDIANA,  
Plaintiff  
-vs-  
KATHRYN McLAFFERTY and  
JOSEPH McLAFFERTY, her  
husband

Defendants)

S369 212

CAUSE NO. \_\_\_\_\_

FILED

MAR 3 1969

COMPLAINT FOR APPROPRIATION OF REAL ESTATE

NUMBER 1

The plaintiff, State of Indiana, complains of the above-named defendants, and says: That the plaintiff, acting through its legally organized and constituted Commission, known and designated as the Indiana State Highway Commission, is now engaged in the improvement of a certain public highway in 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 Kathryn McLafferty and Joseph  
McLafferty, her husband

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:

Lot numbered 44 in McKernan & Pierce's Subdivision of  
Out Lot 128 in the City of Indianapolis, as per plat  
thereof recorded in Plat Book 2, page 136, of the  
records of the Recorder of Marion County, Indiana.

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 325

IN FEE - LIMITED ACCESS

Lot number 44 in McKernan & Pierce's Subdivision of Out Lot 128 in the City of Indianapolis, as per plat thereof recorded in Plat Book 2, page 136, of the records of the Recorder of Marion County, Indiana.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the above described real estate, excepting on any part of said real estate which is not utilized in the limited access portion of the above designated project.



Given under my hand and seal April 25, 1968

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

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 4

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 5

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 6

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 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 maybe required for construction purposes.

NUMBER 7

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 8

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,  
*Theodore L. Sendak*  
~~JOHN J. DILLON~~  
Attorney General of Indiana

*James Q. Emsley*  
Deputy Attorney General

Attorneys for Plaintiff

Room 219  
State House  
Indianapolis, Indiana  
633-5512

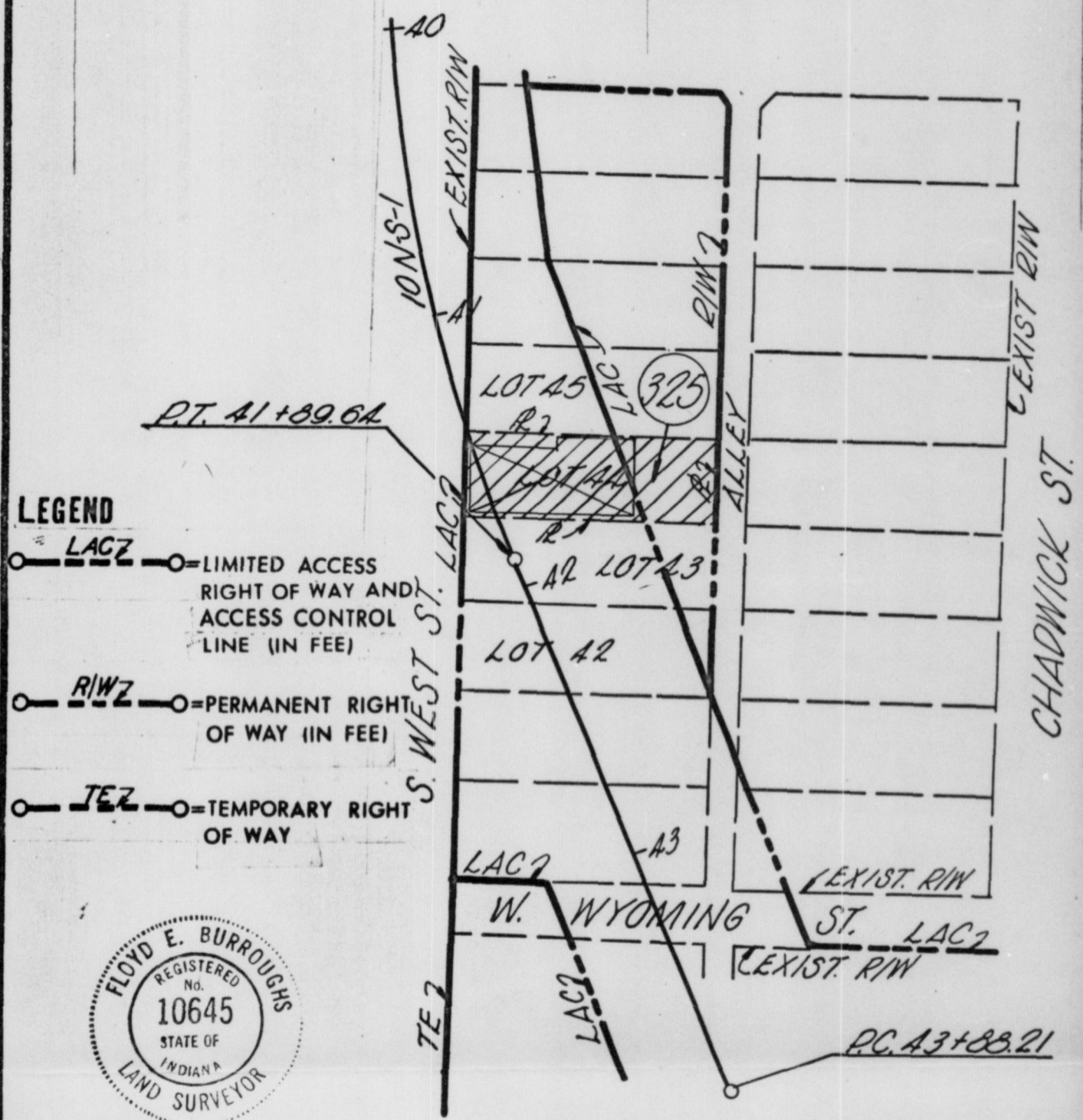
**PARCEL 325**  
**IN FEE LIMITED ACCESS**

