

STATE OF INDIANA }
COUNTY OF TIPPECANOE } SS:

IN THE CIRCUIT COURT OF
TIPPECANOE COUNTY, INDIANA

STATE OF INDIANA,
Plaintiff,

-vs-

JOHN A. TERMAN & NELLIE A.
TERMAN, his wife;
GEORGE H. STINE & DOROTHY
M. STINE (H&W),

Defendants.

Code 0633
panel 3

CAUSE NO. C2-68

FILED

DEC 3 1974

Arny L. Erwin
Clerk Tippecanoe Circuit Court

JUDGMENT

Comes now the plaintiff, State of Indiana, by THEODORE L. SENDAK, Attorney General, by John R. Lansinger, Deputy Attorney General, and Cy Gerde, Local Counsel, and come now the defendants, John A. Terman, Nellie A. Terman, George H. Stine, and Dorothy M. Stine, by their attorneys of record herein, Charles R. Vaughan and Max Layden, and this cause having been submitted for trial by jury upon the issues formed by the exceptions heretofore filed by the plaintiff and said defendants, said jury returned its verdict herein on the 14th day of November, 1974, in favor of the defendants and against the plaintiff in the sum of Thirty-six Thousand Dollars (\$36,000.00), together with interest to be computed by the Court.

And the Court being duly advised finds as follows:

1. That the defendants are entitled to interest in the amount of Four Thousand Eight Hundred Forty-eight Dollars and Ninety-five Cents (\$4,848.95), plus the amount of the verdict as determined by the jury in the amount of Thirty-six Thousand Dollars (\$36,000.00).

2. That the plaintiff, State of Indiana, paid the award of the court-appointed appraisers in the amount of Eighteen Thousand Seventy-four Dollars (\$18,074.00), together with the fees for said appraisers to the Clerk of the Court on the 2nd day of April, 1968.

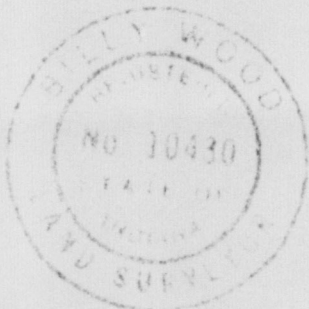
3. That the order of appropriation entered herein on the 19th day of February, 1968, for the fee simple title of defendants' real estate and temporary easement for highway right-of-way over the defendants' real estate as described in plaintiff's complaint should

be confirmed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 19th day of February, 1968, be, and the same is hereby confirmed and the fee simple title of defendants' real estate and temporary easement for highway right-of-way over defendants' real estate described in plaintiff's complaint be, and the same is appropriated, said fee simple title and temporary easement for highway right-of-way being more particularly described as follows:

Project I-65-6(15)178 Parcel 3 IN FEE- NOT LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning South 40 degrees 23 minutes 45 seconds East 1,776.46 feet (along the southwestern line of said section) and North 49 degrees 34 minutes 30 seconds East 1,081.63 feet (along the southeastern boundary of Swisher Road) from the northwestern corner of said section; thence North 49 degrees 34 minutes 30 seconds East 500.20 feet along the southeastern boundary of Swisher Road to a northeastern line of the owners' land; thence South 39 degrees 55 minutes 00 seconds East 44.70 feet along said northeastern line; thence South 46 degrees 23 minutes 02 seconds West 274.85 feet; thence South 49 degrees 34 minutes 30 seconds West 165.00 feet; thence South 36 degrees 28 minutes 32 seconds East 181.74 feet; thence South 39 degrees 55 minutes 00 seconds East 268.98 feet; thence Southeasterly 92.32 feet along an arc to the right and having a radius of 75.00 feet and subtended by a long chord having a bearing of South 4 degrees 39 minutes 08 seconds East and a length of 86.60 feet to a southwestern line of the owners' land; thence North 39 degrees 55 minutes 00 seconds West 580.56 feet along said southwestern line to the point of beginning and containing 1.239 acres, more or less.



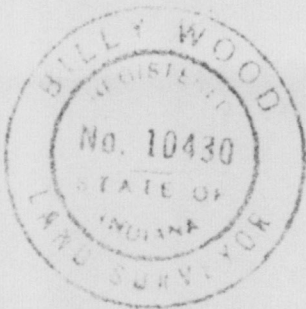
Given under my hand and seal October 30, 1967

Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana

Project I-65-6(15)178 Parcel 3A IN FEE - NOT LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning South 40 degrees 23 minutes 45 seconds East 1,736.46 feet (along the southwestern line of said section) and North 49 degrees 34 minutes 30 seconds East 1,081.97 feet (along the northwestern boundary of Swisher Road) from the northwestern corner of said section; thence North 39 degrees 55 minutes 00 seconds West 79.97 feet along a southwestern line of the owners' land; thence North 53 degrees 32 minutes 30 seconds East 501.09 feet to a northeastern line of the owners' land; thence South 39 degrees 55 minutes 00 seconds East 45.30 feet along said northeastern line to the northwestern boundary of Swisher Road; thence South 49 degrees 34 minutes 30 seconds West 500.20 feet along said northwestern boundary to the point of beginning and containing 0.719 acres, more or less.

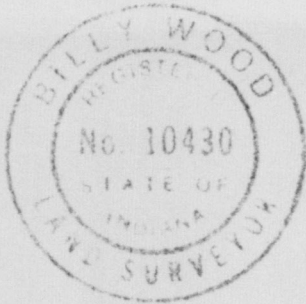
Given under my hand and seal October 30, 1967



Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana

Project I-65-6(15)178 Parcel 3B IN FEE-LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Commencing at the northwestern corner of said half section; thence North 49 degrees 50 minutes 09 seconds East 1,084.16 feet along the northwestern line of said half section; thence South 40 degrees 09 minutes 51 seconds East 20.00 feet to the southeastern boundary of 9th Street Road; thence South 39 degrees 55 minutes 00 seconds East 190.43 feet to the point of beginning of this description, which point is on the southeastern line of the right of way of the Monon Railroad; thence Northeasterly along said line of right of way 285.27 feet along an arc to the right and having a radius of 5,826.49 feet and subtended by a long chord having a bearing of North 38 degrees 57 minutes 03 seconds East and a length of 285.24 feet; thence South 22 degrees 40 minutes 40 seconds East 130.28 feet; thence South 07 degrees 37 minutes 49 seconds East 424.18 feet; thence South 17 degrees 00 minutes 00 seconds East 37.70 feet to a southwestern line of the owners' land; thence North 39 degrees 55 minutes 02 seconds West 462.68 feet along said southwestern line to the point of beginning and containing 1.634 acres, more or less.



Given under my hand and seal October 30, 1967

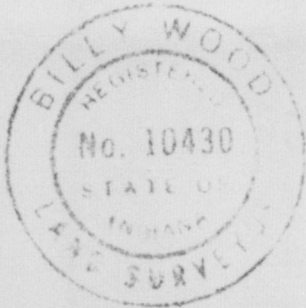
Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana

Project I-65-6(15)178 Parcel 3 LIMITED ACCESS CLAUSE

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as I-65 and as Project I-65-6(15)178) to and from the owners' abutting lands only along the boundaries of the above-described 1.634-acre parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

Given under my hand and seal October 30, 1967

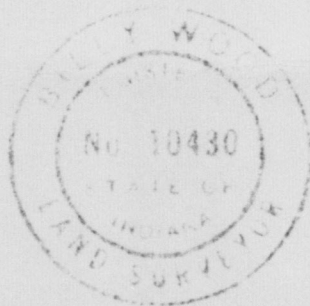
Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana



Project I-65-6(15)178 Parcel 3D Temporary Right of Way

The following described right of way is temporary right of way for the purpose of the removal of a building and will revert to the owner on September 10, 1970: A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Commencing at the northwestern corner of said section; thence South 40 degrees 23 minutes 45 seconds East 1,776.46 feet (along the southwestern line of said section) to the southeastern boundary of Swisher Road; thence North 49 degrees 34 minutes 30 seconds East 1,357.01 feet along said southeastern boundary; thence South 40 degrees 25 minutes 30 seconds East 57.21 feet to the point of beginning of this description; thence North 46 degrees 23 minutes 02 seconds East 85.13 feet; thence South 40 degrees 25 minutes 30 seconds East 57.53 feet; thence South 49 degrees 34 minutes 30 seconds West 85.00 feet; thence North 40 degrees 25 minutes 30 seconds West 52.79 feet to the point of beginning and containing 0.108 acres, more or less.

Given under my hand and seal October 31, 1967



Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants, John A. Terman, Nellie A. Terman, George H. Stine, and Dorothy M. Stine, have and recover from the State of Indiana as final and total damages the sum of Thirty-six Thousand Dollars (\$36,000.00), together with interest in the sum of Four Thousand Eight Hundred Forty-eight Dollars and Ninety-five Cents (\$4,848.95), making the total amount of this judgment Forty Thousand Eight Hundred Forty-eight Dollars and Ninety-five Cents (\$40,848.95), and that the Clerk of the Court pay said defendants the sum of Twenty-two Thousand Seven Hundred Seventy-four Dollars and Ninety-five Cents (\$22,774.95), which sum added to the amount which has already been paid the defendants herein when they withdrew the court-appointed appraisers' award in the sum of Eighteen Thousand Seventy-four Dollars (\$18,074.00), equals the amount of this judgment.

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 Twenty-two Thousand Seven Hundred Seventy-four Dollars and Ninety-five Cents (\$22,774.95), which amount when added to the amount of the court-appointed appraisers' award of Eighteen Thousand Seventy-four Dollars (\$18,074.00) previously paid in equals the amount of this judgment.

