#1017

CORPORATE WARRANTY DEED from Indiana & Michigan Electric Company to City of South Bend, the East 40 feet of the following described real estate:

(SEE DEED)

Easement

22872

CORPORATE WARRANTY DEED

FROM

.....

.....

TO

.....

.....

Received for record this .....

day of ..... , 19.....

at..... o'clock..... M., and

Recorded in Book No. ..... Page .....

.....

Recorder ..... County.

INDEXED

BOOK 88 PAGE 293
AUGUST H. LUDEMANN
RECORDER

FILED FOR RECORD
ST. JOSEPH CO.
FEB 16 9 15 AM '70

Duly entered for taxation this .....

day of ..... , 19.....

Auditor's fee $.....

.....

Auditor..... County.

DULY ENTERED FOR TAXATION
EUGENE A. BASKER
AUDITOR
ST. JOSEPH CO., INDIANA

Cul- Bd of Public Works #1017

22972

W.O. _____
USE _____

Corporate Warranty Deed

DEED NO. 761
PLAT NO. 28

THIS INDENTURE WITNESSETH, That INDIANA & MICHIGAN ELECTRIC COMPANY 2-10-77

a corporation duly organized

and existing under the laws of the state of Indiana

located in Allen County, in the State of Indiana Convey and Warrant

to THE CITY OF SOUTH BEND, INDIANA

of St. Joseph County, in the State of Indiana, for and in consideration of the sum of

Five Hundred and Fifty DOLLARS ($ 550.00) and other

good and valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate

in St. Joseph County, in the State of Indiana, to-wit:

The East forty (40) feet of the following described Real Estate:

Part of the Southeast Quarter (¼) of the Northeast Quarter (¼) and part of the Northeast Quarter (¼) of the Southeast Quarter (¼) of Section Twenty-Eight (28), Township Thirty-eight (38) North, Range Two (2) East, described as beginning at the Northeast corner of the Southeast Quarter (¼) of said Section Twenty-eight (28); thence North along the East line of said Section, Sixty-five (65) feet; thence West Six Hundred Sixty (660) feet; thence South Sixty-five (65) feet; thence West Three Hundred Thirty (330) feet; thence South One Hundred Seventy-seven (177) feet; thence East Nine Hundred Ninety (990) feet to the East line of said Section; thence North along said Section line One Hundred Seventy-seven (177) feet to the place of beginning.

Indiana Gross Income Tax on Sale of Real Estate
Paid by
Indiana & Michigan Electric Co.
Grantor
Date Paid 2-7-1977
Amount Paid $ 8.25
Treasurer's Receipt # 299256
St. Joseph County

ST. JOSEPH CO INDIANA FILED FOR RECORD FEB 16 9 15 AM '77 BOOK PAGE AUGUST H. COOREMAN RECORDER

IN WITNESS WHEREOF, The said INDIANA & MICHIGAN ELECTRIC COMPANY

has caused this Deed to be executed by R. C. Menge, Vice President

its Vice President, and attested by C. L. Mast, Asst. Secretary

its Assistant Secretary, and its corporate seal to be hereunto affixed.

INDIANA & MICHIGAN ELECTRIC COMPANY INDIANA SEAL 1925

(Seal)

this 3rd day of February 1977

ATTEST: C. L. Mast Asst. Secretary

INDIANA & MICHIGAN ELECTRIC COMPANY

By R C Menge Vice President

C. L. Mast (Printed Name)

R. C. Menge (Printed Name)

STATE OF INDIANA, ALLEN County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named R. C. Menge Vice President and C. L. Mast Asst. Secretary to me known to be such Vice President and Assistant Secretary of said Corporation and acknowledged the execution of the foregoing Deed for and on behalf of said Corporation and by its authority.

WITNESS, my hand and Notorial seal this 3rd day of February 1977

My commission expires July 19, 1980

Rita K. Sauders
Rita K. Sauders Notary Public

This instrument prepared by: George H. Brigham, Agent for Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana.

BOOK 828 PAGE 293

250

225720

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

FEB 10 9 15 AM '77

BOOK 1211 PAGE 501 - 506
AUGUST H. COOREMAN
RECORDER

INDEXED

Call.