LOT 44 IN MCKERNAN & DIERCE'S  
 SUBDIVISION OF OUT LOT 128 IN  
 THE CITY OF INDIANAPOLIS, AS  
 PER PLAT THEREOF RECORDED  
 IN PLAT BOOK 2, PAGE 136, OF THE  
 RECORDS OF THE RECORDER OF  
 MARION COUNTY, INDIANA.

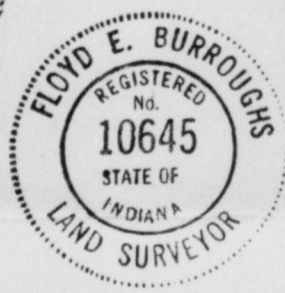
**AREA: 2700 S.F., MORE OR LESS**

PLAN SHEET 17  
 SKETCH 1 OF 1  
 PARCEL NUMBER 325

SCALE: 1" = 50'



- LEGEND**
- LAC2 = LIMITED ACCESS RIGHT OF WAY AND ACCESS CONTROL LINE (IN FEE)
  - RIW2 = PERMANENT RIGHT OF WAY (IN FEE)
  - TE2 = TEMPORARY RIGHT OF WAY



April 25, 1968  
*Floyd E. Burroughs*

INDIANA STATE HIGHWAY COMMISSION  
 PROJECT: I-70-3(52) 77  
 ROAD I-70 MARION COUNTY  
 RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM  
 MCLAFFERTY, KATHRYN

SEC. 11 , T. 15N. , R. 3E.  
 CONTAINING 2,700 S.F., MORE OR LESS  
 DRAWN BY *Bill Keller* CHECKED BY *J. BRIDGES* DATE *4-15-68*

HATCHED AREA IS APPROXIMATE TAKING

R E S O L U T I O N

WHEREAS, the carrying out of the construction and improvement by the Indiana State Highway Commission of Project 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 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.

