

INDOT

Buyer
Document

9DSE9

Scan Key	377725
LA Code	3777
Parcel No.	25
Owner	LADIKA, FREDDIE L.

INDIANA DEPARTMENT OF TRANSPORTATION, LAND ACQUISITION DIVISION

BUYER'S REPORT

PROJECT: STP-291-1(002) PARCEL: 25 COUNTY: VIGO CODE: 3777

Name & Address of Owner: FREDDIE L. LADNER
5837 McDANIEL ROAD TERRE HAUTE Phone: 812-299-4805

Name & Address of Person Contacted: TERRY R. MODEST, ATTY
321 OMAO ST TERRE HAUTE Phone: 812-232-4133

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

Date Assigned: _____ Date of Contact: 8/17/04 Time of Contact: _____

Offer \$ _____ Type of Contact: () Personal Visit () Phone (x) Mail

Write: Yes, No, or N/A (for not applicable), as appropriate in each numbered blank space:

- | | | | |
|-----------|----------------------------------|----------------------------------|-----------------------------------|
| 1. _____ | Checked Abstract w/ owner? | 14. _____ | Secured W-9 form? |
| 2. _____ | Any affidavits taken: | Left following papers w/ owners: | |
| 3. _____ | Any mortgage(s)? | 15. _____ | Written offer? |
| 4. _____ | Any liens, judgments, etc.? | 16. _____ | Land Acquisition Brochure? |
| 5. _____ | Showed plans? Exp. take? | 17. _____ | Retention Letter? |
| 6. _____ | Explained about retentions? | 18. _____ | Statement of Just Compensation? |
| 7. _____ | Any major item retained? | 19. _____ | Tax memo (interim period)? |
| 8. _____ | Any minor item retained? | 20. _____ | Receipt of Conveyance Instrument? |
| 9. _____ | Walked over property? | 21. _____ | Copy of Conveyance Instrument? |
| 10. _____ | Owner to pay taxes? | 22. _____ | Owner's Appraisal Letter? |
| 11. _____ | Secured Right-of-Entry | 23. _____ | Brochure, "Relocation & You"? |
| 12. _____ | Secured Driveway R/E | 24. _____ | E.D.D.? |
| 13. _____ | Sent Daily Notice to Relocation? | | |

REMARKS: THIS BUYER HAS BEEN INSTRUCTED TO OFFER AN INCREASE OF \$10,000 TO ORIGINAL OFFER BASED ON OWNER'S APPRAISAL. THIS WILL BE AN OFFER UP TO \$107,550.00.

ALSO, IN EXPLANATION OF THE LIMITED ACCESS RIGHTS, NO ACCESS WILL EVER BE ALLOWED ONTO US 641 OR/AND McDANIEL ROAD FROM THIS PROPERTY EXCEPT FOR THE NEW DRIVE BEING INSTALLED AT THE FAR EAST SIDE OF PROPERTY. THE DRIVEWAY WILL BE CENTERED @ STATION NUMBER 99+629, 6.0 METERS

Status of Parcel: () Secured, () Condemned, () Other

W.D.E.

Distribution: () Parcel () Owner () Weekly Summary () Attorney
 () Specify Other _____

THIS DOES NOT CONSTITUTE A CONTRACT

Page 1 of 1






Indiana Department of Transportation

Land Acquisition Division

100 North Senate Avenue, Room N955

Indianapolis, Indiana 46204-2219

FAX: (317)233-3055 - Writer's Direct Phone: [317]232-5049

June 11, 2004

Mr. Freddie L. Ladika
5837 McDaniel Road
Terre Haute, IN 47802

Project: STP-291-1(002)
Code: 3777
Road: U.S. 641
County: Vigo
Parcel: 25

Dear Mr. Freddie L. Ladika,

In reviewing your file, I note there is a difference of opinion as to the value of your property which we propose to acquire.

Due to the urgency of the highway construction program, an orderly and systematic acquisition of properties must be vigorously pursued. I trust you will understand this need. We have attempted to arrive at a fair market value of your property by the use of highly competent, professional appraisers. We have made full use of all information supplied by our Buying Representative. From all the facts we have gathered we have, in our opinion, arrived at a just and fair market value of the property in the amount of \$97,550.00.

I am again repeating the offer as stated. This offer will remain open ten days from the date of receipt of this letter, at which time it will be considered terminated, and it shall be necessary for us to forward your file to the office of the Attorney General of Indiana in order that he may institute proceedings in eminent domain.

I wish to thank you for the courtesy and consideration you have extended to our various representatives in the past. If you should decide to reconsider your position and accept the offer, please contact me at the above address or telephone 317/232-5049, and I shall be glad to have our representative contact you again.

We regret any inconvenience this project may cause you personally but feel quite sure, after evaluating all the facts, you may wish to join the Indiana Department of Transportation in rendering to the people of Indiana a modern and safe highway system.

Sincerely,

A handwritten signature in cursive script that reads 'Rex A. Garing'.

