

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE SUPERIOR COURT NO. 6 OF
MARION COUNTY, INDIANA

STATE OF INDIANA,
Plaintiff,

-vs-

STANLEY SELIG and DONA
SELIG (H&W),
Defendants.

0536-292
CAUSE NO. S669-572
FILED
S6 NOV -1 1972 S6

Edna Hand
CLERK

FINDING AND JUDGMENT

Comes now the plaintiff, State of Indiana, by Theodore L. Sendak, Attorney General, by and through John M. Schwartz, Deputy Attorney General, and comes now the defendant, Dona Selig, by her attorney of record herein, David E. McClure, and defendant now withdraws her request for a jury trial, plaintiff consenting thereto, and this cause is now submitted to the Court upon the issues formed by the exceptions heretofore filed by the defendant, and the Court being duly advised finds as follows:

1. That by stipulation by counsel of the parties herein, it is shown the Court that the defendant, Stanley Selig, is deceased and the remaining party in interest in this cause of action is the defendant, Dona Selig, widow of the deceased.

2. That the plaintiff, State of Indiana, filed its complaint for the appropriation of the fee simple title of defendant's real estate on the 5th day of June, 1969, which complaint is in words and figures as follows:

(H.L.)

and the defendant was properly served with notice as provided by statute prior to the hearing in this cause.

3. That on the 18th day of June, 1969, being the day set for the hearing of the cause, an order was entered upon the record of the Marion Superior Court No. 6, signed by Rufus C. Kuykendall,

Judge, showing that the fee simple title of defendant's real estate was condemned for the uses and purposes described in said complaint.

4. That by said order the Court also appointed three disinterested freeholders of Marion County to assess the damages and benefits to the defendant caused by the appropriation.

5. That on the 30th day of June, 1969, said court-appointed appraisers returned their report to the Court showing total damages in the sum of Seven Hundred Fifty Dollars (\$750.00), and the Court ordered the appraisers' fees set at One Hundred Dollars (\$100.00) each.

6. 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 30th day of July, 1969, and *the defendants subsequently withdrew said award on the 15th day of August 1969.*

7. That the plaintiff, State of Indiana, filed no exceptions to the court-appointed appraisers' report.

8. That the defendants filed exceptions to the court-appointed appraisers' report on the 8th day of July, 1969.

9. That the total value of the fee simple title of defendant's real estate taken and the damages to the remaining land of the defendant is One Thousand Nine Hundred Dollars (\$1,900.00), which sum includes any interest to which the defendant may be entitled, and that the defendant should recover from the plaintiff, State of Indiana, total damages in the sum of One Thousand Nine Hundred Dollars (\$1,900.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 18th day of June, 1969, be, and the same is hereby confirmed and the fee simple title of defendant's real estate described in plaintiff's complaint be, and the same is appropriated, said fee simple title being more particularly described as follows:

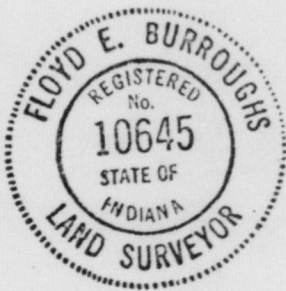
Project 1-70-3(52)77

Parcel 292

IN FEE - LIMITED ACCESS

North 24 feet of the East 73 feet of Lot 22 in Gatling's Subdivision of the North part of Out Lot 117, in the City of Indianapolis, recorded in Land Record "U", page 368 in the Office of the Recorder of Marion County, Indiana.

Given under my hand and seal April 25, 1968



Floyd E. Burroughs

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

SETTLEMENT ANALYSIS

DEPUTY John M. Schwartz TRIAL DATE Not Set
 STATE VS. STANLEY SELIG, et ux. FILED June 5, 1969
 COURT MARION SUPERIOR NO. 6 CAUSE NO. S669-572
 PROJECT I-70-3 (52) PARCEL NO. 292 ROAD I-70

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY:

Lot and dwelling - (dwelling vacant and unfit for habitation).
 846 South Pennsylvania
 Indianapolis, Indiana

IMPROVEMENTS:

Vacant dwelling in poor condition.

