

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE SUPERIOR COURT
OF MARION COUNTY, INDIANA

STATE OF INDIANA,)
Plaintiff)
)
vs)
)
CHARLES GOLDSTEIN and)
TILLIE GOLDSTEIN (H&W))
)
Defendants)

0536-245
CAUSE NO. S368-747

FILED

S3 DEC 23 1968 S3

E. R. H. H. H.
CLERK

FINDING AND JUDGMENT+

Comes now the plaintiff, State of Indiana, by John J. Dillon, Attorney General, and William Levy, Deputy Attorney General, and come now the defendants, Charles Goldstein and Tillie Goldstein, (H&W), by their attorney of record herein Marvin T. Bornstein, and plaintiff and said defendants now withdraw their request for a jury trial, and this cause is now submitted to the court upon the issues formed by the exceptions heretofore filed by the plaintiff and said defendants.

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 12th day of August, 1968, and the defendants were properly served with notice as provided by statute prior to the hearing in this cause.
2. That on the 28th day of August, 1968, 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 defendants' 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 11th day of September, 1968, said court-appointed appraisers returned their report to the court showing total damages in the sum of Thirteen Thousand Dollars (\$13,000.00), 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 19th day of September, 1968.

6. That the plaintiff, State of Indiana, filed exceptions to the court-appointed appraisers' report on the 12th day of September, 1968.

7. That the defendants, Charles Goldstein and Tillie Goldstein, (H&W), filed exceptions to the court-appointed appraisers' report on the 18th day of September, 1968.

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 Fifteen Thousand Dollars (\$15,000.00), and that the defendants Charles Goldstein and Tillie Goldstein (H&W), should recover from the plaintiff, State of Indiana, total damages in the sum of Fifteen Thousand Dollars (\$15,000.00).

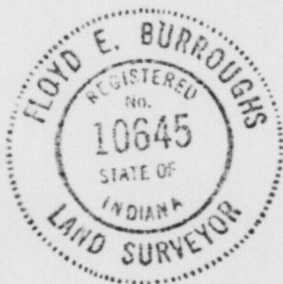
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 28th day of August, 1968, be, and the same is hereby confirmed and the fee for highway right of way over defendants' real estate described in plaintiff's complaint be, and the same is appropriated,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

Project 1-70-3(52)77

Parcel 245

IN FEE - LIMITED ACCESS

Lot 14 in McCarty's Subdivision of the East part of Out Lot 120 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 86, in the Office of the Recorder of Marion County, Indiana.



Given under my hand and seal July 1, 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, Charles Goldstein and Tillie Goldstein (H&W), have and recover from the State of Indiana as final and total damages the sum of Fifteen Thousand Dollars (\$15,000.00), and that the Clerk of the Court pay said amount to the defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, State of Indiana, pay to the Clerk of the Court the sum of Two Thousand Dollars (\$2,000.00), which amount when added to the amount of the court-appointed appraisers' award of Thirteen Thousand Dollars (\$13,000.00) previously paid in, equals the amount of this judgment.

Dated: 12/23/68

Glenn A. Furr

Judge of the Marion Superior Court
Room 3

Approved:

Harwin T. Bornstein

Attorney for Defendants Charles Goldstein and
Tillie Goldstein (H&W)

William C. Coy

Deputy Attorney General
Attorney for the Plaintiff, State of Indiana

SETTLEMENT ANALYSIS

DEPUTY William Levy TRIAL DATE _____
 STATE VS Goldstein FILED 8-12-68
 COURT Marion Superior # 3 CAUSE NO. S368-68 747
 PROJECT I-70-3 (52) PARCEL NO. 245 ROAD I-70

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY:
 Commercial corner tract, located at 1040 South Meridian Street,
 Indianapolis, Indiana.

IMPROVEMENTS:
 2-story brick building (main structure) and 2 garages (detached).