Rex A. Garing
Program Director 1
Buying Section

xc: Parcel
Records
Terre Haute First National Bank
Mr. Terry R. Modesitt, Attorney At Law



Records

Indiana Department of Transportation

Land Acquisition Division
100 North Senate Avenue, Room N955
Indianapolis, Indiana 46204-2219
FAX: (317)233-3055 - Writer's Direct Phone:

"REVISED OFFER" UNIFORM LAND OR EASEMENT ACQUISITION OFFER

PROJECT: STR-291-1(002)
PARCEL: 25 CODE: 3727
ROAD: US 641
COUNTY: VIGO

TO: FREDDIE L. LADIVA
5837 McDANIEL ROAD
TERRE HAUTE, IN 47802
% TERRY R. MUDSITT, ATTORNEY

The State of Indiana, acting by and through the Indiana Department of Transportation is authorized by Indiana law to obtain your land or an easement across your land for certain public purposes. The Indiana Department of Transportation needs (your land) & (an easement across your land) for a public highway improvement known as STR-291-1(002) and needs to take the (land) & (easement) as described on the attached legal description.

It is our opinion that the fair market value of the (property) & (easement) we want to acquire from you is \$ 97,550.00, and, therefore, the Indiana Department of Transportation offers you \$ 97,550.00 for the above described (property) & (easement). You have twenty-five (25) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, grant or easement, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required thirty (30) days after you have received your payment in full.

 **COPY**

Project: STP-291-1(002) Parcel: 25

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, the Indiana Department of Transportation is required to make a good faith effort to purchase (your property) & (an easement across your property).
2. You do not have to accept this offer.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of (your land) & (an easement), the Indiana Department of Transportation has the right to file suit to condemn and appropriate the (land) & (easement) in the county in which the real estate is located.
4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Indiana Department of Transportation files a suit to condemn and appropriate (your land) & (easement), and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (land) & (easement) to be appropriated.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the (land) & (easement) condemned.
8. If the court appraisers' report is not accepted by either of us, then the Indiana Department of Transportation has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, the Indiana Department of Transportation is legally entitled to immediate possession of the (land) & (easement). You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

 **COPY**

STR-291-1(002)

Project: _____ Parcel: 25

- 9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in the notice. The offer of \$ 97,550.00 made herein is a total offer for the entire acquisition and is intended to justly compensate you and all parties of interest.
- 10. Any improvements or items within the State's proposed right-of-way which you are responsible for moving, must be removed within 30 days of the date you are paid. At the end of the 30-day period, any items remaining on State right-of-way become encroachments. Pursuant to Indiana law, the Department has the right to remove any encroachment from its right-of-way after giving the owner proper notice. Further, any costs incurred by the Department while removing such items will be assessed to the owner. If you have any questions concerning the removal of items, contact the Property Management Section at, telephone 317-232-5007.
- 11. If you have any questions concerning this matter, you may contact us at:

David B. Patterson
 7404 S. U.S. 41
 Rosedale, IN 47874
 Phone: 765-828-0318

MAILED 3/19/04
 7001 1940 00031820 9925

This offer was made to owner(s):

<u>FREDDIE L. LADKA</u>	of	<u>VIGO COUNTY</u>	on	<u>3/22/04</u>	(Date)
_____	of	_____	on	_____	(Date)
<u>Yo TERRY R. MODESTI,</u>	of	_____	on	<u>3/22/04</u>	(Date)
<u>ATTORNEY</u>	of	_____	on	_____	(Date)

BY: David B. Patterson
 (Signature)

David B. Patterson
 Agent of: The Indiana Department of Transportation

 COPY



Rands

Indiana Department of Transportation

Land Acquisition Division
100 North Senate Avenue, Room N955
Indianapolis, Indiana 46204-2219

FAX: (317)233-3055 - Writer's Direct Phone:

"REVISED"

UNIFORM LAND OR EASEMENT ACQUISITION OFFER

PROJECT: STP-291-1(002)
PARCEL: 25 CODE: 3777
ROAD: US 641
COUNTY: VIGO

TO: FREDDIE L. LADNER
12602 PINEWOOD CIRCLE
TERRE HAUTE, IN 47802

The State of Indiana, acting by and through the Indiana Department of Transportation is authorized by Indiana law to obtain your land or an easement across your land for certain public purposes. The Indiana Department of Transportation needs (your land) & (an easement across your land) for a public highway improvement known as STP-291-1(002) and needs to take the (land) & (easement) as described on the attached legal description.

It is our opinion that the fair market value of the (property) & (easement) we want to acquire from you is \$ 91,995.00, and, therefore, the Indiana Department of Transportation offers you \$ 91,995.00 for the above described (property) & easement). You have twenty-five (25) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, grant or easement, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required thirty (30) days after you have received your payment in full.

COPY

Project: ST9-291-1(002) Parcel: 25

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, the Indiana Department of Transportation is required to make a good faith effort to purchase (your property) & (an easement across your property).
2. You do not have to accept this offer.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of (your land) & (an easement), the Indiana Department of Transportation has the right to file suit to condemn and appropriate the (land) & (easement) in the county in which the real estate is located.
4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Indiana Department of Transportation files a suit to condemn and appropriate (your land) & (easement), and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (land) & (easement) to be appropriated.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the (land) & (easement) condemned.
8. If the court appraisers' report is not accepted by either of us, then the Indiana Department of Transportation has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, the Indiana Department of Transportation is legally entitled to immediate possession of the (land) & (easement). You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

