

INDOT

Buyer
Document

9DSE9

Scan Key	377719
LA Code	3777
Parcel No.	19
Owner	DECKER, STEPHEN M.

CONDEMNATION REPORT

Past experience has indicated that the negotiator is in an excellent position to gather information which frequently proves very valuable and helpful during a trial. Completing the following questions will materially aid the attorney representing the State. In answering them, please be as accurate and complete as you can, avoiding yes and no answers wherever possible. Where more than one negotiator has participated, each should fill out separate forms. Answer legibly in the space provided. If more space is needed, please complete your answer on an attached sheet and make reference to the paragraph and question number.

DATE FEBRUARY 3, 2004

Project Number STP-291-1(002) Parcel 19 Code 3777
County VIGO Road US 641

1. STEPHEN MARK DECKER

A. Complete Address 5639 Mc DANIEL ROAD

City TERRE HAUSE County VIGO State IN Zip 47802

B. Directions if Rural Route or Box Number _____

C. Other Address _____

D. If Corporation, Name of President —

Registered Agent (to be completed by DAG)

Name _____

Address _____

500

2. Lessee _____
Address _____
City _____ County _____ State _____ Zip _____

Interest of Lessee (check one): Farm _____ Residential _____ Commercial _____

3. Contract Purchaser _____
Address _____
City _____ County _____ State _____ Zip _____

4. Mortgagee and Officer JEFF STEWART - TERRE HAUTE SAVINGS BANK
CAROL ANN SHIPLEY TERRE HAUTE FIRST NATIONAL BANK RG
533 OWLO STREET 812-234-4864
Address FIRST FINANCIAL PLAZE (P.O. Box 540) 812-238-6000
City TERRE HAUTE County VIGO State IN Zip 47801
~~City TERRE HAUTE County VIGO State IN Zip 47801~~

Branch Manager's name
EUC LOUK

Registered Agent (to be completed by DAG)

Name _____
Address _____

5. Owner's Attorney DARRELL FELLING
Address 106 S. INDIANA ST
City GREENCASTLE County PUTNAM State IN Zip 46135

6. If only one personal contact was made, explain why no more were advisable before condemning this parcel.
MADE SEVERAL

7. What complaints, if any, have the property owner(s) made with reference to the highway project on their property? Describe in detail.
TOTAL TAKE - DOES NOT WANT TO MOVE
+ REBUILD HIS BUSINESS BUILDINGS ELSEWHERE.

8. What adjustments or actions have been taken, if any, and by whom with respect to any of the complaints of the property owner(s)? Describe in detail.

NONE

9. A. Date last offer was made 11/6/03
Amount of last offer \$ 171,000.00
B. If amount of last offer is different than amount of first offer state amount of first offer and explain why.

CHANGED TO TOTAL TAKE

FIRST OFFER WAS \$165,473² MADE ON 9-4-03

10. How much does property owner demand?

OWNER HAS NO APPRAISAL
AT THIS TIME.

11. What are the reasons for claiming a higher amount than that offered by the State?

NONE YET

12. How will the uses of this property be affected by the highway project? Describe in detail.

TOTAL TAKE

13. Has the landowner received any recent offers for his property? If so, describe fully.

NOT TO MY KNOWLEDGE

14. Who are the appraisers for the property owner(s), if any?

DARRELL BRANNEMAN, REALTY & AUCTION,

15. If you have any information about the owner's appraiser's qualification, experience, etc., please describe.

PUTNAM COUNTY AUCTIONEER FOR MANY YEARS
& REALTOR

16. Describe any characteristics of the property owner(s) which would be helpful to the attorney handling this case.

PRETTY HARD HEADED
& SET IN HIS WAYS.

17. Are there any unique features about the property owner(s) farming or business operations? Are they generally good or poor?

LOOKED CLEAN
& NEAT THE ONE TIME I WAS THERE.

18. Has there existed any united feeling in the community against the highway project?

NO

19. A. Have you discovered any items of damage that have been omitted, or improperly included, or that are too high or too low? Yes ___ No .
(If "Yes," explain.)

- B. Have you sent this parcel back to the Review Appraiser, or have you discussed it with the Review Appraiser, concerning any problems (including those in "A" above)? Yes No ___.

TO CHANGE TO TOTAL TAKE

- C. If "B" above is "Yes", what was the nature of the problem and what was the Review Appraiser's determination concerning it?

CHANGED TO TOTAL TAKE

20. In your opinion, are there any strong points the State should emphasize in the presentation of its case? (Answer must be well-considered and thorough.)

LOCAL APPRAISER IN TERRE HAUTE AREA
FOR SEVERAL YEARS.

21. Are there any weak points in the State's position? If so, specify.

NO

22. Do you have any other information you feel would be helpful in the trial of this case?

NO

23. Who is in possession of the premises?

OWNER

24. Were the actual premises to be condemned viewed by you and were those in possession contacted?

YES

25. Have there been any changes in the property or its uses since the completion of the appraisal?

NO

26. Have you verified in your contacts with the fee owner, or his representative, that there are no other leases, liens, or encumbrances of any kind on the property other than those listed in the report?

YES

27. Explain any statements or agreements made to or with the property owner(s) regarding right-of-way clear dates, moving dates, removal of encroachments, retention of property, etc.

NONE

I CERTIFY THAT THE ABOVE IS A COMPLETE STATEMENT OF THE NEGOTIATIONS CARRIED ON IN THIS CASE AND THAT IT WILL BE MY TESTIMONY IF CALLED UPON IN THE COURT PROCEEDINGS.