DESCRIPTION OF TAKE: (Attach sketch)

Total. (See sketch)

AREA OF TAKING 1.752 Sq. ft. AREA OF REMAINDER -0-

OFFER PRIOR TO CONDEMNATION \$ 1,900.00 COURT AWARD \$ 750.00

DEFENDANTS' ATTORNEY David McClure

COURT APPRAISERS' REPORT - DATE FILED June 30, 1969

EXCEPTIONS - STATE No DATE _____ DEFENDANTS Yes DATE July 8, 1969

REVIEW APPRAISERS:

REVIEWERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
Phillip G. York 2-9-67	\$1,150.00	\$750.00	-0-	-0-	\$1,900.00

SUMMARY PROPOSED SETTLEMENT:

Review Appraisers' Amount	\$ <u>1,900.00</u>	REFUND DUE STATE from Deposit with Court:
Adjustments (See Memo)	\$ <u>-0-</u>	\$ <u>-0-</u>
Court Costs: (See Memo)	\$ <u>-0-</u>	ADDITIONAL AMOUNT to Pay into Court:
Additional Appraisals	\$ <u>-0-</u>	\$ <u>1,150.00</u>
Witness Fees	\$ <u>-0-</u>	SETTLEMENT AT:
Local Counsel Fees	\$ <u>-0-</u>	\$ <u>1,900.00</u>
Jury Costs	\$ <u>-0-</u>	<u>9-22-72</u>
Miscellaneous Costs	\$ <u>-0-</u>	
TOTAL	\$ <u>1,900.00</u>	

*See attached
 memo for
 justification*

RANGE OF STATE'S APPRAISALS:

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
11-14-66 George Davidson	\$800.00	-0-	-0-	-0-	\$800.00

RANGE OF DEFENDANTS' APPRAISALS:

Unknown					

BREAKDOWN OF COURT APPRAISERS' AWARD:

Luther Miller					
Ross McMahan					
Kelse McClure	\$750.00	-0-	-0-	-0-	\$750.00

COURT APPRAISERS' AWARD:

Deposited (date): 7-30-69 Withdrawn: No X Yes & Date _____

Amount Withdrawn \$ _____ by _____

\$ _____ 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.

DATE: 9-27-72

We concur in the above settlement:

PREPARED AND SUBMITTED BY:

John M. Schwartz
Deputy Attorney General

John M. Schwartz
THEODORE L. SENDAK
Attorney General of Indiana

By Theodore L. Sendak

Title Attorney General

Indiana State Highway Commission

By James Schuster

Date: SEP 22 1972

Title: Chief, Division of Land Acquisition

CASE CLOSING INFORMATION SHEET

(must accompany all Trial or Settlement reports)

1. Exceptions filed by Defendants Yes X Date July 8, 1969 No _____
(verified with Court if no copy in file)

2. Award Withdrawn? Yes _____ No X Date _____ Verified by Court

3. Disposition of all Defendants
(Those listed on complaint and any others added later)

<u>Name</u>	<u>Represented by</u>	<u>Disposition</u>	<u>Disclaimed Default Interest yet</u>
Stanley Selig (Deceased)	David McClure	Settled	
Dona Selig (Widow)	David McClure	Settled	
_____	_____	_____	
_____	_____	_____	

(If additional space needed, add on back)

4. Bills for Services to be received:

<u>Bill From:</u>	<u>For this purpose:</u>
None	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. Interest runs from date award is paid to Clerk -- Did you stipulate any other date ~~NO~~ What was it? _____
Why? _____

MEMORANDUM

Re: State vs. Stanley Selig, et ux. Project: I-70-3 (52)
Cause No. S669-572 Parcel: 292

Offer: \$1,900.00
Award: \$ 750.00
Settlement: \$1,900.00

State vs. Stanley Selig, et ux. Project: I-65-3 (79) 111
Cause No. S769-490 Parcel: 677

