

3186

2/21/2006

Partial Release of Mortgage/Warranty Deed/Temporary Easement
Agreement

18-5017-0576

LOT NO. 1

SUB: Klinge & Mayr's Sub

Kruse, Robert

323 N. Eddy Street

Description:

A Parcel of Land located in the Southeast Quarter of Section 1 and
the Northeast Quarter of Section 12, Township 37 North, Range 2
East of the Second Principal Meridian in Portage Township

Hold Troyer

3186

Transfer 11119
Taxing Unit AB
Date 11-9-05

0552042

RECORDED ON

11/09/2005 03:03:32PM

TERRI J. RETHLAKE
ST. JOSEPH COUNTY
RECORDER

REC FEE: \$18.00
PAGES: 4

PROJECT: HES-9971()
PARCEL: 9

18-5017-0576

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Robert Kruse, a/k/a Robert L. Kruse
being over the age of eighteen (18) years, of COOK County, in the State of ILLINOIS,

CONVEY(S) AND WARRANT(S) TO THE CITY OF SOUTH BEND, STATE OF INDIANA

for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in St. Joseph County, Indiana, to-wit:

Exhibit "A" attached hereto and made a part hereof

Grantor(s) herein agree(s) to pay all real estate taxes and assessments levied or assessed against the above-designated real estate prior to the date of this deed.

Grantor(s) hereby convey(s) the above-described real estate free and clear of all leases, licenses, or other interests, both legal and equitable, and all encumbrances of any kind or character.

This document shall constitute a conveyance of the above-described real estate (excepting any parcels specifically designated as easements or as temporary right-of-ways) in fee simple and not merely for right-of-way purposes, and no reversionary rights whatsoever are intended to remain in the Grantor(s).

Dated this 20 day of July, 2005.

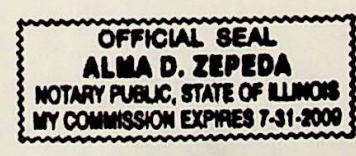
Robert L. Kruse
Robert L. Kruse
(Signature)

(Signature)

Robert Kruse
(Printed Name)

(Printed Name)

STATE OF Illinois)
COUNTY OF COOK) SS:



Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of July, 2005, personally appeared Robert Kruse, a/k/a Robert L. Kruse, being over the age of eighteen (18), and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal.

My Commission Expires:
July 31, 2009

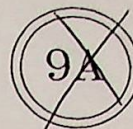
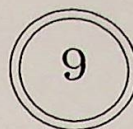
Alma D. Zepeda
Notary Public
County of Residence COOK

This instrument prepared by: John R. Livingston, Assistant City Attorney

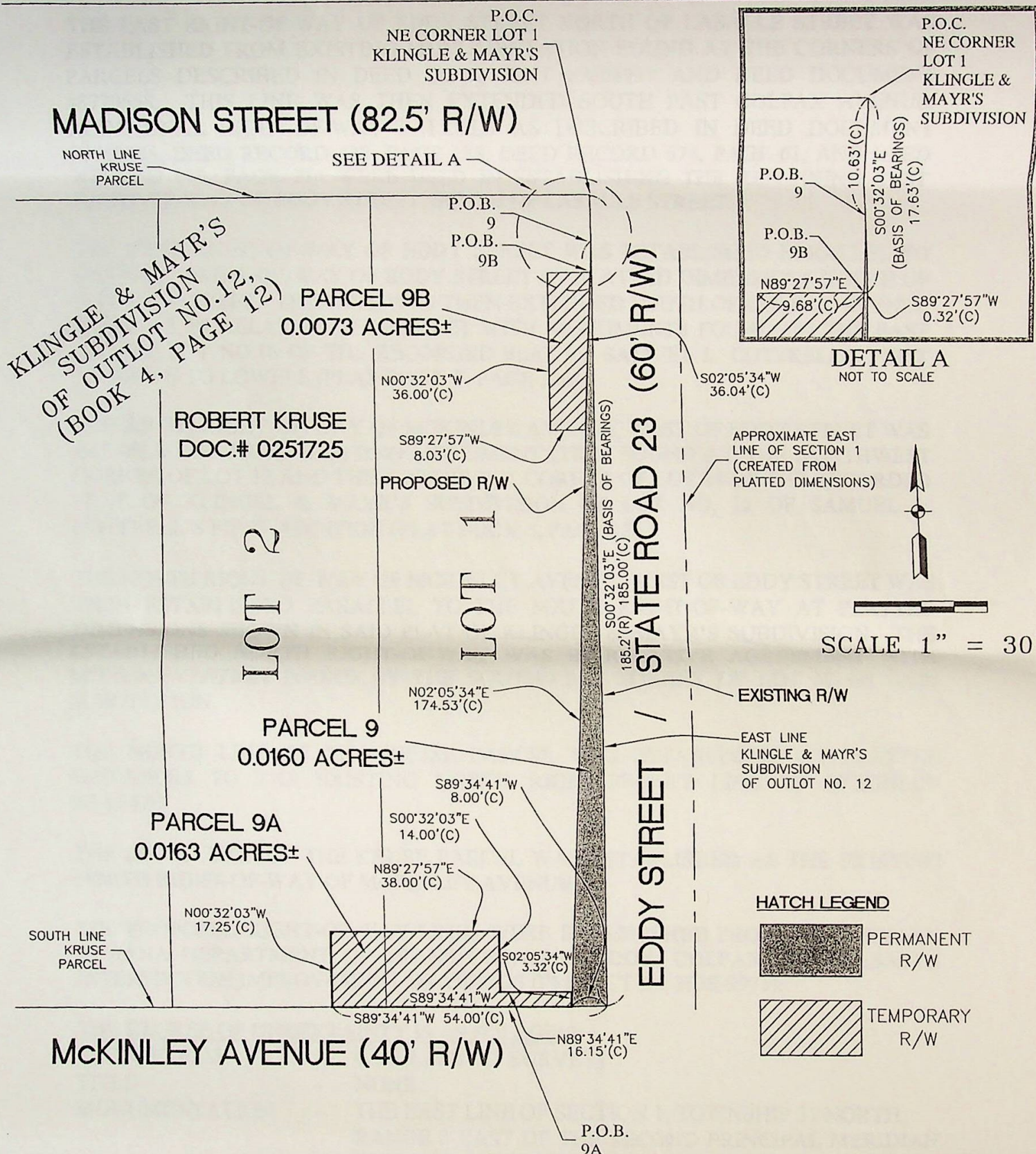
DULY ENTERED FOR TAXATION
MICHAEL C. EBY
ST. JOSEPH CO. INDIANA

