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JOHN P. VON ARX
CONSENT TO ENCROACHMENT

DEC 29 1994 078057

THIS AGREEMENT, made and entered into this 29 day of December ,
1994, by and between Brian J. Glee and Annette K. Glee
(hereinafter called "First Party"), John Howard and Cynthia Howard
(hereinafter called "Second Party") and Andrew Y. and Tara L. Normington
(hereinafter called "Third Party"), WITNESSETH THAT:

WHEREAS, First Party is the owner of real estate located in
Marion County, State of Indiana, being described as
A parcel of ground in the Southeast Quarter of Section 33, Township 17
North, of Range 5 East, in Marion County, Indiana, such parcel being more
particularly described as follows: Beginning at a point distant 13 rods
South of the Southeast corner of Lot Numbered 15 in John Emry's plat of the
Town of Oakland in said Marion County, Plat Book 1 page 25, and running
thence West 9 rods; thence South 9 rods; thence East 9 rods; thence North 9 rods to the
Place of Beginning.
and commonly known as 6432 Oaklandon Road Indianapolis, IN 46236
which said real estate adjoins the hereinafter-described real estate owned
by Second Party to the south ; and
WHEREAS, Second Party is the owner of real estate located in
Marion County, State of Indiana, being described as
Lot Numbered 1 in Hanna's First Addition to the Town of Oaklandon, Marion
County, Indiana, as spher plat thereof recorded in Plat Book 4, page 241, in
the Office of the Recorder of Marion County, Indiana, except as follows,
to-wit: Beginning at the Southwest corner of said lot One (1), running thence North along
the West line thereof 2.5 feet; thence East parallel with the South line of said lot 25 feet;
thence West along the South line of said lot 25 feet to the point of beginning.
and commonly known as 6420 Oaklandon Road, Indianapolis, IN 46236
which said real estate adjoins the above-described real estate owned by
First Party to the north ; and

WHEREAS, Third Party has contracted to purchase the property
currently owned by First Party; and

WHEREAS, it would appear that pursuant to a Survey prepared by
Hahn & Associates, Inc. dated December 13, 1994 , which is
attached hereto and incorporated herein as Exhibit "A", that the
stone driveway now situated on the real estate owned by Second Party
encroaches over and upon the real estate owned by First Party for a
distance of approximately 6.0 feet across the southern edge of
the real estate so owned by First Party; and

WHEREAS, it is the desire and intent of the Parties hereto to permit
said stone driveway to remain as now situated, for the use and
convenience of the Second Party, without such continued use in any way
serving as a basis for Second Party to acquire any right, title or interest
in and to that real estate owned by First Party.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENCE, that for and in consideration of the mutual covenants and agreements herein contained and set forth, the Parties hereto now mutually promise, covenant and agree as follows:

1.) First Party and Third Party do hereby consent to the encroachment of the stone driveway now located on the property of Second Party and extending approximately 6.0 feet onto, over and across the real estate of the First Party.

2.) It is mutually understood and agreed that such consent to encroachment does not create in Second Party any right, title or interest in and to that portion of the real estate owned by First Party upon which said existing stone driveway now is or may hereafter be located.

3.) The covenants and agreements herein contained and set forth shall be construed as covenants and agreements running with the title to each of the above-described parcels of real estate and shall be binding upon the Parties hereto, their respective heirs, devisees, legal representatives and assigns.

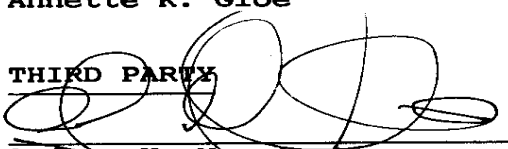
IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals the day and year first above written.

FIRST PARTY


Brian J. Gioe

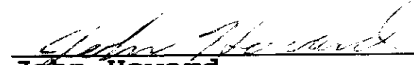

Annette K. Gioe

THIRD PARTY


Andrew Y. Normington


Tara L. Normington

SECOND PARTY


John Howard


Cynthia Howard

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State,
personally appeared Brian J. Gioe and Annette K. Gioe, husband and wife
and Andrew Y. Normington and Tara L. Normington, husband
who acknowledged the execution of the foregoing Consent to Encroachment.

WITNESS my hand and Notarial Seal this 22ND day of December, 1994.

My Commission Expires:

APRIL 19, 1998

Signature

Charles W. Strubel

Printed

CHARLES W. STRUBEL
Notary Public

Residing in MARION County, State of Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State,
personally appeared John Howard and Cynthia Howard
who acknowledged the execution of the foregoing Consent to Encroachment.

WITNESS my hand and Notarial Seal this 20TH day of DECEMBER, 1994.

My Commission Expires:

APRIL 19, 1998

Signature

Charles W. Strubel

Printed

CHARLES W. STRUBEL
Notary Public

Residing in MARION County, State of Indiana.