Wanda B. Toney
Judge of Tippecanoe Circuit Court

Date: 3 December 1974

TRIAL REPORT

STATE VS. JOHN A. TERMAN, et al. FILED January 2, 1968

COURT TIPPECANOE CIRCUIT COURT CAUSE NO. C2-68

PROJECT I-65-6 (15) PARCEL NO. 3 ROAD I-65

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY:

Section 5, Burnett's Reserve Township 24 North, Range 4 West, Tippecanoe County.

IMPROVEMENTS:

Dwelling, 2 barns, cattle shed, mill house, bunker silo, feeding floor, hog house, frame garage, frame shop, 2 chicken houses, 2 frame sheds, frame crib.

DESCRIPTION OF TAKE: (attach sketch)

AREA OF TAKING 0.108 Acres - temp. R/W
3.592 Acres - perm. R/W AREA OF REMAINDER 107.044 Acres

OFFER PRIOR TO CONDEMNATION \$ 12,420.00 COURT AWARD \$ 18,074.00

OFFER YOU MADE \$ _____ BASIS _____

FINAL DEMAND OF DEFENDANTS: \$88,800.00

DATES OF TRIAL November 13, 14, 1974 LENGTH OF TRIAL 2 days

JUDGE Warren B. Thompson LOCAL COUNSEL Cv Gerde

DEFENDANTS ATTORNEY Charles Vaughan and Max Lovdan

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
State's Valuation Witnesses					
Eston Hupp	\$2,155.	\$11,610.00		\$500.00 (Damage)	\$14,265.00
R. Sell	\$2,515.	\$ 7,300.00		\$560.00 "	\$10,975.00
Defendant's Valuation Witnesses					
R. Yount					\$88,800.00

Verdict by Judge
 Jury Verdict \$ 36,000.00 DATE OF VERDICT November 14, 1974

Interest on
 Verdict \$ 4848.95
 Interest Computation Method: 6% of 4% from 4-1-68 to 11-27-74

Court Award: Date Deposited April 1, 1968 Date Withdrawn 5-13-68

Amount Withdrawn \$ 18,074.00

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
Other State's Appraisers:					
Russell Taylor					\$2,880.00
Review Appraiser:					
Fisher					\$12,420.00

1. Trial Preparation

- 1) Contacted local counsel, Cy Gerde, and discussed case with him.
- 2) Contacted appraisers and discussed their appraisals and the case.
- 3) Visited Lafayette - local counsel, Judge Thompson, viewed the property.
- 4) Requested jury view of the property while in Lafayette and discussed case with local counsel.

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

No variance.

3. Does award include any elements of value, damages or costs not eligible for Federal participation under PPM 80-1 (exclusive of Sec. 6c)? If so, what amount, and for what element?

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

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

MEMORANDUM

Re: State v. John A. Terman, et al.
Tippecanoe Circuit Court
Cause No. C2-68

Trial was delayed one full day as the county sheriff, due to communication problems with the Court, failed to serve new panel of jurors.

I felt fortunate that no students from the university were presented for such students are considered by law articles to lean towards high condemnation awards. There were several elderly and retired jurors whom I feel sided with our case. Unfortunately a younger man who was favorable with the landowner's case was elected jury foreman. His influence probably cost the State some money.

Mr. and Mrs. Stine, the present landowners, Mr. Yount, their appraiser, and a landowner of property adjoining the Stine property testified for the defendants.

Mrs. Stine offered the "personal" touch including an account of how the State had removed her home and burned it before her eyes. I believe that her testimony did affect the jurors.

Mr. Yount, landowner's appraiser, testified as to his opinion of the damages listing damages at \$88,800.00. He testified that the highest and best use of the property was industrial. Mr. Stine's testimony did little, I believe, for his case. The owner of the adjoining property testified as to his sale of a part of his land "which adjoined the Stine's property) which sale netted him \$5,000.00 per acre.

Mr. Hupp and Mr. Sell testified in that order for the State. Both men testified that the highest and best use of the property was agricultural.

The State's position was damaged by the fact the property was zoned industrial which, despite our evidence that this alone was but one factor in resolving highest and best use, influenced

the jury. Opposing counsel impeached Mr. Hupp by offering into evidence his "approval" of a State appraisal which stated that the adjoining property's highest and best use was industrial. I attempted to rehabilitate Mr. Hupp by showing that he had not "approved" this particular appraisal as such. Perhaps the most damaging element to the State's case was the sale in August, 1974 of adjoining property to the owner of a furniture manufacturer for \$5,000.00 an acre. State's case was further hindered by the fact the jury could not think in terms of 1968 dollars despite State's instructions to the contrary and despite the Court's instructions.

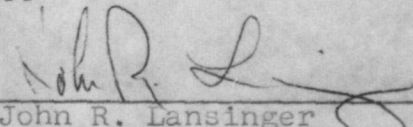
The main issue was the question as to highest and best use of the property. The jury's view of the property did help the State's case, for the property clearly represents agricultural, not industrial land.

Local counsel and I made the State a fair and understanding party desirous of a fair and just award for both sides. We attempted to appeal to the jurors by contrasting our approach with the high pressure, lambasting, argumentative and sometimes beligerant style of opposing counsel. Our approach, I feel, aided our cause.

Finally, I highly commend Cy Gerde, local counsel. Mr. Gerde showed great interest in the case and did his utmost to help the State win its case. Mr. Gerde devoted his entire time for a one week period to this case. I would highly recommend his future help and the help of his senior partner, Mr. George L. Hanna, especially in cases where Mr. Vaughan and associates are opposing counsel.

In closing, I feel that in spite of the above-mentioned setbacks and extremely talented and experienced opposing counsel, the State did receive a most favorable verdict for the \$36,000.00 award, while being \$22,000.00 over the State's appraisal, was \$52,800.00 under the landowner's appraisal and offer.

Date: November 26, 1974


John R. Lansing
Deputy Attorney General

5. What grounds, if any, are there for a Motion to Correct Errors?

If grounds exist, do you recommend appeal? ___ Yes X No If no, state why.

Date: November 26, 1974

John L. Lansinger
John L. Lansinger
Deputy Attorney General

I have reviewed this report and concur in the reasoning and disposition of the case.

Gordon Gibby
Title: Assistant Attorney General

I concur in attorney's recommendation as to motion for new trial and appeal where trial attorney states grounds exists.

Indiana State Highway Commission

Date: DEC 3 1974

By: John B. Brossart
Chief, Land Acquisition Division

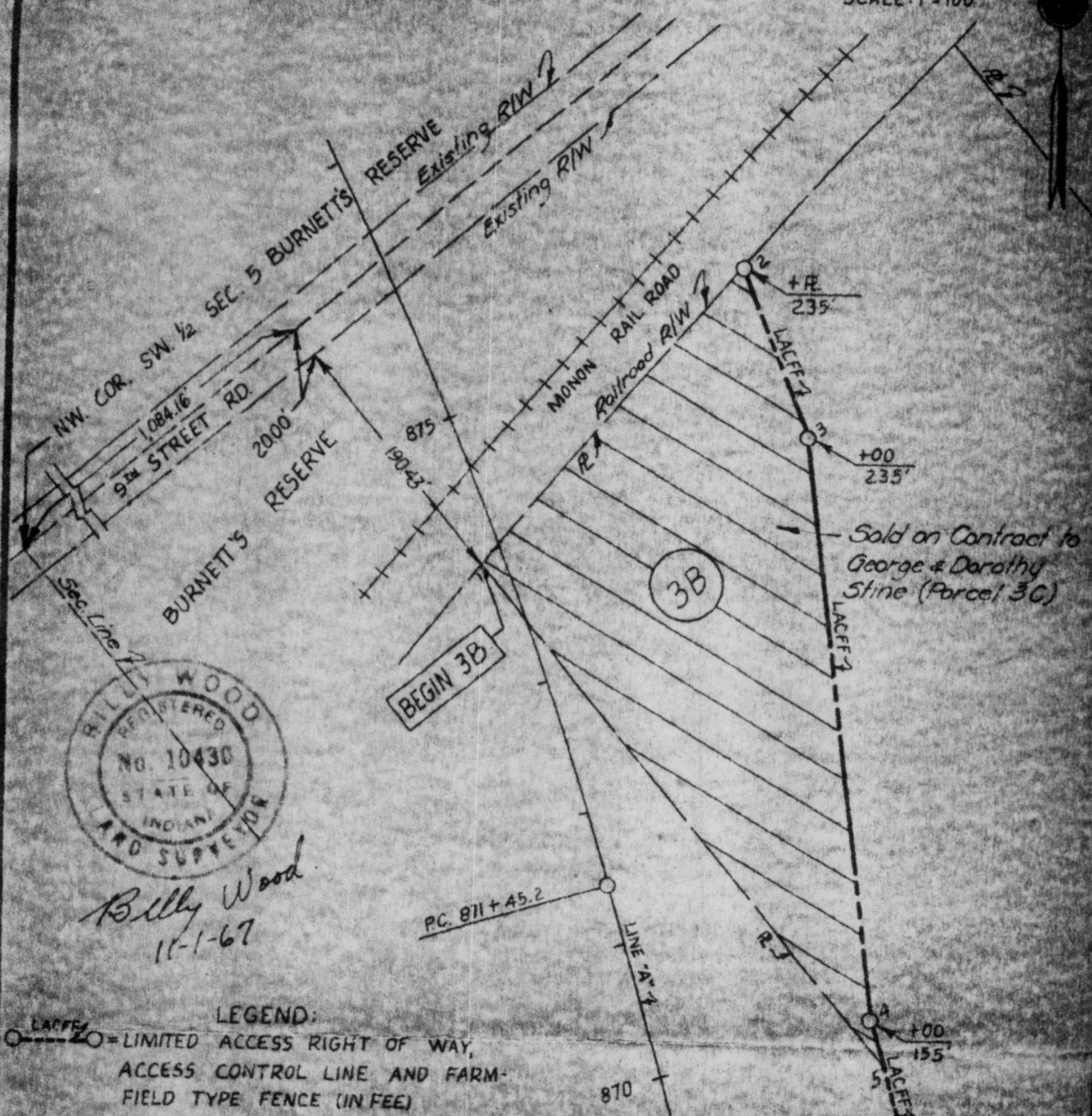
PARCEL 3B
IN FEE - LIMITED ACCESS

PLAN SHEET 11
SKETCH 2 OF 2
PARCEL NUMBER 3

COURSE	BEARING	DISTANCE
1 — 2	ARC	285.27'
RADIUS		5,826.49'
LONG CHORD	N. 38° 57' 03" E.	285.24'
2 — 3	S. 22° 40' 40" E.	130.28'
3 — 4	S. 7° 37' 49" E.	424.18'
4 — 5	S. 17° 00' 00" E.	37.70'
5 — 1	N. 39° 55' 02" W.	462.68'

AREA = 1.634 ACRES, MORE OR LESS

SCALE: 1" = 100'



LEGEND:
 LACFF = LIMITED ACCESS RIGHT OF WAY,
 ACCESS CONTROL LINE AND FARM-
 FIELD TYPE FENCE (IN FEE)

INDIANA STATE HIGHWAY COMMISSION

PROJECT: I-65-6(15)178
 ROAD I-65 TIPPECANDE COUNTY
 RIGHT OF WAY PLAT SHOWING LAND REQUIRED FROM
 TERMAN, J. & STINE, G.