Exhibit "A"

RIGHT-OF-WAY
PLAT OF SURVEY
for
KRUSE



SECTIONS 1 AND 12, TOWNSHIP 37 NORTH, RANGE 2 EAST
PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



I HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF
THE WITHIN PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION AND
COMPLETED ON 11-3-04 CLASS C SURVEY PER 865 IAC 25-21.5
SEE SHEET 2 OF 2 FOR SURVEYOR'S REPORT.

VAN H. JANOVIC
L.S. S0411

ROBERT S. ALOI
L.S. 20200024

INVALID UNLESS
EMBOSS SEALED

TERRITORIAL ENGINEERING,
LLC

WALKERTON INDIANA

LEGEND

D.R. = DEED RECORD-BOOK/PAGE
(F) = FOUND
(S) = SET
(R) = RECORDED
(P) = PLATTED
(M) = MEASURED
(C) = CALCULATED
* = DIMENSION NOT TO SCALE
Ø = RAILROAD SPIKE
● = IRON ROD
○ = IRON PIPE

□ = WOOD STAKE
○ = IRON BOLT
EOP = EDGE OF PAVEMENT
R/W = RIGHT OF WAY
OHL = OVERHEAD LINES
⚡ = POWER POLE
-X-X- = EXISTING FENCE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCING
Δ = MONUMENT
⊗ = NAIL

DATE:

11-22-04

JOB NO.:

04121A

FILE:

SECTION

SHEET 1 OF 2

SURVEYOR'S REPORT
FOR
KRUSE (PARCELS 9, ~~9A~~, & ~~9B~~)

THE PURPOSE OF THIS SURVEY IS TO DETERMINE AN AREA FOR PERMANENT AND/OR TEMPORARY EASEMENT AS PART OF EDDY, COLFAX, AND LASALLE INTERSECTION IMPROVEMENTS PROJECT No. HES-9971 ON STATE ROAD 23 (EDDY STREET).

THE EAST RIGHT-OF-WAY OF EDDY STREET NORTH OF LASALLE STREET WAS ESTABLISHED FROM EXISTING MONUMENTATION FOUND AT THE CORNERS OF PARCELS DESCRIBED IN DEED DOCUMENT #9608937 AND DEED DOCUMENT #8729658. THIS LINE WAS THEN EXTENDED SOUTH PAST COLFAX AVENUE. ADDITIONAL RIGHT-OF-WAY PARCELS AS DESCRIBED IN DEED DOCUMENT #9750386, DEED RECORD 437, PAGE 188, DEED RECORD 674, PAGE 61, AND DEED RECORD 680, PAGE 216 WERE USED IN ESTABLISHING THE REMAINING EAST RIGHT-OF-WAY OF EDDY STREET, SOUTH OF LASALLE STREET.

THE WEST RIGHT-OF-WAY OF EDDY STREET WAS ESTABLISHED PARALLEL TO THE EAST RIGHT-OF-WAY OF EDDY STREET AT PLATTED DIMENSIONS NORTH OF LASALLE STREET. THIS LINE WAS THEN EXTENDED SOUTH OF COLFAX AVENUE AND WAS IN RELATIVE AGREEMENT WITH MONUMENTS FOUND ON THE EAST LINE OF LOT NO.16 OF THE RECORDED PLAT OF SAMUEL L. COTTRELL'S FIRST ADDITION TO LOWELL (PLAT BOOK T, PAGE 236).

THE SOUTH RIGHT-OF-WAY OF MCKINLEY AVENUE, WEST OF EDDY STREET WAS ESTABLISHED FROM EXISTING MONUMENTATION FOUND AT THE NORTHWEST CORNER OF LOT 12 AND THE NORTHWEST CORNER OF LOT 14 OF THE RECORDED PLAT OF KLINGEL & MAYR'S SUBDIVISION OF LOT NO, 12 OF SAMUEL L. COTTRELL'S FIRST ADDITION (PLAT BOOK 4, PAGE 12).

THE NORTH RIGHT-OF-WAY OF MCKINLEY AVENUE, WEST OF EDDY STREET WAS THEN ESTABLISHED PARALLEL TO THE SOUTH RIGHT-OF-WAY AT PLATTED DIMENSIONS SHOWN IN SAID PLAT OF KLINGEL & MAYR'S SUBDIVISION. THE ESTABLISHED NORTH RIGHT-OF-WAY WAS IN RELATIVE AGREEMENT WITH MONUMENTATION FOUND AT THE SOUTHWEST CORNER OF LOT #2 OF SAID SUBDIVISION.

THE NORTH LINE OF THE KRUSE PARCEL WAS ESTABLISHED AT PLATTED DISTANCES TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF MCKINLEY AVENUE.

THE SOUTH LINE OF THE KRUSE PARCEL WAS ESTABLISHED AS THE EXISTING NORTH RIGHT-OF-WAY OF MCKINLEY AVENUE.

THE PROPOSED RIGHT-OF-WAY LINES WERE ESTABLISHED FROM PRELIMINARY INDIANA DEPARTMENT OF TRANSPORTATION EDDY, COLFAX, AND LASALLE INTERSECTION IMPROVEMENT DRAWINGS (PROJECT No. HES-9971).

