

DULY ENTERED FOR TAXATION ST
Subject to final acceptance for transfer
25 day of October, 2016
Dawn Coverdale Auditor of Hamilton County
Parcel # R/W

2016056140 JUDGMENT \$0.00
10/25/2016 11:09:55A 12 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

STATE OF INDIANA) THE HAMILTON COUNTY CIRCUIT COURT
) SS:
COUNTY OF HAMILTON) CAUSE NO. 29C01-1403-PL-3019

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
JAMES E. MEACHAM, DONNA K. MEACHAM,)
KEYBANK N.A., RAD MOTORSPORTS, LLC,)
PORTSIDE MARINE SALES AND SERVICE, INC.,)
JEFFREY M. RIPLEY, BMO HARRIS BANK, N.A. and)
HAMILTON COUNTY, INDIANA,)
)
Defendants.)

FILED

AUG 01 2016

Jammy Baiz
CLERK OF THE
HAMILTON COUNTY COURT

AGREED FINDINGS AND JUDGMENT

Plaintiff, State of Indiana (the "State"), by Gregory Zoeller, Attorney General of Indiana, and Nicolette Mendenhall, Deputy Attorney General, and Defendants, James E. Meacham, Donna K. Meacham, and Portside Marine Sales and Service, Inc., now jointly move the Court for judgment in this case, and in support, make the following representations to the Court. The Court, having examined the record and being duly advised, now FINDS:

1. The State filed its *Complaint for Appropriation of Real Estate* on March 31, 2014.
2. James E. Meacham, Donna K. Meacham, and Portside Marine Sales and Service, Inc. ("Portside") appeared by counsel in this case on or about April 9, 2014.
3. Jeffrey M. Ripley appeared by counsel in this case on or about April 17, 2014.
4. Hamilton County, Indiana has not appeared in this proceeding.
5. KeyBank N.A., BMO Harris Bank, N.A., and RAD Motorsports, LLC also have not appeared in this proceeding, and on November 12, 2015, this Court granted a *Default Judgment* against KeyBank, N.A., RAD Motorsports, LLC, and BMO Harris Bank, N.A., finding that these parties would not be entitled to any just compensation in this proceeding.
6. On July 1, 2014 the *Order of Appropriation and Appointment of Appraisers* was entered and appraisers were appointed to determine the total amount of just compensation due the defendants in this case.

EXEMPT FROM
SALES DISCLOSURES

7. The court-appointed appraisers filed their *Report of Appraisers* on July 11, 2014 and found that the total just compensation to be paid to the defendants of this proceeding was Seven Hundred Ninety-Two Thousand Dollars (\$792,000.00).

8. The State deposited the sum of Seven Hundred Ninety-Two Thousand Dollars (\$792,000.00), plus fees in the amount of Five Thousand Dollars (\$5,000.00) for the court-appointed appraisers, with the Clerk of the Court on or about July 29, 2014.

9. The State, James E. Meacham, Donna K. Meacham, Portside, and Jeffrey M. Ripley all timely filed written exceptions ("Exceptions") to the Report of Appraisers pursuant to Ind. Code § 32-24-1-11.

10. On March 8, 2016, James E. Meacham, Donna K. Meacham, and Portside, pursuant to Indiana Code Section 32-24-1-11, filed their Verified Request for Withdrawal and Payment of Damages, and Notice of Written Undertaking, seeking authorization to withdraw the sum of Seven Hundred Thousand Dollars (\$700,000.00) from the Seven Hundred Ninety-Two Thousand Dollars (\$792,000.00) previously deposited with the Clerk of the Court.

11. On April 22, 2016, the rights of Jeffrey M. Ripley to just compensation based on his interests in the property subject to this eminent domain proceeding were consolidated into the eminent domain proceeding filed under Cause No. 29C01-1403-PL-2949. Based on this consolidation, Jeffrey M. Ripley was dismissed from this proceeding and he continues to pursue his rights to just compensation for his interests in the property subject to this proceeding in the eminent domain proceeding filed under Cause No. 29C01-1403-PL-2949.

12. On May 4, 2016, the Court ordered the Hamilton County Clerk to pay to James E. Meacham, Donna K. Meacham, and Portside, jointly, the sum of Seven Hundred Thousand Dollars (\$700,000.00) pursuant to Indiana Code Section 32-24-1-11, and that the Notice of Written Undertaking be entered into the judgment docket creating a lien upon all real property in Hamilton County, Indiana owned by James E. Meacham, Donna K. Meacham, and Portside.