Land Agent's Signature

INDIANA DEPARTMENT OF TRANSPORTATION, LAND ACQUISITION DIVISION

BUYER'S REPORT

PROJECT: STP-291-1(002) PARCEL: 19 COUNTY: Vigo CODE: 3777
 Name & Address of Owner: Stephen Mark Decker aka Stephen M Decker
5639 McDaniel Road Terre Haute, IN 47802 Phone: 812-299-2667
 Name & Address of Person Contacted: DARREN FELLING, ATTORNEY
120 S. INDIANA ST GREENSBORO Phone: 765-653-5555
 (List other interested parties on reverse side including nature of their interest)
 Date Assigned: 7/23/2003 Date of Contact: 11/6/04 Time of Contact: 1310
 Offer: \$ 171,000.00 Type of Contact () Personal Visit () Phone () Mail

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

REMARKS: WHILE MEETING WITH MR. FELLING, ATTORNEY,
I CONFIRMED OWNERSHIP AND MORTGAGE INFOR-
MATION AS PER INDOT'S ABSTRACTING. I ALSO
REMINDERED THE OWNER(S) THAT THE 2003 PROPERTY
TAX DUE IN 2004 IS OWNER'S RESPONSIBILITY
SINCE THEY OWNED THE PROPERTY IN 2003.
WE REVIEWED THE PLANS TO SEE THAT
THE 39.5 ACRE(S) OF PERMANENT ACQUISITION
IS NEEDED FOR THIS PROJECT.

THE OFFER AMOUNT IS \$ 171,000.00 OF WHICH
\$ 146,096.00 IS FOR LAND & IMPROVEMENTS. \$ 24,904.00
IS DAMAGE TO RESIDUES A+B. THE INITIAL VALUE
OF RESIDUE WAS FIGURED W/ DAMAGES. THE VALUE
OF \$ 5527.00 WAS ADDED TO INITIAL OFFER.

Status of Parcel: () Secured, () Condemned, () Other FIRM OFFER GIVEN
 Distribution: () Parcel () Owner () Weekly Summary () Attorney
 () Specify Other _____

[Signature]
 Signature

Property Owner Initials _____

REMARKS (Cont'd) I EXPLAINED THE 25 DAY CON-
 SIDERATION PERIOD, THE 90 DAY PAYMENT
 PERIOD IF THE OFFER IS ACCEPTED AND
 CLEAR TITLE IS OBTAINED, AND THE STATE
 WILL TAKE POSSESSION 30 DAYS AFTER
 PAYMENT. I ALSO SAID THAT I WOULD
 GET BACK TO _____ IN ABOUT TWO WEEKS.

BEFORE LEAVING I PRESENTED
 COPIES OF 1) THE PRIVATE APPRAISAL LETTER,
 EXPLAINING THE RIGHT TO A PRIVATE APPRAISAL
 AT THE FEE OWNER'S EXPENSE, 2) THE LAND
 ACQUISITION BOOKLET W/PRINT OF PLAN, 3)
 OFFER LETTER W/LEGAL DESCRIPTION AND
 PLOT PLAN ATTACHED, AND 4) THE STATE-
 MENT OF THE BASIS FOR JUST COMPENSATION.

I ALSO EXPLAINED TO THE OWNER(S)
 THAT IN CASE A PARTIAL OR FULL MORTGAGE
 RELEASE IS NECESSARY, THE MORTGAGEE
 HAS THE RIGHT TO HAVE ITS NAME ON
 THE CHECK.

INDIANA DEPARTMENT OF TRANSPORTATION, LAND ACQUISITION DIVISION

BUYER'S REPORT

PROJECT: STP-291-1(002) PARCEL: 19 COUNTY: Vigo CODE: 3777

Name & Address of Owner: Stephen Mark Decker aka Stephen M Decker

5639 McDaniel Road Terre Haute, IN 47802 Phone: 812-299-2667

Name & Address of Person Contacted: _____

Phone: _____

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

Date Assigned: 7/23/2003 Date of Contact: 9/18/03 Time of Contact: 1630

Offer: \$165,473.00 Type of Contact (Personal Visit () Phone () Mail

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

REMARKS: WHILE MEETING WITH STEPHEN MARK DECKER
I CONFIRMED OWNERSHIP AND MORTGAGE INFOR-
MATION AS PER INDOT'S ABSTRACTING. I ALSO
REMINDERED THE OWNER(S) THAT THE 2002 PROPERTY
TAX DUE IN 2003 IS HIS RESPONSIBILITY
SINCE HE OWNED THE PROPERTY IN 2002.
WE REVIEWED THE PLANS TO SEE THAT
THE 23.244 ACRE(S) OF PERMANENT ACQUISITION
IS NEEDED FOR THIS PROJECT, INCLUDING LIMITATION
OF ACCESS, + 0.413 A OF REQUIRED EXISTING RIGHT OF WAY.
THE OFFER AMOUNT IS \$165,473.00 OF WHICH
\$140,569.00 IS FOR LAND AND IMPROVEMENT, INCLUDING
THE DWELLING, OUTBUILDINGS, CRUSHED DRIVE ROCK, FENCING,
GRASS, TREES, BUSHES & PLANTINGS. \$24,904.00 IS
PAYMENTS DUE TO DEVALUATION OF RESIDUE AREA
OF LANDLOREDO GROUND.

Status of Parcel: () Secured, () Condemned, (Other FIRM OFFER GIVEN

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

S.M.D.
 Property Owner Initials

 Signature

INDIANA DEPARTMENT OF TRANSPORTATION, LAND ACQUISITION DIVISION

BUYER'S REPORT

PROJECT: STP-291-1(002) PARCEL: 19 COUNTY: Vigo CODE: 3777

Name & Address of Owner: Stephen Mark Decker aka Stephen M Decker
5639 McDaniel Road Terre Haute, IN 47802 Phone: 812-299-2667

Name & Address of Person Contacted: _____
 Phone: _____

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

Date Assigned: 7/23/2003 Date of Contact: 8/4/03 Time of Contact: 0930
 Offer: \$165,473.00 Type of Contact () Personal Visit () Phone () Mail

- 1. N/A Checked Abstract w/ owner?
- 2. Any affidavits taken:
- 3. Any mortgage(s)?
- 4. Any liens, judgments, etc.?
- 5. Showed plans? Exp. take?
- 6. Explained about retentions?
- 7. Any major item retained?
- 8. Any minor item retained?
- 9. Walked over property?
- 10. Owner to pay taxes?
- 11. Secured Right-of-Entry
- 12. Secured Driveway R/E
- 13. Sent Daily Notice to Relocation?

- 14. N/A Secured W-9 Form?
Left following papers w/ owners:
- 15. N/A Written Offer?
- 16. Land Acquisition Brochure?
- 17. Retention Letter?
- 18. Statement of Just Compensation?
- 19. Tax memo (interim period)?
- 20. Receipt of Conveyance Instrument?
- 21. Copy of Conveyance Instrument?
- 22. Owner's Appraisal Letter?
- 23. Brochure, "Relocation & You"?
- 24. E.D.D.?