DESCRIPTION OF TAKE: (Attach sketch)

AREA OF TAKING Total AREA OF REMAINDER _____

OFFER PRIOR TO CONDEMNATION \$ 9,000.00 COURT AWARD \$ 13,000.00

DEFENDANTS' ATTORNEY M. Bornstein

COURT APPRAISERS' REPORT - DATE FILED 9-11-68

EXCEPTIONS - STATE X DATE 9-12-68 DEFENDANTS X DATE 9-18-68

REVIEW APPRAISERS:

REVIEWERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
<u>11-27-68</u> <u>Lafon</u>				<u>11,000.00</u>	<u>12,000.00</u>
<u>2-9-67</u> <u>York</u>	<u>5,550.00</u>	<u>3,450.00</u>			<u>9,000.00</u>

SUMMARY PROPOSED SETTLEMENT:

Review Appraisers' Amount \$ 12,000.00

Adjustments (See Memo) \$ 3,000.00

Court Costs: (See Memo)
 Additional Appraisals \$ _____

Witness Fees \$ _____

Local Counsel Fees \$ _____

Jury Costs \$ _____

Miscellaneous Costs \$ _____

Interest (6% or 4%)
 from _____ to _____ \$ _____

REFUND DUE STATE from
 Deposit with Court:

\$ _____

ADDITIONAL AMOUNT to
 Pay into Court:

\$ 2,000.00

SETTLEMENT AT:

TOTAL

\$ 15,000.00

\$ 15,000.00

RANGE OF STATE'S APPRAISALS:

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
11-15-66 Boyce	5,550.00	3,450.00			9,000.00

RANGE OF DEFENDANTS' APPRAISALS:

BREAKDOWN OF COURT APPRAISERS AWARD:

	3,000.00	10,000.00			13,000.00
--	----------	-----------	--	--	-----------

COURT APPRAISERS AWARD:

Deposited (date): 9-19-68 Withdrawn: No 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.

PREPARED AND SUBMITTED BY:

DATE: 12-13-68

[Signature]
Deputy Attorney General

Reviewed and Approved:

JOHN J. DILLON
Attorney General of Indiana

By

James R. Pickels
Asst. Att. Gen

Title

12-17-68

I concur in above settlement:

Indiana State Highway Commission

By

[Signature]

Date:

12-17-68

Title

MEMORANDUM

The proposed adjustment appears warranted for the following reason:

1. The subject property is a combination apartment rental and commercial building which was constructed by the present landowner. It housed the landowners business operation and provided an income source from the rental units. The attorney for the landowner is also a CPA and he prepared and submitted to this office, a fair market value determination on this tract, based on the income approach to value. It was his opinion that the value of the property was \$26,000.00 based on a capitalization rate and a recapture term which in his opinion were applicable in this case. This wide divergence as and between the various valuations, points up the imprecise nature of arriving at a fair market value determination for income producing properties, such as the subject. The comparables advanced by the states appraisals fail to make the requisite adjustments ~~adjustments~~ for the corner-lot location of the subject and cannot therefore be considered as a controlling determination as to true property value.