13. On or about May 18, 2016, James E. Meacham, Donna K. Meacham, and Portside withdrew the sum of Seven Hundred Thousand Dollars (\$700,000.00) from the Clerk of Courts.

14. The State, James E. Meacham, Donna K. Meacham, and Portside have entered into an agreement for the State's appropriation of the real estate interests of James E. Meacham, Donna K. Meacham, and Portside in the property described on the attached Exhibit A and Exhibit B; the State, James E. Meacham, Donna K. Meacham, and Portside agree that there shall be total compensation of Eight Hundred Forty Thousand Dollars (\$840,000.00) for the appropriation of their interests in this property; and the State, James E. Meacham, Donna K. Meacham, and Portside agree that the compensation shall be disbursed as follows: James E. Meacham and Donna K. Meacham shall jointly recover compensation in the total amount of Eight Hundred Forty Thousand Dollars (\$840,000.00).

15. James E. Meacham, Donna K. Meacham, and Portside agree that the compensation paid pursuant to the terms of this agreement is the total just compensation to be received for their interests in the property described on the attached Exhibit A and Exhibit B.

16. This *Agreed Findings and Judgment* does not, nor is intended to, foreclose any rights James E. Meacham, Donna K. Meacham, and Portside may have to any relocation assistance and expenses pursuant to Indiana Code Section 8-23-17, *et seq.*, which are, if any, separate from this proceeding and shall survive entry of this *Agreed Findings and Judgment*.

17. This *Agreed Findings and Judgment* does not determine the amount, if any, of just compensation Jeffrey M. Ripley may be entitled to receive for his rights, titles, and/or interests in the real estate subject to this eminent domain proceeding. Any right to compensation held by Jeffrey M. Ripley in the real estate subject to this proceeding will be determined in the eminent domain proceeding filed under Cause No. 29C01-1403-PL-2949.

18. James E. Meacham, Donna K. Meacham, and Portside hereby withdraw their Exceptions.

19. James E. Meacham, Donna K. Meacham, and Portside hereby withdraw their requests for a trial by jury, and there being no trial, James E. Meacham, Donna K. Meacham, and Portside are not entitled to pre- or post-judgment interest and/or attorney's fees and costs.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that there is no reason for delay in entry of judgment upon the terms contained herein, and that upon payment of the agreed

just compensation, the State of Indiana shall hold all the right, title, and interests that James E. Meacham, Donna K. Meacham, and Portside Marine Sales and Service, Inc held in the real estate described in the attached Exhibit A and Exhibit B.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that James K. Meacham and Donna K. Meacham shall have and recover as total compensation for the State's appropriation of their interests in the attached Exhibit A and Exhibit B the amount of Eight Hundred Forty Thousand Dollars (\$840,000.00) in full satisfaction of their claims in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the State deposited Seven Hundred Ninety-Two Thousand Dollars (\$792,000.00) with the Clerk of the Court; the State is hereby ordered to deposit an additional amount of Forty-Eight Thousand Dollars (\$48,000.00) in full satisfaction of any and all remaining defendants' claims in this case. Upon receipt of said amount from the State, the Clerk of the Court, after giving credit for the Seven Hundred Thousand Dollars (\$700,000.00) previously withdrawn, shall immediately issue payment in the amount of One Hundred Forty Thousand Dollars (\$140,000.00), plus all accrued interest from deposits made in this proceeding,, jointly payable to James E. Meacham and Donna K. Meacham; and that this payment shall be mailed by United States mail to James E. Meacham and Donna K. Meacham, c/o Daniel T. McAfee, KATZMAN & KATZMAN, P.C., 3500 DePauw Blvd., Ste. 2100, Indianapolis, IN 46268.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the lien entered on the judgment docket pursuant to this Court's May 4, 2016 Order against any real estate owned by James E. Meacham, Donna K. Meacham, and Portside in Hamilton County, Indiana is hereby extinguished.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk shall promptly send two (2) certified copies of this *Agreed Findings and Judgment* to the undersigned Deputy Attorney General who, upon receipt, shall forward with a completed Indiana Sales Disclosure Form to the Hamilton County Assessor to be reviewed and forwarded to the Auditor and Recorder of Hamilton County, Indiana; that said Auditor shall remove the above-described fee simple interest in real estate from the tax records and rolls of Hamilton County and cancel all Tax Year 2014 and subsequent years' taxes thereon; and that said Auditor

shall submit evidence of the property duly entered for transfer, by United States mail, to the undersigned Deputy Attorney General; and (2) that said Recorder shall, pursuant to IC 8-23-7-31 and without payment of fee, record the of the above-described real estate to the State of Indiana; and that the Recorder shall submit evidence of that recorded transfer, by United States mail, to Nicolette Mendenhall, Deputy Attorney General at the Office of the Attorney General, Indiana Government Center South, Fifth Floor, 402 West Washington Street, Indianapolis, IN 46204.