Bur of Public Works

229720

Transfer 76
Taxing Unit LB
Date 2-10-77

THIS INDENTURE, made this 6th day of January 1977, between Irving Trust Company, a corporation existing under and by virtue of the laws of the State of New York (Corporate Trustee) and D. W. May (successor Individual Trustee), as Trustees, (hereinafter called "Trustees") parties of the first part, and Indiana & Michigan Electric Company, a corporation existing under and by virtue of the laws of the State of Indiana, with principal office at 2101 Spy Run Avenue, Fort Wayne, Indiana (hereinafter called "Company"), party of the second part:

WHEREAS, by the Mortgage and Deed of Trust between the Company and Irving Trust Company and Frederick G. Herbst, as Trustees, dated as of June 1, 1939, and recorded among other places in the Office of the Recorder of the County of St. Joseph, State of Indiana, in Mortgage Record No. 312 at Page 321, Chat. Mtg. Rec. 251.

the Company did convey the property hereinafter described unto the said Trustees; and

WHEREAS, by a certain instrument between the Company and Richard H. West, dated as of June 4, 1945, and recorded among other places in the aforesaid St. Joseph County Recorder's Office in Mortgage Record No. 83 (MISC) at page 566,

the said Richard H. West was appointed by the Company as successor Individual Trustee under said Mortgage and Deed of Trust and accepted such appointment; and

WHEREAS, by a certain instrument between the Company, Irving Trust Company and James A. Austin, dated as of June 19, 1950, and recorded among other places in the aforesaid St. Joseph County Recorder's Office in Mortgage Record No. 497 at page 184,

ST. JOSEPH CO.
INDIANA
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AUGUST H. COOREMAN
RECORDER

and Irving Trust Company as successor Individual Trustee under said Mortgage and Deed of Trust and accepted such appointment; and

WHEREAS, by a certain instrument between the Company, Irving Trust Company and E. J. McCabe, dated as of February 1, 1967, and recorded among other places in the office of the Recorder of the County of St. Joseph, State of Indiana, in Mortgage Record No. 922 at page 55 the said E. J. McCabe was appointed by the Company and Irving Trust Company as successor Individual Trustee under said Mortgage and Deed of Trust and accepted such appointment; and

WHEREAS, by a certain instrument between the Company and Irving Trust Company and D. W. May, dated as of December 1, 1973 and recorded among other places in the office of the Recorder of the County of St. Joseph, State of Indiana, in Mortgage Record No. 1111 at page 404 - 434 the said D. W. May was appointed effective December 14, 1974 by the Company and Irving Trust Company as successor individual Trustee under said Mortgage and Deed of Trust and accepted such appointment; and

WHEREAS, said Mortgage and Deed of Trust has been amended and supplemented by the instruments hereinafter listed, which instruments are identified, dated and recorded in

Instrument	Date	Mortgage Record No.	Page
Indenture Supplemental	9/1/48	451 Chat. Rec. 14	390 251
Indenture Supplemental	6/1/50	497 Chat. Rec. 16	189 251
Indenture Supplemental	1/1/52	546 Chat. Rec. 17	146 251
Indenture Supplemental	9/1/53	590 Chat. Rec. 19	15 237
Indenture Supplemental	10/1/54	616 Chat. Rec. 21	134 222
Indenture Supplemental	2/1/58	699 Chat. Rec. 28	541 282
Indenture Supplemental	11/1/58	720 Chat. Rec. 30	125-146 288
Indenture Supplemental	8/1/63	828 Chat. Rec. 41	78 303
Indenture Supplemental	5/1/68	950	161
Indenture Supplemental	6/1/69	982	281-312
Indenture Supplemental	4/1/70	1001	89-129
Indenture Supplemental	2/16/71	1019	455
Indenture Supplemental	12/1/73	1111	404-434
Indenture Supplemental	6/1/74	1125	468-494
Indenture Supplemental	3/1/75	1145	596-626
Indenture Supplemental	9/1/75	394	111

WHEREAS, the Company has requested the Trustees to release the property hereinafter described from the lien of said Mortgage and Deed of Trust, as amended and supplemented, in order that the Company may sell, convey and transfer the said property clear, free and discharged of and from such lien; and

WHEREAS, the Company has complied with all the terms and conditions of said Mortgage and Deed of Trust, as amended and supplemented, with respect to obtaining the release of the property hereinafter described from the lien thereof;

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That the Trustees, for and in consideration of the application by the Company and its compliance with all applicable provisions of the Mortgage relating to the release of property from the lien of the Mortgage, have released, quitclaimed and set over, and by these presents do release, quitclaim and set over unto the Company, its successors and assigns, all their right, title and interest as Trustees as aforesaid in and to the mortgaged property hereinafter particularly described, to-wit:

Certain property located in St. Joseph County, Indiana as described on page 1(a) attached hereto.