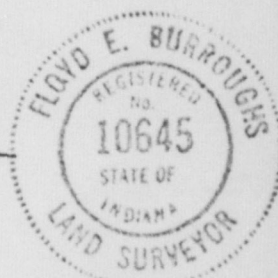
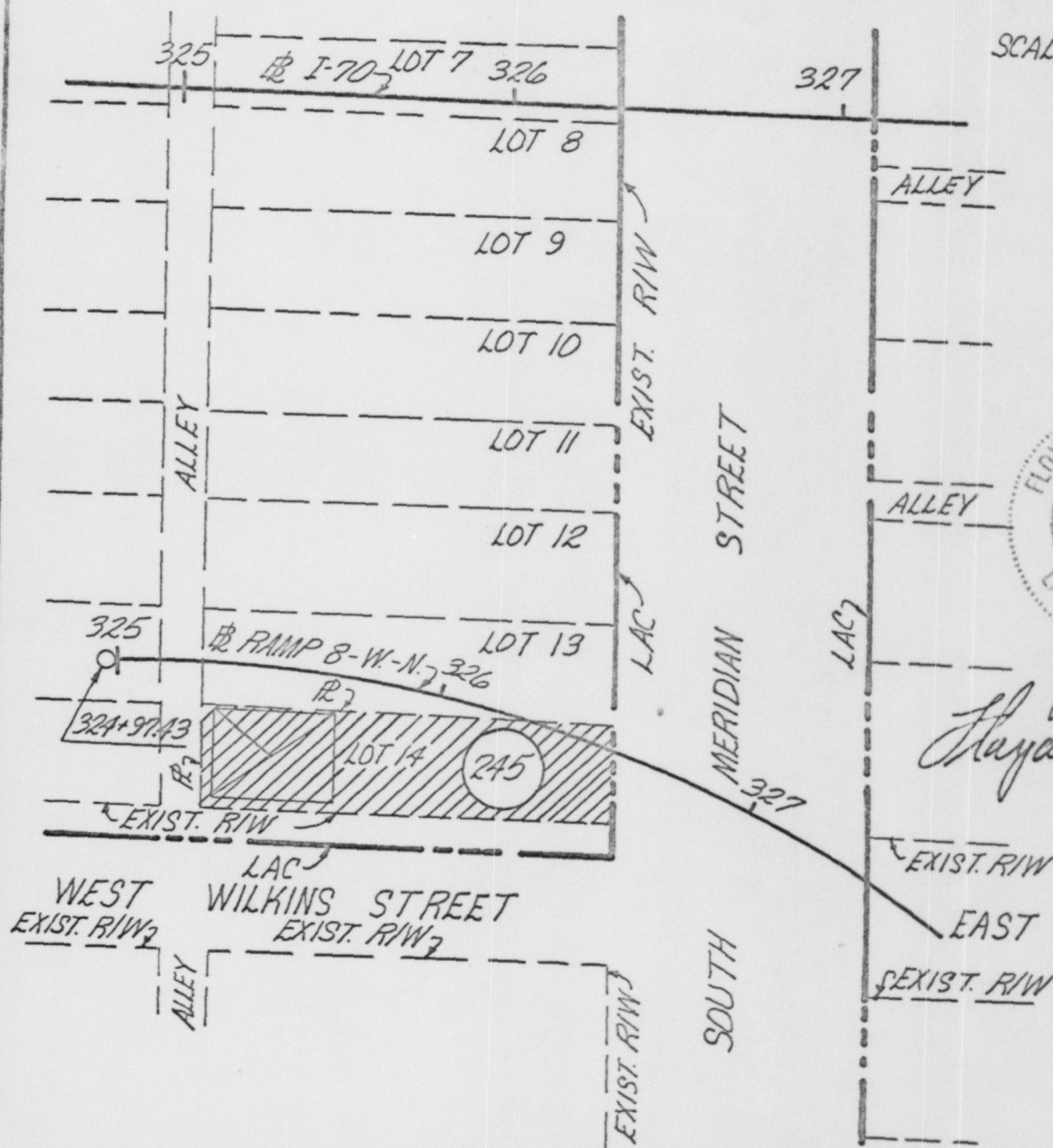
In view of the conflicting final determinations and the speculative and arbitrary nature of assigning factors in arriving at a value of an income producing property, a settlement at the amount proposed is strongly recommended as serving the best interest of the state.

PLAN SHEET 13

SKETCH 1 OF 1

PARCEL NUMBER 245

SCALE: 1" = 50'



July 1, 1968
Floyd E. Burroughs

PARCEL 245
IN FEE — LIMITED ACCESS

LOT 14 IN McCARTY'S SUBDIVISION OF THE EAST PART OF OUT LOT 120 OF THE DONATION LANDS IN THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 86, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

AREA: 3,705 S.F., MORE OR LESS

LEGEND

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

INDIANA STATE HIGHWAY COMMISSION

PROJECT: 1-70-3(52)77

ROAD: 1-70

RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM GOLDSTEIN, CHARLES ET UX.

MARION COUNTY

HATCHED AREA IS APPROXIMATE TAKING

SEC. 11 T. 15 N. R. 3E.

CONTAINING 3,705 S.F., MORE OR LESS

DRAWN BY R. MOSIER CHECKED BY J. BRIDGES DATE 6-28-68

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE

INDIANAPOLIS, INDIANA 46209

March 6, 1969

19

To Goldstein Sheet Metal
and Roofing Company

Indianapolis

GENTLEMEN:

We enclose State Warrant No. A 252371 2/21/69 19
in settlement of the following vouchers: 69-428

Description	Amount
For business moving on State Road	
No. 49 in Marion	
County, Project I-70-3(52)	
Parcel No. 245 as per Grant/Warranty	
Deed, Dated 1/22/69 22	
	2,989.83

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Jora Lee HartmanDate March - 21-1969

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA 46209

0536

5-27-68 19

To

Frank Manse

Indpls., Ind.
GENTLEMEN:We enclose State Warrant No. A 209776 5-21-68 19
in settlement of the following vouchers: 68-595