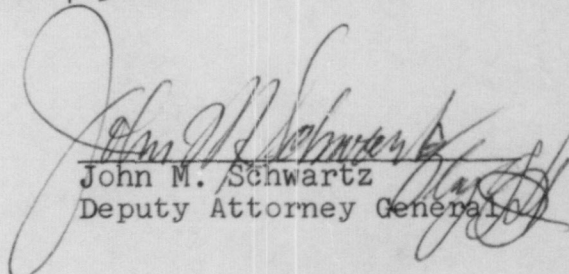
Offer: \$2,500.00
Award: \$6,100.00
Settlement: \$4,200.00

State vs. Stanley Selig, et ux. Project: I-65-3 (72)
Cause No. S569-239 Parcel: 616

Offer: \$ 750.00
Award: \$ 650.00
Settlement: \$ 750.00

The defendant, Mr. Stanley Selig, the object of some adverse publicity in a land development scheme a few years ago, met a sudden violent death, and his personal representative has been substituted as party in the above actions.

These three (3) cases, all of which have been pending more than three (3) years, were disposed of in a "package" settlement by agreement with the personal representative. In each case, and likewise taken as a whole, the costs of trial more than justify settlements at the respective amounts. This "package" settlement will result in a net refund to the State of \$650.00.


John M. Schwartz
Deputy Attorney General

Date: 9-22-72

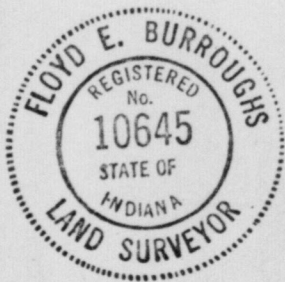
Project 1-70-3(52)77

Parcel 292

IN FEE - LIMITED ACCESS

North 24 feet of the East 73 feet of Lot 22 in Gatling's Subdivision of the North part of Out Lot 117, in the City of Indianapolis, recorded in Land Record "U", page 368 in the Office of the Recorder of Marion County, Indiana.

Given under my hand and seal April 25, 1968



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

INDIANA STATE HIGHWAY COMMISSION—RIGHT OF WAY—CLAIM VOUCHER

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

Warrant No.

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: \$ 2250
Federal Share: \$ 0000
Total Amt. of Check: \$ 22500

DISTRIBUTION

DATE	6 18 60 Month Day Year	Project Number	I 70354 Prefix Road Section Paren.			
LOCATION CODE	5 0 0	Participating or Non-Participating	Cost Account	Dr. OF Cr.	Amount	
FUNCTION CODE	3 5	Appraisers Award	1750		7500	
OBJECT CODE	011	Appraisers Fee	1500		1500	
PARCEL NO.	6 1 1	State vs. Stanley Selig et ux				
COUNTY NAME & NO.	Marion 4 9	Cause No. 5569-575				
					Total	22500

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.

6-27-69 X E. Allen Hunt
(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:

William C. Cory 6-27-69
Originator Date

LIENHOLDERS

I hereby sign this claim voucher as a lienholder and only certify to the extent of my interest therein and authorize payment to be made as indicated above.

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

_____ X By _____
Personal Signature Title

Grant Approved as to Form and Parcel Abstract Checked, Excepting Real Estate Description.

_____ Deputy Attorney General _____ Date

Payment Approved as to Account No. and Funds Available.

Quentin E. Johnson JUL 17 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 JUL 8 1969
Chief, Division of Land Acquisition Date

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

Warrant No.

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: \$ _____
Federal Share: \$ _____
Total Amt. of Check: \$ 1090 00

DISTRIBUTION

DATE	6	18	8	6	9	Project Number	I	7	0	3	5	2
	Month	Day	Year				Prefix	Road	Section	Parcel		
LOCATION CODE				5	0	0	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount		
FUNCTION CODE					3	5	Appraisers Award	750		750 00		
OBJECT CODE							Appraisers Fee	300		300 00		
PARCEL NO.				2	9	2	State vs. Stanley Selig et ux					
COUNTY NAME & NO.	Marion			4	9	Cause No.	S669-572			Total 1090 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. Allan Hunter
(If a firm or corporation, give name)

X By _____
Personal Signature Title

X _____
Signature if Individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:
Thomas L. Cussley 7-2-69
Originator Date

LIENHOLDERS

I hereby sign this claim voucher as a lienholder and only certify to the extent of my interest therein and authorize payment to be made as indicated above.

