

#1307

WARRANTY DEED from Carl A. Bilinski
and Margaret R. Bilinski to City
of South Bend, A part of the S.W.
 $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 22, as
follows: (SEE DEED)

(ETHANOL PLANT AREA)

CITY ATTORNEY'S OFFICE
INTER-OFFICE MEMO

TO: Sandy Parmerlee
Clerk, of the Board of Works

DATE: August 15, 1983

FROM: Carolyn V. Pfothenauer *CP*
Assistant City Attorney

SUBJECT: Warranty Deed and Mortgage Release

Attached is a warranty deed from Carl A. and Margaret R. Bilinski transferring property to the Civil City of South Bend. This is the last of the four pieces of property which the City needed in order to build the passing blisters alongside State Road 23. Also attached is a partial Release of Mortgage from Sobieski Federal Savings and Loan Association releasing two mortgages which the Bilinski's had on the property. The Board of Works needs to accept the deed and the deed and the mortgage release need to be recorded.

CVP:tw
Enclosure

CITY ATTORNEY'S OFFICE
INTER-OFFICE MEMO

TO: Sandy Parmerlee
Clerk, of the Board of Works

DATE: August 15, 1983

FROM: Carolyn V. Pfotenhauer *CVP*
Assistant City Attorney

SUBJECT: Warranty Deed and Mortgage Release

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CVP:tw
Enclosure

AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY FORM B-1000
(Amended 10/1/69)

42849 15 021 04

CHICAGO TITLE INSURANCE COMPANY

Handwritten note on yellow paper:
Sent to deed #1307
Family
Part of
"passing blots"
property on
SR 23

SUBJECT TO THE EXCLUSIONS FROM COVERAGE AND THE PROVISIONS OF THE CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, insures, as of Date of Policy shown in Schedule A, against the risks of loss or damage to the insured property by fire, theft and other causes of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the date of policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:
THE ABSTRACT AND TITLE
CORPORATION OF SOUTH BEND
135 South Lafayette Boulevard
South Bend, Indiana 46601
(219) 233-8258

CHICAGO TITLE INSURANCE COMPANY

By: *Richard P. Voff*

President.



ATTEST:

Robert E. Ellis
Secretary.

IMPORTANT

This policy necessarily relates solely to the title as of the date of the policy. In order that a purchaser of the real estate described herein may be insured against defects, liens or encumbrances, this policy should be reissued in the name of such purchaser.

AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY FORM B-1970
(Amended 10-17-70)

42849 15 021 04 15622

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

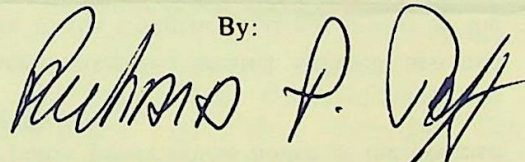
1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the date of policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:
THE ABSTRACT AND TITLE
CORPORATION OF SOUTH BEND
135 South Lafayette Boulevard
South Bend, Indiana 46601
(219) 233-8258

CHICAGO TITLE INSURANCE COMPANY

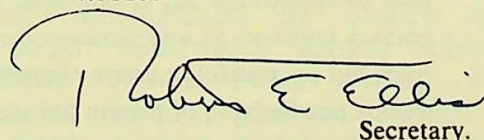
By:



President.



ATTEST:



Secretary.

IMPORTANT

This policy necessarily relates solely to the title as of the date of the policy. In order that a purchaser of the real estate described herein may be insured against defects, liens or encumbrances, this policy should be reissued in the name of such purchaser.

SCHEDULE A

1 OFFICE FILE NUMBER	2 POLICY NUMBER	3 DATE OF POLICY	4 AMOUNT OF INSURANCE
42849	15 021 04 15622	August 25, 1983	\$1,500.00

1. Name of Insured:

Civil City of South Bend, Indiana

2. The estate or interest in the land described herein and which is covered by this policy is:
Fee simple

3. The estate or interest referred to herein is at Date of Policy vested in the insured.

4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

5. The land referred to in this policy is described as follows:

Situate in St. Joseph County, in the State of Indiana:

A part of the Southwest Quarter of the Northwest Quarter of Section 22, Township 37 North, Range 2 East, in St. Joseph County, Indiana, described as follows: Commencing at the Southwest corner of said Quarter Quarter Section; thence North 89 degrees 07 minutes 35 seconds East (assumed bearing) 494.5 feet along the south line of said Southwest Quarter of the Northwest Quarter to the Southwest corner of land belonging to Carl A. and Margaret R. Bilinski as described in Book 409 page 385 in the office of the Recorder of St. Joseph County, Indiana; thence North 00 degrees 09 minutes 02 seconds West 679.32 feet along the west line of said Bilinski land to the Point of Beginning; thence continuing North 00 degrees 09 minutes 02 seconds West 64.66 feet along said west line to the centerline of State Road 23, also being the northern boundary of said Bilinski land; thence North 58 degrees 07 minutes 20 seconds East 99.81 feet along said centerline to the east line of said Bilinski land; thence South 00 degrees 09 minutes 02 seconds East 64.66 feet along said east line; thence South 58 degrees 07 minutes 20 seconds West 99.81 feet to the Point of beginning.

Subject to legal highways.

This policy valid only if Schedule B is attached.

SCHEDULE B

Policy Number 15 021 04 15622
h Owners

This policy does not insure against loss or damage by reason of the following exceptions:

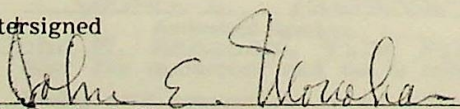
General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
- (3) Easements or claims of easements not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) Taxes or special assessments which are not shown as existing liens by the public records.

Special Exceptions: The mortgage, if any, referred to in Item 4 of Schedule A.

1. Second installment of taxes for the year 1982 due in November, 1983 and all subsequent taxes.
2. Rights of way for drainage ditches, feeders and laterals, if any.

Countersigned


Authorized Signatory

John E. Monahan, Vice President

ATTACHED TO POLICY NO.15 021 04 15622

ISSUED BY
The Abstract and Title Corporation of South Bend
CHICAGO TITLE INSURANCE COMPANY

The Company, recognizing the current effect of inflation on real property valuation and intending to provide additional monetary protection to the Insured Owner named in said Policy, hereby modifies said Policy, as follows:

1. Notwithstanding anything contained in said Policy to the contrary, the amount of insurance provided by said Policy, as stated in Schedule A thereof, is subject to cumulative annual upward adjustments in the manner and to the extent hereinafter specified.
2. "Adjustment Date" is defined, for the purpose of this Endorsement, to be 12:01 a.m. on the first January 1 which occurs more than six months after the Date of Policy, as shown in Schedule A of the Policy to which this Endorsement is attached, and on each succeeding January 1.
3. An upward adjustment will be made on each of the Adjustment Dates, as defined above, by increasing the maximum amount of insurance provided by said Policy (as said amount may have been increased theretofore under the terms of this Endorsement) by the same percentage, if any, by which the United States Department of Commerce Composite Construction Cost Index for the month of September immediately preceding exceeds such Index for the month of September one year earlier; provided, however, that the maximum amount of insurance in force shall never exceed 150% of the amount of insurance stated in Schedule A of said Policy, less the amount of any claim paid under said Policy which, under the terms of the Conditions and Stipulations, reduces the amount of insurance in force. There shall be no annual adjustment in the amount of insurance for years in which there is no increase in said Construction Cost Index.
4. In the settlement of any claim against the Company under said Policy, the amount of insurance in force shall be deemed to be the amount which is in force as of the date on which the insured claimant first learned of the assertion or possible assertion of such claim, or as of the date of receipt by the Company of the first notice of such claim, whichever shall first occur.

PROVIDED, HOWEVER, this endorsement shall be effective only if one of the following conditions exists at Date of Policy:

- a. The land described in this policy is a parcel on which there is only a one-to-four family residential structure, including all improvements on the land related to residential use, in which the Insured Owner resides or intends to reside; or,
- b. The land consists of a residential condominium unit, together with the common elements appurtenant thereto and related to residential use thereof, in which the Insured Owner resides or intends to reside.

This Endorsement is made a part of the policy or commitment and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy or commitment and prior endorsements, if any, nor does it extend the effective date of the policy or commitment and prior endorsements or increase the face amount thereof.