REMARKS: THIS BUYER MADE CONTACT WITH THE
VIGO COUNTY COURTHOUSE TO CONFIRM
OWNERSHIP PER OUR ABSTRACTING AND TO
DETERMINE THE STATUS OF THE PROPERTY TAX
FOR THIS PARCEL. THE PROPERTY TAX IS
(PAID CURRENT) (~~DELINQUENT~~).
I THEN MADE A SITE INSPECTION OF
THIS ACQUISITION AND FOUND EVERYTHING
PER APPRAISAL

Status of Parcel: () Secured, () Condemned, () Other **SITE INSPECTION + COURT HOUSE VISIT**
 Distribution: () Parcel () Owner () Weekly Summary () Attorney
 () Specify Other _____

THIS DOES NOT CONSTITUTE A CONTRACT

Page 1 of 1

David Patterson
 «buyname»

Property Owner Initials _____

This project involves new road construction (Des. No. 9138220), eight new bridges (Des. Nos. 9738230, 9738260, 9738270, 9738280, 9738290, 9738410, 9738330 and 0001350), new sign installation (Des. No. 9738310), and new lighting installation (Des. No. 9738320). This project is Phase 2 of the S.R. 641 corridor, "the Terre Haute By-Pass". The S.R. 641 corridor has been divided into the following four phases:

Phase 1

New road construction: The majority of this work involves the new Connector Road from U.S. 41 to Eaton Rd. and the new Ivy Tech access road. **Road reconstruction:** The majority of this work involves adding auxiliary lanes to U.S. 41 and Jessica Dr. including the resurface or full replacement of Jessica Drive. **New bridge construction:** a bridge over CSX and a separate bridge over the new Connector Road will be constructed. Finally, construction of the fill and ditches for S.R. 641 between U.S. 41 and Woodsmall Rd. will be included in this portion. Design approval for Phase 1 was granted April 5, 2001.

Phase 2

New road construction: This work involves construction of mainline S.R. 641 beginning at U.S. 41 and concluding directly north of Feree Road; new interchanges located at S.R. 641/U.S. 41 and S.R. 641/McDaniel Road; the new access road located east of S.R. 641 off of Woodsmall Road; and re-aligned McDaniel Road.

New bridge construction: Eight new bridges will be constructed at the following locations:

- Northbound S.R. 641 ramp over U.S. 41 (9738230, 641-84-8394)
- Southbound S.R. 641 ramp over U.S. 41 (0001350, 641-84-8395)
- S.R. 641 over Woodsmall Road (9738260, 641-84-8397)
- S.R. 641 over Honey Creek (9738270, 641-84-8398)
- S.R. 641 over McDaniel Road (9738280, 641-84-8399)
- S.R. 641 over CSXT/SOO Railroad (9738290, 641-84-2693)
- S.R. 641 over Feree Road (9738410, 641-84-8404)
- McDaniel Road over Little Honey Creek (9738330, 641-84-8401)

Phases 3 and 4

Construction of all necessary items along mainline S.R. 641 starting at the end of Phase 2 and finishing north of I-70 at Margaret Avenue. These phases will include the realignment of S.R. 46 and Riley Road as well as the interchanges for S.R. 641/Riley Road/S.R. 46 and S.R. 641/I-70. In addition, at least two access roads will be constructed.

This document describes Phase 2 only. A separate Design Summary was prepared for Phase 1 of the project and separate Design Summaries will be provided for Phases 3 and 4.

The total length of Phase 2 of the project is approximately 4.43 km. The project begins at a point on SR 641 just east of US 41, 458 m north and 644 m east of the NW corner of the SW quarter of Section 26, T-11-N, R-9-W and extending north and east through Section 23, T-11-N, R-9-W to a point north of Feree Road, approximately 327 m north and 463 m east of the northeast corner of Section 14, T-11-N, R-9-W all in Honey Creek Township in Vigo County.

The project involves the following:

- 1) Close Rice, Eaton and Bono Roads at US 41.
- 2) Remove all median crossovers on U.S. 41 between Dallas Road and Jessica Drive. (The crossover located at Station 9+360 on U.S. 41 will be removed under Phase 1, Des. No. 0001250.)

Signature

Date

- 3) The U.S. 41/Dallas Rd intersection will be modified as the following:
- The west approach of Dallas Rd will be limited to right-in and right-out movements from and to U.S. 41. Through movements along Dallas Road across U.S. 41 will not be permitted.
 - The east approach of Dallas Rd will maintain all movements with two exceptions:
 - The westbound Dallas Rd to southbound U.S. 41 movement will be prohibited.
 - Through movements along Dallas Road across U.S. 41 will not be permitted.

A dedicated left turn lane will be provided for southbound U.S. 41 to eastbound Dallas Rd. This left turn lane will be separated from the southbound U.S. 41 through lanes and southbound S.R. 641 ramp via a concrete median barrier that will extend 80 meters south of the centerline of Dallas Rd. In addition, this left turn lane will be separated from northbound U.S. 41 through-lanes via a concrete median barrier.

- A remote controlled access gate will be installed in the concrete median barrier that will separate the southbound U.S. 41 through-lanes and the southbound U.S. 41 left turn lane at the Dallas Road intersection. This will accommodate emergency vehicles (originating from the new fire station located on West Dallas Road or other areas west of U.S. 41) traveling eastbound on Dallas Road with final destinations east of U.S. 41. Please refer to Appendix O for a typical section, plan view, and a more detail explanation for this configuration and its need.
- Construct and pave the SR 641 Interchange ramps at US 41.
 - Pave SR 641 on existing fill from Bono Road to Woodsmall Road.
 - Construct and pave Woodsmall Access Road just east of SR 641 and north of Woodsmall Road.
 - Construct SR 641 bridges.