 **COPY**

STP-291-1(00)
Project: _____ Parcel: 25

- 9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in the notice. The offer of \$91,995.00 made herein is a total offer for the entire acquisition and is intended to justly compensate you and all parties of interest.
- 10. Any improvements or items within the State's proposed right-of-way which you are responsible for moving, must be removed within 30 days of the date you are paid. At the end of the 30-day period, any items remaining on State right-of-way become encroachments. Pursuant to Indiana law, the Department has the right to remove any encroachment from its right-of-way after giving the owner proper notice. Further, any costs incurred by the Department while removing such items will be assessed to the owner. If you have any questions concerning the removal of items, contact the Property Management Section at, telephone 317-232-5007.
- 11. If you have any questions concerning this matter, you may contact us at:

David B. Patterson
 7404 S. U.S. 41
 Rosedale, IN 47874
 Phone: 765-828-0318

MAILED 12/3/03
 REMAILED 12/30/03

This offer was made to owner(s):

FREDDIE L. LADIVA of VIGO County on _____ (Date)
 _____ of _____ on _____ (Date)
 _____ of _____ on _____ (Date)
 _____ of _____ on _____ (Date)

BY: David B. Patterson
 (Signature)

David B. Patterson
 Agent of: The Indiana Department of Transportation

 COPY



Indiana Department of Transportation

Land Acquisition Division

100 North Senate Avenue, Room N955

Indianapolis, Indiana 46204-2219

FAX: 765-828-0319 - Writer's Direct Phone: 765-828-0318

UNIFORM LAND OR EASEMENT ACQUISITION OFFER

PROJECT:	<u>STP-291-1(002)</u>		
PARCEL:	<u>25</u>	CODE:	<u>3777</u>
ROAD:	<u>US 641</u>		
COUNTY:	<u>Vigo</u>		

TO: Freddie L Ladika
5837 McDaniel Road
Terre Haute, IN 47802

The State of Indiana, acting by and through the Indiana Department of Transportation is authorized by Indiana law to obtain your land or an easement across your land for certain public purposes. The Indiana Department of Transportation needs (your land) for a public highway improvement known as STP-291-1(002) and needs to take the (land) & (easement) as described on the attached legal description.

It is our opinion that the fair market value of the (property) & (easement) we want to acquire from you is \$83,625.00, and, therefore, the Indiana Department of Transportation offers you \$83,625.00 for the above described (property) & easement). You have twenty-five (25) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, grant or easement, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required thirty (30) days after you have received your payment in full.

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3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of (your land) & (easement), the Indiana Department of Transportation has the right to file suit to condemn and appropriate the (land) & (easement) in the county in which the real estate is located.
4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Indiana Department of Transportation files a suit to condemn and appropriate (your land) & (easement), and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (land) & (easement) to be appropriated.
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Indiana Department of Transportation

Land Acquisition Division
100 North Senate Avenue, Room N955
Indianapolis, Indiana 46204-2219

FAX: (317)233-3055 - Writer's Direct Phone:

"REVISED"

UNIFORM LAND OR EASEMENT ACQUISITION OFFER

PROJECT: STP-291-1(002)
PARCEL: 25 CODE: 3777
ROAD: US 641
COUNTY: VIGO

TO: FREDDIE L. LADIK
12602 PIMENTO CIRCLE
TERRE HAUTE, IN 47802

The State of Indiana, acting by and through the Indiana Department of Transportation is authorized by Indiana law to obtain your land or an easement across your land for certain public purposes. The Indiana Department of Transportation needs (your land) & (an easement across your land) for a public highway improvement known as STP-291-1(002) and needs to take the (land) & (easement) as described on the attached legal description.

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Project: STP-291-1(002) Parcel: 25

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4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Indiana Department of Transportation files a suit to condemn and appropriate (your land) & (easement), and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (land) & (easement) to be appropriated.
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STP-291-1 (00)
Project: _____ Parcel: 25

- 9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in the notice. The offer of \$ 91,995.00 made herein is a total offer for the entire acquisition and is intended to justly compensate you and all parties of interest.
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- 11. If you have any questions concerning this matter, you may contact us at:

David B. Patterson
 7404 S. U.S. 41
 Rosedale, IN 47874
 Phone: 765-828-0318

MAILED 12/31/03
 REMAILED 12/30/03

This offer was made to owner(s):

<u>FREDDIE L. LADIVA</u>	of	<u>VIGO County</u>	on	_____	(Date)
_____	of	_____	on	_____	(Date)
_____	of	_____	on	_____	(Date)
_____	of	_____	on	_____	(Date)

BY: David B. Patterson
 (Signature)

David B. Patterson
 Agent of: The Indiana Department of Transportation

CIVIL NOTICE
VIGO SUPERIOR COURT, DIV. 4
VIGO COUNTY COURTHOUSE
33 SOUTH THIRD STREET
TERRE HAUTE IN 47807

STATE V LADIKA ETAL

84D04-0410-PL-09765

TO: YASMIN L STUMP
THREE MERIDIAN PLAZA, STE 100
10333 NORTH MERIDIAN STREET
INDIANAPOLIS IN 46290-0000

ATTORNEYS

PARTIES

14876-49 YASMIN STUMP

PLAINTIFF
STATE OF INDIANA

10118-84 TERRY MODESITT
6805-84 DARRELL FELLING

DEFENDANT
FREDDIE L LADIKA

15160-84 TIMOTHY FEARS

DEBBIE HALL
TERRE HAUTE FIRST NATIONAL BANK
VIGO COUNTY, INDIANA

07/27/2005

Ordered that the Hearing on Motion for Summary Judgment on Defendant's Objections, which is scheduled for August 16, 2005 at 10:00 a.m. is VACATED. mr