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 \_\_\_\_\_

Kathryn McLafferty and Joseph McLafferty (her husband)

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 purposes, which land is specifically described as follows to-wit:



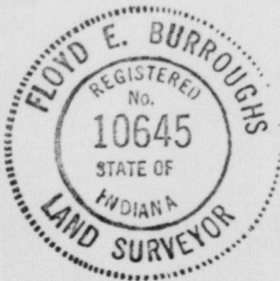
Project 1-70-3(52)77

Parcel 325

IN FEE - LIMITED ACCESS

Lot number 44 in McKernan & Pierce's Subdivision of Out Lot 128 in the City of Indianapolis, as per plat thereof recorded in Plat Book 2, page 136, of the records of the Recorder of Marion County, Indiana.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the above described real estate, excepting on any part of said real estate which is not utilized in the limited access portion of the above designated project.



Given under my hand and seal April 25, 1968

*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 28<sup>th</sup> day of March 19 68.

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

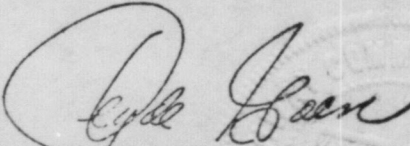
Offices of the Indiana State Highway Commission of  
Indiana, Indianapolis, Indiana.

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 \_\_\_\_\_

\_\_\_\_\_  
Kathryn McLafferty and Joseph McLafferty, her husband  
540 N. Sumerset St. Indianapolis, Indiana  
\_\_\_\_\_

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 28th day  
of March, 1968.

  
\_\_\_\_\_  
Secretary

SEAL:

INDIANA STATE HIGHWAY COMMISSION  
Land Acquisition Division

PROJECT NO. I 70-3 (52)

BUYER'S REPORT NUMBER: 2 COUNTY \_\_\_\_\_

PARCEL NO. 325

NAME & ADDRESS OF OWNER KATHRYN McLAFFERTY

540 N. SOMERSET AVE INDS.

PHONE # 6389167

NAME & ADDRESS OF PERSON CONTACTED Mrs. Marie Powell - THE RENTER -

829 S. West St.

PHONE # No

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

DATE ASSIGNED 4/17/67

DATE OF CONTACT 4/25/67

OFFER \$ \_\_\_\_\_

TIME OF CONTACT 3:30 P.M.

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: GAVE Mrs Powell 180 Day LETTER. Took a new

Paint (7) Relocation 135 - Completed Report.

DISLOCATION 100

235.00

ADVISED THAT SHE COULD USE A MOVIE BASED ON AUTHORIZED BID

UP TO 20000. EXPLAINED ABOUT RELOCATION OFFICE DENTAL ASST.

Suggested contact with Morris Miller - 1010 Chadwick, Phone

638-4224 - after the property was acquired -

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

Distribution Made

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

William J. Kavanagh  
(Signature)

INDIANA STATE HIGHWAY COMMISSION  
Land Acquisition Division

PROJECT NO. I 70-3(52)

BUYER'S REPORT NUMBER: 1 COUNTY Marion PARCEL NO. 325

NAME & ADDRESS OF OWNER KATHRYN McLAFFERTY  
540 N. SOMERSET AVE. PHONE # 638 9167

NAME & ADDRESS OF PERSON CONTACTED SAME  
RE 829 S. WEST ST. PHONE # \_\_\_\_\_

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

DATE ASSIGNED 4/17/67 DATE OF CONTACT 4/25/67

OFFER \$ 5500.00 TIME OF CONTACT 1 P.M.

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? By Myself)
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: THE <sup>ME</sup> McLAFFERTY'S FELT THE OFFER TOO LOW - THEY  
EXPECT TO CONFER WITH OTHER PROPERTY OWNERS  
& I WILL CONTACT NEXT WEEK.  
NO RESPONSIBILITY FOR 67 TAXES PAYMENT 68 EXPLAINED  
LEFT FIRM OFFER LETTER & 180 DAY LETTER.  
FILLED OUT LIST OF OCCUPANCY BUT Mrs <sup>ME</sup> McLAFFERTY DID NOT  
WANT TO SIGN IT. ALSO EXPLAINED GEN. ASSIST PROGRAM FOR  
TAXER RENTERS