THE DEGREE OF UNCERTAINTY IS AS FOLLOWS:

THEORETICAL	-	0.5 (CLASS "C" SURVEY)
TITLE	-	NONE
MONUMENTATION	-	THE EAST LINE OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN WAS NOT DETERMINED FOR THIS SURVEY DUE TO A LACK OF SECTION CORNER INFORMATION. MONUMENTS USED IN ESTABLISHING RIGHT-OF-WAY LOCATIONS VARY FROM PLATTED AND RECORDED DIMENSIONS BY AS MUCH AS 1.8'± NORTH/SOUTH AND 1.3'± EAST/WEST.
POSSESSION	-	NONE

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
NOVEMBER 22, 2004
04-121A
SHEET 2 OF 23

PROPOSED DESCRIPTION
FOR
KRUSE (PARCEL 9)
PERMANENT RIGHT-OF-WAY

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1 AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN IN PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, AS SHOWN ON THE RECORDED PLAT OF KLINGLE & MAYR'S SUBDIVISION OF OUT LOT NO. 12 (PLAT BOOK 4, PAGE 12) OF SAMUEL L. COTTRELL'S FIRST ADDITION TO LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, INDIANA; THENCE SOUTH 00°32'03"EAST (BASIS OF BEARINGS), A DISTANCE OF 10.63 FEET ON THE EAST LINE OF KLINGLE & MAYR'S SUBDIVISION TO THE POINT OF BEGINNING; THENCE SOUTH 00°32'03' EAST ON SAID EAST LINE, A DISTANCE OF 174.37 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO ROBERT KRUSE IN DOCUMENT #0251725 AS FOUND IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 89°34'41" WEST ON THE SOUTH LINE OF THE KRUSE PARCEL, A DISTANCE OF 8.00 FEET; THENCE NORTH 02°05'34" EAST, A DISTANCE OF 174.53 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0160 ACRES MORE OR LESS.

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
04-121A
NOVEMBER 22, 2004
SHEET 1 OF 1
3 3

July 31, 2009

LIVVIA N. Spera
Notary Public
County of Residence Cook

This instrument prepared by: John R. Livingston, Assistant City Attorney

PROJECT: HES-9971()
PARCEL: 9A & 9B

0708789
RECORDED AS PRESENTED ON
03/06/2007 10:00:54AM
TERRI J. RETHLAKE
ST. JOSEPH COUNTY
RECORDER
REC FEE: \$20.00
PAGES: 5

TEMPORARY EASEMENT AGREEMENT

THIS INDENTURE WITNESSETH, THAT Robert Kruse, a/k/a Robert L. Kruse

being over the age of eighteen (18) years, of COOK County, in the State of ILLINOIS,

CONVEY(S) A TEMPORARY EASEMENT TO THE CITY OF SOUTH BEND, STATE OF INDIANA

for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in St. Joseph County, Indiana, to-wit:

Exhibit "A" attached hereto and made a part hereof

The undersigned grantor(s), being duly sworn, say(s) that he (she, they) is (are) the sole owner(s) of the above-described property, and said grantor(s) further represent(s) that there are no leases or options of any kind or character on said lands as conveyed.

The above-described right of way is temporary right of way for the purposes of constructing a driveway for service to the grantor's(s') private property and/or lawn grading and will revert to the grantor(s) upon the completion of said project. It is further understood and agreed that this conveyance transfers only the right to make or construct said driveway and/or lawn grading on said lands and to use any material lying within the above-described limits suitable for use in construction of said driveway and/or lawn grading and does not convey any rights to any minerals or other substances underneath the surface, except as it may be used for the construction of said improvements. Trees or any other land improvements may be cut or removed from said granted temporary easement by the City of South Bend, through its authorized representatives during said construction.

Dated this 20 day of July, 2005.

(Signature)

Robert Kruse
(Printed Name)

(Signature)

(Printed Name)

I affirm under the penalties for perjury that I have taken reasonable care to redact each Social Security Number in this document, unless required by law (name)

Jennifer L. Carle

STATE OF Illinois)
COUNTY OF Cook) SS:



Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of July, 2005, personally appeared Robert Kruse, a/k/a Robert L. Kruse, being over the age of eighteen (18), and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal.

My Commission Expires:

July 31, 2009

Alma D. Zepeda
Notary Public

County of Residence Cook

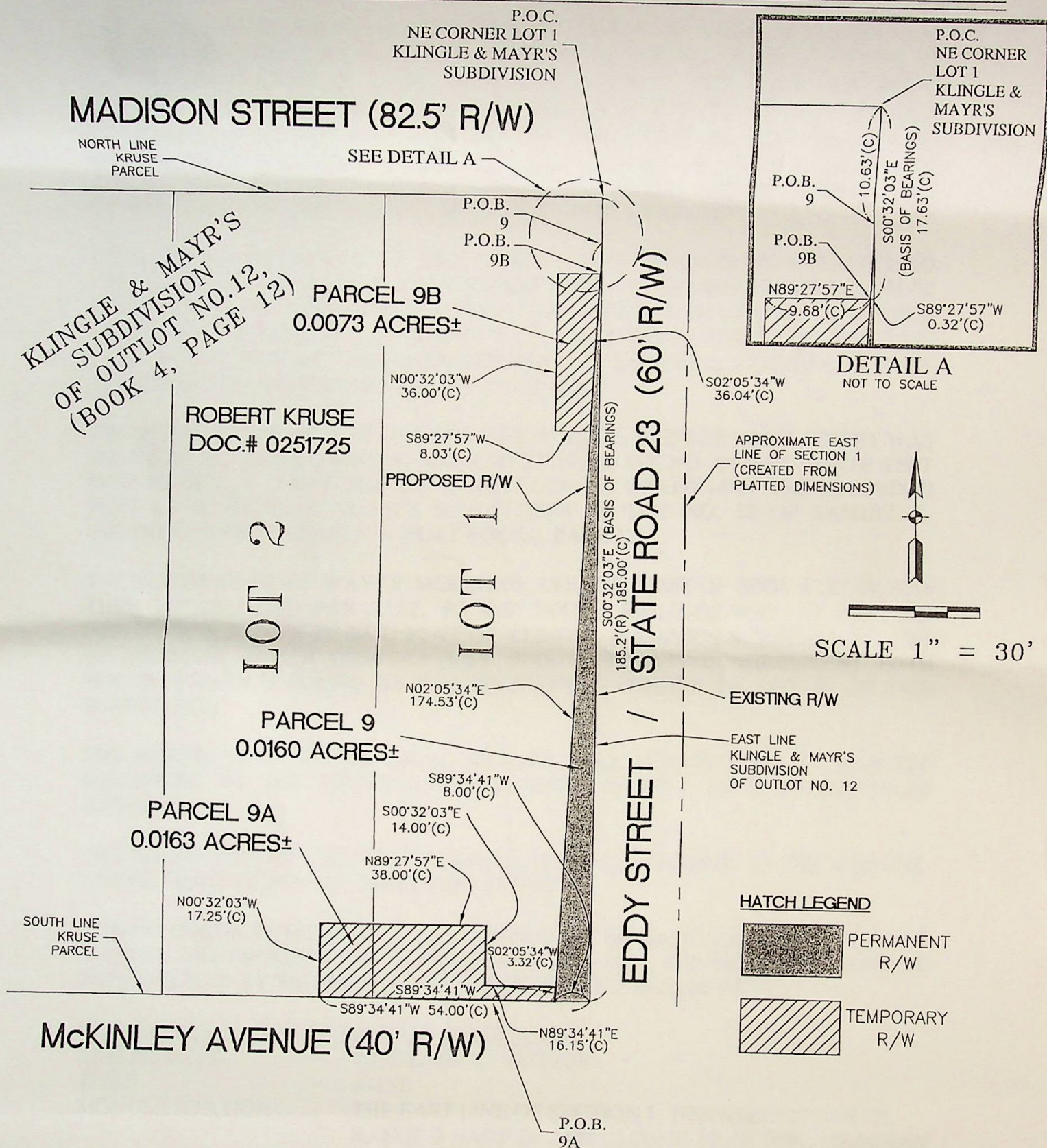
This instrument prepared by: John R. Livingston, Assistant City Attorney