Des. No.	Str. No.	Over	Type	Span (m)	Skew (degree)	Clear Width (m)
9738230	641-84-8394	U.S. 41	KCSG	30.5, 32.8	27 Rt.	8.9
0001350	641-84-8395	U.S. 41	KCSG	31.3, 29.1	21 Rt.	8.9
9738260	641-84-8397	Woodsmall Rd.	PCBM	27.3/26.5	40 Lt./38 Lt.	11.95
9738270	641-84-8398	Honey Crk.	PCBTBM	25.3,27.2,25.3	NA	11.8
9738280	641-84-8399	McDaniel Rd.	PCBM	2@23.5	10 Lt.	16.8
9738290	641-84-2693	CSXT/SOO RR	PCBM	2@21.85	10.5 Rt.	11.8/15.4
9738410	641-84-8404	Feree Rd.	PCBM	24.4	32.3 Lt.	11.8

- Construct the McDaniel Road Bridge over Little Honey Creek.

Des. No.	Str. No.	Over	Type	Span (m)	Skew (degree)	Clear Width (m)
9738330	641-84-8401	Little Honey Crk.	CRCS	9.4,12,9.4	NA	24.4

- Construct and pave SR 641 from Woodsmall Road to north of Feree Road.
- Construct and pave McDaniel Road as 4 lanes with turn lanes and a median from just east of the CSX railroad tracks, through the interchange, and tapering to meet the existing two lane roadway east of the Little Honey Creek Bridge. (A local project realigning McDaniel Road will begin at the end of our project.)
- Construct and pave the SR 641 Interchange ramps at McDaniel Road.
- Pipes will be jacked under the railroad north of McDaniel Road on the west side of SR 641.

Signature

Date

BR-4

BUYER'S REPORT

PROJECT: STP-291-1(002)

PARCEL: 19

- 13) Several ponds in the area will be filled or drained as part of the project.
- 14) There will be a significant amount of tree clearing along mainline SR 641.

All level one design criteria have been met. Intersection sight distance has been provided at all locations.

Need for Improvement:

The purpose of this project is to construct the south half of the SR 641, Terre Haute Bypass alignment. This work will provide a primary link to local and state networks and divert traffic from the congested US 41 corridor south of I-70. This will result in time and fuel savings for both local and through traffic. This project is consistent with the Greater Terre Haute Long Range Transportation Plan.

REMARKS (Cont'd) I EXPLAINED THE 25 DAY CON-
 SIDERATION PERIOD, THE 90 DAY PAYMENT
 PERIOD IF THE OFFER IS ACCEPTED AND
 CLEAR TITLE IS OBTAINED, AND THE STATE
 WILL TAKE POSSESSION 30 DAYS AFTER
 PAYMENT. I ALSO SAID THAT I WOULD
 GET BACK TO HIM IN ABOUT TWO WEEKS.

BEFORE LEAVING I PRESENTED
 COPIES OF 1) THE PRIVATE APPRAISAL LETTER,
 EXPLAINING THE RIGHT TO A PRIVATE APPRAISAL
 AT THE FEE OWNER'S EXPENSE, 2) THE LAND
 ACQUISITION BOOKLET W/PRINT OF PLAN, 3)
 OFFER LETTER W/LEGAL DESCRIPTION AND
 PLOT PLAN ATTACHED, AND 4) THE STATE-
 MENT OF THE BASIS FOR JUST COMPENSATION.

I ALSO EXPLAINED TO THE OWNER(S)
 THAT IN CASE A PARTIAL OR FULL MORTGAGE
 RELEASE IS NECESSARY, THE MORTGAGEE
 HAS THE RIGHT TO HAVE ITS NAME ON
 THE CHECK.

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

STATE OF IND V DECKER ET AL

84D04-0404-PL-03432

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

6805-84 DARRELL FELLING

DEFENDANT
STEPHEN M DECKER
TERRE HAUTE SAVINGS BANK
VIGO COUNTY INDIANA

15160-84 TIMOTHY FEARS

10/06/2004

Court, on its own motion, orders the parties to submit this matter to mediation. Parties are to select a mediator on or before 11/10/04. Upon parties failure to do so by said date, the Court will select a mediator. Court sets this matter for Pre-Trial Conference on 2/8/05 at 9:00a.m. with Jury Trial set on 3/31/05 at 8:30a.m. ss

STATE OF INDIANA
VIGO SUPERIOR COURT
DIVISION 4
2004 TERM

RECEIVED
Patricia R Mansard

OCT 21 2004

Clerk of the
Vigo Circuit Court

STATE OF INDIANA
Plaintiff

VS.

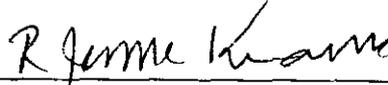
CASE NO. 84D04 0404 PL 3432

STEPHEN MARK DECKER,
TERRE HAUTE SAVINGS BANK
and VIGO COUNTY, INDIANA
Defendants

ORDER

Plaintiff, State of Indiana, by its attorney, Yasmin L. Stump, files its Motion for Modification of Court's October 6, 2004 Order and Request for Telephonic Scheduling Conference. The Court being duly advised now gives Defendant, Stephen Mark Decker, by counsel, Darrell E. Felling, and Defendant, Vigo County, Indiana, by counsel, Timothy E. Fears, on or before November 8, 2004, to reply to Plaintiff's Motion for Modification.

SO ORDERED, this 19th DAY OF OCTOBER 2004.



R. JEROME KEARNS, JUDGE

Distribution to:
Plaintiff's Counsel
Defendants' Counsel

STATE OF INDIANA
VIGO SUPERIOR COURT
DIVISION 4
2005 TERM

RECEIVED
Patricia R Mansard

MAY 02 2005

Clerk of the
Vigo Circuit Court

STATE OF INDIANA
Plaintiff

VS.

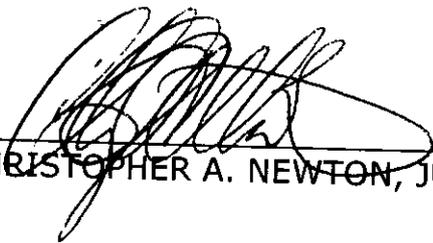
CASE NO. 84D04 0404 PL 3432

STEPHEN M. DECKER,
TERRE HAUTE SAVINGS BANK,
and VIGO COUNTY, INDIANA
Defendants

ORDER

On motion of Defendant's counsel, the jury trial in this cause scheduled on Wednesday, May 18, 2005 at 1:30 p.m. will go. The Jury Administration Secretary is ordered to call 30 prospective jurors to report to duty at that time.