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

X By _____
Personal Signature Title

Grant Approved as to Form and Parcel Abstract Checked, Excepting Real Estate Description.

Deputy Attorney General _____ Date _____

Payment Approved as to Account No. and Funds Available.
Quentin E. Spiller JUL 17 1969
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 JUL 8 1969
Chief, Division of Land Acquisition Date

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

STATE HIGHWAY COMMISSION
STATE OFFICE BLDG.
INDIANAPOLIS, IND.

July 28,

1969
~~1968~~

Clerk of Marion Superior Court
City County Building
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A 273023 dated July 18, 1969
~~1968~~, in settlement of the following voucher:

DESCRIPTION	AMOUNT
Appraisers Award	\$ 750.00
Appraisers Fee	<u>300.00</u>
	\$ 1,050.00
George B. Tintera	100.00
James P. Mullane	100.00
Kelse F. McClure	100.00
State vs Stanley Selig, et ux Cause No. S669-572	

Project I-70-3(52) Parcel 292

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

AG-44



STATE HIGHWAY COMMISSION
STATE OFFICE BLDG.
INDIANAPOLIS, IND.

July 28

1969
~~1968~~

Clerk of Marion Superior Court
City County Building
Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. A 272998 dated July 18, 1969
~~1968~~ in settlement of the following voucher:

DESCRIPTION	AMOUNT
Appraisers Award	\$ 75.00
Appraisers Fee	<u>150.00</u>
	\$ 225.00
Luther Miller	50.00
Ross McMahan	50.00
Kelse F. McClain	50.00
State vs Stanley Selig, et ux Cause No. S569-575	

Project I-70-3(54) Parcel 611

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

AG-44

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: \$ _____

DISTRIBUTION

DATE	1 1 6 7 2 Month Day Year	Project Number	I 7 0 3 5 2 Prefix Road Section Paren.
LOCATION CODE	5 0 0	Federal Code 1 or 2	Cost Account
FUNCTION CODE	3 5	Dr. Cr.	Amount
OBJECT CODE			
PARCEL NO.	2 9 2		
COUNTY NAME & NO.	MARION 4 9		
			Total \$1,150.00

Purpose of This Payment:

Additional Amount to Satisfy
Agreed Judgment

State vs. Stanley Selig, et ux. Cause S669-572

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.

11-9-72 X E. Ellen Hunter
(If a firm or corporation, give name)

X By _____
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

Lillian Keaton 11-13-72
Originator Date

Approved:

William H. Belky
Chief, Division of Land Acquisition

NOV 13 1972
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.

Controller Date

Approved:

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

Approved

Chairman, Indiana State Hwy. Comm. Date

WS6

Control

APPRAISAL REVIEW FORM
Division of Land Acquisition
Indiana State Highway Commission

Project I-70-3(52)
Parcel No. 292
Road I-70
County Marion
Owner Stanley Selig
Address 40 W. South St.
Address of Appraised Property:
846 S. Pennsylvania

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.
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.

No-see supplement
Adv. Acc.
Yes
Yes
Yes
Yes
Yes
2-9-67
Yes
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 Feb. 9, 1967 :
(Date)

Estimate of Appraisers:

	By: <u>Davidson</u>	By:	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$800	\$	\$1,900
(b) The fair market value of the property after the taking, assuming the completion of the improvement is:	\$ - -	\$	\$ - -
The Total Value of Taking Is: (a minus b) TOTAL	\$800	\$	\$1,900
(1) Land and/or improvements	\$800	\$	\$1,900
(2) Damages	\$ - -	\$	\$ - -
(3) Less non-compensable items	\$ - -	\$	\$ - -
(4) Estimated Total Compensation	\$800	\$	\$1,900

Approved	Date	Signed
Rev. Appr.	2-9-67	Phillip G. York
Asst. or Chief Appr.	2/14/67	Jay P. Luce

STATE OF INDIANA)
) SS: **FILED** THE SUPERIOR COURT
COUNTY OF MARION) S6 OF MARION COUNTY, INDIANA S6
S6 JUN 30 1969 S6

E. Allen Hanks
CLERK

STATE OF INDIANA,)
) Plaintiff)

vs.)