07/27/2005

Order of Appropriation and Appointment of Appraisers entered. Court finds that the real estate is condemned and that Michael Ofsansky, James Smith and Brian Conley, three disinterested freeholders of Vigo County, IN, are appointed to assess the total compensation due Defendant(s). These freeholders shall file their report as to the total amount of just compensation due Defendant(s) with the Clerk of the Court on or before September 19, 2005. mr

STATE OF INDIANA) IN THE VIGO SUPERIOR COURT NO. 4
) SS:
COUNTY OF VIGO) CAUSE NO. 84D04-0410-PL-9765

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
FREDDIE L. LADIKA, DEBBIE HALL,)
TERRE HAUTE FIRST NATIONAL)
BANK and VIGO COUNTY, INDIANA,)
)
Defendants.)

RECEIVED
Freddie R. Mansarc

NOV 27 2004

Clerk of the
Vigo Circuit Court

**ORDER OF APPROPRIATION
AND APPOINTMENT OF APPRAISERS**

The Court, having reviewed the record of this case and being duly advised, now
FINDS:

1. Plaintiff, State of Indiana, filed its Complaint for Appropriation of Real Estate in this case on October 12, 2004, and all Defendants were served with notice as provided by statute.
2. Plaintiff's Complaint for Appropriation of Real Estate complies with Indiana eminent domain law, and the Court has jurisdiction over the subject matter of this case and the parties herein.
3. On October 29, 2004, Defendants, Terre Haute First National Bank and Vigo County, Indiana, appeared by counsel in this case.
3. Defendant, Freddie Ladika, appeared by counsel and filed his Objections to Proceedings in this case on November 4, 2004. This Defendant subsequently moved to withdraw his Objections, which the Court granted and ordered Defendant's Objections withdrawn.

4. Defendant, Debbie Hall, has failed to appear in this case.

5. Since the Objections to Plaintiff's Complaint previously filed have been withdrawn, no objections to Plaintiff's Complaint in this case remain. Plaintiff is entitled by law to appropriate the fee simple title to real estate, access rights and temporary right of way described as:

A part of the Lot 2 in McDaniel Estates, a subdivision in the Northwest Quarter of the Southwest Quarter of Section 13, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Record 34, page 254, in the Office of the Recorder of Vigo County, Indiana, and being Parcel 25, Indiana Department of Transportation L.A. Code 3777, described as follows: Beginning at the northwest corner of said lot; thence South 62 degrees 17 minutes 03 seconds East 65.204 meters (213.92 feet) along the northeastern line of said lot; thence along said northeastern line Southeasterly 11.136 meters (36.54 feet) along an arc to the right having a radius of 2,990.856 meters (9,812.52 feet) and subtended by a long chord having a bearing of South 62 degrees 10 minutes 39 seconds East and a length of 11.136 meters (36.54 feet); thence South 62 degrees 04 minutes 15 seconds East 119.971 meters (393.61 feet) along said northeastern line; thence South 27 degrees 55 minutes 45 seconds West 6.856 meters (22.49 feet); thence North 67 degrees 27 minutes 26 seconds West 197.087 meters (646.61 feet) to the northwestern line of said lot; thence North 27 degrees 42 minutes 57 seconds East 25.093 meters (82.33 feet) along said northwestern line to the point of beginning and containing 3,152.2 square meters (33,930 square feet), more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the highway facility known as U.S.R. 641 and as Project STP-291-1(002) to and from the Grantor(s) remaining lands where they abut the Real Estate. This restriction is a covenant running with the land and shall be binding on the Grantor(s) and on all successors in title to the said abutting lands.

Lot 1 in McDaniel Estates, a subdivision in the Northwest Quarter of the Southwest Quarter of Section 13, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Record 34, page 254, in the Office of the Recorder of Vigo County, Indiana, and being Parcel 25A, Indiana Department of Transportation L.A. Code 3777.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the highway facility known as U.S.R. 641 and as Project STP-291-1(002) to and from the Grantor(s) remaining lands where they abut the Real Estate. This restriction is a covenant running with the land and shall be binding on the Grantor(s) and on all successors in title to the said abutting lands.

The following described right of way is temporary right of way for the purpose of constructing a driveway for service to the owner's private property and shall expire three years after construction on this project has commenced. A part of the Lot 2 in McDaniel Estates, a subdivision in the Northwest Quarter of the Southwest Quarter of Section 13, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Record 34, page 254, in the Office of the Recorder of Vigo County, Indiana, and being Parcel 25B, Indiana Department of Transportation L.A. Code 3777, described as follows: Commencing at the northwest corner of said lot; thence South 62 degrees 17 minutes 03 seconds East 65.204 meters (213.92 feet) along the northeastern line of said lot; thence along said northeastern line Southeasterly 11.136 meters (36.54 feet) along an arc to the right having a radius of 2,990.856 meters (9,812.52 feet) and subtended by a long chord having a bearing of South 62 degrees 10 minutes 39 seconds East and a length of 11.136 meters (36.54 feet); thence South 62 degrees 04 minutes 15 seconds East 119.971 meters (393.61 feet) along said northeastern line to the point of beginning of this description: thence continuing South 62 degrees 04 minutes 15 seconds East 18.000 meters (59.06 feet) along said northeastern line; thence South 27 degrees 55 minutes 45 seconds West 20.856 meters (68.43 feet); thence North 62

degrees 04 minutes 15 seconds West 80.000 meters (262.47 feet); thence North 27 degrees 55 minutes 45 seconds East 8.154 meters (26.75 feet); thence South 67 degrees 27 minutes 26 seconds East 62.275 meters (204.31 feet); thence North 27 degrees 55 minutes 45 seconds East 6.856 meters (22.49 feet) to the point of beginning and containing 1,062.2 square meters (11,433 square feet), more or less.