SO ORDERED, this 2nd DAY OF MAY, 2005.


CHRISTOPHER A. NEWTON, JUDGE

Distribution to:
Plaintiff's Counsel
Defendant's Counsel
Jury Administration Secretary

STATE OF INDIANA
VIGO SUPERIOR COURT
DIVISION 4
2005 TERM

RECEIVED
Patricia R Mansard

MAY 23 2005

Clerk of the
Vigo Circuit Court

STATE OF INDIANA
Plaintiff

VS.

CASE NO. 84D04 0404 PL 3432

STEPHEN M. DECKER,
TERRE HAUTE SAVINGS BANK,
and VIGO COUNTY INDIANA
Defendants

ORDER

Plaintiff, State Of Indiana, appear by its counsels, Lawrence R. Miedema and William W. Drummy. Defendant, Stephen M. Decker, appears in person, and with counsel, James O. Mc Donald. Also appearing is the sworn jury.

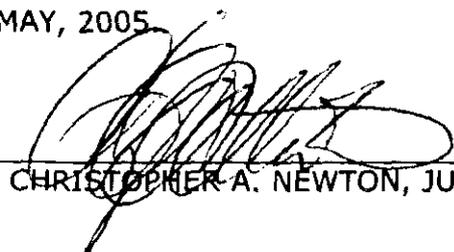
Cause comes on for second day of trial by Jury. Plaintiffs' counsel orally moves the Court for Separation of Witnesses. The Defendant's counsel having no objection, the Court now Grants Separation of Witnesses.

Counsel for Defendant and counsel for Plaintiff each present their opening statements.

Defendant commences with presentation of testimony and evidence on his case-in-chief; Defendant rest. Plaintiff commences with presentation of testimony and evidence on its case-in-chief.

The hour of adjournment having arrived, the Court now excuses the parties for the day, with instructions to return on the 20th day of May, 2005 at 8:30 a.m. Further, the Court admonishes the jury not to discuss the matter among themselves or with anyone else, or listen to or read any news accounts of this trial.

SO ORDERED, this 19th DAY OF MAY, 2005


CHRISTOPHER A. NEWTON, JUDGE

Distribution to:
Plaintiff's Counsel
Defendants' Counsel

INDIANA DEPARTMENT OF TRANSPORTATION, DIVISION OF LAND ACQUISITION

DAILY NOTICE

CONV

(This section to be filled out by the Relocation Unit)

Agent Assigned: WAGNER
 Date Assigned: 9-15-03
 Date Due: 9-29-03

Project: STP-291-1 002
 Parcel: 19
 Road: US 641
 County: Vigo
 Code: 3777

DO NOT REMOVE !

Total Take Partial Take
 Temporary Take RELO. AMT \$140,569.00
 Amount of Offer \$ 165,473.00

- The Date of Initiation of Negotiations for this parcel was: SEPT 4, 2003
- Name of Owner: STEPHEN M. DECKER
 Address: 5639 MCDANIEL ROAD TERRE HAUTE, IN 47802
- Buildings or Structures Occupied by:
 Owner Contract Buyer Tenant Name: SAME
 Address: _____ Phone: 812-299-2667
 Use reverse side if more space is needed to show all Owners, Contract Buyers, and Tenants
- Address (or Location) of Property in the Right of Way: SAME
- Describe Buildings / Structures and other Real Property included in the Offer: DWELLING, ALL OUTBUILDINGS, HORSE TRAINING ARENA, FENCING, TREES, BUSHES, CRUSHED ROCK DRIVE, GRASS, PLANTINGS.
- Parcel Contains Landlocked Property with Building Structures Yes No
- Signs in Right of Way but not included in the Offer: (Describe, and Include Station Numbers)

- Remarks in General: OWNER WILL PROBABLY WANT STATE TO BUY 2 LANDLOCKED RES. ADD FOR ADDITIONAL \$5,527.00 - PER APPRAISAL.

- Original to Central Relocation Office
- Copy to Property Management
- Copy to Records Unit
- Copy to Parcel

DATE: 9/5/03

David Patterson
Land Agent

\$171,000

Property Management Parcel

L/A Code: 3777

Project No: STP-291-1(2)

Main Des Cd: 9138220

Parcel No: 19

Parcel County: VIGO

Road: US ROUTE-641

Parcel Status: MONEY POSTED PAID

Packet Location: BUY - AG-CONDEMNATION 04/21/2004

Owner: DECKER, STEPHEN M.

5639 MCDANIEL RD

TERRE HAUTE

IN 47802-

(812)299-2667

Property Location:

Improvement Type: ACQUIRED

Utility Disconnect Date: 00/00/0000

Improvement Description: TOTAL TAKE: DWELLING, BARN, SHEDS, ETC (LEASE)

Parcel Paid: 00/00/0000

Parcel Clear: 00/00/0000

Money Posted Paid: 11/24/2004

Money Posted Clear: 00/00/0000

30 Day Notice Expires: 01/14/2005

10 Day Notice Expires: 00/00/0000

Retention by Owner:

Retention Clear: 00/00/0000

C-C Eviction: 11/11/9999

Structure Added Prime: 00/00/0000

Structure on Demo: 00/00/0000

Asbestos Inspection Ordered: 00/00/0000

Asbestos Inspection Received: 00/00/0000

Comments: ACQUIRED BLDGS+. (15.843 ACRES EXCESS LAND)

Contract No: A

Contractor:

Letting Complete: 00/00/0000

Notice to Proceed: 00/00/0000

Land Clear Date: 11/24/2004

Relocation Suffix	30 Day Expire	Occupant Clear Date
00	01/02/2005	00/00/0000
01	00/00/0000	00/00/0000