CERTIFICATION OF COMPLIANCE WITH TRIAL RULE 5(G)


I hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).



Nicolette Mendenhall (#27964-49)
Deputy Attorney General

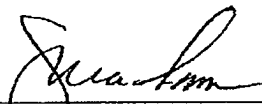
DECLARATION OF COMPLIANCE WITH IC 36-2-11-15


"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."



Nicolette Mendenhall (#27964-49)
Deputy Attorney General

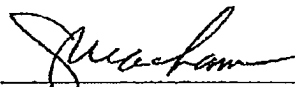
AGREED TO AND APPROVED BY:


James E. Meacham

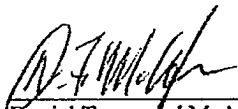

Donna K. Meacham

AGREED TO AND APPROVED BY:

Portside Marine Sales and Service, Inc.


James E. Meacham, President

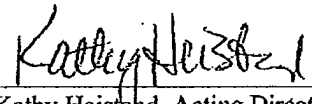
REVIEWED AND APPROVED BY:


Daniel Townsend McAfee, Atty. No. 25691-49
Counsel for Defendants James E. Meacham, Donna K. Meacham, & Portside Marine Sales and Service, Inc.

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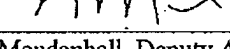
AGREED AND APPROVED BY:

STATE OF INDIANA, PLAINTIFF



Kathy Heistand, Acting Director
Office of Real Estate
Indiana Department of Transportation

GREGORY F. ZOELLER
Attorney General of Indiana
Atty. Reg. No. 1958-98

By: 

Nicolette Mendenhall, Deputy Attorney General
Attorney No.: 27964-49
Attorney for Plaintiff, State of Indiana

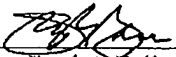
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REVIEWED AND APPROVED BY:

A handwritten signature in dark ink, appearing to read "Michael A. Howard", is written over a horizontal line.

Michael A. Howard, County Attorney

ALL HEREBY ORDERED THIS 29th DAY OF July, 2016


Hon. Paul A. Felix, Hamilton County Circuit Court
Senior Judge Jerry M. Barr,



DISTRIBUTION:

Michael A. Howard
County Attorney
694 Logan Street
Noblesville, IN 46060

Daniel T. McAfee
KATZMAN & KATZMAN, P.C.
3500 DePauw Blvd., Ste. 2100
Indianapolis, IN 46268

Nicolette Mendenhall
Deputy Attorney General
Office of the Attorney General
302 W. Washington Street, Fifth Floor
Indianapolis, IN 46204

THE DOCUMENT TO WHICH THIS CERTIFICATE
IS ATTACHED IS A FULL, TRUE, AND COR-
RECT COPY OF THE ORIGINAL ON FILE AND
OF RECORD IN MY OFFICE.

1-29-16
DATED 8-1-16 Tammy Bantz PAGE 22
DATE OF CERTIFICATION TAMMY BANTZ
CLERK OF COURTS CLERK HAMILTON
COUNTY COURTS

EXHIBIT "A"

PROJECT: 0710215

CODE: 5302

Sheet 1 of 2

PARCEL NO.: 343-Fee Simple with Partial Limitation of Access

Form WL-2

Key Number 29-05-25-000-051.000-015

Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at the intersection of the South line of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East, and the centerline of U.S. Highway #31, which is 572.17 feet South 89 degrees 21 minutes 04 seconds West (assumed bearing) from the Southeast corner of said Quarter Quarter; thence South 89 degrees 21 minutes 04 seconds West on and along said South line 372.13 feet; thence North 00 degrees 05 minutes 34 seconds West parallel with the West line of the Southeast Quarter of said Southeast Quarter 350.01 feet; thence North 89 degrees 21 minutes 04 seconds East parallel with the South line of the Southeast Quarter of said Southeast Quarter 293.05 feet to the Northeast line of the Real Estate described in Deed Record 265, page 355 in the Office of the Recorder of Hamilton County, Indiana; thence South 50 degrees 34 minutes 02 seconds East (this and the next two (2) courses are on the perimeter said Real Estate) 50.89 feet; thence South 62 degrees 32 minutes 51 seconds East 164.73 feet to the centerline of U.S. Highway #31, said point being on a nonfangent curve to the right, the radius point of which bears 67 degrees 35 minutes 37 seconds West 5729.58 feet from said point; thence Southwesterly on and along said centerline and curve 263.11 feet to the place of beginning, containing 3.303 acres, more or less.