6. The Court should now appoint and instruct three disinterested freeholders of Vigo County, Indiana, to assess the total amount of just compensation due Defendants in this case as a result of Plaintiff's appropriation of the above described real estate interests for the improvement of U.S. 641.

IT IS THEREFORE ORDERED that the real estate interests above are condemned; that MICHAEL DFSADSKY, JAMES SMITH, and BRAND CONLEY, three disinterested freeholders of Vigo Co Indiana, are appointed to assess the total amount of just compensation due Defen Freddie L. Ladika, Debbie Hall, Terre Haute First National Bank and Vigo County, Indiana, by reason of Plaintiff's appropriation; that these freeholders shall meet at Office of the Clerk of the Court on the 15 day of AUGUST, 2005 11:00 a.m./p.m., and, after being duly sworn by the Clerk and instructed by the Court, proceed in a body to view the real estate described above; and that these freeholders shall file their report as to the total amount of just compensation due the Defendants with the Clerk of the Court on the 19th day of SEPTEMBER, 2005.

IT IS FURTHER ORDERED that the Clerk of the Court shall issue a copy of this Order of Appropriation and Appointment of Appraisers to Plaintiff, Defendants and all attorneys of record in this case; and that the Clerk shall send a copy of the Report of

Appraisers, when filed in this case, by **CERTIFIED MAIL** to Plaintiff, all Defendants and the attorneys of record.



Judge, Vigo Superior Court No. 4

Date: July 27, 2005

CIVIL NOTICE
VIGO SUPERIOR COURT, DIV. 4
VIGO COUNTY COURTHOUSE
33 SOUTH THIRD STREET
TERRE HAUTE IN 47807

STATE V LADIKA ETAL

84D04-0410-PL-09765

TO: YASMIN L STUMP
THREE MERIDIAN PLAZA, STE 100
10333 NORTH MERIDIAN STREET
INDIANAPOLIS IN 46290-0000

ATTORNEYS

PARTIES

14876-49 YASMIN STUMP

PLAINTIFF
STATE OF INDIANA

DEFENDANT
FREDDIE L LADIKA
DEBBIE HALL
TERRE HAUTE FIRST NATIONAL BANK
VIGO COUNTY, INDIANA

10/12/2004

Yasmin L. Stump enters appearance on behalf of plaintiff
and files Complaint and Praecipe. Summons issued for
service by Sheriff and certified mail on 10/14/04. jm

10.12.04
COMPLAINING

STATE OF INDIANA)
) IN THE VIGO CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF VIGO) CAUSE NO. 2004-12-04

STATE OF INDIANA,)
)
) Plaintiff,)
)
) v.)
)
) FREDDIE L. LADIKA, DEBBIE HALL,)
) TERRE HAUTE FIRST NATIONAL)
) BANK and VIGO COUNTY, INDIANA,)
)
) Defendants.)

FILED
VIGO COUNTY CLERK'S OFFICE
CLERK

COMPLAINT FOR APPROPRIATION OF REAL ESTATE

Plaintiff, State of Indiana, states that:

I.

Plaintiff, acting through the Indiana Department of Transportation, is engaged in the improvement of a public highway, U.S. 641, in Vigo County, Indiana. The Department has prepared and adopted plans for the improvement of U.S. 641 under Project No. STP-291-1(002).

II.

Defendant, Freddie L. Ladika, is the owner of the real estate described as:

All that part of the North West ¼ of the south West ¼ of Section 13, Township 11 North, Range 9 West lying South of the line of the Old Wabash and Erie Canal.

Except a strip 10 feet in width off the West side thereof.

Also Except, commencing at the Northwest Corner Section 13, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, thence south along and with the West line said Section 13,

2672.0 feet to the center line of the McDaniel Road, South 62 degrees 20 minutes East along and with center line said road 356.50 feet to the center line of Little Honey Creek, the place of beginning, thence South 62 degrees 20 minutes east along and with center line said road 350.50 feet; South 27 degrees 40 minutes West 735.0 feet to the center line Honey Creek, North 39 degrees 26 minutes 36 seconds west along center line Honey Creek 189.57 feet to the center line Little Honey Creek; thence along center line said creek the next two courses and distances; North 08 degrees 10 minutes 10 seconds east 270.72 feet, north 15 degrees 46 minutes 30 seconds east 414.97 feet to the place of beginning.

III.

Defendants, Debbie Hall and Terre Haute First National Bank, may claim an interest in the real estate described above.

Defendant, Vigo County, Indiana, may claim an interest in the real estate described above based on a first, prior and existing tax lien.

IV.