Description	Amount
For Relocation expense _____ on State Road No. <u>49</u> in <u>Marion</u> County, Project <u>I-70-3(52)</u> Parcel No. <u>245</u> as per Grant/Warranty Deed, Dated <u>3-26-68</u>	\$90 00

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Frank Manse

Date _____

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA 46209

536
6

5-27-68 19

To

Joseph Brown & Sharon Brown

Indpls., Ind.
GENTLEMEN:

We enclose State Warrant No. A 209777 5-21-68 19
in settlement of the following vouchers: 68-595

Description	Amount
<p>For <u>Relocation expense</u> on State Road</p> <p>No. <u>49</u> in <u>Marion</u></p> <p>County, Project <u>I-70-3(52)</u></p> <p>Parcel No. <u>245</u> as per Grant/Warranty</p> <p>Deed, Dated <u>3-26-68</u></p>	<p>\$162 00</p>

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Joseph E. Brown
Date May 29, 1968

A.D. 1969

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

Approved: _____
Date: 3-26-69

To Frank Mance
S. W. Morris #3
Indiana

A-256900

Warrant No. _____

Enclosure

We enclose State Warrant No. _____

for the following description
in _____

on State Road

Supplemental Moving
Marion

For _____ in _____
No. _____

County, Project _____ as per Grant/Warranty
245

Parcel No. _____
1-22-69

Deed, Dated _____

\$55.00

(Do not detach)

PLEASE RECEIPT AND RETURN
By Frank Mance
3-26-69

Date _____
Payment Received: _____

INDIANA STATE HIGHWAY COMMISSION—RIGHT OF WAY—CLAIM VOUCHER

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

PAYEE'S NAME AND ADDRESS

Clerk, Marion Superior Court
City County Building
Indianapolis, Indiana

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

Account Number: 400-861.811-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 200.00
Federal Share: \$ 1800.00
Total Amt. of Check: \$ 2,000.00

Warrant
No.

DISTRIBUTION

DATE

1 2 2 6 6 8
Month Day Year

LOCATION CODE

5 0 0

FUNCTION CODE

3 5

OBJECT CODE

6 1 1

PARCEL NO.

2 4 5

COUNTY NAME & NO. Marion

4 9

Project Number

I 7 0 3 5 2
Prefix Road Section Paren.

Participating or
Non-ParticipatingCost
AccountDr.
or
Cr.

Amount

To Satisfy
Judgment

Settlement

\$2,000.00

State v. Charles Goldstein, et ux
Cause No. 8368-747

Total

\$2,000.00

CLAIMANTS

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

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

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

X By _____
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval

Michael J. Kavanagh 1-2-69
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

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

Deputy Attorney General Date

Payment Approved as to Account No. and Funds Available.

Quentin E. Gorder JAN 15 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 con-
tained in the State's files, in accordance with procedures as submitted to and accepted by the Federal Highway Administrator.

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

Approved: *James W. Townsend* JAN 8 1969
Chief, Division of Land Acquisition Date

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

INDIANA STATE HIGHWAY COMMISSION—RIGHT OF WAY—CLAIM VOUCHER

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

PAYEE'S NAME AND ADDRESS

CLERK OF MARION SUPERIOR COURT
COURT HOUSE
INDIANAPOLIS, INDIANA

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

Account Number: 400-861.611-
State Agency: State Highway Commission 800
Appr. Name: Construction
State Share: \$ 1345.00
Federal Share: \$ 12.105.00
Total Amt. of Check: \$ 13450.00

Warrant
No.

DISTRIBUTION

DATE	8	1	3	6	8	Project Number	I	7	0	3	5	2
	Month	Day	Year				Prefix	Road	Section	Par.		
LOCATION CODE				5	0	0	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount		
FUNCTION CODE 11-16-46				3	5		Appraisers Award	4750		13,000.00		
OBJECT CODE				10	1		Appraisers Fee	1186		450.00		
PARCEL NO.				2	4	5	State vs. Charles Goldstein, et ux.					
COUNTY NAME & NO. Marion				4	9		Cause No. S368 747					
							Total		13,450.00			

CLAIMANTS

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

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

X C. 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:

William Henry 9-12-68
Originator Date

LIENHOLDERS

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

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

X By _____
Personal Signature Title

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

Deputy Attorney General Date

Payment Approved as to Account No. and Funds Available.