STANLEY SELIG AND)
DONNA SELIG (H&W))

CAUSE NO. S669-572

REPORT OF APPRAISERS

The undersigned appraisers 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 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

Seven Hundred Fifty ⁰⁰/₁₀₀ Dollars (\$ 750.00).

The value of improvements, if any, on said realty sought to be appropriated, we find to be the sum of None Dollars (\$ _____).

The total damages we find to be the sum of \$ 750.00 .

Dated: June 23, 1969

Luther Miller

Ross McMoran

Kelce J. M. Clune

STATE OF INDIANA

COUNTY OF MARION

SS:

IN THE SUPERIOR COURT
OF MARION COUNTY, INDIANA

STATE OF INDIANA,
Plaintiff

-vs-

STANLEY SELIG and
DONNA SELIG, (H&W)

Defendants)

FILED

MAY 5 1969

S669 572

E. Allen Hensley
CLERK

CAUSE NO. _____

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)77, 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 Stanley Selig and Donna Selig (H&W)

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:

North 24 feet of the East 73 feet of Lot 22 in Gatling's Subdivision of the North part of Out Lot 117, in the City of Indianapolis, recorded in Land Record "U", page 368 in the Office 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".

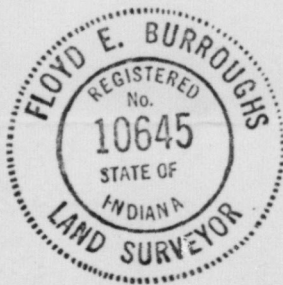
Project 1-70-3(52)77

Parcel 292

IN FEE - LIMITED ACCESS

North 24 feet of the East 73 feet of Lot 22 in Gatling's Subdivision of the North part of Out Lot 117, in the City of Indianapolis, recorded in Land Record "U", page 368 in the Office of the Recorder of Marion County, Indiana.

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 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 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 7

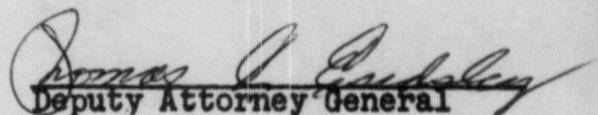
That the plaintiff, through said Indiana State Highway Commission, intends to use the real estate herein sought to be condemned for the purpose of the improvement of said highway and the widening thereof, and said real estate as herein described is necessary and proper for the carrying out of said work,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

~~Attorney General of Indiana~~
~~THEODORE L. SERIYAK~~


Deputy Attorney General

Attorneys for Plaintiff

Room 219
State House
Indianapolis, Indiana
633-5512

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 _____

Stanley Selig and Sonna Selig (H&W)

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:

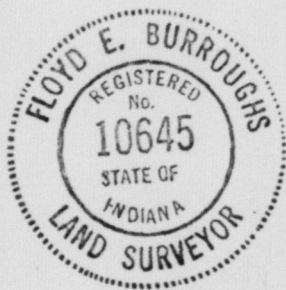
Project 1-70-3(52)77

Parcel 292

IN FEE - LIMITED ACCESS

North 24 feet of the East 73 feet of Lot 22 in Gatling's Subdivision of the North part of Out Lot 117, in the City of Indianapolis, recorded in Land Record "U", page 368 in the Office of the Recorder of Marion County, Indiana.

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 25th day of April 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.