In order to improve U.S. 641, it is necessary and proper that Plaintiff appropriate fee simple title and access rights to and a temporary right of way over portions of that real estate described in paragraph II. The parcels and access rights to be appropriated are described as:

A part of the Lot 2 in McDaniel Estates, a subdivision in the Northwest Quarter of the Southwest Quarter of Section 13, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Record 34, page 254, in the Office of the Recorder of Vigo County, Indiana, and being Parcel 25, Indiana Department of Transportation L.A. Code 3777, described as follows: Beginning at the northwest corner of said lot; thence South 62 degrees 17 minutes 03 seconds East 65.204 meters (213.92 feet) along the northeastern line of said lot; thence along

said northeastern line Southeasterly 11.136 meters (36.54 feet) along an arc to the right having a radius of 2,990.856 meters (9,812.52 feet) and subtended by a long chord having a bearing of South 62 degrees 10 minutes 39 seconds East and a length of 11.136 meters (36.54 feet); thence South 62 degrees 04 minutes 15 seconds East 119.971 meters (393.61 feet) along said northeastern line; thence South 27 degrees 55 minutes 45 seconds West 6.856 meters (22.49 feet); thence North 67 degrees 27 minutes 26 seconds West 197.087 meters (646.61 feet) to the northwestern line of said lot; thence North 27 degrees 42 minutes 57 seconds East 25.093 meters (82.33 feet) along said northwestern line to the point of beginning and containing 3,152.2 square meters (33,930 square feet), more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the highway facility known as U.S.R. 641 and as Project STP-291-1(002) to and from the Grantor(s) remaining lands where they abut the Real Estate. This restriction is a covenant running with the land and shall be binding on the Grantor(s) and on all successors in title to the said abutting lands.

Lot 1 in McDaniel Estates, a subdivision in the Northwest Quarter of the Southwest Quarter of Section 13, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Record 34, page 254, in the Office of the Recorder of Vigo County, Indiana, and being Parcel 25A, Indiana Department of Transportation L.A. Code 3777.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the highway facility known as U.S.R. 641 and as Project STP-291-1(002) to and from the Grantor(s) remaining lands where they abut the Real Estate. This restriction is a covenant running with the land and shall be binding on the Grantor(s) and on all successors in title to the said abutting lands.

The following described right of way is temporary right of way for the purpose of constructing a driveway for service to the owner's private property and shall

expire three years after construction on this project has commenced. A part of the Lot 2 in McDaniel Estates, a subdivision in the Northwest Quarter of the Southwest Quarter of Section 13, Township 11 North, Range 9 West, the plat of which subdivision is recorded in Plat Record 34, page 254, in the Office of the Recorder of Vigo County, Indiana, and being Parcel 25B, Indiana Department of Transportation L.A. Code 3777, described as follows: Commencing at the northwest corner of said lot; thence South 62 degrees 17 minutes 03 seconds East 65.204 meters (213.92 feet) along the northeastern line of said lot; thence along said northeastern line Southeasterly 11.136 meters (36.54 feet) along an arc to the right having a radius of 2,990.856 meters (9,812.52 feet) and subtended by a long chord having a bearing of South 62 degrees 10 minutes 39 seconds East and a length of 11.136 meters (36.54 feet); thence South 62 degrees 04 minutes 15 seconds East 119.971 meters (393.61 feet) along said northeastern line to the point of beginning of this description; thence continuing South 62 degrees 04 minutes 15 seconds East 18.000 meters (59.06 feet) along said northeastern line; thence South 27 degrees 55 minutes 45 seconds West 20.856 meters (68.43 feet); thence North 62 degrees 04 minutes 15 seconds West 80.000 meters (262.47 feet); thence North 27 degrees 55 minutes 45 seconds East 8.154 meters (26.75 feet); thence South 67 degrees 27 minutes 26 seconds East 62.275 meters (204.31 feet); thence North 27 degrees 55 minutes 45 seconds East 6.856 meters (22.49 feet) to the point of beginning and containing 1,062.2 square meters (11,433 square feet), more or less.

A sketch of the real estate described in paragraph II, illustrating the interests to be appropriated, is attached as Exhibit "A."

V.

The residue of the real estate described in paragraph II may be benefited by the proposed improvement of U.S. 641.

VI.

Plaintiff has attempted to purchase the real estate interests it seeks to acquire in this case, and it has offered the owner Ninety-seven Thousand Five Hundred Fifty Dollars (\$97,550.00) for his interests and any damages, which might be caused by the Plaintiff's appropriation. Plaintiff and the owner have been unable to agree to a purchase price or to the amount of benefits and damages, if any, which may be sustained by reason of this appropriation.

VII.

The highway improvement project begins at a point 457.842 meters north and 643.899 meters east of the west quarter corner of Section 26, Township 11 North, Range 9 West and extending northeast to a point approximately 327.374 meters north and 462.806 meters east of the northeast corner of Section 14, Township 11 North, Range 9 West, including the interchanges with U.S. 41 and with McDaniel Road, all in Vigo County, Indiana. The right of way will be 138 meters wide, except where additional width will be required for construction purposes.