Quentin E. Gode SEP 17 1968
Controller Date

Approved

Member, Indiana State Highway Commission Date

Vice Chairman, Indiana State Highway Commission Date

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

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

Approved:

SEP 13 1968

Approved:

James W. Townsend
Chief, Division of Land Acquisition

Date

Chairman, Indiana State Hwy. Comm.

Date

Control

APPRAISAL REVIEW FORM

Division of Land Acquisition
Indiana State Highway CommissionProject I-70-3 (52)
Parcel No. 245
Road I-70
County Marion
Owner Charles & Tillie Goldstein
Address 5860 Broadway
Address of Appraised Property:
1040 S. Meridian

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.

Yes
Adv. Acq.
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>Boyce</u>	By:	Approved By Reviewer
(a) The fair market value of the entire property before the taking is:	\$ <u>9,000</u>	\$	\$ <u>9,000</u>
(b) The fair market value of the property after the taking, assuming the completion of the improvement is:	\$ <u>-0-</u>	\$	\$ <u>-0-</u>
The Total Value of Taking Is: (a minus b) TOTAL	\$ <u>9,000</u>	\$	\$ <u>9,000</u>
(1) Land and/or improvements	\$ <u>9,000</u>	\$	\$ <u>9,000</u>
(2) Damages	\$ <u>-0-</u>	\$	\$ <u>-0-</u>
(3) Less non-compensable items	\$ <u>-0-</u>	\$	\$ <u>-0-</u>
(4) Estimated Total Compensation	\$ <u>9,000</u>	\$	\$ <u>9,000</u>

Approved	Date	Signed
Rev. Appr.	<u>2-9-67</u>	<u>Phillip S. York</u>
Asst. or Chief Appr.	<u>2/14/67</u>	<u>Jay D. Luse</u>

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

COPY

STATE OF INDIANA)
) SS: IN THE SUPERIOR COURT
 COUNTY OF MARION) OF MARION COUNTY, INDIANA

STATE OF INDIANA,)
 Plaintiff)

-vs-

CHARLES GOLDSTEIN and TILLIE
GOLDSTEIN (H&W),

FILED

SEP 11 1968

S3CAUSE NO. S368 747

CLERK

REPORT OF APPRAISERS

The undersigned appraisers in the above-entitled proceedings,
 appointed by the Hon. Glenn W. Funk, Judge of the

Marion Superior Court on the 28th day of August,
 1968, 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 defen-
 dants by reason of the appropriation of the real estate described
 in the complaint in said proceeding, met at the office of the
Marion Superior Court, at 9:00 o'clock A. M., on the 28th
 day of August, 1968, 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 Three Thousand and 00/100----- Dollars
 (\$ 3,000.00).

The value of improvements, if any, on the portion of said
 realty sought to be appropriated, we find to be the sum of
Ten Thousand and 00/100----- Dollars (\$ 10,000.00).

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 \$ 13,000.00.

Dated: September 11, 1968

Wanda Schmaderke
Dore & Pappas
Wick D. Pappas

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 Charles Goldstein and Tillie Goldstein (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.

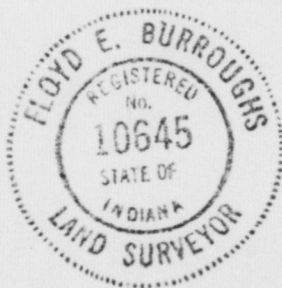
BE IT RESOLVED, that condemnation proceedings be instituted by the Attorney General in the name of the State of Indiana in a court of appropriate jurisdiction for the land hereinafter described in fee, the same being in Marion County, Indiana, and to be used as a right of way for said highway improvement 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 245

IN FEE - LIMITED ACCESS

Lot 14 in McCarty's Subdivision of the East part of Out Lot 120 of the Donation Lands in the City of Indianapolis, as per plat thereof, recorded in Plat Book 2, page 86, in the Office of the Recorder of Marion County, Indiana.