Exhibit "A"

RIGHT-OF-WAY
PLAT OF SURVEY
for
KRUSE



SECTIONS 1 AND 12, TOWNSHIP 37 NORTH, RANGE 2 EAST
PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



I HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF
THE WITHIN PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION AND
COMPLETED ON 11-3-04. CLASS C SURVEY PER 865 IAC 25-21.5
SEE SHEET 2 OF 2 FOR SURVEYOR'S REPORT.

VAN H. JANOVIC
L.S. S0411

ROBERT S. ALOI
L.S. 20200024

INVALID UNLESS
EMBOSS SEALED

TERRITORIAL ENGINEERING,
LLC

WALKERTON INDIANA

LEGEND

D.R. = DEED RECORD-BOOK/PAGE	□ = WOOD STAKE
(F) = FOUND	○ = IRON BOLT
(S) = SET	EOP = EDGE OF PAVEMENT
(R) = RECORDED	R/W = RIGHT OF WAY
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DATE:

11-22-04

JOB NO.:

04121A

FILE:

SECTION

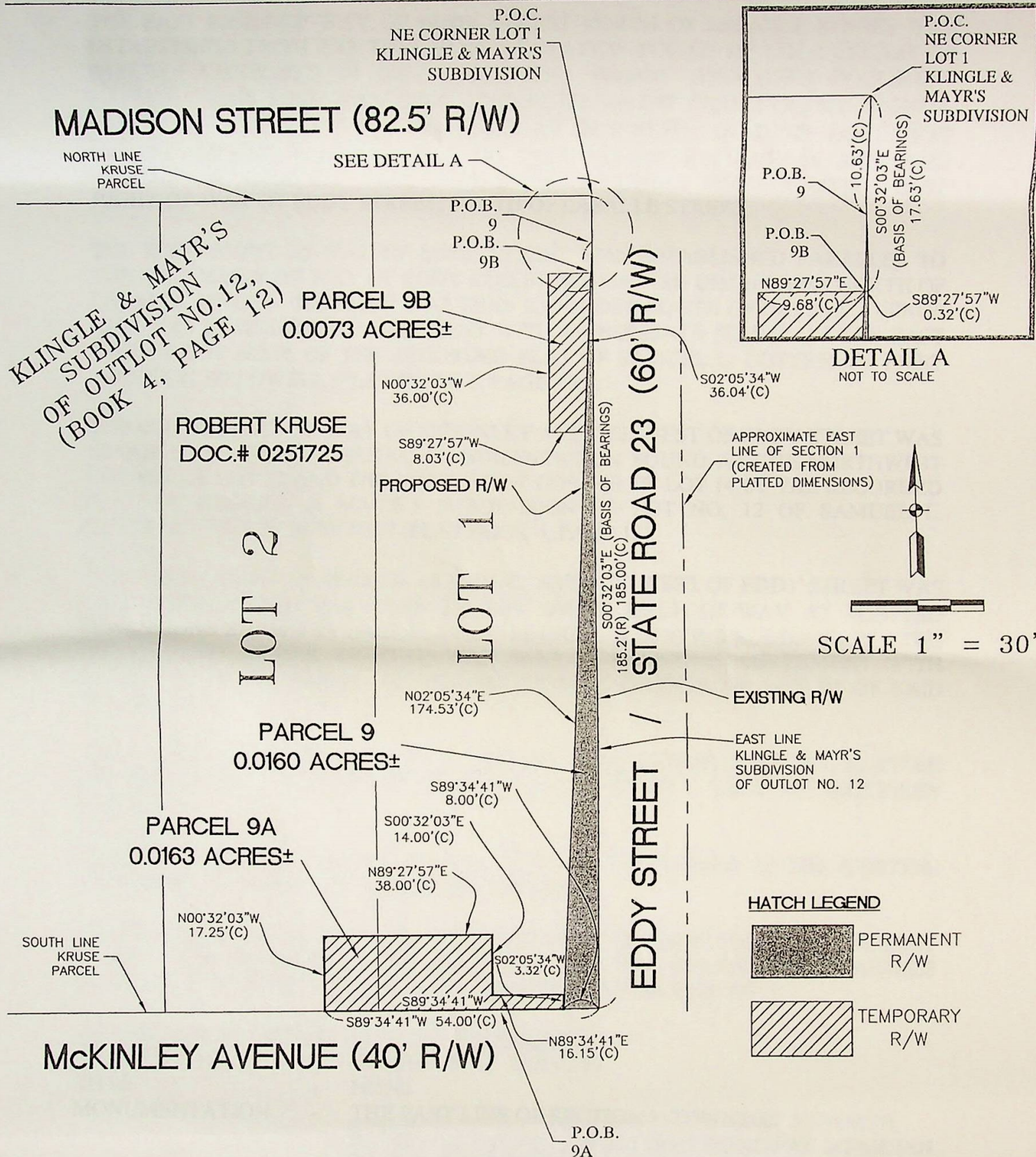
SHEET 1 OF 2

Exhibit "A"