WHEREFORE, Plaintiff respectfully requests that this Court order the appropriation of real estate interests that Plaintiff seeks to acquire; appoint three (3) disinterested freeholders of Vigo County, Indiana, to appraise the value of the interests to be appropriated and the amount of benefits and damages, if any, caused by the appropriation; order the freeholders to make their report in writing to the Court; order the Clerk of the Court to send the Report of Appraisers, by certified mail, as required by statute, to all parties and all counsel

of record; and grant all other just and proper relief.

The State of Indiana reserves the right to demand a trial by jury.

Respectfully submitted,



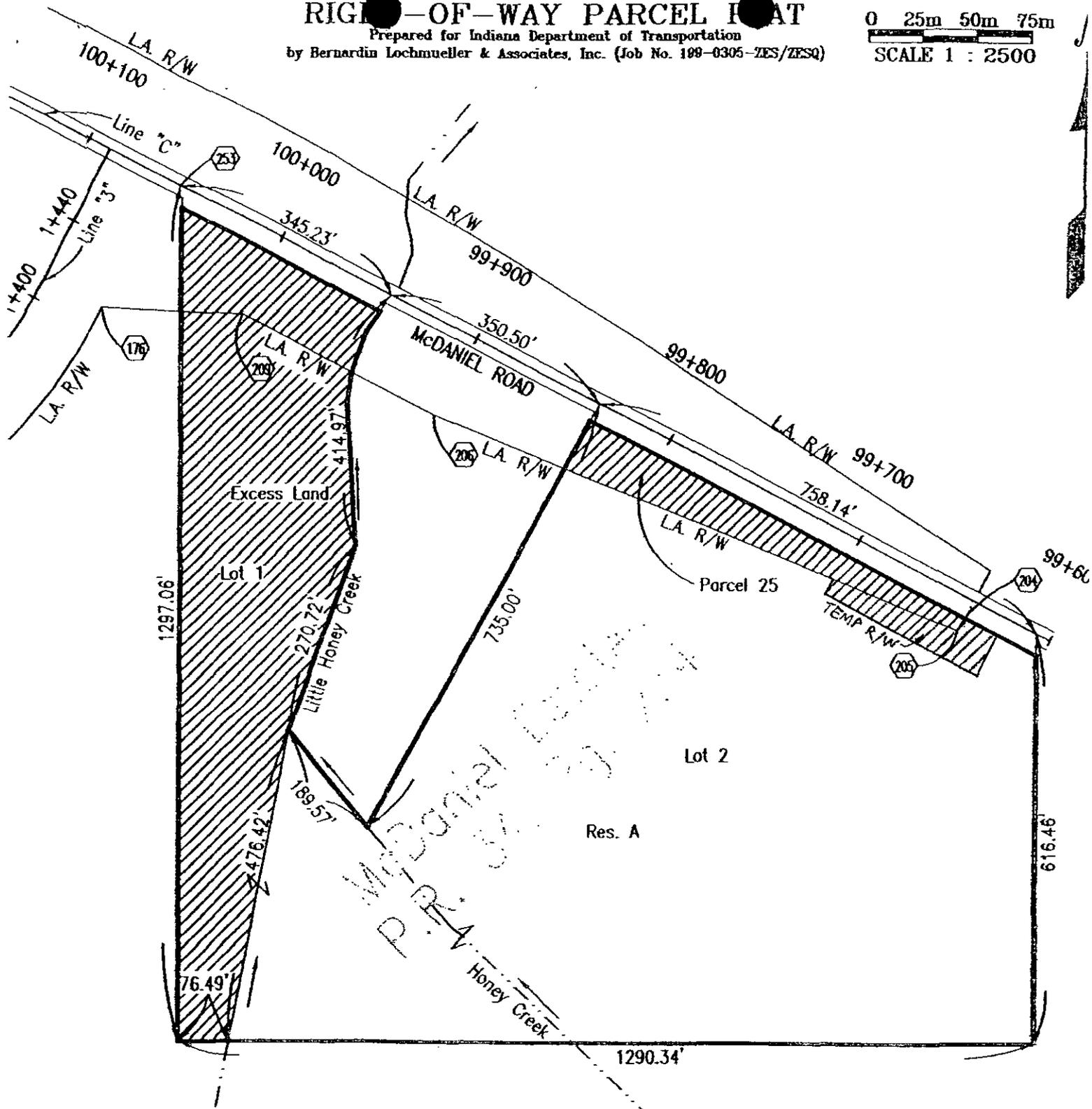
Yasmin L. Stump
Yasmin L. Stump
Attorney for Plaintiff, State of Indiana
Atty. No. 14876-49

LAW OFFICE OF YASMIN L. STUMP
Three Meridian Plaza, Suite 100
10333 North Meridian Street
Indianapolis, IN 46290
Telephone: (317) 705-0707
Facsimile: (317) 844-9977
Statev.FreddieL.Ladika.Complaint

RIGHT-OF-WAY PARCEL MAP

Prepared for Indiana Department of Transportation
by Bernardin Lochmueller & Associates, Inc. (Job No. 199-0305-ZES/ZESQ)

0 25m 50m 75m
SCALE 1 : 2500



Rev. 2/9/2004 Changed Lot 1 to a total take with excess land K.M. Johnson

PARCEL: 25 **OWNER:** Ladika, Freddie L.
CODE: 3777
PROJECT: STP-291-1(002)
ROAD: U.S.R. 641
COUNTY: Vigo
SECTION: 13
TOWNSHIP: 11 N.
RANGE: 9 W.