SEC. BUR. RES. 5, T. 24N., R. 4W.

CONTAINING 1.634 ACRES PERM., MORE OR LESS

HATCHED AREA IS APPROXIMATE TAKING

DRAWN BY
J. B. CORBIN

CHECKED BY
R. HAAGSMA

DATE
10-26-67

PAYEE'S NAME AND ADDRESS

**Clerk of Tippecanoe Circuit Court
Court House
Lafayette, Indiana**

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

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

DISTRIBUTION

DATE	1	2	4	7	4	Project Number	I	6	5	6	1	5
	Month		Day		Year		Prefix	Road	Section		Parcel	
LOCATION CODE	5 0 0					Federal Code 1 or 2	Cost Account	Dr. Cr.	Amount			
FUNCTION CODE	3 5											
OBJECT CODE												
PARCEL NO.	3											
COUNTY NAME & NO.	TIPPECANOE 7 9								Total \$22,774.95			

Purpose of This Payment:

Additional Amount to Satisfy Judgment Verdict

**State vs. John A. Terman, et al.
Cause No. C2-68**

Check Delivery Instructions: Yes (See reverse side)

Send when ready

CLAIMANTS

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

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

X Chris R. Eason
(If a firm or corporation, give name)
X By Clerk Tippecanoe Circuit Court
Personal Signature Title
X _____
Signature if individual
X _____
Signature if individual
X _____
Signature if individual

INTERNAL REVIEW, L.A. DIV.
DATE: DEC 10 1974
INITIALS: WJ

Recommend Approval: Stanley M. Kagan Dec. 10, 1974
Originator Date

Approved: William H. Belky DEC 11 1974
Asst Chief, Division of Land Acquisition Date

LIENHOLDERS

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

X _____
(If a firm or corporation, give name)
X By _____
Personal Signature Title

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

Deputy Attorney General _____ Date _____

Payment Approved as to Account No. and Funds Available.

Controller _____ Date _____

Approved:

Member, Indiana State Highway Commission _____ Date _____

Vice Chairman, Indiana State Highway Commission _____ Date _____

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

BJW

PAYEE'S NAME AND ADDRESS

Robert J. Sell
 One Indiana Square
 Suite 2360
 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 2 0 7 4 Month Day Year	Project Number	1 6 5 6 1 5 Prefix Road Section Paren.			
LOCATION CODE	5 0 0	Federal Code 1 or 2	Cost Account	Dr. Cr.	Amount	
FUNCTION CODE	3 5					
OBJECT CODE						
PARCEL NO.						
COUNTY NAME & NO.	Tippecanoe 7 9				Total 275. 00	

Purpose of This Payment: State vs. John A. Terman
 For services in trial as per contract
 Cause No. C 2-68
 Pre-trial and trial

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

CLAIMANTS

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

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

X _____ (If a firm or corporation, give name)
 X By _____ Title _____
 1/20/74 X *Robert J. Sell* Signature if individual
 X _____
 X _____
 X _____
 X _____

INTERNAL REVIEW - L.A. DIV.
 DATE: NOV 25 1974
 INITIALS: _____

Recommend Approval: *HRP*
 Originator *11-25-74* Date

Approved: *William H. Belky*
 Chief, Division of Land Acquisition NOV 26 1974 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 _____



0633

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE

INDIANAPOLIS, INDIANA 46209

December 12 19 74

To
 Robert J. Sell
 One Indiana Square-Suite 2360
 Indianapolis, Indiana 46204

GENTLEMEN:

We enclose State Warrant No. 1189061 December 6 19 74
 in settlement of the following vouchers:

Transmittal #75-129

Description	Amount
Pre-trial -State vs. John A. Terman Cause #C 2-68	\$275.00
For <input checked="" type="checkbox"/> (Highway Appraiser) Condemnation on State Road No. _____ in <u>Tippecanoe</u> County, Project <u>I-65-6 (15)</u> Parcel No. <u>3</u> as per Grant/Warranty Deed, Dated <u>11-20-74</u>	

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Robert J. SellDate 12-13-74

INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE
INDIANAPOLIS, INDIANA 46209

December 31 19 74

To
Mr. Eston G. Hupp, MAI & SRPA
70 Tahoe Court North
Lafayette, Indiana 47905

GENTLEMEN:

We enclose State Warrant No. 1206259 December 20 19 74
in settlement of the following vouchers:

Transmittal #75-136

Description	Amount
Pre-trial conference & Court testimony State vs. John A. Terman-Cause #136 (Highway Appraiser) For <input checked="" type="checkbox"/> Condemnation on State Road No. _____ in Tippecanoe County, Project I-65-6 (15) Parcel No. 3 as per Grant/Warranty Deed, Dated 11-19-74	\$550 00

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Eston G. Hupp
Date 1-4-75

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

PAYEE'S NAME AND ADDRESS

CLERK OF TIPPECANOE CIRCUIT COURT
COURT HOUSE
LAFAYETTE, 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: \$ 1837.40
Federal Share: \$ 16536.60
Total Amt. of Check: \$ 18374.00

Warrant No.

DISTRIBUTION

DATE	010368 Month Day Year	Project Number	I 65615 Prefix Road Section Paren.			
LOCATION CODE	500	Participating or Non-Participating	Cost Account	Dr. or Cr.	Amount	
FUNCTION CODE	35	Appraisers' Award PART	475	Dr.	18,074	00
OBJECT CODE	10/19/66 611	Appraisers' Fee PART	486 479	Dr.	300	00
PARCEL NO.	3	State vs John A. Terman, et al				
COUNTY NAME & NO	Tippecanoe 79	Cause No. C2-68				
					Total	18374 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 CLERK TIPPECANOE CIRCUIT
(If a firm or corporation, give name)

X By Amy L. Ewum
Personal Signature Title

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

X _____
Signature if individual

Recommend Approval:

David M. More 3/25/68
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

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 MAR 20 1968

Mentino E. Lopez
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: W. Townsend MAR 27 1968
Chief, Division of Land Acquisition Date

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

STATE OF INDIANA }
COUNTY OF TIPPECANOE } SS:

IN THE CIRCUIT COURT
OF TIPPECANOE COUNTY

STATE OF INDIANA
Plaintiff

-vs-

JOHN A. TERMAN, NELLIE
TERMAN (H&W), GEORGE H.
STINE and DOROTHY STINE
(H&W),

Defendants

CAUSE NO. C-2-68

FILED

SEP 4 1968

Army L. Erwin
Clerk Tippecanoe Circuit Court

AFFIDAVIT FOR POSSESSION

Plaintiff, State of Indiana, through its attorney, David M. Moore, Deputy Attorney General, first being duly sworn on his oath, says that the State of Indiana is the plaintiff in the above-entitled action; that plaintiff, State of Indiana, is entitled to the possession of the property described in the complaint; and that the defendants, George H. Stine and Dorothy Stine, Husband and Wife, unlawfully retain possession of said property; that the estimated value of the property is \$12,420.00; and that the estimated rental value thereof is \$100.00 per month.

JOHN J. DILLON
Attorney General

By: *David M. Moore*
David M. Moore
Deputy Attorney General

STATE OF INDIANA }
COUNTY OF MARION } SS:

DAVID M. MOORE being first duly sworn, says that he is

COPY

STATE OF INDIANA
COUNTY OF TIPPECANOEIN THE CIRCUIT COURT
OF TIPPECANOE COUNTY, INDIANASTATE OF INDIANA,
Plaintiff

-vs-

JOHN A. TERMAN and NELLIE
A. TERMAN, (H&W), GEORGE
H. STINE and DOROTHY M.
STINE, (H&W), THE FEDERAL
LAND BANK OF LOUISVILLE,

Defendants

CAUSE NO. 02-68

FILED

MAR 22 1968

REPORT OF APPRAISERS*Clayton L. Crum*
Clerk Tippecanoe Circuit Court

The undersigned appraisers in the above entitled proceedings, appointed by the Hon. Warren B. Thompson, Judge of the Tippecanoe Circuit Court on the 27th day of February, 1968, after being duly sworn by the Clerk of the Tippecanoe Circuit 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 Tippecanoe Circuit Court, at 1:15 o'clock P. M., on the 27th day of February, 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 Four thousand five hundred seventy four Dollars (\$ 4,574.00).

The value of improvements, if any, on the portion of said realty sought to be appropriated, we find to be the sum of Thirteen thousand five hundred Dollars (\$ 13,500.00).