Together with an easement for access 30 feet in width, described in Deed Record 265, page 355-357 and in Deed Record 262, pages 653-654. The forgoing portion of this description is quoted from Instrument 9609600910

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 U.S. 31 and as Project 0710215), to and from the grantor's remaining lands along the lines described as follows: Beginning on the south line of said quarter section South

EXHIBIT "A"

PROJECT: 0710215

CODE: 5302

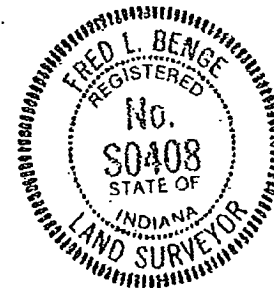
Sheet 2 of 2

PARCEL NO.: 343-Fee Simple with Partial Limitation of Access

Form WL-2

Key Number 29-05-25-000-051.000-015

89 degrees 19 minutes 41 seconds West 711.63 feet from the Southeast corner of said quarter section; thence North 29 degrees 35 minutes 13 seconds East 13.48 feet to point "34304" on said plat; thence North 21 degrees 50 minutes 23 seconds East 317.85 feet to the north line of said grantor's land and the terminus. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.



This description was prepared for the Indiana Department of Transportation, by Fred L. Bengé, Indiana Registered Land Surveyor, License Number LS80040408, on the 12th day of April, 2016

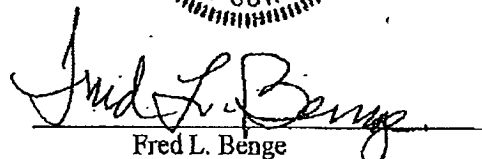

Fred L. Bengé

EXHIBIT "B"