RIGHT-OF-WAY
PLAT OF SURVEY
for
KRUSE



SECTIONS 1 AND 12, TOWNSHIP 37 NORTH, RANGE 2 EAST
PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



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VAN H. JANOVIC
L.S. S0411

ROBERT S. ALOI
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Δ = MONUMENT
⊞ = NAIL

DATE:

11-22-04

JOB NO.:

04121A

FILE:

SECTION

SHEET 1 OF 4

SURVEYOR'S REPORT
FOR
KRUSE (PARCELS ~~X~~, 9A, & 9B)

THE PURPOSE OF THIS SURVEY IS TO DETERMINE AN AREA FOR PERMANENT AND/OR TEMPORARY EASEMENT AS PART OF EDDY, COLFAX, AND LASALLE INTERSECTION IMPROVEMENTS PROJECT No. HES-9971 ON STATE ROAD 23 (EDDY STREET).

THE EAST RIGHT-OF-WAY OF EDDY STREET NORTH OF LASALLE STREET WAS ESTABLISHED FROM EXISTING MONUMENTATION FOUND AT THE CORNERS OF PARCELS DESCRIBED IN DEED DOCUMENT #9608937 AND DEED DOCUMENT #8729658. THIS LINE WAS THEN EXTENDED SOUTH PAST COLFAX AVENUE. ADDITIONAL RIGHT-OF-WAY PARCELS AS DESCRIBED IN DEED DOCUMENT #9750386, DEED RECORD 437, PAGE 188, DEED RECORD 674, PAGE 61, AND DEED RECORD 680, PAGE 216 WERE USED IN ESTABLISHING THE REMAINING EAST RIGHT-OF-WAY OF EDDY STREET, SOUTH OF LASALLE STREET.

THE WEST RIGHT-OF-WAY OF EDDY STREET WAS ESTABLISHED PARALLEL TO THE EAST RIGHT-OF-WAY OF EDDY STREET AT PLATTED DIMENSIONS NORTH OF LASALLE STREET. THIS LINE WAS THEN EXTENDED SOUTH OF COLFAX AVENUE AND WAS IN RELATIVE AGREEMENT WITH MONUMENTS FOUND ON THE EAST LINE OF LOT NO.16 OF THE RECORDED PLAT OF SAMUEL L. COTTRELL'S FIRST ADDITION TO LOWELL (PLAT BOOK T, PAGE 236).

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THE DEGREE OF UNCERTAINTY IS AS FOLLOWS:

THEORETICAL	-	0.5 (CLASS "C" SURVEY)
TITLE	-	NONE
MONUMENTATION	-	THE EAST LINE OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN WAS NOT DETERMINED FOR THIS SURVEY DUE TO A LACK OF SECTION CORNER INFORMATION. MONUMENTS USED IN ESTABLISHING RIGHT-OF-WAY LOCATIONS VARY FROM PLATTED AND RECORDED DIMENSIONS BY AS MUCH AS 1.8'± NORTH/SOUTH AND 1.3'± EAST/WEST.
POSSESSION	-	NONE

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
NOVEMBER 22, 2004
04-121A
SHEET 2 OF 24

SURVEYOR'S REPORT
FOR
KRUSE (PARCELS ~~X~~, 9A, & 9B)

THE PURPOSE OF THIS SURVEY IS TO DETERMINE AN AREA FOR PERMANENT AND/OR TEMPORARY EASEMENT AS PART OF EDDY, COLFAX, AND LASALLE INTERSECTION IMPROVEMENTS PROJECT No. HES-9971 ON STATE ROAD 23 (EDDY STREET).

THE EAST RIGHT-OF-WAY OF EDDY STREET NORTH OF LASALLE STREET WAS ESTABLISHED FROM EXISTING MONUMENTATION FOUND AT THE CORNERS OF PARCELS DESCRIBED IN DEED DOCUMENT #9608937 AND DEED DOCUMENT #8729658. THIS LINE WAS THEN EXTENDED SOUTH PAST COLFAX AVENUE. ADDITIONAL RIGHT-OF-WAY PARCELS AS DESCRIBED IN DEED DOCUMENT #9750386, DEED RECORD 437, PAGE 188, DEED RECORD 674, PAGE 61, AND DEED RECORD 680, PAGE 216 WERE USED IN ESTABLISHING THE REMAINING EAST RIGHT-OF-WAY OF EDDY STREET, SOUTH OF LASALLE STREET.

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THE DEGREE OF UNCERTAINTY IS AS FOLLOWS:

THEORETICAL	-	0.5 (CLASS "C" SURVEY)
TITLE	-	NONE
MONUMENTATION	-	THE EAST LINE OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN WAS NOT DETERMINED FOR THIS SURVEY DUE TO A LACK OF SECTION CORNER INFORMATION. MONUMENTS USED IN ESTABLISHING RIGHT-OF-WAY LOCATIONS VARY FROM PLATTED AND RECORDED DIMENSIONS BY AS MUCH AS 1.8'± NORTH/SOUTH AND 1.3'± EAST/WEST.
POSSESSION	-	NONE

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
NOVEMBER 22, 2004
04-121A
SHEET 2 OF 24