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 \$ 18,074.00 .

Dated: March 22, 1968

Wendell Mason

Mike E. McMill

D. O. Clary

Appraisers

FILED

MAR 22 1968

Conroy L. Evers
Clerk, Supreme Court, Ohio

STATE OF INDIANA }
COUNTY OF TIPPECANOE } SS:

IN THE CIRCUIT COURT
OF TIPPECANOE COUNTY, INDIANA

FILED

JAN 2 1968

Amy L. Erwin
Clerk Tippecanoe Circuit Court

STATE OF INDIANA,)
Plaintiff)
-vs-)
JOHN A. TERMAN & MELLIE A.)
TERMAN, his wife,)
GEORGE H. STINE & DOROTHY)
M. STINE (M&W),)
THE FEDERAL LAND BANK OF)
LOUISVILLE)
Defendants)

CAUSE NO. C 2-68

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 Tippecanoe County, Indiana, said highway being known as Road No. 1-65 Project 1-65-6(15), 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 John A. Terman and Nellie A.

Terman, his wife

are the owners of certain real estate in said county in which is included the Real Estate and Temporary Easement hereby sought to be appropriated and condemned. Defendants' said real estate is described as follows:

Part of the southwest half of section 5, in Burnett's Reserve at and below the mouth of Tippecanoe River, in township 24 north, range 4 west, described as follows, to-wit:

Beginning 8.65 chains southwest of the north corner of the southwest half of said section 5; running thence south 40 degrees east about 115 chains to the Wabash River; thence southwest about 7.65 chains, with the west bank of said river; thence north 40 degrees west, about 115 chains, parallel with the northeast line of said tract, to a point on the northwest line of said section 5, 16.40 chains northeast of the west corner thereof; thence north 50 degrees east 7.65 chains, to beginning, containing 86.9 acres, more or less.

Except a parcel of land in the southwest half of Section 5, of Burnett's Reserve, below the mouth of the Tippecanoe River in township 24 north, range 4 west, more particularly described as follows, to-wit:

Beginning at a point on the approximate northwest boundary line of said Burnett's Reserve and center of county road, 1078 feet north 50 degrees east of the west corner of section 5 of said reserve; thence south 40 degrees east 118.7 feet to the northwesterly right of way line of the Chicago, Indianapolis and Louisville Railroad; thence northeasterly along said right of way line on a curve to the right 514.8 feet; thence north 40 degrees west 38 feet to the approximate northwest boundary line of said Burnett's Reserve and center of said county road; thence south 50 degrees west on said boundary line and center of said road 512.5 feet to the place of beginning, containing 0.90 acres, more or less, but subject to all legal highways.

Also a part of the southwest half of the southwest half of section 5, Burnett's Reserve, township 24 north, range 4 West, described more particularly as follows:

Beginning at a point 4581.0 feet south 40 degrees east from the northeast corner of the southwest half of the southwest half of Section 5, Burnett's Reserve, township 24 north, range 4 west; thence continuing south 40 degrees east 1063.3 feet; thence south 50 degrees west 1065.1 feet to a stone on the southeasterly line of aforesaid section, thence north 40 degrees west along said southwesterly line 1063.3 feet; thence north 50 degrees east 1070.5 feet to the place of beginning, containing 26 acres, more or less.

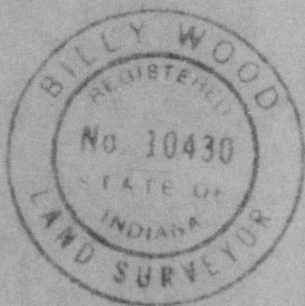
NUMBER 3

Plaintiff is informed and verily believes that the defendants, George H. Stine and Dorothy M. Stine (H&W) and The Federal Land Bank of Louisville, claim and assert an interest in and to the real estate described in Paragraph 2.

Plaintiff alleges that ownership of the fee in and to the real estate is set forth in Rhetorical Paragraph 2 and said defendants last above mentioned are made a party hereto, to answer as to any right, title or interest they may have in and to the real estate set forth in said Rhetorical Paragraph 2.

Project I-65-6(15)178 Parcel 3 IN FEE- NOT LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning South 40 degrees 23 minutes 45 seconds East 1,776.46 feet (along the southwestern line of said section) and North 49 degrees 34 minutes 30 seconds East 1,081.63 feet (along the southeastern boundary of Swisher Road) from the northwestern corner of said section; thence North 49 degrees 34 minutes 30 seconds East 500.20 feet along the southeastern boundary of Swisher Road to a northeastern line of the owners' land; thence South 39 degrees 55 minutes 00 seconds East 44.70 feet along said northeastern line; thence South 46 degrees 23 minutes 02 seconds West 274.85 feet; thence South 49 degrees 34 minutes 30 seconds West 165.00 feet; thence South 36 degrees 28 minutes 32 seconds East 181.74 feet; thence South 39 degrees 55 minutes 00 seconds East 268.98 feet; thence Southeasterly 92.32 feet along an arc to the right and having a radius of 75.00 feet and subtended by a long chord having a bearing of South 4 degrees 39 minutes 08 seconds East and a length of 86.60 feet to a southwestern line of the owners' land; thence North 39 degrees 55 minutes 00 seconds West 580.56 feet along said southwestern line to the point of beginning and containing 1.239 acres, more or less.



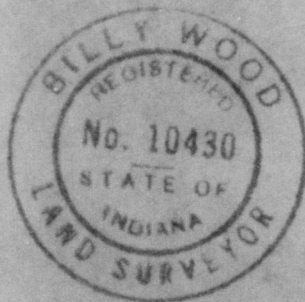
Given under my hand and seal October 30, 1967

Billy Wood
 Billy Wood, Registered
 Land Surveyor No. 10430
 State of Indiana

Project I-65-6(15)178 Parcel 3A IN FEE - NOT LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning South 40 degrees 23 minutes 45 seconds East 1,736.46 feet (along the southwestern line of said section) and North 49 degrees 34 minutes 30 seconds East 1,081.97 feet (along the northwestern boundary of Swisher Road) from the northwestern corner of said section; thence North 39 degrees 55 minutes 00 seconds West 79.97 feet along a southwestern line of the owners' land; thence North 53 degrees 32 minutes 30 seconds East 501.09 feet to a northeastern line of the owners' land; thence South 39 degrees 55 minutes 00 seconds East 45.30 feet along said northeastern line to the northwestern boundary of Swisher Road; thence South 49 degrees 34 minutes 30 seconds West 500.20 feet along said northwestern boundary to the point of beginning and containing 0.719 acres, more or less.

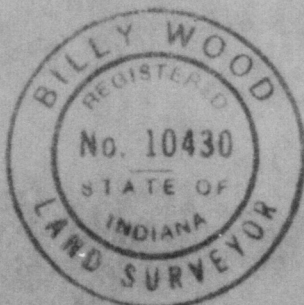
Given under my hand and seal October 30, 1967



Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana

Project I-65-6(15)178 Parcel 3B IN FEE-LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Commencing at the northwestern corner of said half section; thence North 49 degrees 50 minutes 09 seconds East 1,084.16 feet along the northwestern line of said half section; thence South 40 degrees 09 minutes 51 seconds East 20.00 feet to the southeastern boundary of 9th Street Road; thence South 39 degrees 55 minutes 00 seconds East 190.43 feet to the point of beginning of this description, which point is on the southeastern line of the right of way of the Monon Railroad; thence Northeasterly along said line of right of way 285.27 feet along an arc to the right and having a radius of 5,826.49 feet and subtended by a long chord having a bearing of North 38 degrees 57 minutes 03 seconds East and a length of 285.24 feet; thence South 22 degrees 40 minutes 40 seconds East 130.28 feet; thence South 07 degrees 37 minutes 49 seconds East 424.18 feet; thence South 17 degrees 00 minutes 00 seconds East 37.70 feet to a southwestern line of the owners' land; thence North 39 degrees 55 minutes 02 seconds West 462.68 feet along said southwestern line to the point of beginning and containing 1.634 acres, more or less.



Given under my hand and seal October 30, 1967

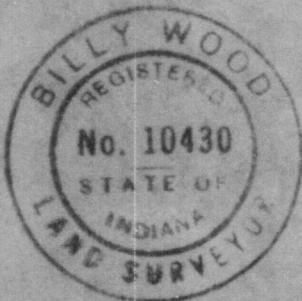
Billy Wood
 Billy Wood, Registered
 Land Surveyor No. 10430
 State of Indiana

Project I-65-6(15)178 Parcel 3 LIMITED ACCESS CLAUSE

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as I-65 and as Project I-65-6(15)178) to and from the owners' abutting lands only along the boundaries of the above-described 1.634-acre parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

Given under my hand and seal October 30, 1967

Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana



NUMBER 4

That for the purpose of improving said highway, it is necessary and proper that plaintiff take and appropriate under the powers vested in it by the General Assembly of the State of Indiana, the fee simple title to part 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".

NUMBER 5

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, a temporary easement over part of said tract of real estate described in Paragraph 2 herein. The part so sought to be appropriated and condemned, the purpose for which the temporary easement will be used, and the length of time for which it will be used is set forth and described as follows:

3/65

NUMBER 6

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 7

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 and Temporary Easement described in Paragraph 4 & 5 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 and Temporary Easement for the use hereinbefore stated.