Remark Date	Remarks
04/21/2004	1. REVIEWED COND PKT PRIOR TO GOING TO AG'S.
04/21/2004	2.ACQ'D: HOUSE, N & S BARN, SHEDS, GARAGE, FENCES
04/21/2004	3. LOC: 5639 MCDANIEL RD IN TERRE HAUTE
04/21/2004	4. APPROX. 1000' EAST IF CSX RAILROAD
04/21/2004	5.OWNER NOT RETAINING 15.843 ACRES OF EXCESS LAND,
04/21/2004	6. WHICH IS LANDLOCKED RESIDUE A & B.
04/21/2004	7.PARCEL CHANGED TO TOTAL TAKE, PER PRTY OWNER REQ
05/14/2004	1. SPOKE W/ SUZI ABOUT THIS PARCEL: HORSE/BREEDING
05/14/2004	2. FARM. NOW IN CONDEMNATION - HAVING TROUBLE
05/14/2004	3. COMING UP WITH COMPS. - KC
01/10/2005	SENT LEASE TO DECKER FOR SIGNATURE.
01/24/2005	1. CATRON PREPARED & MAILED LEASE TO STEVE DECKER
01/24/2005	2. ON 1-10-05. STATE REP & ATTORNEY NOW INVOLVED.
01/24/2005	3. NO FURTHER ACTION 'TIL WE HEAR FROM MCCLURE
01/24/2005	4. OR CURSON. - KC
02/16/2005	HOLD LEASING UNTIL ADVISED BY ALAN-AG NEGOT'ING
02/18/2005	PER MCCLURE:MEDIATION SET FOR 3-15-05 & TRIAL 5-15

Property Management Parcel

L/A Code: 3777 Project No: STP-291-1(2) Main Des Cd: 9138220
Parcel No: 19 Parcel County: VIGO Road: US ROUTE-641
Parcel Status: MONEY POSTED PAID Packet Location: BUY - AG-CONDEMNATION 04/21/2004
Owner: DECKER, STEPHEN M. 5639 MCDANIEL RD
TERRE HAUTE IN 47802- (812)299-2667
Property Location:

Improvement Type: ACQUIRED Utility Disconnect Date: 00/00/0000
Improvement Description: TOTAL TAKE: DWELLING, BARN, SHEDS, ETC (LEASE)
Parcel Paid: 00/00/0000 Parcel Clear: 00/00/0000 Money Posted Paid: 11/24/2004 Money Posted Clear: 00/00/0000
30 Day Notice Expires: 01/14/2005 10 Day Notice Expires: 00/00/0000
Retention by Owner: Retention Clear: 00/00/0000 C-C Eviction: 11/11/9999
Structure Added Prime: 00/00/0000 Structure on Demo: 00/00/0000 Asbestos Inspection Ordered: 00/00/0000
Asbestos Inspection Received: 00/00/0000 Comments: ACQUIRED BLDGS+. (15.843 ACRES EXCESS LAND)
Contract No: A Contractor:
Letting Complete: 00/00/0000 Notice to Proceed: 00/00/0000 Land Clear Date: 11/24/2004

Relocation Suffix	30 Day Expire	Occupant Clear Date
00	01/02/2005	00/00/0000
01	00/00/0000	00/00/0000

Remark Date	Remarks
04/21/2004	1. REVIEWED COND PKT PRIOR TO GOING TO AG'S.
04/21/2004	2.ACQ'D: HOUSE, N & S BARNS, SHEDS, GARAGE, FENCES
04/21/2004	3. LOC: 5639 MCDANIEL RD IN TERRE HAUTE
04/21/2004	4. APPROX. 1000' EAST IF CSX RAILROAD
04/21/2004	5.OWNER NOT RETAINING 15.843 ACRES OF EXCESS LAND,
04/21/2004	6. WHICH IS LANDLOCKED RESIDUE A & B.
04/21/2004	7.PARCEL CHANGED TO TOTAL TAKE, PER PRTY OWNER REQ
05/14/2004	1. SPOKE W/ SUZI ABOUT THIS PARCEL: HORSEBREEDING
05/14/2004	2. FARM. NOW IN CONDEMNATION - HAVING TROUBLE
05/14/2004	3. COMING UP WITH COMPS. - KC
01/10/2005	SENT LEASE TO DECKER FOR SIGNATURE.
01/24/2005	1. CATRON PREPARED & MAILED LEASE TO STEVE DECKER
01/24/2005	2. ON 1-10-05. STATE REP & ATTORNEY NOW INVOLVED.
01/24/2005	3. NO FURTHER ACTION 'TIL WE HEAR FROM MCCLURE
01/24/2005	4. OR CURSON. - KC
02/16/2005	HOLD LEASING UNTIL ADVISED BY ALAN-AG NEGOT'ING
02/18/2005	PER MCCLURE:MEDIATION SET FOR 3-15-05 & TRIAL 5-15
03/28/2005	LEASE 4-1 TO 6-30-05. EVICT IF NO LEASE BY 4-8.ABC
03/28/2005	1. PER CURSON: REVISED LEASE SENT TO DECKER'S
03/28/2005	2. ATTORNEY.RESPOND BY 4-8-05 OR START EVICTION-KC

Project Status

L/A Code: 3777 Des No: 9138220 Project Priority: CROSSROADS Rw: STP-291-1(2)
 Plans Received: 12/20/2001 Design Apprvl. Date: 12/18/2002 Est. Parcels: 29 Pe: ST-291-1(001)
 Project Location: NEW ROAD FR US41 TO 0.25 MI N OF EXST FEREE RD (+INTRCHG) (SEE 3778 & 4179) Cn: STP-291-1(005)
 PM-WALLACE

Turnkey: BERNARDIN LOCHMUELLER & ASSOC. INC.

Road: US ROUTE-641

ENG

County: VIGO

Scheduled Activity Completion Dates

	Abstract	Eng.	Auth. Proc	Appr	Nego.	Cond. Clr.	R/W Clr.	RFC
Estimated:	05/01/2002	01/15/2004		04/15/2004	10/01/2004	04/01/2005	07/01/2005	07/20/2005
Complete:	04/29/2002	04/20/2004	09/15/1998	04/20/2004	09/14/2004	00/00/0000	00/00/0000	00/00/0000