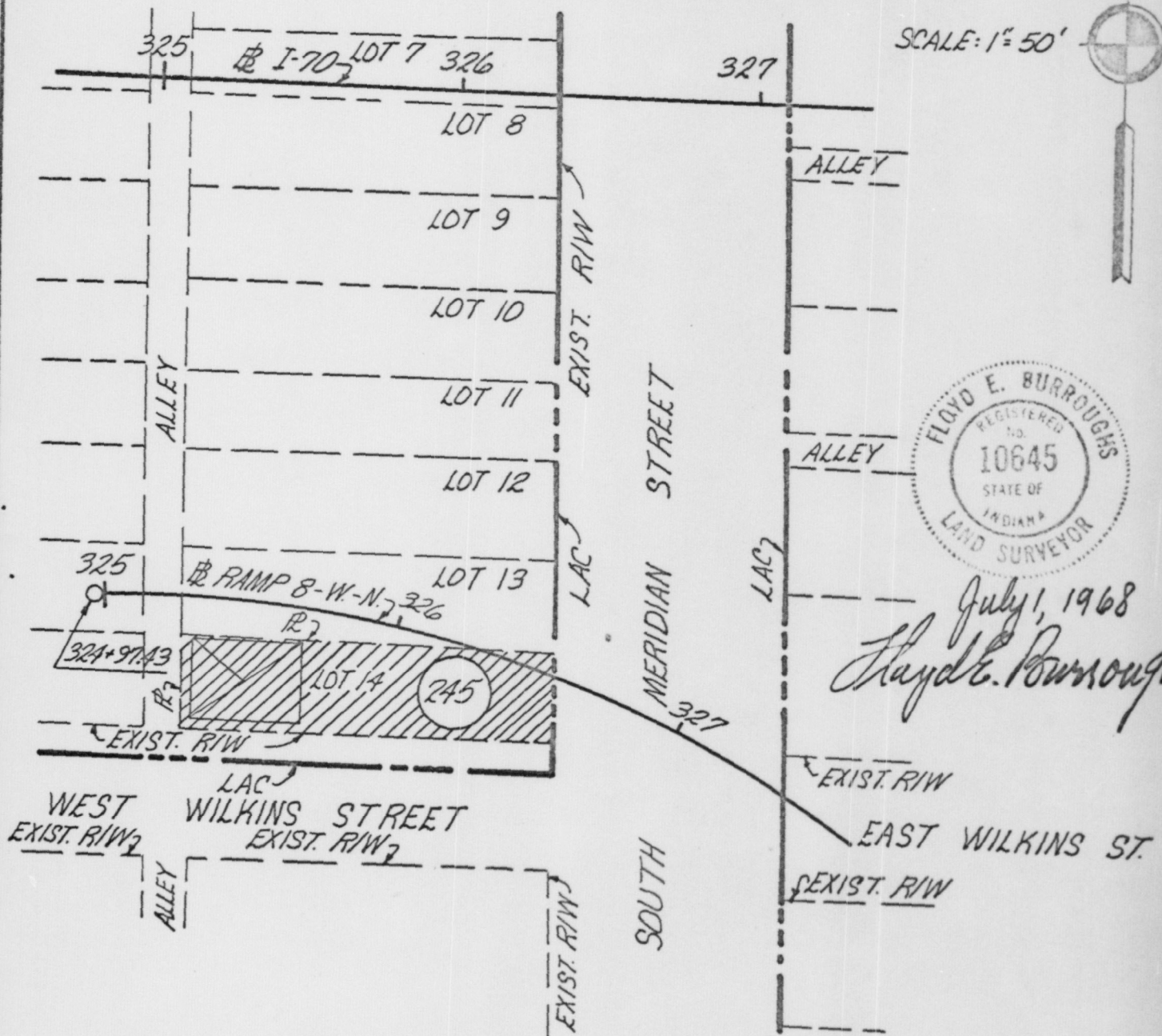
Given under my hand and seal

July 1, 1968

Floyd E. Burroughs

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

SCALE: 1" = 50'



July 1, 1968
 Floyd E. Burroughs

PARCEL 245
 IN FEE — LIMITED ACCESS
 LOT 14 IN McCARTY'S SUBDIVISION OF THE EAST PART OF OUT LOT 120 OF THE DONATION LANDS IN THE CITY OF INDIANAPOLIS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 86, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.
 AREA: 3,705 S.F., MORE OR LESS

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



HATCHED AREA IS
 APPROXIMATE TAKING

INDIANA STATE HIGHWAY COMMISSION
 PROJECT: 1-70-3(52)77
 ROAD: 1-70
 RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM
 GOLDSTEIN, CHARLES ET UX.