NUMBER 8

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 and Temporary Easement sought to be acquired by it, as above set forth, which said resolution alleged and set forth that said Real Estate and Temporary Easement 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 9

That said highway so to be improved extends from a point in Lake County intersecting with Interstate 90 and proceeding in a southerly direction through Newton and Jasper Counties, thence in a southeasterly direction through White, Tippecanoe, Boone and Marion Co., thence southerly through Johnson, Bartholomew, Jackson, Scott, and Clark counties terminating at the Indiana-Kentucky state line. THAT THE COURSE AND TERMINI OF THE PARTICULAR PROJECT INVOLVED IS AS FOLLOWS: Beginning at a point in Section 3, Township 23 North, Range 4 West, approximately 414.5 feet southeast of the north line of said section and extending in a northwesterly direction 24,800 feet to a point in Section 17, Township 24 North, Range 4 West, approximately 1,594 feet east of the east line of Section 18 and approximately 3,776 feet South of the south line of Section 8, all in Tippecanoe County.

in Tippecanoe County, State of Indiana, and said right of way is to be 275 feet wide, excepting where additional width may be required for construction purposes.

NUMBER 10

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

NUMBER 11

WHEREFORE, the plaintiff prays that three disinterested freeholders of said county be appointed to appraise the value of the Real Estate and Temporary Easement sought to be condemned, and to fix the amount of benefits and damages, if any; and that such appraisers be ordered to report their appraisement, 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 and Temporary Easement so sought to be condemned for the purpose aforesaid.

Respectfully submitted,

JOHN J. DILLON
Attorney General of Indiana

Frank C. Pullo
Deputy Attorney General

Attorneys for Plaintiff

Room 219
State House
Indianapolis, Indiana
633-5512

RESOLUTION

WHEREAS, the carrying out of the construction and improvement by the Indiana State Highway Commission of Project No. I-65-6(15) Sec. (6) in Tippecanoe 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-65 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-65 which extends from a point in Lake County intersecting with Interstate 90 and proceeding in a Southerly direction through Newton and Jasper Counties, thence in a southeasterly direction through White, Tippecanoe, Boone and Marion Co., thence southerly through Johnson, Bartholomew, Jackson, Scott, and Clark counties terminating at the Indiana-Kentucky state line. the general width of the right of way for said project is 275 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 in Section 3, Township 23 North, Range 4 West, approximately 414.5 feet Southeast of the north line of said section and extending in a northwesterly direction 24,800 feet to a point in Section 17, Township 24 North, Range 4 West, approximately 1,894 feet East of the east line of Section 18 and approximately 3,776 feet South of the south line of Section 8, all in Tippecanoe County.

AND WHEREAS it is necessary in making said improvement to acquire a right of way as hereinafter described over the land of John A. Terman and Nellie A. Terman, his wife, George H. Stine and Dorothy M. Stine, (H&W), The Federal Land Bank of Louisville 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,

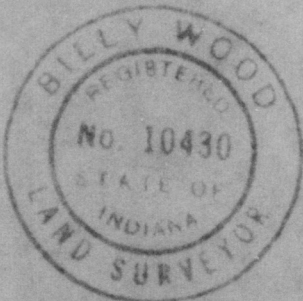
WHEREAS, the Indiana State Highway Commission has made an offer to said owner(s) for the purchase of said land, but has been unable to agree with said owner(s) upon purchase price, thereof, or upon the amount of damages sustained by said owner(s), by reason of the taking thereof for the purpose aforesaid, 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 Tippecanoe 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 I-65-6(15)178 Parcel 3 IN FEE- NOT LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning South 40 degrees 23 minutes 45 seconds East 1,776.46 feet (along the southwestern line of said section) and North 49 degrees 34 minutes 30 seconds East 1,081.63 feet (along the southeastern boundary of Swisher Road) from the northwestern corner of said section; thence North 49 degrees 34 minutes 30 seconds East 500.20 feet along the southeastern boundary of Swisher Road to a northeastern line of the owners' land; thence South 39 degrees 55 minutes 00 seconds East 44.70 feet along said northeastern line; thence South 46 degrees 23 minutes 02 seconds West 274.85 feet; thence South 49 degrees 34 minutes 30 seconds West 165.00 feet; thence South 36 degrees 28 minutes 32 seconds East 181.74 feet; thence South 39 degrees 55 minutes 00 seconds East 268.98 feet; thence Southeasterly 92.32 feet along an arc to the right and having a radius of 75.00 feet and subtended by a long chord having a bearing of South 4 degrees 39 minutes 08 seconds East and a length of 86.60 feet to a southwestern line of the owners' land; thence North 39 degrees 55 minutes 00 seconds West 580.56 feet along said southwestern line to the point of beginning and containing 1.239 acres, more or less.



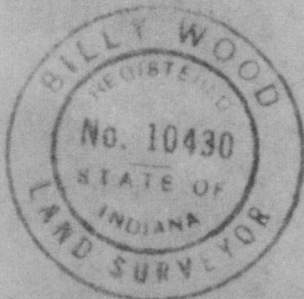
Given under my hand and seal October 30, 1967

Billy Wood
 Billy Wood, Registered
 Land Surveyor No. 10430
 State of Indiana

Project I-65-6(15)178 Parcel 3A IN FEE - NOT LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning South 40 degrees 23 minutes 45 seconds East 1,736.46 feet (along the southwestern line of said section) and North 49 degrees 34 minutes 30 seconds East 1,081.97 feet (along the northwestern boundary of Swisher Road) from the northwestern corner of said section; thence North 39 degrees 55 minutes 00 seconds West 79.97 feet along a southwestern line of the owners' land; thence North 53 degrees 32 minutes 30 seconds East 501.09 feet to a northeastern line of the owners' land; thence South 39 degrees 55 minutes 00 seconds East 45.30 feet along said northeastern line to the northwestern boundary of Swisher Road; thence South 49 degrees 34 minutes 30 seconds West 500.20 feet along said northwestern boundary to the point of beginning and containing 0.719 acres, more or less.

Given under my hand and seal October 30, 1967



Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana

Project I-65-6(15)178 Parcel 3B IN FEE-LIMITED ACCESS

A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Commencing at the northwestern corner of said half section; thence North 49 degrees 50 minutes 09 seconds East 1,084.16 feet along the northwestern line of said half section; thence South 40 degrees 09 minutes 51 seconds East 20.00 feet to the southeastern boundary of 9th Street Road; thence South 39 degrees 55 minutes 00 seconds East 190.43 feet to the point of beginning of this description, which point is on the southeastern line of the right of way of the Monon Railroad; thence Northeasterly along said line of right of way 285.27 feet along an arc to the right and having a radius of 5,826.49 feet and subtended by a long chord having a bearing of North 38 degrees 57 minutes 03 seconds East and a length of 285.24 feet; thence South 22 degrees 40 minutes 40 seconds East 130.28 feet; thence South 07 degrees 37 minutes 49 seconds East 424.18 feet; thence South 17 degrees 00 minutes 00 seconds East 37.70 feet to a southwestern line of the owners' land; thence North 39 degrees 55 minutes 02 seconds West 462.68 feet along said southwestern line to the point of beginning and containing 1.634 acres, more or less.



Given under my hand and seal October 30, 1967

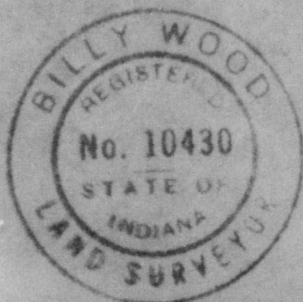
Billy Wood
 Billy Wood, Registered
 Land Surveyor No. 10430
 State of Indiana

Project I-65-6(15)178 Parcel 3 LIMITED ACCESS CLAUSE

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as I-65 and as Project I-65-6(15)178) to and from the owners' abutting lands only along the boundaries of the above-described 1.634-acre parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

Given under my hand and seal October 30, 1967

Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
State of Indiana

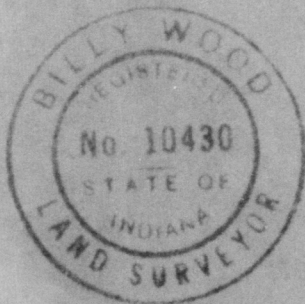


Project I-65-6(15)178 Parcel 3D Temporary Right of Way

The following described right of way is temporary right of way for the purpose of the removal of a building and will revert to the owner on September 10, 1970: A part of the Southwestern Half of Section 5, Burnett's Reserve, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Commencing at the northwestern corner of said section; thence South 40 degrees 23 minutes 45 seconds East 1,776.46 feet (along the southwestern line of said section) to the southeastern boundary of Swisher Road; thence North 49 degrees 34 minutes 30 seconds East 1,357.01 feet along said southeastern boundary; thence South 40 degrees 25 minutes 30 seconds East 57.21 feet to the point of beginning of this description; thence North 46 degrees 23 minutes 02 seconds East 85.13 feet; thence South 40 degrees 25 minutes 30 seconds East 57.53 feet; thence South 49 degrees 34 minutes 30 seconds West 85.00 feet; thence North 40 degrees 25 minutes 30 seconds West 52.79 feet to the point of beginning and containing 0.108 acres, more or less.

Given under my hand and seal October 31, 1967

Billy Wood
Billy Wood, Registered
Land Surveyor No. 10430
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 27th day of July 19 67.

BE IT FURTHER RESOLVED, that a copy of this resolution be referred to the Attorney General of Indiana.

INDIANA STATE HIGHWAY COMMISSION

Form CR-3
Rev. 12-65

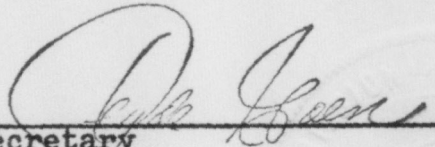
Offices of the Indiana State Highway Commission of
Indiana, Indianapolis, Indiana.

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

~~John A. Terman and Nellie A. Terman, RR #3, Charlevoix,
Michigan; George H. Stine and Dorothy M. Stine (H&W), RR #2
Lafayette, Indiana; The Federal Land Bank of Louisville~~

in _____
in Tippecanoe 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 July, 1967.