PROPOSED DESCRIPTION
FOR
KRUSE (PARCEL 9A)
TEMPORARY RIGHT-OF-WAY

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN IN PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, AS SHOWN ON THE RECORDED PLAT OF KLINGLE & MAYR'S SUBDIVISION OF OUT LOT No. 12 (PLAT BOOK 4, PAGE 12) OF SAMUEL L. COTTRELL'S FIRST ADDITION TO LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, INDIANA; THENCE SOUTH 00°32'03"EAST (BASIS OF BEARINGS), A DISTANCE OF 185.00 FEET ON THE EAST LINE OF KLINGLE & MAYR'S SUBDIVISION TO THE SOUTHEAST CORNER OF A PARCEL CONVEYED TO ROBERT KRUSE IN DOCUMENT #0251725 AS FOUND IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 89°34'41" WEST ON THE SOUTH LINE OF THE KRUSE PARCEL, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°34'41" WEST ON SAID SOUTH LINE, A DISTANCE OF 54.00 FEET; THENCE NORTH 00°32'03" WEST, A DISTANCE OF 17.25 FEET; THENCE NORTH 89°27'57" EAST, A DISTANCE OF 38.00 FEET; THENCE SOUTH 00°32'03" EAST, A DISTANCE OF 14.00 FEET; THENCE NORTH 89°34'41" EAST, A DISTANCE OF 16.15 FEET; THENCE SOUTH 02°05'34" WEST, A DISTANCE OF 3.32 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0163 ACRES MORE OR LESS.

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
04-121A
NOVEMBER 22, 2004
SHEET 1 OF 1
3 4

My commission expires 11/01/2015.
My county of residence is Lake County.
This instrument was prepared by Roy A. Buskirk.

Hold Troyer Group

3186

0605638
RECORDED AS PRESENTED ON
02/21/2006 09:47:48AM
TERRI J. RETHLAKE
ST. JOSEPH COUNTY
RECORDER
REC FEE: \$20.00
PAGES: 5

Project: HES-9971()
Parcel: 9
Road: Eddy, Colfax & LaSalle

PARTIAL RELEASE OF MORTGAGE

This is to certify that a certain mortgage executed by Robert L. Kruse, an unmarried man (Mortgagor), to Citizens Financial Services, FSB (Mortgagee), dated May 21, 2003 and recorded June 17, 2003 in the sum of \$ 752,000.00 recorded as Document No. 0336652 in the Office of the Recorder of St. Joseph County, Indiana, is hereby released upon the following described real estate in St. Joseph County, Indiana:

See Attached Exhibit "A"

Said Mortgage remains in full force and effect as to the remainder of real estate therein described.

In witness whereof the said Citizens Financial Services, FSB (Mortgagee) has caused this partial release of mortgage to be signed by its SR. VICE PRESIDENT and its seal attached thereto this 28TH day of DECEMBER, 2005.

Citizens Financial Services, FSB
Mortgagee
By Jeffrey C. Stur
(Signature)
JEFFREY C. STUR, SR. VICE PRESIDENT
(Printed Name and Title)

STATE OF Indiana)
COUNTY OF Lake) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jeffrey C. Stur, SR., known to me to be the SR. Vice President of the Citizens Financial Services, FSB and acknowledged the execution of the above partial release of mortgage as and for the act and deed of the said Citizens Financial Services, FSB.

Witness my hand and notarial seal this 28th day of December, 2005.



Dana Hollingsworth
Notary Public (Signature)
Dana Hollingsworth
Notary Public (Printed Name)

My commission expires march 6, 2013.
My county of residence is Lake County.
This instrument was prepared by Roy A. Buskirk.

PROPOSED DESCRIPTION
FOR
KRUSE (PARCEL 9B)
TEMPORARY RIGHT-OF-WAY

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN IN PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, AS SHOWN ON THE RECORDED PLAT OF KLINGLE & MAYR'S SUBDIVISION OF OUT LOT NO. 12 (PLAT BOOK 4, PAGE 12) OF SAMUEL L. COTTRELL'S FIRST ADDITION TO LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, INDIANA; THENCE SOUTH $00^{\circ}32'03''$ EAST (BASIS OF BEARINGS), A DISTANCE OF 17.63 FEET ON THE EAST LINE OF KLINGLE & MAYR'S SUBDIVISION; THENCE SOUTH $89^{\circ}27'57''$ WEST, A DISTANCE OF 0.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $02^{\circ}05'34''$ WEST, A DISTANCE OF 36.04 FEET; THENCE SOUTH $89^{\circ}27'57''$ WEST, A DISTANCE OF 8.03 FEET; THENCE NORTH $00^{\circ}32'03''$ WEST, A DISTANCE OF 36.00 FEET; THENCE NORTH $89^{\circ}27'57''$ EAST, A DISTANCE OF 9.68 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0073 ACRES MORE OR LESS.

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
04-121A
NOVEMBER 22, 2004
SHEET 1 OF 1
4 4

My commission expires March 6, 2013.
My county of residence is Lake County.
This instrument was prepared by Roy A. Buskirk.

Hold
Troyer Grap

3186

0605638
RECORDED AS PRESENTED ON
02/21/2006 09:47:48AM
TERRI J. RETHLAKE
ST. JOSEPH COUNTY
RECORDER
REC FEE: \$20.00
PAGES: 5

Project: HES-9971()
Parcel: 9
Road: Eddy, Colfax & LaSalle

PARTIAL RELEASE OF MORTGAGE

This is to certify that a certain mortgage executed by Robert L. Kruse, an unmarried
man (Mortgagor), to Citizens Financial Services, FSB (Mortgagee), dated May 21, 2003
and recorded June 17, 2003 in the sum of \$ 752,000.00 recorded as Document No.
0336652 in the Office of the Recorder of St. Joseph County, Indiana, is hereby released
upon the following described real estate in St. Joseph County, Indiana:

See Attached Exhibit "A"

Said Mortgage remains in full force and effect as to the remainder of real estate therein
described.

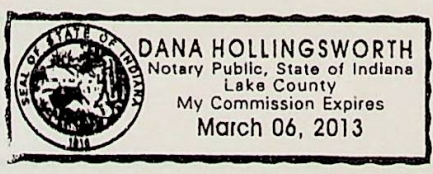
In witness whereof the said Citizens Financial Services, FSB (Mortgagee) has caused
this partial release of mortgage to be signed by its SR. VICE PRESIDENT and its seal attached
thereto this 28TH day of DECEMBER, 2005.

