

# CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

## PLAN COMMISSION

MEETING DATE: 11/24/2022

Case Number & Name:	PC 2022-21: Genesis Property Development/East State Road 44			
Petitioner's Name:	Genesis Property Development			
Owner's Name:	(multiple owners see application)			
Petitioner's Representative:	Ron Kelsay			
Address of Property:	East State Road 44			
Subject Property Zoning Classification:	Current: A1 – Conservation Agriculture (Shelby County Zoning Ordinance) Proposed: IG – General Industrial			
Comprehensive Future Land use:	Single Family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Surrounding Properties' Zoning Classifications:	A1 – Conservation Agricultural (Shelby County)	I1 – Low Intensity Industrial (Shelby County)	IG – General Industrial	A1 – Conservation Agriculture (Shelby County)
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Gateway Mixed Use	Commercial	Single-family Residential
History:	The parcels are currently being used for agricultural production.			
Vicinity Map:				
Action Requested:	A formal recommendation on the zoning classification for a property being annexed into the City.			

The petitioner is working with the property owners to develop the subject property. The property is currently located within Shelby County immediately adjacent to the current City limits. The petitioner is asking annex approximately 40.5 +/- acres into the City of Shelbyville to take advantage of utilities and City services and is seeking a recommendation on the zoning classification.

1. The Unified Development Ordinance (Section 9.10 (K)) requires the Plan Commission pay “reasonable regard” to the following decision criteria:

**a. Relation to the Comprehensive Plan:**

In the Future Land Use map, located on page 93 of the Comprehensive Plan, this area is shown as a mix of uses including High Tech/Light Industrial, Gateway Mixed-Use, Commercial and Single Family Residential. In addition, objectives of the Comprehensive plan support incorporating fringe areas of the city/county into the corporate limits of the City of Shelbyville:

*Built Environment:*

Objective 1: Formalize the City’s foreseeable future growth boundaries.

Action 2: Continue transparency between City and County visions and growth policies.

Objective 2: Guide healthy development patterns using future land use mapping.

Action 2: Be conscientious of fringe boundary development around Shelbyville and into Shelby County.

Objective 3: Promote Development and Redevelopment of existing Sites and Buildings.

**b. Current Conditions:**

The subject property is currently zoned A1 – Conservation Agriculture in Shelby County. The property to the west and south of the property are zoned IG – General Industrial and are within the city limits of Shelbyville.

**c. Desired Use:**

The petitioner desires to development the property with an industrial use. The Comprehensive Plan Future Land Use map shows the area as a combination of Gateway Mixed Use and High-Tech Light Industrial.

**d. Property Values:**

The planning staff has determined that the proposed zoning classification should not have any adverse impact on neighboring property values. The proposed zoning classification is IG – General Industrial which is complimentary to the surrounding land uses and intended use of the property. If anything, it will have a positive impact because the infrastructure is already in place to support any future growth in the area.

**e. Responsible Growth:**

The planning staff has determined that a majority of the public infrastructure is in place and has sufficient capacity for the proposed zoning classification.

**STAFF RECOMMENDATION: FORWARDING A FAVORABLE RECOMMENDATION  
ON THE IG – GENERAL INDUSTRIAL ZONING CLASSIFICATION**

## Annexation (Zoning Map Amendment): PC 2022-21: Genesis Property Development/East State Road 44

### Findings of Fact by the Shelbyville Plan Commission Staff Prepared

Motion:

(I) would like to make a motion to forward a favorable recommendation to assign the zoning classification of *IG – General Industrial* for the subject property, once annexed into the City limits, pursuant to the planning staff's report and Findings of Fact.

1. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.
2. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is complimentary to the current conditions and the character of current structures and uses in this zoning district.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** complimentary to the current conditions and the character of current structures and uses in this zoning district.
3. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will allow for the most desirable use of the subject land, pursuant to the planning staff's report.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will not** allow for the most desirable use of the subject land, pursuant to the planning staff's report.
4. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will not have an adverse negative effect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will** have an adverse negative effect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.
5. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is not a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.