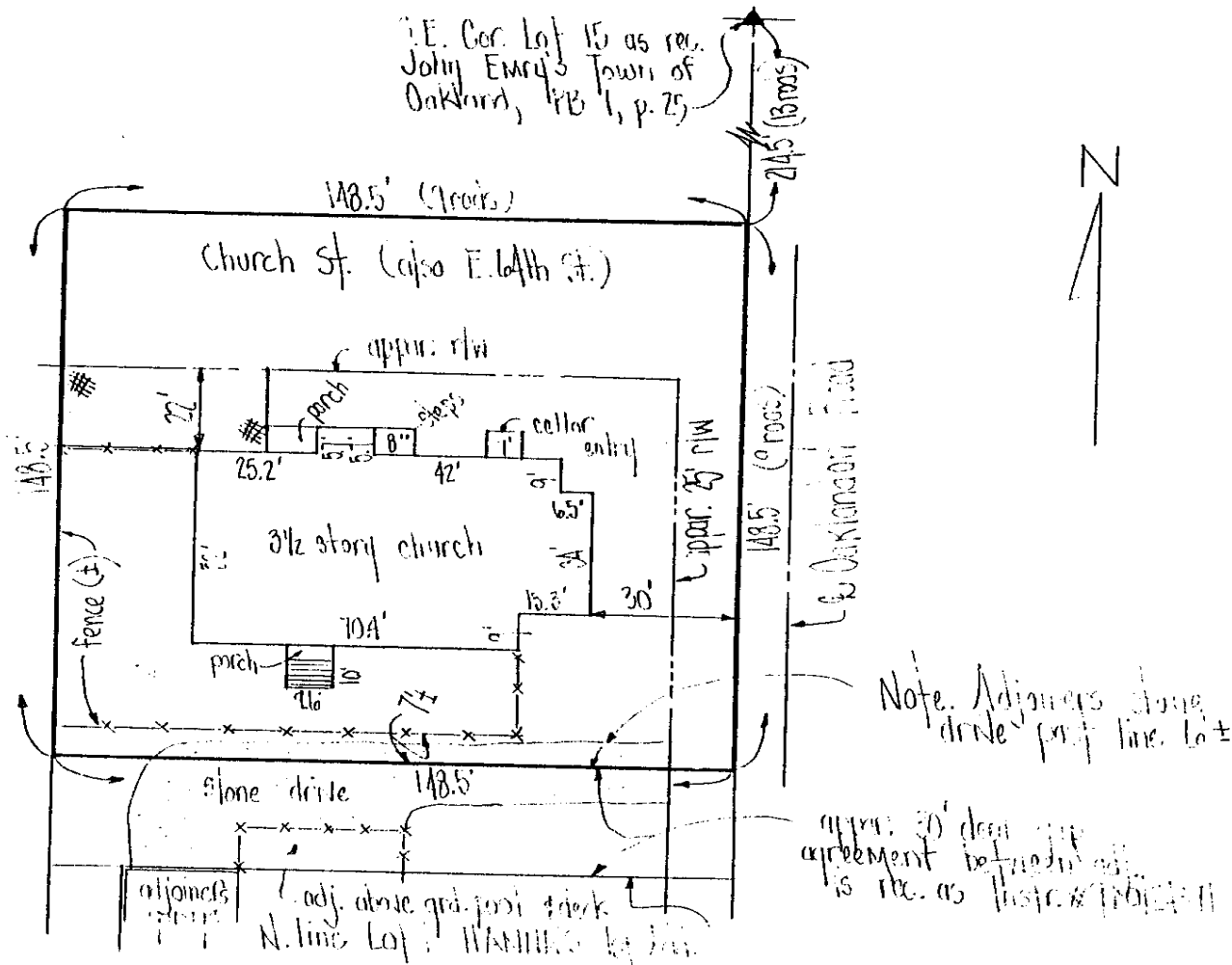
SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 180159 0040 D of the Flood Insurance Rate Maps, effective date 6/3/88.

PROPERTY ADDRESS: 6432 Oaklandon Road

See attached sheet for Legal Description



TITLE COMPANY: ENTERPRISE TITLE SERVICES OF INDIANA, INC.

LENDER: CITIZENS BANK

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in 865 IAC 1-12 for a SURVEYOR LOCATION REPORT.

PURCHASER: Andrew Y. & Tara L. Normington

CLIENT NO: 94-3643

CERTIFIED: 12/13/94

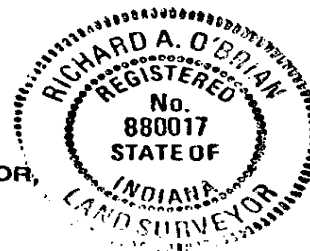


HAHN & ASSOCIATES, INC.
Engineers & Surveyors

2850 E. 96th Street • Indianapolis, IN 46240-3715
(317) 846-4119 / FAX: 582-0662

Richard A. O'Brien
RICHARD A. O'BRIAN
REGISTERED LAND SURVEYOR
INDIANA #880017

JOB NO: 94121116



A parcel of ground in the Southeast Quarter of Section 33, Township 17 North, of Range 5 East, in Marion County, Indiana, such parcel being more particularly described as follows: Beginning at a point distant 13 rods South of the Southeast corner of Lot Numbered 15 in John Emery's plat of the Town of Oakland in said Marion County, Plat Book 1 page 25, and running thence West 9 rods; thence South 9 rods; thence East 9 rods; thence North 9 rods to the Place of Beginning.