RIGHT-OF-WAY PARCEL PLAT

PREPARED BY CHA CONSULTING, INC. FOR THE
INDIANA DEPARTMENT OF TRANSPORTATION

SHEET 1 OF 1

0 50 100

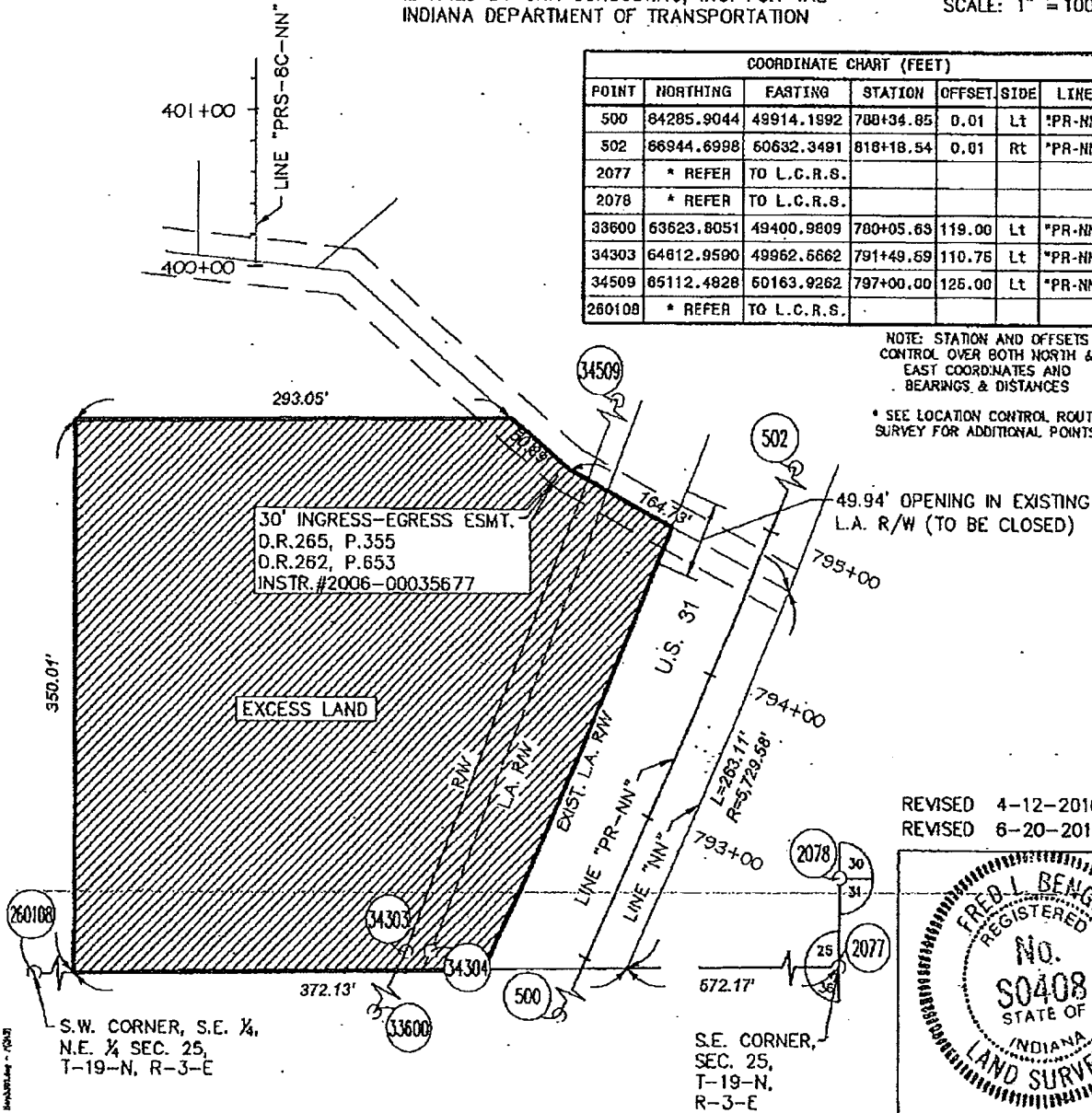


SCALE: 1" = 100'

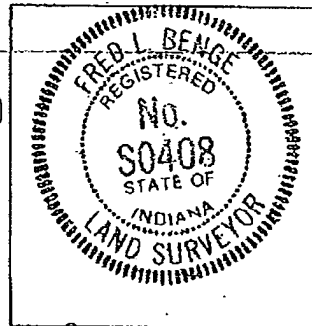
| COORDINATE CHART (FEET) | | | | | | |
|-------------------------|------------|-------------|-----------|--------|------|---------|
| POINT | NORTHING | EASTING | STATION | OFFSET | SIDE | LINE |
| 500 | 84285.9044 | 49914.1992 | 780+34.85 | 0.01 | Lt | "PR-NN" |
| 502 | 86944.6998 | 60632.3491 | 818+18.54 | 0.01 | Rt | "PR-NN" |
| 2077 | * REFER | TO L.C.R.S. | | | | |
| 2078 | * REFER | TO L.C.R.S. | | | | |
| 33600 | 63623.8051 | 49400.9809 | 780+05.63 | 119.00 | Lt | "PR-NN" |
| 34303 | 64812.9590 | 49962.6662 | 791+49.69 | 110.75 | Lt | "PR-NN" |
| 34509 | 65112.4928 | 60163.9262 | 797+00.00 | 125.00 | Lt | "PR-NN" |
| 260108 | * REFER | TO L.C.R.S. | | | | |

NOTE: STATION AND OFFSETS
CONTROL OVER BOTH NORTH &
EAST COORDINATES AND
BEARINGS & DISTANCES

* SEE LOCATION CONTROL ROUTE
SURVEY FOR ADDITIONAL POINTS



REVISED 4-12-2016
REVISED 6-20-2013



SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT, TOGETHER WITH THE "LOCATION CONTROL ROUTE SURVEY" RECORDED AS INSTRUMENT NO. 2009053314 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, (INCORPORATED AND MADE A PART HEREOF BY REFERENCE) COMPRISE A ROUTE SURVEY EXECUTED IN ACCORDANCE WITH INDIANA ADMINISTRATIVE CODE 865 IAC 1-12, ("RULE 12").

FRED L. BENG
REG. LAND SURVEYOR No. LS0408

OWNER: MEACHAM, JAMES E. ET UX.

PARCEL: 343

ROAD: U.S. 31

COUNTY: HAMILTON

SECTION: 25

TOWNSHIP: 19 NORTH

RANGE: 3 EAST

PROJECT: 0710215

DES. No.: 0600431

CODE: 5302

HATCHED AREA IS
THE APPROXIMATE
TAKING

DRAWN BY: D.TRUEBLOOD DATE: 12-13-11
CHECKED BY: F. BENG DATE: 12-14-11

WARRANTY DEED INSTR. #960960910

DATED: 12-27-1995

KEY No. 29-05-25-000-051.000-015

TAKING= 2.730 AC.