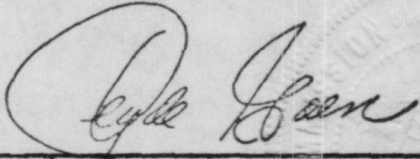
This is to certify that the attached and foregoing
is a full, true and complete copy of a Resolution with
Right of Way map attached affecting the lands of _____

Stanley Selig and Donna Selig (H&W)


40 West South Street, 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 25th day
of April, 1968.


Secretary

SEAL:



PARCEL 292

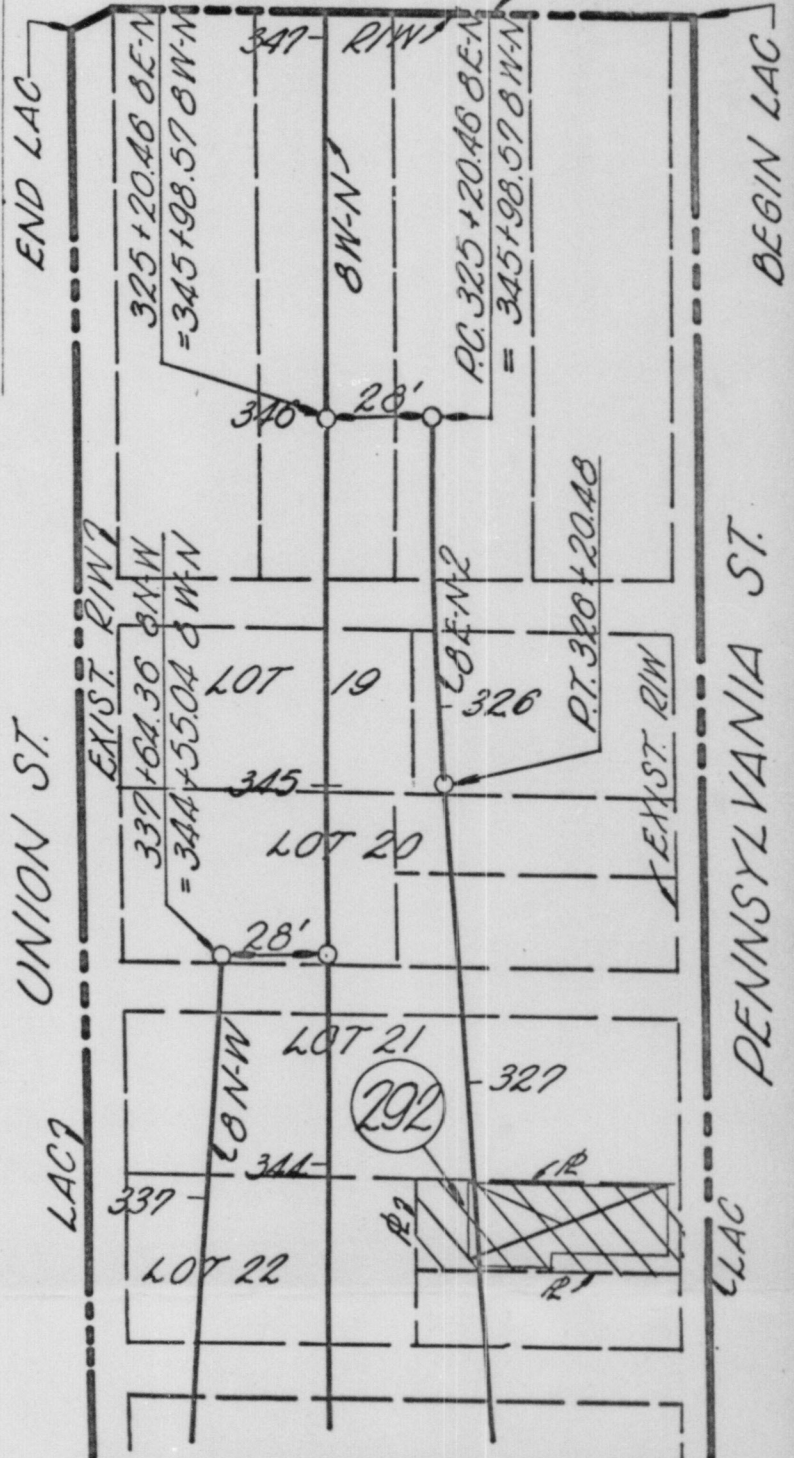
IN FEE - LIMITED ACCESS
NORTH 24 FEET OF THE
EAST 93 FEET OF LOT 22 IN
IN GATLING'S SUBDIVISION
OF THE NORTH PART OF
OUT LOT 117, IN THE CITY
OF INDIANAPOLIS, RECORD-
ED IN LAND RECORD "U",
PAGE 308, IN THE OFFICE
OF THE RECORDER OF
MARION COUNTY, INDIANA
AREA: 1752 S.F., MORE OR LESS

