

STATE OF INDIANA)
KOSCIUSKO COUNTY) SS:

IN THE KOSCIUSKO CIRCUIT COURT
CAUSE NUMBER 43C01-1206-PL-68

KOSCIUSKO COUNTY, BY ITS
BOARD OF COMMISSIONERS
Plaintiff

VS

AS AGAINST THE WORLD AND
ALL UNKNOWN INTERESTED
PERSONS WHO MAY CLAIM
AN INTEREST THEREIN
Defendants

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Deborah A. Wright
Kosciusko County Recorder IN
Recorded as Presented



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AUG 15 2012

DECREE QUIETING TITLE

AUDITOR OF KOSCIUSKO COUNTY

This cause came on to be heard upon the Plaintiff's Petition For Quiet Title and supporting Affidavits, which are a part of the record herein.

And the Court having examined the entire record in this cause and all pleadings and papers in connection therewith, and it appearing to the Court that the Complaint For Quiet Title was filed in this Court on June 21, 2012; that service was made by publication in the Warsaw Times-Union, a newspaper of general circulation, printed and published in the English language in Kosciusko County, Indiana, such publications having appeared for three (3) successive weeks on June 23, June 30, and July 7, 2012, with the last publication being more than thirty (30) days prior to August 10, 2012, the date fixed for said Defendants to answer or otherwise respond to the Complaint, which proof of publication is on file with the Court.

The Court further finds that no objections to said Petition To Quiet Title have been filed with the Court, and all Defendants have failed to appear, file Answer or other responsive pleading to Plaintiff's Complaint herein or otherwise defend this claim; and that each and all of said Defendants have failed to serve on the attorney of record for the Plaintiff an Answer or other responsive pleading to Plaintiff's Complaint herein; and that default was entered in this cause on August 10, 2012, in this Court against any and all of the Defendants. And the Court further finds that the Plaintiff, by counsel, has filed his Affidavit Pursuant To Requirements Of Soldiers' And Sailors Civil Relief Act, which Affidavit is a part of the Court's record herein.

AND THE COURT, having further examined and considered the Plaintiff's verified motion for a Judgment by default, and being sufficiently advised in the premises, NOW FINDS AND DETERMINES that the allegations of said motion for a judgment by default are true, that said motion be sustained and granted, and that the Plaintiff is entitled to a judgment against each and all of said

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defendants; and each and all of said defendants are three (3) times audibly called in open court and come not, but herein each and all wholly make default.

Thereupon, upon motion of the Plaintiff, this cause is now ordered submitted to the Court for trial without the intervention of a jury, finding and judgment upon the issues joined by Plaintiff's Complaint filed herein, and this cause now commences, proceeds and is concluded.

And the Court, having examined the evidence and being duly advised in the premises, now finds for the Plaintiff and that all of the allegations contained in Plaintiff's Complaint are true as follows:

1. That the Plaintiff has complied with all of the requirements of Indiana
2. That Kosciusko County, Indiana, by its Board of Commissioners, is the record owner of the following described real estate which is the right-of-way parcel needed by Plaintiff for the roadway project, being more particularly described as follows:

A part of the Northwest Quarter of Section 7, Township 32 North, Range 6 East, Kosciusko County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, described as follows: Beginning at a point 50 feet South of the North line of said Section 7 and 1323.6 feet North 88 degrees 27 minutes East of the West line of said Section 7 (commencing with the words "Beginning at" quoted from Deed Record 293, Page 66); thence North 2 degrees 14 minutes 58 seconds West 50.00 feet along the prolonged West line of said grantor's land to the North line of said quarter section; thence North 86 degrees 56 minutes 47 seconds East 100.00 feet along the North line of said quarter section to the prolonged East line of said grantors' land; thence South 2 degrees 14 minutes 58 seconds East 50.0 feet along said prolonged line; thence South 86 degrees 56 minutes 47 seconds West 100.00 feet to the point of beginning, and containing 0.115 acres, more or less, inclusive of the presently existing right-of-way which contained 0.027 acres, more or less.