DRAWN BY: K.M. Johnson 6/20/2002
CHECKED BY: R.F. Lewis 7/1/2002
DES. NO.: 9138220



HATCHED AREA IS THE APPROXIMATE TAKING

DEED RECORD 442, PAGE 1366, DATED 4/21/97

NOTE: PROPERTY LINE DIMENSIONS ARE SHOWN IN ENGLISH

PARCEL COORDINATE CHART (shown in meters)

Point	Centerline	Station	Offset	Northing	Easting
253*					
176	"3"	1+410.201	30m	9567.1422	6616.6699
204	"C"	99+640	⊥ (9.144m)	9423.2515	7013.3827
205	"C"	99+640	16m	9417.1940	7010.1715
206	"C"	99+900	40m	9517.2558	6769.1113
209	"C"	100+000	40m	9563.7645	6680.5848

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

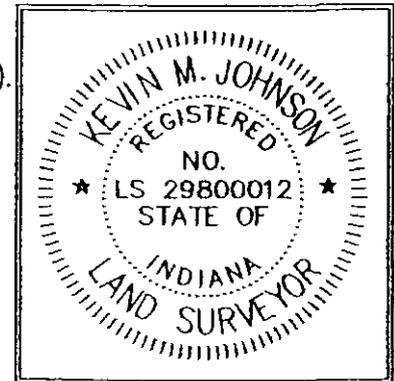
* SEE LOCATION CONTROL ROUTE SURVEY PLAT.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded in Instrument No. 200012661 in the Office of the Recorder of Vigo 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").

This plat was prepared using information obtained from the County records. It does not represent a survey of the owner's property. Dimensions shown along the existing property lines are taken from the listed record documents.

Kevin M. Johnson 5 Feb 2002
 Kevin M. Johnson Date
 Reg. Land Surveyor No. LS29800012
 State of Indiana



PARCEL: 25 CODE: 3777 PROJECT: STP-291-1(002) ROAD: U.S.R. 641 COUNTY: Vigo SECTION: 13 TOWNSHIP: 11 N. RANGE: 9 W.	OWNER: Ladika, Freddie L. DRAWN BY: K.M. Johnson 6/20/2002 CHECKED BY: R.F. Lewis 7/1/2002 DES. NO.: 9138220
BERNARDIN LOCHMUELLER & ASSOC., INC. 7830 Rockville Road, Suite C Indianapolis, IN 46214 (317) 209-1130	

STATE OF INDIANA) IN THE VIGO CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF VIGO) CAUSE NO.

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
FREDDIE L. LADIKA, DEBBIE HALL,)
TERRE HAUTE FIRST NATIONAL)
BANK and VIGO COUNTY, INDIANA,)
)
Defendants.)

2004
NOV 5 10 58 AM
VIGO COUNTY, INDIANA
CLERK'S OFFICE
TERRE HAUTE, INDIANA

PRAECIPE

The Clerk will issue a Summons, together with a copy of the Complaint for Appropriation of Real Estate, to: Freddie L. Ladika, 5837 McDaniel Road, Terre Haute, Indiana 47802; Debbie Hall, 5715 McDaniel Road, Terre Haute, Indiana 47802; and Terre Haute First National Bank, c/o Josie Swalls, Branch Manager, One First Financial Plaza, Terre Haute, Indiana 47807, by certified mail, return receipt requested; and for all Defendants, the Clerk will issue notice to the Sheriff of Vigo County, Indiana, returnable on the 5th day of November, 2004.

Respectfully submitted,

Yasmin L. Stump

Yasmin L. Stump
Attorney for Plaintiff, State of Indiana
Atty. No. 14876-49

RETURN OF SERVICE BY SHERIFF

(Complete the section which applies)

I hereby certify that service of process on Defendant, _____,
was made by:

(1) personally delivering a copy of this Summons and Notice and a copy
of Plaintiff's Complaint to said Defendant on _____, 200__.

(2) leaving a copy of this Summons and Notice and a copy of Plaintiff's
Complaint at _____ which is the dwelling place
or usual abode of said Defendant, and by mailing a copy of the same to said
Defendant at the address shown on the obverse side of this form.

Sheriff, _____ County

(Seal)

_____, 200__

ACKNOWLEDGEMENT OF SERVICE OF SUMMONS

A copy of this Summons and Notice and a copy of Plaintiff's Complaint were
received by me on this ___ day of _____, 200__.

Signature of Defendant

CLERK'S CERTIFICATE OF MAILING

A copy of this Summons and Notice and a copy of Plaintiff's Complaint were sent to the Defendant, _____, at the address shown on the obverse side of this form by registered or certified mail, return receipt requested, on _____, 200__.

Clerk, _____ Court

(Seal)

_____, 200__

RETURN OF SERVICE

(Complete the section which applies)

(1) The attached return receipt shows that a copy of this Summons and Notice and a copy of Plaintiff's Complaint were received by said Defendant on _____, 200__.

(2) The attached return receipt shows that a copy of this Summons and Notice and a copy of Plaintiff's Complaint were received by _____ on behalf of said Defendant on _____, 200__.

(3) The attached return receipt shows that a copy of this Summons and Notice and a copy of Plaintiff's Complaint were returned not accepted on _____, 200__.

Clerk, _____ Court

(Seal)

_____, 200__.