The following described Real Estate in St. Joseph County, in the State of Indiana, to-wit:

Part of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) and part of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-Eight (28), Township Thirty-eight (38) North, Range Two (2) East, described as beginning at the Northeast corner of the Southeast Quarter (1/4) of said Section Twenty-eight (28); thence North along the East line of said Section, Sixty-five (65) feet; thence West Six Hundred Sixty (660) feet; thence South Sixty-five (65) feet; thence West Three Hundred Thirty (330) feet; thence South One Hundred Seventy-seven (177) feet; thence East Nine Hundred Ninety (990) feet to the East line of said Section; thence North along said Section line One Hundred Seventy-seven (177) feet to the place of beginning.

TO HAVE AND TO HOLD the said property hereby released to the Company, its successors and assigns, to its and their own proper use, benefit and behoof forever, clear free and discharged of and from any and all liens or claims under and by virtue of said Mortgage and Deed of Trust, as amended and supplemented as aforesaid.

It is expressly understood that no part of the property covered by and subject to the said Mortgage and Deed of Trust, as amended and supplemented as aforesaid, is hereby discharged or released therefrom, other than the property above described, and that nothing herein does in any way affect or impair the right of the said Trustees to hold the said Mortgage and Deed of Trust, as amended and supplemented as aforesaid, for security as therein provided on the remainder of the premises and property thereby conveyed or intended so to be, and not heretofore released from the lien of said Mortgage and Deed of Trust, as amended and supplemented as aforesaid.

IN WITNESS WHEREOF, and as Trustees under the Mortgage and Deed of Trust, as amended and supplemented as aforesaid, the Irving Trust Company has caused this writing to be signed by its Vice President, and its corporate seal to be hereunto affixed, duly attested by its Assistant Secretary, under authority duly given, and the said D. W. May has hereunto set his hand and seal, all of which is done this 6th day of January, 1977.

IRVING TRUST COMPANY
as Corporate Trustee

By _____
Vice President

Attest:

_____
Assistant Secretary

_____
As Individual Trustee

IRVING TRUST COMPANY NEW YORK

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

BOOK 1211 PAGE 506

I certify that on this 6th day of January, 1977, before me, J. F. Newman, a Notary Public in and for said County and State, appeared J.A. Vaughan to me personally known and known to be a Vice President of Irving Trust Company and the person whose name is signed to the foregoing instrument, who, being by me duly sworn, deposed and said that he resides at Massapequa, New York that he is a Vice President of Irving Trust Company; that he knows the corporate seal of said corporation; that the seal affixed to the foregoing instrument is the corporate seal of the said corporation; that it was so affixed by order of said corporation, and that he signed his name as Vice President of said corporation to said instrument by like order; and thereupon said J.A. Vaughan, acknowledged that he signed said instrument as his free and voluntary act and that said corporation executed said instrument, as Corporate Trustee, as its free and voluntary act for the purposes and uses therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 6th day of January, 1977.

Jean F. Newman
Notary Public

JEAN F. NEWMAN
Notary Public, State of New York
No. 24-4612517
Qualified in Kings County
Certificate filed with N.Y. County Clerk
Commission Expires March 30, 1977

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

I certify that on this 6th day of January, 1977, before me, J. F. Newman, a Notary Public in and for said County and State, appeared D. W. May, to me personally known and known to be the individual whose name is signed to the foregoing instrument, who, being by me duly sworn, deposed and said that he resides in Manhasset, N. Y. and thereupon D. W. May acknowledged the execution of the foregoing instrument, as Individual Trustee, as his free and voluntary act for the purposes and uses therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 6th day of January, 1977.

Jean F. Newman
Notary Public

JEAN F. NEWMAN
Notary Public, State of New York
No. 24-4612517
Qualified in Kings County
Certificate filed with N.Y. County Clerk
Commission Expires March 30, 1977

DULY ENTERED FOR TAXATION
EUGENE A. BASKER
AUDITOR
ST. JOSEPH CO., INDIANA