Current Status Of Active Parcels

Parcel No	Bldg.	Grantor	Date Sent	Turnkey Flag	Activity	R/E	Status
15		JOHNSON, MICHAEL L., ET UX.	07/19/2004	N	BUYING - AG-CONDEMNATION		ONDEMNED COMPLA
16		LUERS, JOHN A. ET AL	09/28/2004	N	BUYING - AG-CONDEMNATION		ONDEMNED COMPLA
17	Y	JOAB, ROBERT G. ET UX	10/08/2003	N	BUYING - AG-CONDEMNATION		ONDEMNED COMPLA
X 19	Y	DECKER, STEPHEN M.	04/21/2004	N	BUYING - AG-CONDEMNATION		MONEY POSTED PAI
20	Y	LISTER, MARK A. ET UX.	07/29/2004	N	BUYING - AG-CONDEMNATION		MONEY POSTED PAI
25	Y	LADIKA, FREDDIE L.	10/28/2004	N	BUYING - AG-CONDEMNATION		ONDEMNED COMPLA

Parcel Maintenance for Property Management



Project No:	STP-291-1(2)	Code No:	3777	Main Des Cd:	9138220
Parcel Number:	19	Parcel County:	VIGO	Road No:	US ROUTE 641
Parcel Status:	MONEY POSTED PAID		Packet Location: BUY - AG-CONDEMNATION		
Owner:	DECKER, STEPHEN M.		5639 MCDANIEL RD		
	TERRE HAUTE		IN	47802-	(812)299-2667

Parcel | Occupant | Remarks

Improvement Type:	ACQUIRED	Utility Disconnect Date:	00/00/0000
Improvement Description:	TOTAL TAKE: DWELLING, BARN, SHEDS, ETC (LEASE)		
Secured Date:	00/00/0000	Secured Amount:	\$.00
Condemned Date:	02/16/2004	Condemned Amount:	\$171,000.00
Parcel Paid:	00/00/0000	Parcel Clear:	00/00/0000
Money Posted Paid:	11/24/2004	Money Posted Clear:	00/00/0000
30 Day Notice Expires:	01/14/2005	10 Day Notice Expires:	00/00/0000

Retention by Owner:		Retention Clear:	00/00/0000	C-C Eviction:	11/11/9999
Structure Added Prime:	00/00/0000	Structure on Demo:	00/00/0000	Asbestos Inspection Ordered:	00/00/0000
Asbestos Inspection Received:	00/00/0000	Comments: ACQUIRED BLDGS+. (15.843 ACRES EXCESS LAND)			

Contract No:		Contractor:	
Letting Complete:	00/00/0000	Notice to Proceed:	00/00/0000
Land Clear Date:	00/00/0000		

Parcel Maintenance for Property Management



Project No:	STP-291-1(2)	Code No:	3777	Main Des Cd:	9138220
Parcel Number:	19	Parcel County:	VIGO	Road No:	US ROUTE 641
Parcel Status:	MONEY POSTED PAID	Packet Location:	BUY - AG-CONDEMNATION		
Owner:	DECKER, STEPHEN M.		5639 MCDANIEL RD		
	TERRE HAUTE	IN	47802		(812)299-2667

Parcel Occupant | Remarks |

Suffix:	00	Row 1 of 2
Displacee Name:	DECKER, STEPHEN (RESID)	
Displacee Address:	5639 MCDANIEL ROAD	
Displacee City:	TERRE HAUTE	Displacee State: IN
Displacee Zip:	47802	Displacee Phone No: (812)299-2667
90 Day Expire:	10/11/2004	30 Day Expire: 01/02/2005 Occupant Clear Date: 00/00/0000

Parcel Maintenance for Property Management



Project No:	STP-291-1(2)	Code No:	3777	Main Des Cd:	9138220
Parcel Number:	19	Parcel County:	VIGO	Road No:	US ROUTE 641
Parcel Status:	MONEY POSTED PAID	Packet Location:	BUY - AG-CONDEMNATION		
Owner:	DECKER, STEPHEN M.		5639 MCDANIEL RD		
	TERRE HAUTE	IN	47802		(812)299-2667

Parcel Occupant Remarks

Suffix:	01	Row 2 of 2
Displacee Name:	ALMOST-A-RANCH - DECKER (BUS OWN)	
Displacee Address:	5639 MCDANIEL ROAD	
Displacee City:	TERRE HAUTE	Displacee State: IN
Displacee Zip:	47802	Displacee Phone No: (812)299-2667
90 Day Expire:	12/23/2003	30 Day Expire: 00/00/0000 Occupant Clear Date: 00/00/0000

INDOT FULL PROJECT LISTING

DATE: 3/28/2005 DES #: 9138220

ROAD INFORMATION
 TRANSPORTATION SYSTEM: NHS
 URBAN OR RURAL: => 200,000
 NUMBER OF LANES: 4
 CURRENT ADT/YEAR: 0 1999
 FUNCTIONAL CLASS: Urban Unassigned

LAND ACQUISITION INFORMATION
 LAND ACQ CODE: 3777
 # OF PARCELS: 29

STATUS: Authorized
 PROGRAM CLASS: 103 Crossroads Project
 URBANIZED AREA: Terre Haute
 LOCATION: From Woodsmall Rd to 0.25 mile N of existing Feree Rd, (PHIIB)
 ROUTE NUMBER: PR 641 Proposed
 WORK CATEGORY: New Road Construction
 WORK TYPE: New Road Construction