Citizens Financial Services, FSB
Mortgagee
By Jeffrey C. Stur
(Signature)
JEFFREY C. STUR, SR. VICE PRESIDENT
(Printed Name and Title)

STATE OF Indiana)
) SS:
COUNTY OF Lake)

Before me, the undersigned, a Notary Public in and for said County and State, personally
appeared Jeffrey C. Stur, SR., known to me to be the SR. Vice President of the
Citizens Financial Services, FSB and acknowledged the execution of the above partial release
of mortgage as and for the act and deed of the said Citizens Financial Services, FSB.

Witness my hand and notarial seal this 28th day of December, 2005.

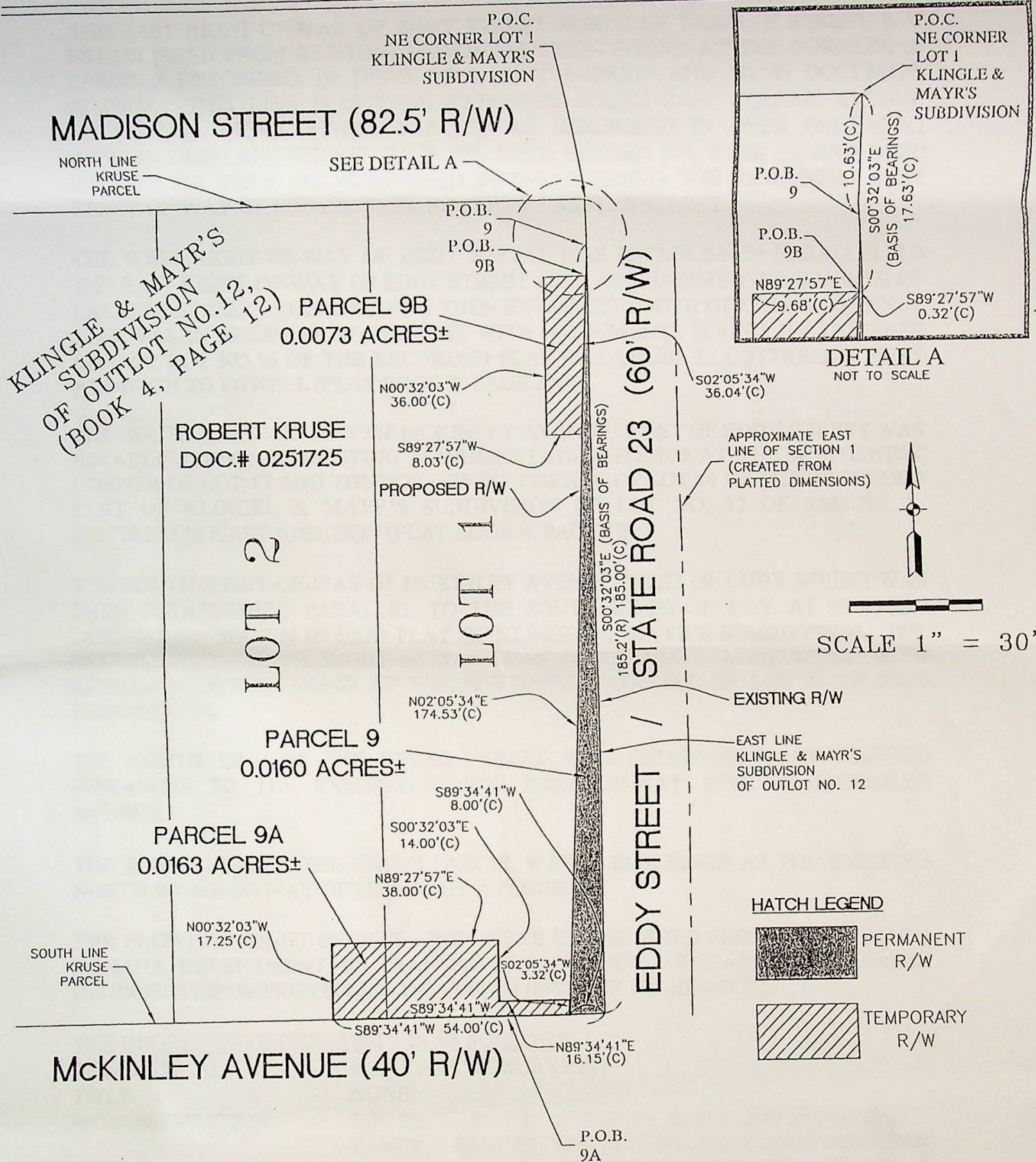


Dana Hollingsworth
Notary Public (Signature)
Dana Hollingsworth
Notary Public (Printed Name)

My commission expires March 6, 2013.
My county of residence is Lake County.
This instrument was prepared by Roy A. Buskirk.

PLAT OF SURVEY for KRUSE

SECTIONS 1 AND 12, TOWNSHIP 37 NORTH, RANGE 2 EAST PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



I HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THE WITHIN PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION AND COMPLETED ON 11-3-04 CLASS C SURVEY PER 865 IAC 25-21.5 SEE SHEET 2 OF 2 FOR SURVEYOR'S REPORT.

VAN H. JANOVIC
L.S. S0411

ROBERT S. ALOI
L.S. 20200024

INVALID UNLESS
EMBOSS SEALED

TERRITORIAL ENGINEERING,
LLC

WALKERTON INDIANA

LEGEND

D.R. = DEED RECORD-BOOK/PAGE
(F) = FOUND
(S) = SET
(R) = RECORDED
(P) = PLATTED
(M) = MEASURED
(C) = CALCULATED
* = DIMENSION NOT TO SCALE
Ø = RAILROAD SPIKE
● = IRON ROD
○ = IRON PIPE

□ = WOOD STAKE
○ = IRON BOLT
EOP = EDGE OF PAVEMENT
R/W = RIGHT OF WAY
OHL = OVERHEAD LINES
▲ = POWER POLE
-X- = EXISTING FENCE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCING
△ = MONUMENT
⊗ = NAIL

DATE:

11-22-04

JOB NO.:

04121A

FILE:

SECTION

SHEET 1 OF 2

2004

SURVEYOR'S REPORT
FOR
KRUSE (PARCELS 9, 9A, & 9B)

THE PURPOSE OF THIS SURVEY IS TO DETERMINE AN AREA FOR PERMANENT AND/OR TEMPORARY EASEMENT AS PART OF EDDY, COLFAX, AND LASALLE INTERSECTION IMPROVEMENTS PROJECT No. HES-9971 ON STATE ROAD 23 (EDDY STREET).