Shelbyville Plan Commission

By: \_\_\_\_\_  
Chairperson / Presiding Officer

Attest: \_\_\_\_\_  
Adam M. Rude, Secretary



PETITION FOR ANNEXATION INTO THE CITY OF SHELBYVILLE, INDIANA

Shelbyville Plan Commission  
44 West Washington Street  
Shelbyville, IN 46176  
P: 317.392.5102

For Office Use Only:

Case #: PC 2022 - 21

Hearing Date: 9.26.22

Fees Paid: \$ 425.00

Final Decision:

Approved

Denied

1. Petitioner & Property Owner:

Petitioner:

Name: Genesis Property Development

Address: 524 North Harrison Street

Shelbyville, IN 46176

Phone Number: 317-340-8123

E-mail Address: Rkelsay@genesispd.net

2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:

Name: Ron Kelsay

Phone Number: 317-340-8123

3. Project Information:

Subject Parcel Number(s) (and address if applicable):

Attached as Exhibit A

Owner:

Name: Attached as Exhibit A

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Project Engineer:

Name: Crossroad Engineers

Phone Number: 317-780-1555

Current Use: Agriculture/Residential

Current Zoning: A1/R1

Proposed Use: Manufacturing/Warehouse

Proposed Zoning: IG

4. Attachments:

☒ Proof of ownership (copy of deed)

☒ Letter of Intent

☐ Other Supporting Documents (Optional)

☐ Application Fee

☒ Legal Description

The undersigned states the above information is true and correct as s/he is informed and believes.

Signature of Petitioner: Ronald Kelsay Date: 8-11-22

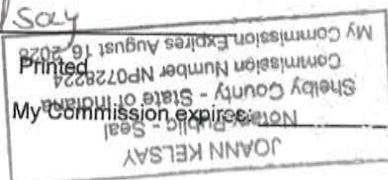
State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this 11th day of August, 2022

JoAnn Kelsay, JoAnn Kelsay

Notary Public - Signed

Residing in Shelby County.



Signature of Property Owner: N. Gregory Eubank POA Date: 8-9-22

State of INDIANA )  
County of SHELBY ) SS:

Subscribed and sworn to before me this 9th day of August, 2022

Terri S. Hill, Terri S. Hill

Notary Public - Signed

Printed

Residing in Shelby County. My Commission expires: 12/29/2029



**TERRI S. HILL, Notary Public**  
Shelby County, State of Indiana  
Commission Number NP0738168  
My Commission Expires December 29, 2029



## **Petition for Annexation into the City of Shelbyville Letter of Intent**

The purpose of this annexation request is for the Petitioner, Genesis Property Development and it's current or future partners, to develop the property into an agriculture product related industrial park.

Previously annexed property to the south will be the primary location of an agriculture related manufacturing facility. This annexation is needed to allow space for the site detention pond for drainage and a future maintenance and repair facility.

Unused ground and the remainder of the parcel to the north will remain in crop production until future uses and needs are determined. The vision for the industrial park, over the course of several years, is to construct a mix of production, maintenance & repair and other facilities related to the agriculture industry.