CHICAGO TITLE INSURANCE COMPANY

The Abstract and Title Corporation
135 South Lafayette Blvd.
South Bend, Indiana 46601



Alvin W. Long
President.

ATTEST:

Chester C. McCullough
Secretary.

John E. Monahan
Authorized Signatory
John E. Monahan, Vice President
Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.

INFLATION ENDORSEMENT 1
INF. 1

Handed
Board of
works.

FILM NO. WANDA A. NOWAK
RECORDER

#1307

MAIL DEED TO:

MAIL TAX BILLS TO:

AUG 24 8 28 AM '83

8315695

COPYRIGHT
ST. JOSEPH COUNTY, INDIANA
BAR ASSOCIATION
PROPERTY FORM 101 - 1974

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

AUDITOR'S RECORD	
Transfer No.	6097
Taxing Unit	RB
Date	8-27-83

WARRANTY DEED

1

CARL A. BILINSKI and MARGARET R. BILINSKI, husband and wife,

the Grantors,

Convey and Warrant to CIVIL CITY OF SOUTH BEND, INDIANA,

the Grantee

for and in consideration of One Dollar (\$1.00) and other valuable consideration

the receipt of which is hereby acknowledged, Real Estate in St. Joseph County, Indiana, described as follows:

A part of the Southwest Quarter of the Northwest Quarter of Section 22, Township 37 North, Range 2 East, in St. Joseph County, Indiana, described as follows: Commencing at the Southwest corner of said Quarter Quarter Section; thence North 89 degrees 07 minutes 35 seconds East (assumed bearing) 494.5 feet along the south line of said Southwest Quarter of the Northwest Quarter to the Southwest corner of land belonging to Carl A. and Margaret R. Bilinski as described in Book 409 page 385 in the office of the Recorder of St. Joseph County, Indiana; thence North 00 degrees 09 minutes 02 seconds West 679.32 feet along the west line of said Bilinski land to the Point of Beginning; thence continuing North 00 degrees 09 minutes 02 seconds West 64.66 feet along said west line to the centerline of State Road 23, also being the northern boundary of said Bilinski land, thence North 58 degrees 07 minutes 20 seconds East 99.81 feet along said centerline to the east line of said Bilinski land; thence South 00 degrees 09 minutes 02 seconds East 64.66 feet along said east line; thence South 58 degrees 07 minutes 20 seconds West 99.81 feet to the Point of Beginning.

Subject to legal highways.

ALSO, subject to all unpaid taxes, assessments, restrictions, excepting racial restrictions, easements and zoning of record.

Signed and dated on August 12, 1983.

State of INDIANA, ST. JOSEPH County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared:

Carl A. Bilinski and Margaret R. Bilinski, husband and wife

DULY ENTERED FOR TAXATION
JOSEPH F. NAGY
AUDITOR
ST. JOSEPH CO., INDIANA

Carl A. Bilinski
Signature
CARL A. BILINSKI
Typed or printed name

Margaret R. Bilinski
Signature
MARGARET R. BILINSKI
Typed or printed name

and acknowledged the execution of the foregoing deed on

August 2, 1983

David V. Bent
Signature
David V. Bent, Notary Public

A resident of St. Joseph County, Indiana

My commission expires

APPROVED
Signature
BOARD OF PUBLIC WORKS
Typed or printed name
AUG 22 1983
Joseph F. Nagy
Signature
Joseph F. Nagy
Typed or printed name

Prepared by David V. Bent, BINGHAM, LOUGHLIN, MEANS & MICK, 400 Lincoln Way East, Post Office Box 583, Mishawaka, Indiana 46544
Attorney at Law

8315695

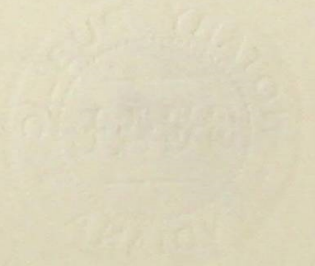
FILM NO. _____
WANDA A. NOWAK
RECORDER

AUG 24 8 28 AM '83

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

INDEXED

APPROVED
DATE OF THIS FILE



81

FILM NO. **8315694** ✓
WANDA A. NOWAK
RECORDER

AUG 24 8 28 AM '83

ST. JOSEPH CO.
INDIANA
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