SEC. 11 T. 15 N. R. 3E.
 CONTAINING 3,705 S.F., MORE OR LESS
 DRAWN BY R. MOSIER CHECKED BY J. BRIDGES DATE 6-28-68

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 27th day of June 1968.

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 _____

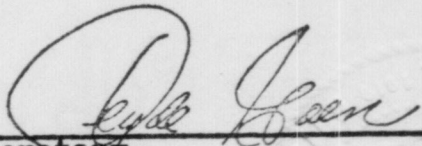
Charles Goldstein and Tillie Goldstein (H&W)

5860 Broadway 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 27th day
of June, 1968.


Secretary

SEAL:

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. 1-70-3-(52)

BUYER'S REPORT NUMBER: 6

COUNTY Maum

PARCEL NO. 245

NAME & ADDRESS OF OWNER

Charles Geldstein 1040 S Meridian

Indianapolis Indiana

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED

See Below

PHONE # _____

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

DATE ASSIGNED 2-16-67

DATE OF CONTACT _____

OFFER \$

9,000⁰⁰

TIME OF CONTACT _____

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

1. NA 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:

Meeting for a decision on this parcel set
for 11am April 26th Canceled upon receipt of
letter from Mr Bernstein retained by fee owners
as their attorney which is self explanatory (see file)

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, (✓) - Condemned

() Other, awaiting what? _____

Distribution Made

(1) Parcel (1) Weekly Summary
() Owner (✓) Other, Specify

Office

Joseph M. Morley
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. 1-70-3(52)

BUYER'S REPORT NUMBER: 5

COUNTY Marion

PARCEL NO. 245

NAME & ADDRESS OF OWNER Charles Goldstein 1040 S Meridian St

PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Charles Goldstein Mr Charles Jacki

1040 S Meridian Street

PHONE # _____

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

DATE ASSIGNED 2-16-67

DATE OF CONTACT 4-16-68

OFFER \$ 9,000.00

TIME OF CONTACT 1030am

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

1. NA 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:

Meeting with Mr Charles Goldstein fee owner
and his son-in-law Charles Jacki explained offer
again. family will discuss situation and call
me advising their decision by Friday April 16th 1968

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

Distribution Made

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

Joseph M. Morley
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO 1-70-3-(52)

BUYER'S REPORT NUMBER: 4 COUNTY Marion PARCEL NO. 245

NAME & ADDRESS OF OWNER Charles Goldstein 1040 S Meridian St

Indianapolis Ind PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Carol Lee Goldstein (Daughter in Law)

1040 South Meridian Street PHONE # _____

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

DATE ASSIGNED 2-16-67 DATE OF CONTACT April 10th 1968

OFFER \$ 9,000.00 TIME OF CONTACT 1:30 pm

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

1. NA 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: Meeting with Mr Goldstein's daughter in Law today

And meeting arranged for 10:30am Tuesday April
16th 1968. Maybe a decision. - Mrs Goldstein
Advised Recent 180 day letter delivered by Relocation
a duplication and to be disregarded.

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, () - Condemned

() Other, awaiting what? Reported Above

Distribution Made

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

Joseph M. Marley
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. 1-70-3-(52)

BUYER'S REPORT NUMBER: 3

COUNTY Murray

PARCEL NO. 245

NAME & ADDRESS OF OWNER

Charles and Tillie Goldstein 5830 Broadway

Indianapolis Indiana

PHONE #

NAME & ADDRESS OF PERSON CONTACTED

Business office 1040 S Meridian St

Sheet Metal Co.

PHONE #

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

DATE ASSIGNED 2-16-67

DATE OF CONTACT 3-28-68

OFFER \$

9,000.00

TIME OF CONTACT

230pm

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

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

REMARKS:

Mr Goldstein at home preparing for wedding
of Grand Daughter - will see later

Status of Parcel: () - Secured, () - Bought, awaiting mortgage release, () - Condemned

() Other, awaiting what?