Secretary

SEAL:

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I 65-6(15)

BUYER'S REPORT NUMBER: 2 COUNTY Tipppecanoe PARCEL NO. 3

NAME & ADDRESS OF OWNER John A. Ferman Etuy fee owner
R 3 6 Barlevoix Mich PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED George H. Stine Etuy Buyer
R 2 Lafayette Ind PHONE # 567-2282
(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 4-28-67. DATE OF CONTACT 6-27-67

OFFER \$ 12,420.00 TIME OF CONTACT 7:30 P.M.

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

1. Yes Checked abstract with ^{contract} owner? 2. No Any affidavits taken?
3. Yes Any mortgage(s)? 4. None Any other liens, judgements, etc.?
5. Yes Showed plans, explained take, made offer, etc.?
6. Yes Explained about retention of buildings, etc.? 7. No Any being retained?
8. Yes Walked over property with owner? (or with whom? _____)
9. NA Arranged for owner to pay taxes? (Explain how in remarks)
10. No Secured Right of Entry? 11. No Secured Driveway Right of Entry?
12. Yes Was Chapter 316, Acts of 1967 Indiana General Assembly, explained?
13. Yes Was 180 Day Notice Letter delivered or mailed to all parties?
14. No Waivers, were any secured? 15. NA Filled out RAAP Form?

REMARKS: I called on Mr & Mrs Stine this date.
Discussed plans. Answered questions.
Made out application for relocation
assistance. Made out occupancy report.
Gave them firm offer.
Mr or Mrs Stine, neither one, said,
they knew not the value of R/w
being taken but they declined
acceptance of firm offer and asked me
to condemn the property.

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

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

Frank A. Alexander
(Signature)

INDIANA STATE HIGHWAY COMMISSION
Land Acquisition Division

PROJECT NO. I-65-6(15)

BUYER'S REPORT NUMBER: 1 COUNTY Tipppecanoe PARCEL NO. 3

NAME & ADDRESS OF OWNER John A German Etux

R3 Charlevoix Mich PHONE # _____

NAME & ADDRESS OF PERSON CONTACTED George H. Stine, Etux, Contract Buyer

R2 Lafayette Ind PHONE # 567-2202

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

DATE ASSIGNED 4-28-67 DATE OF CONTACT 6-27-67

OFFER \$ _____ TIME OF CONTACT 2:45 P.M.

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: Called on above this date w/
Mr L H. Smith. I gave them
180 day letter. Got address of Mr & Mrs
German and sent them 180 day
letter.

Made appointment w/ Mr & Mrs Stine
for this evening 7:30 P.M (6/27) for
continuing negotiations.

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

Distribution Made

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

Frank A. Alexander
(Signature)

TITLE AND ENCUMBRANCE REPORT

DIVISION OF LAND ACQUISITION

INDIANA STATE HIGHWAY COMMISSION

S.R. I-65 PROJ. I-65-6 (15) COUNTY TIPPECANOE

Names on Plans John A. Terman

Names in Trans. Book John A. Terman

Description or Addition	Sec.	Twp.	Rge.	Acreage	Political Twp. <u>Tippecanoe</u> Assessed Value	
					Land	Improvements
Pt. Bur. Res. SW-SW	5	24	4	26 A.	\$1300.00	
Pt. Bur. Res.	5	24	4	84.10 A.	\$4480.00	\$2710.00

LAST OWNER OF RECORD

Deed Record 219 P. 73 Recorded Jan. 4, 1949 Dated Jan. 4, 1949 Deed WARRANTY DEED

Grantor Peter J. Burns, an unmarried adult

Grantee John A. Terman

Address of Grantee c/o George Stine, R. R. 2, Lafayette, Indiana

MORTGAGE RECORD

Mortgage Record 252 P. 118 Amount \$10,000.00 Dated Aug. 24, 1955

Mortgagor John A. Terman and Nellie A. Terman, his wife

Mortgagee The Federal Land Bank of Louisville

JUDGMENT RECORD Yes None LIS PENDENS RECORD Yes None

MISCELLANEOUS RECORD Yes None EASEMENT Yes None

If answer to any of above is yes, clarify on back of sheet or on attached sheet.

TAXES Current Paid Delinquent

CERTIFICATE

I, the undersigned certify that the above and the attached copies include all transfers of the above described real estate as shown by the records in the Office of Recorder of the above county from the date of the earliest entry shown in this search to date, except as otherwise noted, and that all liens, judgments and other matter of record hereinbefore requested for the same period are set forth.

MITCHELL TITLE INSURANCE AND ABSTRACT CO

By Lillian Foker

Dated this 21st Day of March 1966
at 8 A.M.

Abstractor

Prel. Approval of Title _____
Date _____

By _____

Final Approval of Title _____
Date _____

By _____
Deputy Attorney General

CAPTION

-1-

CONTINUATION OF Abstract of Title to:

A parcel of land in the Southwest half of the Southwest half of Section five (5) Burnetts Reserve, in Township twenty-four (24) North, Range four (4) West, described more particularly as follows:

Beginning at a point 4581.0 feet South 40 degrees East from the Northeast corner of the Southwest half of the Southwest half of Section five (5) Burnetts Reserve, Township twenty-four (24) North, Range four (4) West; thence continuing South 40 degrees East 1063.3 feet; thence South 50 degrees West 1065.1 feet to a stone on the Southwesterly line of aforesaid Section; thence North 40 degrees West along said South Westerly line 1063.3 feet; thence North 50 degrees East 1070.5 feet to the place of beginning, containing twenty-six and 0/10 (26.0) acres, more or less.

ALSO: Part of the Southwest half of Section five (5), in Burnetts Reserve at and below the mouth of Tippecanoe River in Township twenty-four (24) North, Range four (4) West, described as follows, to-wit:

Beginning eight and 65/100 (8.65) chains Southwest of the North corner of the Southwest half of said Section five (5); running thence South forty (40) degrees East about one hundred fifteen (115) chains to the Wabash River; thence Northwest about seven and 65/100 (7.65) chains, with the West bank of said River; thence North forty (40) degrees West, about one hundred fifteen (115) chains parallel with the Northeast line of said tract to a point on the Northwest line of said Section five (5), Sixteen and 40/100 (16.40) chains Northeast of the West corner thereof; thence North fifty (50) degrees East seven and 65/100 (7.65) chains, to beginning, containing eighty-six (86) acres, more or less.

EXCEPT A parcel of land in the Southwest half of Section five (5) of Burnett's Reserve, below the mouth of the Tippecanoe River in Township twenty-four (24) North, Range four (4) West, more particularly described as follows, to-wit:

Beginning at a point on the approximate Northwest boundary line of said Burnett's Reserve and center of County road, ten hundred and seventy-eight (1078) feet North fifty (50) degrees East of the West corner of Section five (5) of said Reserve; thence South forty (40) degrees East one hundred eighteen and 7/10 (118.7) feet to the Northwesterly right of way line of the Chicago, Indianapolis and Louisville Railroad; thence Northeasterly along said right of way line on a curve to the right five hundred fourteen and 8/10 (514.8) feet; thence North forty (40) degrees West thirty-eight (38) feet to the approximate Northwest boundary line of said Burnett's Reserve and center of said County Road; thence South fifty (50) degrees West on said boundary line and center of said road five hundred twelve and 5/10 (512.5) feet to the place of beginning, containing 90/100 acres, more or less.

Located in Tippecanoe Township, Tippecanoe County, Indiana.

Prepared for: State Highway Department of Indiana.

Deed Record
180, Page 142
Instr. #6904
March 10, 1934
Recorded
June 15, 1934

The Lafayette Joint Stock
Land Bank of Lafayette,
By Charles H. Ball, Vice-
President,
Attest: Wilbur R. McQueen,
Secretary, (SEAL)

WARRANTY DEED
Revenue Stamps \$4.50

-2-

-to-
Peter J. Burns and
Cordelia Burns, husband and wife.

Part of Section five (5) in Burnett's Reservation
at the Mouth of Tippecanoe River in Township twenty-four
(24) North, Range four (4) West of the second principal
meridian, Indiana and described as follows, to-wit:

Beginning on the Southwest line of said Section five
at a point twenty-six and 30/100 (26.30) chains South
forty (40) degrees East to the Northwest corner thereof;
and running thence Southeast along said southwest line
fifty-eight and 78½/100 (58.78½) chains; thence North
fifty (50) degrees East sixteen and 16/100 (16.16) chains;
thence North forty (40) degrees West fifty-eight and
78½/100 (58.78½) chains; thence South fifty (50)
degrees West sixteen and 32/100 (16.32) chains, more or
less, to the place of beginning, containing ninety-five
and 46/100 (95.46) acres, more or less.

This deed is made and accepted subject to all
unpaid taxes and assessments against said real estate.

Acknowledged before Teresa M. Woodworth, Notary
Public, Tippecanoe County, Indiana. (Seal) Commission
expires July 15th, 1937.

Miscellaneous
Record 3, Page 560
Instr. 12128
Jan. 6, 1940
Recorded
April 18, 1940.

Peter J. Burns and
Cordelia Burns
(Husband and Wife)

EASEMENT

-3-

-to-
TIPMONT Rural Electric
Membership Corporation.

STATE OF INDIANA
AND TIPPECANOE COUNTY, SS:

KNOW ALL MEN BY THESE PRESENTS, That we, Peter J.
Burns and Cordelia Burns, husband and wife, of the
aforesaid County and State, grantors, in consideration
of its undertaking to construct and operate a system
to distribute electricity to rural residents of said
County and other valuable consideration, the receipt of
which is hereby acknowledged, do hereby grant unto the
TIPMONT Rural Electric Membership Corporation, grantee,
its successors and assigns, the right and easement
to enter upon the lands hereinafter mentioned, to-wit:

Part of the South ½ of Sec. 5 Twp 24 N R 4 W (Burnetts
Res.)