THE EAST RIGHT-OF-WAY OF EDDY STREET NORTH OF LASALLE STREET WAS ESTABLISHED FROM EXISTING MONUMENTATION FOUND AT THE CORNERS OF PARCELS DESCRIBED IN DEED DOCUMENT #9608937 AND DEED DOCUMENT #8729658. THIS LINE WAS THEN EXTENDED SOUTH PAST COLFAX AVENUE. ADDITIONAL RIGHT-OF-WAY PARCELS AS DESCRIBED IN DEED DOCUMENT #9750386, DEED RECORD 437, PAGE 188, DEED RECORD 674, PAGE 61, AND DEED RECORD 680, PAGE 216 WERE USED IN ESTABLISHING THE REMAINING EAST RIGHT-OF-WAY OF EDDY STREET, SOUTH OF LASALLE STREET.

THE WEST RIGHT-OF-WAY OF EDDY STREET WAS ESTABLISHED PARALLEL TO THE EAST RIGHT-OF-WAY OF EDDY STREET AT PLATTED DIMENSIONS NORTH OF LASALLE STREET. THIS LINE WAS THEN EXTENDED SOUTH OF COLFAX AVENUE AND WAS IN RELATIVE AGREEMENT WITH MONUMENTS FOUND ON THE EAST LINE OF LOT NO.16 OF THE RECORDED PLAT OF SAMUEL L. COTTRELL'S FIRST ADDITION TO LOWELL (PLAT BOOK T, PAGE 236).

THE SOUTH RIGHT-OF-WAY OF MCKINLEY AVENUE, WEST OF EDDY STREET WAS ESTABLISHED FROM EXISTING MONUMENTATION FOUND AT THE NORTHWEST CORNER OF LOT 12 AND THE NORTHWEST CORNER OF LOT 14 OF THE RECORDED PLAT OF KLINGEL & MAYR'S SUBDIVISION OF LOT NO, 12 OF SAMUEL L. COTTRELL'S FIRST ADDITION (PLAT BOOK 4, PAGE 12).

THE NORTH RIGHT-OF-WAY OF MCKINLEY AVENUE, WEST OF EDDY STREET WAS THEN ESTABLISHED PARALLEL TO THE SOUTH RIGHT-OF-WAY AT PLATTED DIMENSIONS SHOWN IN SAID PLAT OF KLINGEL & MAYR'S SUBDIVISION. THE ESTABLISHED NORTH RIGHT-OF-WAY WAS IN RELATIVE AGREEMENT WITH MONUMENTATION FOUND AT THE SOUTHWEST CORNER OF LOT #2 OF SAID SUBDIVISION.

THE NORTH LINE OF THE KRUSE PARCEL WAS ESTABLISHED AT PLATTED DISTANCES TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF MCKINLEY AVENUE.

THE SOUTH LINE OF THE KRUSE PARCEL WAS ESTABLISHED AS THE EXISTING NORTH RIGHT-OF-WAY OF MCKINLEY AVENUE.

THE PROPOSED RIGHT-OF-WAY LINES WERE ESTABLISHED FROM PRELIMINARY INDIANA DEPARTMENT OF TRANSPORTATION EDDY, COLFAX, AND LASALLE INTERSECTION IMPROVEMENT DRAWINGS (PROJECT No. HES-9971).

THE DEGREE OF UNCERTAINTY IS AS FOLLOWS:

THEORETICAL	-	0.5 (CLASS "C" SURVEY)
TITLE	-	NONE
MONUMENTATION	-	THE EAST LINE OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN WAS NOT DETERMINED FOR THIS SURVEY DUE TO A LACK OF SECTION CORNER INFORMATION. MONUMENTS USED IN ESTABLISHING RIGHT-OF-WAY LOCATIONS VARY FROM PLATTED AND RECORDED DIMENSIONS BY AS MUCH AS 1.8'± NORTH/SOUTH AND 1.3'± EAST/WEST.
POSSESSION	-	NONE

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
NOVEMBER 22, 2004
04-121A
SHEET 2 OF 23

PROPOSED DESCRIPTION
FOR
KRUSE (PARCEL 9)
PERMANENT RIGHT-OF-WAY

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1 AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN IN PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, AS SHOWN ON THE RECORDED PLAT OF KLINGLE & MAYR'S SUBDIVISION OF OUT LOT NO. 12 (PLAT BOOK 4, PAGE 12) OF SAMUEL L. COTTRELL'S FIRST ADDITION TO LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, INDIANA; THENCE SOUTH 00°32'03"EAST (BASIS OF BEARINGS), A DISTANCE OF 10.63 FEET ON THE EAST LINE OF KLINGLE & MAYR'S SUBDIVISION TO THE POINT OF BEGINNING; THENCE SOUTH 00°32'03' EAST ON SAID EAST LINE, A DISTANCE OF 174.37 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO ROBERT KRUSE IN DOCUMENT #0251725 AS FOUND IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 89°34'41" WEST ON THE SOUTH LINE OF THE KRUSE PARCEL, A DISTANCE OF 8.00 FEET; THENCE NORTH 02°05'34" EAST, A DISTANCE OF 174.53 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0160 ACRES MORE OR LESS.

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
04-121A
NOVEMBER 22, 2004
SHEET 1 OF 1
 3 3

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.

Barbie Swihart Stutzman
Signature of Declarant

Barbie Swihart Stutzman
Printed Name of Declarant