PLAN SHEET /
SKETCH / OF /
PARCEL NUMBER 292

SCALE: 1" = 50'



MCCARTY ST. / EXIST. R/W



LEGEND

- LACZ = LIMITED ACCESS RIGHT OF WAY AND ACCESS CONTROL LINE (IN FEE)
- R/WZ = PERMANENT RIGHT OF WAY (IN FEE)



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
SELIG, STANLEY ET UX.

SEC. 12 , T. 15N. , R. 3E.

CONTAINING 1,752 S.F.,

MORE OR LESS

HATCHED AREA IS APPROXIMATE TAKING

DRAWN BY
William Keller

CHECKED BY J. BRIDGES DATE
4-18-68

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: 2 COUNTY Marion

PARCEL NO. 292

NAME & ADDRESS OF OWNER STANLEY SELIG

40 W. SOUTH ST. INDIANAPOLIS.

PHONE # 634 8328

NAME & ADDRESS OF PERSON CONTACTED Same

RE 846 S. PENN. INDIANAPOLIS.

PHONE # _____

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

DATE ASSIGNED 2/16/67

DATE OF CONTACT 3/18/68 3/24/68

OFFER \$ 1900⁰⁰

TIME OF CONTACT See Below

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 TELEPHONED MR. SELIG. HE WAS QUITE
DEFINITE IN NOT BEING INTERESTED
IN 1900⁰⁰. SAME OPINION AFTER I TOLD
HIM I WOULD HAVE TO MAKE USE OF THE RIGHT
OF EMINENT DOMAIN

3/24/68 COMPLETES 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]
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

Roll Hanson
Home AT 3-1460

PROJECT NO. I-70-3(52)

BUYER'S REPORT NUMBER: 1 COUNTY MARION PARCEL NO. 242

NAME & ADDRESS OF OWNER STANLEY SELIG
40 W. SOUTH ST. INDIANAPOLIS IND PHONE # 6348324

NAME & ADDRESS OF PERSON CONTACTED MR. SELIG
Re 846 S. PENN. INDIANAPOLIS IND. PHONE # _____
(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 2/16/67 DATE OF CONTACT 2/20/67
OFFER \$ 14000 TIME OF CONTACT 3:45 PM

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

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

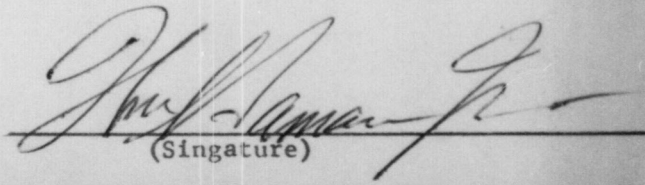
REMARKS: EXPLAINED ABOUT TAXES & LEFT TAX LETTER.
MR. SELIG STATED OFFER LOW AND WILL NOT ACCEPT.

CONTRACT BUYERS STOPPED PAYING & MOVED OUT APPROX 3 MO.
AGO.

AM PUTTING THIS PARCEL IN HOLD AS MR. SELIG ALSO SAID HE EXPECTS
TO USE DUE PROCESS ON THIS OR ANY OTHER PARCEL —

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

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


(Signature)

CHICAGO TITLE INSURANCE COMPANY

INTERIM GUARANTY OF TITLE

S. R. I-70 PROJ. I-70-3(52) COUNTY Marion

Names on Plans Stanley and Donna Selig

CTIC # 6500-131 -S

Name of Fee Owner Stanley Selig, and Donna Selig, husband and wife

CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation authorized to do business in the State of Indiana, in consideration of premium paid, hereby guarantees that a search of the records from April 2, 1968 to and including May 20, 1969 reveals no changes as to the real estate described under CTIC # 6500-131 except:

1. Taxes for 19 68 payable 19 69 in name of Stanley, and Donna Selig
Duplicate # 9916422 Parcel # 1093878 Township Center Code # 101
May \$ 103.04 (~~paid~~) (unpaid); November \$ 103.04 (~~paid~~) (unpaid)
Taxes for 19 69 payable 19 70 now a lien.