A tract of about 95 acres situated in Tippecanoe
County, Indiana, about 2 miles South from the town of
Battle Ground and lying between the farm of John Tearman
on the North and the farm of John Tearman on the South.
and to place, construct, operate, repair, maintain, relo-
cate and replace thereon, in or upon all streets, roads or
highways abutting said lands, an electric transmission
or distribution line or system, or any part thereof,
and to cut and trim trees and shrubbery to the extent
necessary to keep the said electric line or system free
and clear therefrom, and to cut down from time to time
all dead, weak, leaning or dangerous trees that are tall
and near enough to strike the wires if such trees should
fall.

In granting this easement, it is understood that at
pole locations, only a single pole and appurtenances will
be used, and that the location of the poles will be such
as to form the least possible interference to farm

operations, as long as it does not materially increase the cost of construction.

The undersigned covenant that they are the owners of the lands on which this easement is granted and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons: Federal Land Bank, Louisville, Ky.

The aforesaid easement includes the right at any time to enter upon the said land, with the necessary tools and equipment, to do the acts mentioned.

Reservation of the full use and enjoyment of said land insofar as it shall not interfere with the easements hereby granted is hereby expressly made.

IN WITNESS WHEREOF this easement is signed as of the 6 day of Jan. 1940.

Peter J. Burns
Cordelia Burns

Acknowledged by Peter J. Burns and Cordelia Burns, before Edgar W. Street, Notary Public, Tippecanoe County, Indiana. (Seal) Commission expires Jan. 4, 1943.

-4-

N O T E: Cordelia Burns, wife of Peter J. Burns, died on June 1st, 1946. We find no record of the death of said decedent on file in the Clerk's Office of Tippecanoe County, Indiana.

-5-

Deed Record
219, Page 73
Instr. 22669
Jan. 4, 1949
Recorded
Jan. 4, 1949.

Peter J. Burns,
an unmarried adult,
-to-
John A. Terman.

WARRANTY DEED
Revenue Stamps \$4.40

A parcel of land of 26.0 acres in the Southwest half of the Southwest half of Section five (5) Burnetts Reserve, Township twenty-four (24) North, Range four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, described more particularly as follows:

A parcel of land in the Southwest half of Section five (5), Burnetts Reserve, Township twenty-four (24) North, Range four (4) West, beginning at a point 4581.0 feet south 40 degrees east from the Northeast corner of the Southwest half of the Southwest half of Section five (5) Burnetts Reserve, Township twenty-four (24) North, Range four (4) West, Tippecanoe Twp, Tippecanoe County, Indiana; thence continuing South 40 degrees East 1063.3 feet; thence South fifty (50) degrees West 1065.1 feet to a stone on the southwesterly line of aforesaid Section; thence North forty (40) degrees West along said southwesterly line 1063.3 feet; thence North fifty (50) degrees East 1070.5 feet to the place of beginning, containing 26.0 acres, more or less.

Cordelia Burns, wife of the grantor, Peter J. Burns, died on the 1st day of June, 1946, and the relationship of husband and wife, continued until the date of her death.

Acknowledged before Rose C. Concidine, Notary Public, Tippecanoe County, Indiana. (Seal) Commission expires June 6th, 1949.

Deed Record
189, Page 288,
Instr. #5084
Mar. 25, 1939
Recorded
July 17, 1939

-6-

Stephen Hurst and
Dessie Hurst, his wife, and
Noah Hurst, unmarried adult,
Orpha Smith and
E. D. Smith, her husband,
Florence Becker and
John E. Becker, her husband, and
Blanche Burks,
unmarried adult,

WARRANTY DEED
Revenue Stamps \$7.00

-to-

John A. Terman and
Florence E. Terman,
husband and wife.

Part of the Southwest half of Section five (5),
in Burnetts Reserve at and below the mouth of Tippecanoe
River, in Township Twenty-four (24) North, Range Four
(4) West, described as follows, to-wit:

Beginning Eight and 65/100 (8.65) chains Southwest
of the North corner of the Southwest half of said Section
Five (5); running thence South Forty (40) degrees East
about One Hundred Fifteen (115) chains to the Wabash
River; thence ~~Northwest~~^{Southwest} about Seven and 65/100 (7.65)
chains, with the West Bank of said River; thence North
Forty (40) degrees West, about One Hundred Fifteen (115)
chains, parallel with the Northeast line of said tract,
to a point on the Northwest line of said Section Five (5),
Sixteen and 40/100 (16.40) chains Northeast of the West
corner thereof; thence North Fifty (50) degrees East
Seven and 65/100 (7.65) chains, to beginning, containing
Eighty-six (86) acres, more or less.

Subject to the taxes for the year 1939, due and
payable in 1940, which taxes the grantees herein assume
and agree to pay.

Acknowledged 25th day of March, 1939, by Stephen
Hurst and Dessie Hurst, his wife, Noah Hurst, unmarried
adult, before Morris R. Parks, United States Commissioner,
Tippecanoe County, Indiana. (Seal).

Acknowledged March 30, 1939, by Orpha Smith and E. D.
Smith, Her Husband, Florence Becker and John E. Becker,
Her Husband, and Blanche Burks, unmarried adult, before
Arthur Filmet, Jr., Notary Public State of California,
Sacramento County, (Seal) Commission expires April 15th,
1942.

Deed Record
198, Page 320
Instr. #5398
August 13, 1943
Recorded,
October 11, 1943

-7-

John A. Terman and
Florence E. Terman,
husband and wife,

QUIT CLAIM DEED

-to-

Otto E. May,
Trustee to Convey.

Part of the Southwest half ($\frac{1}{2}$) of Section Five (5)
in Burnetts Reserve at and below the mouth of the
Tippecanoe River in Township Twenty-four (24) North,
Range Four (4) West, described as follows, to-wit:

Beginning 8.65 chains southwest of the North
corner of the Southwest half ($\frac{1}{2}$) of said Section Five
(5), running thence south 40 degrees East about 115 chains
to the Wabash River; thence Southwest about 7.65 chains
with the west bank of said river; thence North 40
degrees West about 115 chains parallel with the Northeast
line of said tract to a point on the Northwest line of
said Section Five (5), 16.40 chains Northeast of the
West corner thereof; thence North 50 degrees East 7.65
chains to beginning, containing Eighty-six and 9/10 (86.9)

, 9

acres, more or less, but subject to the right of way of the C. I. & L. Railroad, .09 acres, more or less, and containing exclusive of said right of way Eighty-six (86) acres, more or less.

Acknowledged before Morris R. Parks, United States Commissioner, Tippecanoe County, Indiana. Com. Exp. ____
(Seal)

Deed Record
198, Page 321
Inst. #5399
August 13, 1943
Recorded,
October 11, 1943.

Otto E. May,
Trustee to Convey,
-to-
John A. Terman.

QUIT CLAIM DEED

-8-

Part of the Southwest half ($\frac{1}{2}$) of Section Five (5) in Burnett's Reserve at and below the mouth of the Tippecanoe River in Township Twenty-four (24) North, Range Four (4) West, described as follows, to-wit:

Beginning 8.65 chains southwest of the North corner of the Southwest half ($\frac{1}{2}$) of said Section Five (5), running thence South 40 degrees East about 115 chains to the Wabash River; thence Southwest about 7.65 chains with the West bank of said river; thence North 40 degrees West about 115 chains parallel with the Northeast line of said tract to a point on the Northwest line of said Section Five (5), 16.40 chains Northeast of the West corner thereof; thence North 50 degrees East 7.65 chains to beginning, containing Eighty-six and $\frac{9}{10}$ (86.9) acres more or less, but subject to the right of way of the C. I. & L. Railroad, .9 acres more or less, and containing exclusive of said right of way Eighty-six (86) acres, more or less;

Acknowledged before Morris R. Parks, United States Commissioner, Tippecanoe County, Indiana. (Seal)

Deed Record
209, Page 103
Instr. 32875
Sept. 28, 1946
Recorded
Sept. 30, 1946

John A. Terman and
Nellie A. Terman, his wife,
-to-
Paul N. Mikles and
Elizabeth M. Mikles,
husband and wife.

WARRANTY DEED
Revenue Stamps \$2.75

-9-

A parcel of land in the South West half of Section five (5), of Burnett's Reserve, below the mouth of the Tippecanoe River, in Township twenty-four (24) North, Range four (4) West, more particularly described as follows, to-wit:

Beginning at a point on the approximate Northwest boundary line of said Burnett's Reserve and center of County road, ten hundred and seventy-eight (1078) feet North fifty (50) degrees East of the West corner of Section five (5) of said Reserve; thence South forty (40) degrees East one hundred eighteen and $\frac{7}{10}$ (118.7) feet to the Northwesterly right of way line of the Chicago, Indianapolis and Louisville Railroad; thence Northeasterly along said right of way line on a curve to the right five hundred fourteen and $\frac{8}{10}$ (514.8) feet; thence North forty (40) degrees West thirty-eight (38) feet to the approximate Northwest boundary line of said Burnett's Reserve and center of said County Road; thence South fifty (50) degrees West on said Boundary line and center of said road five hundred twelve and $\frac{5}{10}$ (512.5) feet to the place of beginning, containing $\frac{90}{100}$ acres, more or less.

Located in Tippecanoe Township, Tippecanoe County, Indiana.

Acknowledged before I. Gloyd Garrott, State Senator,
Tippecanoe County, Indiana. (Seal) Commission expires
Elected Nov. 3, 1942.

N O T E: The foregoing Deed shown for reference only.

Mortgage
Record 252,
Page 118.
Instr. 49614
Aug. 24, 1955
Recorded
Sept. 2, 1955

John A. Terman and
Nellie A. Terman,
his wife,
-to-
The Federal Land Bank
of Louisville.