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

Distribution Made

- (1) Parcel (1) Weekly Summary  
(1) Owner ( ) Other, Specify: \_\_\_\_\_

William J. [Signature]  
(Signature)

INDIANA STATE HIGHWAY COMMISSION  
Land Acquisition Division

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: 74 COUNTY MARION PARCEL NO. 325

NAME & ADDRESS OF OWNER KATHRYN McHAFFERTY  
540 N. SOMERSET PHONE # 638-9167

NAME & ADDRESS OF PERSON CONTACTED Jos. McHAFFERTY (HUSBAND)  
Re 829 S. WEST ST. PHONE # \_\_\_\_\_

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

DATE ASSIGNED 4/17/67 DATE OF CONTACT 3/18/68 - 3/20/68

OFFER \$ 5500<sup>00</sup> TIME OF CONTACT \_\_\_\_\_

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

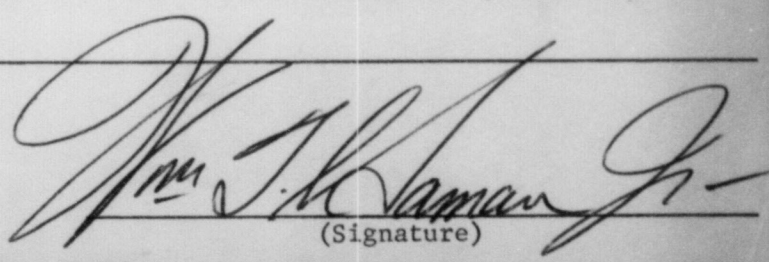
- 1. \_\_\_\_\_ Checked abstract with owner? 2. \_\_\_\_\_ Any affidavits taken?
- 3. \_\_\_\_\_ Any mortgage(s)? 4. \_\_\_\_\_ Any other liens, judgements, etc.?
- 5. \_\_\_\_\_ Showed plans, explained take, made offer, etc.?
- 6. \_\_\_\_\_ Explained about retention of buildings, etc.? 7. \_\_\_\_\_ 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: \_\_\_\_\_

3/18/68 THE OFFER AGAIN REFUSED. I'DE TOLD ME TO  
GO AHEAD WITH EMINENT DOMAIN PROCEEDINGS -  
3/20/68 MADE OUT CONDEMNATION REPORT -

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

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

  
(Signature)

INDIANA STATE HIGHWAY COMMISSION  
Land Acquisition Division

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: 3 COUNTY MARION

PARCEL NO. 325

NAME & ADDRESS OF OWNER KATHRYN McHAFFERTY  
540 N. SOMERSET

PHONE # 638-9167

NAME & ADDRESS OF PERSON CONTACTED JOE McHAFFERTY (HUSBAND)  
RE 829 S. WEST ST.

PHONE #

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

DATE ASSIGNED 4/17/67

DATE OF CONTACT 6/21/67

OFFER \$ 5500.00 TIME OF CONTACT 11AM

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:

THE McHAFFERTYS WILL NOT ACCEPT THE OFFER.

PUTTING PARCEL IN HOLD-

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

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

William J. Kammerer  
(Signature)

325

**INTERIM CERTIFICATE OF TITLE**

**Pioneer National Title Insurance Company**  
Union Title Division

S.R.	PROJECT	COUNTY	PNTIC #
I-70	I-70-3	Marion	66-13876-S

Name on Plans Kathryn McLafferty

Name of Fee Owner Kathryn McLafferty

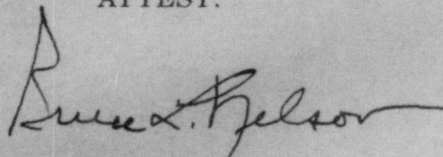
PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation with its principal Indiana Office in the City of Indianapolis, in consideration of premium paid, hereby certifies that a search of the records from November 9, 1966 8 A.M. to and including April 4, 1968 8 A.M. reveals no changes as to the real estate described under PNTIC # 66-13876-0 except:

