EASEMENT AND RIGHT-OF-WAY from St. Joseph Polish Poman Catholic Cemetery Assoc. Burial Establishment to City of South Bend, A part of Area 1 as shown on the recorded replat of Belleville Unit "D", an addition to the City of South Bend, IN, more particularly described as follows:

(SEL EASEMENT)

(ST. JOSEPH FUNERAL HOME)

#1290

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EASEMENT AND RIGHT-OF-WAY

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In consideration of the sum of ____One Dollar (\$1.00) Dollars cash in hand paid, receipt whereof is hereby acknowledged, the undersigned hereby grant, bargain, sell, convey, transfer, deliver unto the Civil City of South Bend, a permanent easement and right-of-way, for the following purposes namely: The right to enter upon the hereinafter described land and grade, level, fill, drain, pave, build, maintain, repair, and rebuild roads, streets, highways, together with such bridges, culverts, ramps, and cuts as may be necessary, on, over, and across the ground embraced within the right-of-way hereinafter described, further a permanent easement and right-of-way, including the perpetual right thereupon the real estate hereinafter described, at any time that it may see fit, for the purpose of constructing, maintaining and repairing, installing and renewing any water, sewer, and other utility facilities, whether used in conjunction with general street purposes, or for the sole purpose of constructing, maintaining, installing, repairing, and replacing and/or renewing such sewer or other facilities for all purposes whatsoever, including but not by way of limitation, drainage structures for both sanitary and storm sewer ground embraced within the right-of-way hereinafter described, which is located within the boundaries of a tract or parcel of land situated in the County of St. Joseph, State of Indiana, briefly described as follows:

A part of Area 1 as shown on the recorded replat of Belleville Unit "D", an addition to the City of South Bend, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Area 1; thence South along the West line of Area 1 a distance of 181.63 feet to the true point of beginning; thence East parallel with the South line of said Area 1 a distance of twelve (12) feet; thence North parallel with the West line of said Area 1 a distance of twelve (12) feet; thence West parallel with the South line of said Area 1 a distance of twelve (12) feet to the West line of said Area 1; thence South along the West line a distance of twelve (12) feet to the point of beginning.

Containing 144 square feet in South Bend, Portage Township, St. Joseph County, Indiana.

8302207

To have and to hold the said easement and right-of-way unto the Civil City of South Bend, Indiana, and unto its successors and assigns forever.

And the said Grantors hereby covenant with the Civil City of South Bend, Indiana, that they are lawfully seized and possessed of the aforedescribed tract or parcel of land; that they have a good and lawful right to sell and convey; that it is free from all encumbrances; and that they will warrant and forever defend the title in quiet possession thereto against the lawful claims of all persons whomsoever.

And as a further consideration for the payment of the purchase price, above stated, the Grantors hereby release all claims for damage, from whatsoever cause, incidental to the exercise of any of the rights herein granted, from the beginning of the world until this date.

It is understood and agreed by the parties hereto, that wherever in the foregoing instrument the singular number is used, it will be read as plural, if and when necessary, and that wherever words of neuter gender are employed, they will likewise apply to the masculine gender, whenever the contract requires.

Stapley J. Kandierski Gres. Sell Zmuddierski Sery Tree 830220

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CORPORATE CERTIFICATION

I, Sell Smulgiushi certify that I am Secretary of the Corporation executing this Easement and Right-of-way agreement:
that Manley Candriers who signed this agreement on behalf of the Corporation was then president of said Corporation; that said agreement was duly signed for and on behalf of said Corporation by authority of its governing body, and is within the scope of corporate powers:
SEAT
(CORPORATE SEAL)
STATE OF INDIANA))SS: ST. JOSEPH COUNTY)
Before me, a Notary Public in and for the aforesaid County and State personally appeared Ted V Zmudzinski and Stanley Kandzierski known to be president and Secretary respectively of St. Joseph Polish Roman Catholic Cemetary Association's Burial Establishment, Inc. who on behalf of said Corporation acknowledged the execution of the above and foregoing instrument to be its voluntary act and deed.
Witness my hand and Notarial Seal this 10th day of February, //97/ 1983
Notary Public Garland Y Bradley Res of St Joe Co IN
My Commission Expires: 4/16/86

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FILM NO.
WANDA A. HOWAK
RECORDER

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ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

INDEXED

This instrument prepared by Richard Hill, City Attorney.

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Foderal Savings & Loan Ass'n.

O. Box 3058
South Bend, Indiana 46619

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PARTIAL RELEASE OF MORTGAGE

For value received, Sobieski Federal Savings and Loan Association of South Bend hereby release the following described real estate situated in St Joseph County, State of Indiana, to-wit:

A part of Area 1 as shown on the recorded replat of Belleville Unit "D", an addition to the City of South Bend, Indiana, more particulary described as follows; Beginning at the Northwest corner of said Area 1; thence South along the West line of Area 1 a distance of 181.63 feet to the true pointof beginning; thence East parallel with the South line of said Area 1 a distance of twelve (12) feet; thence North parallel with the West line of said Area 1 a distance of twelve (12) feet; thence West parallel with the South line of Area 1 a distance of twelve (12) feet to the West line of said Area 1; thence South along the West line a distance of twelve (12))feet to the point of beginning. Containing 144 square feet in South Bend, Portage Township, St Joseph County, Indiana.

from the lien of the mortgage from St Joseph Funeral Home, to Sobieski Federal Savings and Loan Association of South Bend, recorded June 20, 1977 in document number 7700109 in the office of the Recorder of St. Joseph County, South Bend, Indiana, also recorded April 19, 1978 in document number 7807705 in the office of the Recorder of St Joseph County, South Bend, Indiana.

It being understood said mortgage shall remain in full force and effect as to the remainder of the real estate described in said mortgage recorded in document numbers 7700109 and 7807705.

SOBIESKI FEDERAL SAVINGS AND LOAN ASSOCIATION OF SOUTH BEND

GERALD R GADACZ, PRESIDENT

STATE OF INDIANA
COUNTY OF ST JOSEPH
SS:

Before me, a Notary Public in and for said county and state, personally appeared the within named Gerald R Gadacz, president of Sobieski Federal Savings and Loan Association of South Bend, who acknowledged the execution of the foregoing partial release of mortgage for and on behalf of the Said Sobieski Federal Savings and Loan Association of South Bend.

Witness my hand and seal this 9th day of February, 1983.

My Commission expires 4/16/86

Garland Y Bradley, Notary Pulic

This instrument was prepared by Sobieski Federal Savings & Loan

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ST. JOSEPH CO. INDIANA. FILED FOR RECORD

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