MORTGAGE \$10,000.00

-10-

~~START~~ Part of the southwest half of section 5, in Burnett's Reserve at and below the mouth of Tippecanoe River, in township 24 north, range 4 west, described as follows, to-wit: Beginning 8.65 chains southwest of the north corner of the southwest half of said section 5; running thence south 40 degrees east about 115 chains to the Wabash River; thence southwest about 7.65 chains, with the west bank of said river; thence north 40 degrees west, about 115 chains, parallel with the northeast line of said tract, to a point on the northwest line of said section 5, 16.40 chains northeast of the west corner thereof; thence north 50 degrees east 7.65 chains, to beginning, containing 86.9 acres, more or less.

Except a parcel of land in the southwest half of Section 5, of Burnett's Reserve, below the mouth of the Tippecanoe River in township 24 north, range 4 west, more particularly described as follows, to-wit:

Beginning at a point on the approximate northwest boundary line of said Burnett's Reserve and center of county road, 1078 feet north 50 degrees east of the west corner of section 5 of said reserve; thence south 40 degrees east 118.7 feet to the northwesterly right of way line of the Chicago, Indianapolis and Louisville Railroad; thence northeasterly along said right of way line on a curve to the right 514.8 feet; thence north 40 degrees west 38 feet to the approximate northwest boundary line of said Burnett's Reserve and center of said county road; thence south 50 degrees west on said boundary line and center of said road 512.5 feet to the place of beginning, containing 0.90 acres, more or less, but subject to all legal highways.

Also a part of the southwest half of the southwest half of section 5, Burnett's Reserve, township 24 north, range 4 West, described more particularly as follows:

Beginning at a point 4581.0 feet south 40 degrees east from the northeast corner of the southwest half of the southwest half of Section 5, Burnett's Reserve, township 24 north, range 4 west; thence continuing south 40 degrees east 1063.3 feet; thence south 50 degrees west 1065.1 feet to a stone on the southeasterly line of aforesaid section, thence north 40 degrees west along said southwesterly line 1063.3 feet; thence north 50 degrees east 1070.5 feet to the place of beginning, containing 26 acres, more or less.

(And other lands described)

Containing in all the above described land 146.30 acres, more or less, but subject to all legal highways.

THIS MORTGAGE is given to secure the payment of a mortgage note of even date herewith executed and delivered by the Mortgagor to the Mortgagee in principal sum of TEN THOUSAND dollars with interest on said principal sum or the unpaid balance thereof, at the rate of four (4%) per centum per annum payable semi-annually, said principal being payable on an amortization plan, in semi-annual installments, the last installment being due on the first

day of March 1989 without any relief whatever from valuation or appraisal laws, and the Mortgagor further promises and agrees to pay reasonable attorneys fees.

The right is expressly reserved to the holder thereof to extend the time of payment.

Acknowledged before Elizabeth M. Heslar, Notary Public, Tippecanoe County, Indiana. (Seal) Commission expires January 12, 1957.

(NOT RELEASED UPON THE RECORD)

Miscellaneous
Record 3,
Page 554
Instr. 12122
Jan. 8, 1940
Recorded
April 18, 1940

John A. Terman and
Florence C. Terman,
(Husband and Wife),
-to-
TIPMONT Rural Electric
Membership Corporation.

EASEMENT

STATE OF INDIANA
TIPPECANOE COUNTY, SS:

KNOW ALL MEN BY THESE PRESENTS, That we, John A. Terman and Florence C. Terman (Husband and Wife), of the aforesaid county and state, grantors, in consideration of its undertaking to construct and operate a system to distribute electricity to rural residents of said County and other valuable consideration, the receipt of which is hereby acknowledged, do hereby grant unto the TIPMONT Rural Electric Membership Corporation, grantee, its successors and assigns, the right and easement to enter upon the lands hereinafter mentioned, to-wit:

Part of SW $\frac{1}{2}$ of Sec. 5, Burnetts Reserve Twp. 24 N. Range 4 W.

A tract of about 84 acres situated in Tippecanoe County, Indiana, about 2 miles South from the town of Battle Ground and lying between the farm of Peter Burns on the South West, and the farm of Ninth St. Road on the North.

and to place, construct, operate, repair, maintain, relocate and replace thereon, in or upon all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, or any part thereof, and to cut and trim trees and shrubbery to the extent necessary to keep the said electric line or system free and clear therefrom, and to cut down from time to time all dead, weak, leaning or dangerous trees that are tall and near enough to strike the wires if such trees should fall.

In granting this easement, it is understood that at pole locations, only a single pole and appurtenances will be used, and that the location of the poles will be such as to form the least possible interference to farm operations, as long as it does not materially increase the cost of construction.

The undersigned covenant that they are the owners of the lands on which this easement is granted and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons: Federal Loan Bank, Louisville, Ky.)

The aforesaid easement includes the right at any time to enter upon the said land, with the necessary tools and equipment, to do the acts mentioned.

Reservation of the full use and enjoyment of said land insofar as it shall not interfere with the easements hereby granted is hereby expressly made.

IN WITNESS WHEREOF this easement is signed as of the 8th day of Jan. 1940.

John A. Terman
Florence C. Terman

Acknowledged by John A. Terman and Florence C. Terman, before Edgar W. Street, Notary Public, Tippecanoe County, Indiana. (Seal) Commission expires January 4, 1943.

Deed Record
249, Page 447
Instr. #56994
March 22, 1956
Recorded
May 9, 1956

John A. Terman and
Nellie A. Terman, his wife,

AGREEMENT

-and-

George H. Stine and
Dorothy M. Stine, husband and wife.

WITNESSETH, That if the party of the second part shall first make the payments and perform the covenants hereinafter mentioned on their part to be made and performed, the said party of the first part hereby covenants and agrees to convey to the said party of the second part, in fee simple, clear of all encumbrances whatever, by a good and sufficient Warranty Deed, the parcel of ground, situated in the County of Tippecanoe and State of Indiana, accompanied by Abstract of title brought to date, known and described as follows, to-wit:

A parcel of land of 26.0 acres, in the Southwest half of the Southwest half of Section 5 Burnetts Reserve, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described more particularly as follows:

A parcel of land in the Southwest half of Section 5, Burnetts Reserve, Township 24 North, Range 4 West: Beginning at a point 4581.0 feet south 40 degrees east from the northeast corner of the Southwest half of the Southwest half of Section 5, Burnetts Reserve Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana; thence continuing South 40 degrees East 1063.3 feet; thence South 50 degrees West 1065.1 feet to a stone on the southwesterly line of aforesaid Section; thence North 40 degrees West along said southwesterly line 1063.3 feet; thence North 50 degrees East 1070.5 feet to the place of beginning, containing 26.0 acres, more or less.

ALSO Part of the Southwest half of Section 5, in Burnetts Reserve at and below the mouth of Tippecanoe River, in Township 24 North, Range 4 West, described as follows, to-wit: Beginning 8.65 chains Southwest of the North corner of the Southwest half of said Section 5; running thence South 40 degrees East about 115 chains to the Wabash River; thence Northwest about 7.65 chains, with the West Bank of said River; thence North 40 degrees West about 115 chains, parallel with the Northeast line of said tract, to a point on the Northwest line of said Section 5, 16.40 chains Northeast of the West corner thereof; thence North 50 degrees East 7.65 chains to beginning, containing 86 acres, more or less.

And the said party of the second part hereby covenants and agrees to pay to the said party of the first part the sum of Thirty two thousand Dollars, without any relief whatever from valuation or appraisement laws, with attorneys fees, in the following manner to-wit: One Thousand Dollars (\$1000.00) cash on the execution of this contract, and the balance at the rate of not less than One Thousand Dollars (\$1000.00) a year beginning April 1, 1957 with interest at the rate of five per centum per annum, payable semi annually on the whole sum remaining from time to time unpaid, and to pay all taxes, assessments or impositions that may be legally levied or imposed upon said land, subsequent to the year 1956, And in case of the failure of the said party of the second part to make either of the payments, or any part thereof, or perform any of the covenants on their part hereby made and entered into at the time and in the manner herein provided, this contract shall become and is hereby made a lease of the above described tracts from first party hereto to second party, and the payments herein provided for shall be and are hereby made a rental for said premises, for the several terms between the time of said payments and upon such failure, this contract shall, at the option of the party of the first part, be forfeited and determined, and the party of the second part shall forfeit all payments made by them on this contract, and such

payments shall be retained by the said party of the first part in full satisfaction and in liquidation of all damages by them sustained and first party shall have the right to re-enter and take possession of the premises aforesaid.

Second party shall also procure insurance on the building or buildings now on said land, or that shall be hereafter erected on said land, for such sum as the same can be insured for, not to exceed the amount due on this contract, in some good company or companies, to be selected by first party, such insurance to be for the benefit and for the further security of the first party.

Insurance shall not be less than \$18,000.00. It is mutually agreed by and between the parties hereto that the time of payment shall be of the essence of this contract; and that all the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals the day and year first above written.

George H. Stine
Dorothy M. Stine

John A. Terman
Nellie A. Terman

Acknowledged by John A. Terman and Nellie A. Terman, his wife and George H. Stine and Dorothy M. Stine, husband and wife, before Morris R. Parks, Notary Public, Tippecanoe County, Indiana. (Seal) Commission expires April 28, 1956.

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Examination has been made, as to the persons in title subsequent to May 1, 1947, for liens shown by notices of Old Age Assistance filed in the Office of the Recorder of Tippecanoe County, as provided by the Acts concerning Public Welfare, Effective May 1, 1947.

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

John A. Terman,	for the 10 years last past and against none other.
George H. Stine and Dorothy M. Stine, jointly and not individually	for the 10 years last past and against none other.

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

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Taxes for the year 1965 on the real estate for which this Abstract is prepared are assessed in the name of John A. Terman and are due and payable on or before the first Mondays in May and November of 1965.

May Installment \$181.69 UNPAID

November Installment \$181.69 UNPAID

Assessed Valuation:

Land \$5780.00 Improvements \$2710.00 Exemption None.

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Taxes for the year 1966 now a lien.