FROM RP: 0+0 TO RP: 0+0
 LON: 0 0 0 LAT: 0 0 0
 RELINQUISHMENT RQD: Yes

COUNTY: Vigo
 LENGTH: 2.73 miles

DISTRICT: Crawfordsville
 SUB DISTRICT: Terre Haute Sub

CONGRESSIONAL DISTRICT(S): District 8

PROJECT MILEPOST

ESTACT START * ESTACT FINISH * PERSON RESPONSIBLE

PROJECT MILEPOST	ESTACT START *	ESTACT FINISH *	PERSON RESPONSIBLE	PHONE	UPDATED DATE	UPDATED USERID
Project Started	10/11/1991	C	Eric Swickard, Contracts and Construction Divisi	3172343534	10/22/1992	
Engineering Assessment	01/06/1995	C	Brad Steckler, Environment, Planning, and Engin	3172325137	02/06/1995	
Final Environ. Document Approval	01/03/2000	C	To Be Assigned, The Corradino Group		02/15/2000	
Start Plan Development	01/03/2000	C	Lisa Casler, Design Division	3172332086	01/18/2002	DSGORMAN
Design Survey	04/02/1998	C	Bill Schmidt, Design Division		04/06/1998	
Preliminary Field Check	06/19/2000	C	Lisa Casler, Design Division	3172332086	10/02/2000	
Plans To Traffic	06/19/2000	C	Lisa Casler, Design Division	3172332086	10/02/2000	
Plans To Hearing	11/20/1998	C	Lisa Casler, Design Division	3172332086	12/08/1998	
Hearing Certification	03/01/1999	C	Lyle Sadler, Environment, Planning, and Enginee	3172336972	03/16/1999	
Soils Investigation	08/29/2001	C	Jean Hiadari, Materials & Test Division	3176107251	05/11/2004	MRHIADAR
Design Approval	11/20/1998	C	Lisa Casler, Design Division	3172332086	12/18/2002	DSPRATT
Plans To R/W	06/19/2000	C	Lisa Casler, Design Division	3172332086	01/18/2002	DSGORMAN
R/W Plans Acceptance	06/19/2000	C	Sharon Williams, Land Acquisition Division	3172325022	01/09/2002	LAIJOHNSN
Authorize Funds For R/W Phase I	09/15/1998	C	Roberta Johnson, Land Acquisition Division	3172325032	06/13/2000	
R/W Abstracting	07/07/1999	C	Dan Wilson, Land Acquisition Division	3172325009	05/02/2002	LAIJOHNSN
R/W Engineering	04/29/2002	C	Ronald Raney, Land Acquisition Division	3172325018	04/26/2004	LAIJOHNSN
R/W Appraising	04/29/2002	C			05/11/2004	LAIJOHNSN
Authorize Funds For R/W Phase II	02/24/2003	C			03/31/2003	PBSANDER
R/W Negotiations	10/07/2003	C	Steve Penturf, Land Acquisition Division	3172325047	04/07/2004	LAIJOHNSN
R/W Condemnation	03/10/2004	C	Steve Penturf, Land Acquisition Division	3172325047	02/25/2005	LAMORGAN
R/W Clear	05/01/2003	U	Alan B Curson, Land Acquisition Division	3172339146	02/25/2005	LAMORGAN
Permits Approval	10/11/1991	U	Lisa Casler, Design Division	3172332086	03/17/2005	DSGORMAN
Plans Signed	06/01/2003	U	Tom Caplinger, Design Division	3172325354	03/17/2005	DSGORMAN
Utility Coordination	09/15/2003	U	To Be Assigned, CTE Engineers		09/29/2004	DSGORMAN

DATE: 3/28/2005

DES #: 9138220

INDOT FULL PROJECT LISTING

PROJECT MILEPOST

PROJECT MILEPOST	EST/ACT START *	EST/ACT FINISH *	PERSON RESPONSIBLE	PHONE	UPDATED DATE	UPDATED USERID
Railroad Coordination	07/15/2001	U 12/15/2003	L Fred Hohl, Design Division		02/20/2003	DSGORMAN
Ready For Contracts	09/15/2003	U 08/15/2005	L Anne Rearick, Design Division	3172325152	03/01/2005	LAMORGAN
Authorize Funds For CN	11/15/2003	U 03/15/2004	L April L. Schwering, Budget and Fiscal Managem	3172325466	03/06/2003	PBSTOUT
Letting	**/**/****	R **/**/****	R April L. Schwering, Budget and Fiscal Managem	3172325466	03/15/2005	PBALLENR
Contract Award	01/05/2004	U 11/05/2005	L April L. Schwering, Budget and Fiscal Managem	3172325466	09/22/2004	PBEMMERT
Final Acceptance	11/15/2004	N 11/15/2004	N April L. Schwering, Budget and Fiscal Managem	3172325466	09/22/2004	PBEMMERT
Final Evaluation	10/11/1991	U 11/15/2006	L April L. Schwering, Budget and Fiscal Managem	3172325466	09/22/2004	PBEMMERT

***ACTIVITY STATUS VALUES:**

C- COMPLETE H- HOLD N- NOT APPLICABLE R- REVISED L- LOCKED U- UNLOCKED

TOTAL EST	FEDERAL PROJECT #	FUNDING PROGRAM	TRAFFIC INFORMATION	BRIDGE INFORMATION	RAILROAD INFORMATION
PROJECT COSTS					
PE1 \$600,000.00	01/12/1998 PE1	RW1 Land Acquisition Phase 1	LIGHTING REQUIRED: No		
RW1 \$2,700,000.00	02/24/2003 RW1	CN New Road Construction	SIGNALS REQUIRED: No		
CN \$22,978,000.00	10/14/2004 PE1	NH-291-1(007)	SIGNS REQUIRED: No		
Total \$26,278,000.00		CN NH-291-1(007)	COMMISSION #:		
		RW1 NH-291-1(002)			



Reards

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:	STP-291-1(002)		
PARCEL:	19	CODE:	3777
ROAD:	US 641		
COUNTY:	Vigo		

TO: Stephen Mark Decker
5639 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 (y 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 \$165,473.00, and, therefore, the Indiana Department of Transportation offers you \$165,473.00 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: 19

- 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 land or easement. 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 \$165,473.00 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 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 the address below, telephone (765) 828-0318
- 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 FAX: (765) 828-0319

This offer was made to owner(s):

<u>Stephen Mark Decker</u>	of	<u>Vigo County</u>	on	<u>9/4/03</u>	(Date)
_____	of	_____	on	_____	(Date)
_____	of	_____	on	_____	(Date)
_____	of	_____	on	_____	(Date)

BY: 
 (Signature)

David B. Patterson

Agent of: The Indiana Department of Transportation





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: 19 CODE: 3777
ROAD: US 641
COUNTY: VIGO

TO: STEPHEN MARK DECKER
5639 McDANIEL ROAD
TERRE HAUSE, 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 \$ 171,000.00, and, therefore, the Indiana Department of Transportation offers you \$ 171,000.00 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

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**

- 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 \$171,000.00 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

This offer was made to owner(s):

<u>STEPHEN MARK DECKER</u>	of	<u>VIGO</u>	on	<u>11/6/03</u>	(Date)
<u>TARU:</u>	of	_____	on	_____	(Date)
<u>DARRELL E. FELLING</u>	of	_____	on	_____	(Date)
_____	of	_____	on	_____	(Date)

BY: David B. Patterson
 (Signature)

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