3. That Warsaw Service Center, Inc., by its authorized agent, Steven B. Wilson, has executed and recorded a Quitclaim Deed to convey all of its interest in said right-of-way parcel to Kosciusko County.

4. That Chad A. Zartman, who purchased said real estate on contract from Warsaw Service Center, Inc., has executed and recorded a Quitclaim Deed to convey all interest he may have in said right-of-way parcel to Kosciusko County.

5. That the Plaintiff does not have knowledge as to whether any other person or persons who might claim some right, title or interest in and to the real estate described herein may be living or dead, and that Plaintiff does not have knowledge as to the full names of persons whose full names are not shown in the caption of the Complaint herein, who by possibility might claim some right, title or interest in the real estate described herein, whether if husband or wife, widower or widow, heir or devisee, by reason of the relation to some former owner, mortgagee or encumbrancer thereof, as disclosed by the public records of said county or elsewhere as to whether such parties are living or dead.

6. That the allegations set out in Plaintiff's Complaint For Quiet Title are true.

7. That all defendants, and each and all of them, are claiming some interest as described and set out in the Complaint filed herein and to said real estate and area claiming to hold liens thereon,

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which said claims are pretended claims and liens and are wholly without right and are null and void, and cause a cloud upon Plaintiff's title to said real estate.

8. That the Plaintiff alleges in his Complaint that his purpose is to quiet his title to said real estate as against the world.

9. That the Plaintiff has named as Defendants all persons to whom any hostile claim to said real estate may be asserted.

10. That each and all of said Defendants have been given notice of this proceeding and the pendency of this cause of action in the manner as fixed by law, and the Court finds and adjudges that this Decree is binding upon all such persons, and that the Plaintiff is entitled to have the title to said real estate quieted as against the world.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the record owner of the right-of-way parcel described herein is Kosciusko County, Indiana, by its Board of Commissioners, and that said real estate shall remain of record in its name.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff, Kosciusko County, Indiana, by its Board of Commissioners, is hereby vested with full and complete fee simple title to the following described real estate presently held of record in its name situate in Kosciusko County, Indiana, to-wit:

A part of the Northwest Quarter of Section 7, Township 32 North, Range 6 East, Kosciusko County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, described as follows: Beginning at a point 50 feet South of the North line of said Section 7 and 1323.6 feet North 88 degrees 27 minutes East of the West line of said Section 7 (commencing with the words "Beginning at" quoted from Deed Record 293, Page 66); thence North 2 degrees 14 minutes 58 seconds West 50.00 feet along the prolonged West line of said grantor's land to the North line of said quarter section; thence North 86 degrees 56 minutes 47 seconds East 100.00 feet along the North line of said quarter section to the prolonged East line of said grantors' land; thence South 2 degrees 14 minutes 58 seconds East 50.0 feet along said prolonged line; thence South 86 degrees 56 minutes 47 seconds West 100.00 feet to the point of beginning, and containing 0.115 acres, more or less, inclusive of the presently existing right-of-way which contained 0.027 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no objections have been filed herein; and that all other unnamed defendants, and each of them, claim an interest therein adverse to the Plaintiff; that the claims of each of said unnamed Defendants is without right and unfounded, and that the Plaintiff is entitled to have full and complete title to said real estate quieted, not only as against each of said Defendants, but as against the world.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff's title to said real estate be and the same is hereby quieted and forever set at rest against the Defendants, and each and all of them, and against all persons or corporations claiming through or under them, and as against the world, and all of said Defendants and persons or corporations claiming by, under or through them or any of them, are hereby forever enjoined and restrained from setting upon or asserting any claim of title to or interest in or lien upon said real estate adverse to the title thereof of

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said Plaintiff; and that this Decree shall be binding and conclusive upon all persons whomsoever.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Decree shall be forthwith recorded in the Office of Recorder of Kosciusko County, Indiana.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this action shall be taxed to and paid by Plaintiff.

Dated and entered this 10 day of August, 2012.

I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.

Nancy Farmer



Rex L. Reed, Judge
Kosciusko Circuit Court

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