Reported Above

Distribution Made

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

Office

Joseph M. Mally
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-3-(52)

BUYER'S REPORT NUMBER: ✓ COUNTY Marion PARCEL NO. 245

NAME & ADDRESS OF OWNER Charles and Jella Goldstein 5130 Broadway

Indianapolis Indiana PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED Mrs. Barbara Goldstein Daughter in Law

1040 S. Meridian Street Indianapolis PHONE # _____

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

DATE ASSIGNED 2-16-67 DATE OF CONTACT 6-15-67

OFFER \$ 9,000.00 TIME OF CONTACT 3PM

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

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

REMARKS: Meeting with Mrs. Barbara Goldstein daughter in Law of
fee owners, also managing operation of business at this address
last 180 letter of possession for both Mr. Mrs. Goldstein
In addition requested owners receive two (2) bids on cost
of moving business equipment - Mr. Goldstein tentatively
scheduled to enter hospital for treatment will contact later

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

Distribution Made

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

Joseph M. Marley
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-70-3-(52)

BUYER'S REPORT NUMBER: 1

COUNTY Marion

PARCEL NO. 245

NAME & ADDRESS OF OWNER

Charles and Tillie Goldstein 5860 Broadway
Indianapolis Ind

PHONE # 255-4925

NAME & ADDRESS OF PERSON CONTACTED

Charles Goldstein 1040 S Meridian St
Indianapolis Ind

PHONE # 637-7474

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

DATE ASSIGNED

2-16-67

DATE OF CONTACT

2/20/67

OFFER \$

\$9,000.00

TIME OF CONTACT

1 Pm

YES

NO

N/A

(Circle N/A if all questions are not applicable)

1. () () (X) 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 ___)
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? ___)
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:

Meeting with Mr Goldstein for owner of above
parcel. Offered offer of Indiana State Highway to
Purchase. Explained procedures of State, and Right
of individuals involved. Left parcel offer letter.
Owner says price to low.

Status of Parcel: () Secured () Bought, awaiting mortgage release, () Condemned

() Other, awaiting what?

Explained above

Distribution Made

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

Me-3-4385

James M. Morley
(Signature)
Negativator

CHICAGO TITLE INSURANCE COMPANY

INTERIM GUARANTY OF TITLE

S. R. I-70 PROJ. I-70-3(52)77 COUNTY Marion

Names on Plans Charles & Tillie Goldstein

CTIC # 6500-102 -S

Name of Fee Owner Charles Goldstein and Tillie Goldstein, 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 June 20, 1966 to and including June 14, 1968 reveals no changes as to the real estate described under CTIC # 6500-102 except:

1. Taxes for 19 67 payable 19 68 in name of Chas. & Tillie Goldstein
Duplicate # 8786367 Parcel # 1024805 Township Center Code # 101
May \$ 221.98 (paid) (~~unpaid~~); November \$ 221.98 (~~paid~~) (~~unpaid~~)
2. Taxes for 19 68 payable 19 69 now a lien.
3. Prior taxes are paid.

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. Lindsey
President

Robert Kratochvil
Secretary

ATTEST:

Countersigned and validated as of the 22nd day of June
19 68.

Ronald R. Brown
Authorized Signatory

#245

CHICAGO TITLE INSURANCE COMPANY

GUARANTY OF TITLE

S. R. I-70 PROJ. I-70-3(52)77 #245 COUNTY Marion

Names on Plans Charles & Tillie Goldstein

CTIC # 6500-102

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 20th day of June, 19 66

Charles Goldstein and Tillie Goldstein, husband and wife

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. Binkley

ATTEST:

President

Robert Kratochvil

Secretary

Countersigned and validated as of the 29th day of June
19 66.

John H. Jagge
Authorized Signatory

Original

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 14 in McCarty's Subdivision of the East part of Out Lot 120 of the
Donation Lands in the City of Indianapolis, as per plat thereof, recorded
in Plat Book 2, page 86, in the Office of the Recorder of Marion County,
Indiana.

CTIC # 6500-102

The Record Owner or Owners disclosed above acquired title by Warranty Deed dated April 27,
1915, recorded April 27, 1915 in Deed Record 542, page 179, from Anna
Burkhart, widow and unmarried. (\$1.00 Federal Documentary stamps affixed.)

SCHEDULE "B"

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 \$192.78, assessed in the
names of Charles and Tillie Goldstein, due and payable in May and
November, 1966. (Center Township - Inside, Parcel No. 101-1024805,
Duplicate No. 6033070) The May installment has been paid.
(Assessed Value - Land \$890; Improvements \$3160; Exemptions None)

- f. Taxes for the year 1966, due and payable in 1967.