1. Taxes for 19 66 payable 19 67 in name of Kathryn McLafferty  
Duplicate # 7160668 Parcel # 1024469 Township I-Center Code # 1-01  
May \$ 85.69 (paid) ~~XXXXX~~; November \$ 85.69 (paid) ~~XXXXX~~  
Taxes for 19 67 payable 19 68 ~~XXXXX~~ unpaid in name of Kathryn McLafferty  
**Taxes for 1968 payable 1969 now a lien in name of Kathryn McLafferty.**

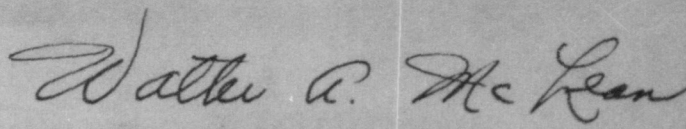
IN WITNESS WHEREOF, PIONEER NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereto affixed by its duly authorized officers.

ATTEST:

PIONEER NATIONAL TITLE INSURANCE COMPANY

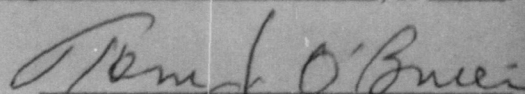


Assistant Secretary



Vice President

Countersigned and validated as of the 9 day of April, 19 68.



Authorized Signatory

**TOM J. O'BRIEN, Attorney**



325

**GUARANTY OF TITLE**

**Pioneer National Title Insurance Company**  
Union Title Division

S.R.	PROJECT	COUNTY	PNTIC #
I70	I70-3 (52)	Marion	66-13876-0

Names on Plans Kathryn McLafferty

PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation with its principal Indiana Office in the City of Indianapolis, in consideration of premium paid, hereby guarantees that as of the 9 day of November, 19 66 8 A.M.

**Kathryn McLafferty**

540 N. Somerset Street  
Indianapolis, Ind.

are the Record Owner or Owners of the property described in Schedule "A" as disclosed by a search of the Public Record for a twenty-year period immediately prior to the effective date of this Guaranty, and that said search disclosed no defects or liens or encumbrances in the title to said property except those shown in or referred to in Schedule "B".

This Guaranty is issued for the use and benefit of the State of Indiana.

The maximum liability of the undersigned under this Guaranty is limited to the sum of \$5,000.00.

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

*Walker A. McLean*  
Vice President

Countersigned and validated as of the 16 day of Nov., 19 66.

*James I. Wright*  
Authorized Signatory  
James I. Wright  
Attorney

**SCHEDULE "A"**

The property covered by this Guaranty is situated in the County of Marion in the State of Indiana and is described as follows:

Lot numbered 44 in McKernan & Pierce's Subdivision of Out Lot 128 in the City of Indianapolis, as per plat thereof recorded in Plat Book 2, page 136, of the records of the Recorder of Marion County, Indiana.

The Record Owner or Owners disclosed above acquired title by

Deed from Mike F. Gleason, unmarried  
dated March 22, 1939, recorded March 24, 1939  
in Deed Record 1009, Inst. #10630. (No U.S.R.)

SCHEDULE "B"

This certificate is a guarantee of Record Ownership only and as such does not purport to cover nor disclose:

1. the rights of parties in possession
2. matters that might be disclosed by an accurate survey
3. statutory liens for labor or materials unless filed of record
4. ordinances, laws or regulations enacted by governmental authority

The search of the record of the property described in Schedule "A" discloses the following liens, encumbrances or defects in the title of the Record Owner or Owners.

5. Taxes for 19 65 payable 19 66 in name of Kathryn McLafferty  
Duplicate # 6060940 Parcel # 1024469 Township I. Center Code # 1-01  
May \$ 79.97 (paid) ~~XXXXX~~; November \$ 79.97 ~~XXXXX~~ (unpaid)  
Taxes for 19 66 payable 19 67 now a lien.  
Assessed Valuation  
Land \$350.00 Improvements \$1,330.00 Exemptions None.