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

CHICAGO TITLE INSURANCE COMPANY



John A. Binsley
President

Robert Kratochvil
Secretary

ATTEST:

Countersigned and validated as of the 3 day of June
19 69.

John W. Jagger
Authorized Signatory

CHICAGO TITLE INSURANCE COMPANY

INTERIM GUARANTY OF TITLE

S. R. I-70 PROJ. I-70-3(52) COUNTY Marion

Names on Plans Stanley and Donna Selig

CTIC # 6500-~~131~~⁻¹³¹ -S

Name of Fee Owner Stanley Selig and Donna Selig, husband and wife.

CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation authorized to do business in the State of Indiana, in consideration of premium paid, hereby guarantees that a search of the records from August 29, 1966 to and including April 2, 1968 reveals no changes as to the real estate described under CTIC # 6500-131 except:

1. Taxes for 19 66 payable 19 67 in name of Stanley and Don
Duplicate # 7213811 Parcel # 1093878 Township Center Code # 101
May \$47.94 (paid) (~~unpaid~~); November \$47.94 (paid) (~~unpaid~~)
Taxes for 1967 payable 19 68 now a lien.

Taxes for 1968, due and payable in 1969.

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

CHICAGO TITLE INSURANCE COMPANY



John A. Binsley
President

Robert Kratochvil
Secretary

ATTEST:

Countersigned and validated as of the 11th day of April
19 68

Ronald R. Owen
Authorized Signatory

#292

CHICAGO TITLE INSURANCE COMPANY

GUARANTY OF TITLE

S. R. I-70 PROJ. I-70-3(52) COUNTY Marion

Names on Plans Stanley and Donna Selig

CTIC # 6500=131

CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation authorized to do business in the State of Indiana, in consideration of premium paid, hereby guarantees that as of the 29th day of August, 19 66

Stanley Selig and Donna Selig, husband and wife 846 Penn.

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".

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

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

CHICAGO TITLE INSURANCE COMPANY



John A. Binsley

ATTEST: President

Robert Kratochvil

Secretary

Countersigned and validated as of the 13th day of September 19 66.

J. Watson

Authorized Signatory

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:

North 24 feet of the East 73 feet of Lot 22 in Gatling's Subdivision
of the North part of Out Lot 117, in the City of Indianapolis, recorded
in Land Record "U", page 368 in the Office of the Recorder of Marion
County, Indiana.

CTIC # 6500-131

The Record Owner or Owners disclosed above acquired title by Warranty Deed dated June 15, 1952 and recorded June 16, 1952 in Deed Record 1456 and page 15 as Instrument No. 38873 by Thomas D. Elmore and Stella Elmore, husband and wife and by Warranty Deed dated November 5, 1963 and recorded December 5, 1963 in Deed Record 2035, page SCHEDULE "B" 679 to 680 as Instrument No. 70819 by Carol Ruther, an unmarried adult. (\$2.20 & \$1.00 Federal documentary stamps, affixed)

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

- a. the rights of parties in possession
- b. matters that might be disclosed by an accurate survey
- c. statutory liens for labor or materials unless filed of record
- d. 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.

- e. taxes for the year 1965, each half for \$44.74, assessed in the names of Stanley and Donna Selig, due and payable in May and November, 1966. (Center Township - Inside, Parcel Number 101-1093878, Duplicate Number 6081385) Note: The May installment has been paid. (Assessed Value - Land \$190.00 - Improvements \$750.00 - Exemptions none).
- f. Taxes for the year 1966, due and payable in 1967.
- g. Note: Contiguous Real Estate owned by the parties shown in title are numerous as said parties are known dealers in real property.