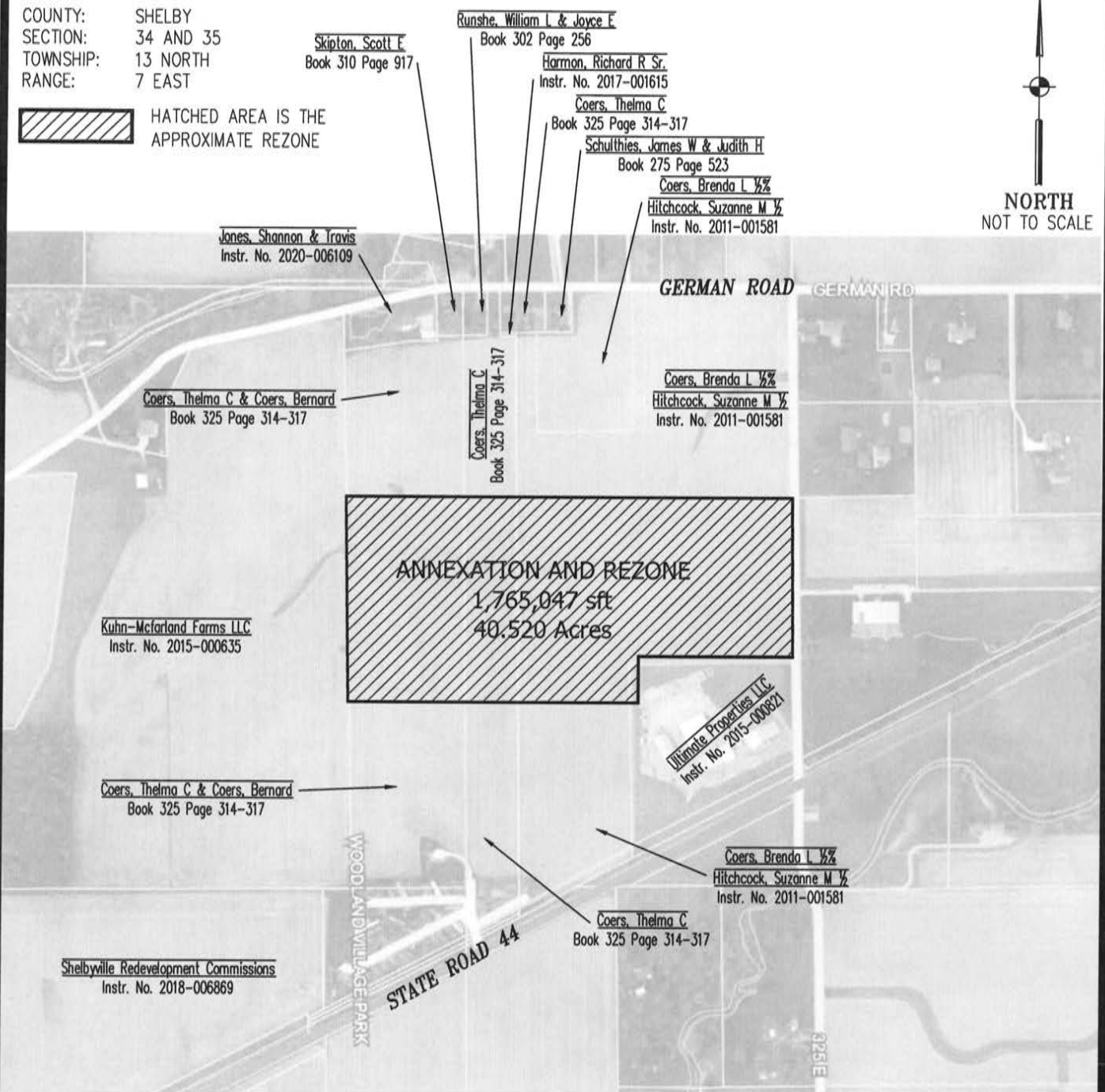


# ANNEXATION AND REZONE EXHIBIT

COUNTY: SHELBY  
SECTION: 34 AND 35  
TOWNSHIP: 13 NORTH  
RANGE: 7 EAST



HATCHED AREA IS THE  
APPROXIMATE REZONE



PART OF THE NORTHEAST QUARTER OF SECTION 34 AND THE NORTHWEST QUARTER 35, TOWNSHIP 13 NORTH, RANGE 7 EAST, SHELBY COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34, 2142 FEET EAST OF THE SOUTHWEST CORNER OF SAID QUARTER SECTION; RUNNING NORTH PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION A DISTANCE OF 871.47 FEET TO PLACE OF BEGINNING; THENCE CONTINUING NORTH PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION A DISTANCE OF 939.89 FEET; THENCE EASTERLY A DISTANCE OF 2040.11 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 35; THENCE RUNNING SOUTH ALONG THE EAST LINE OF SAID WEST HALF A DISTANCE OF 728.32 FEET TO THE NORTHEAST CORNER OF OF TRACT OF LAND CONVEYED TO ULTIMATE PROPERTIES, LLC, THE DEED TO WHICH IS RECORDED IN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, INDIANA, IN INSTRUMENT NUMBER 2015000821; THENCE RUNNING ALONG THE THE NORTH LINE OF SAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT OF LAND; THENCE RUNNING SOUTH ALONG THE WEST LINE OF SAID TRACT OF LAND A DISTANCE OF 211.50 FEET; THENCE RUNNING WESTERLY A DISTANCE OF 1326.66 FEET TO THE PLACE OF BEGINNING.

CONTAINING 40.520 ACRES, MORE OR LESS.

PREPARED BY:



**PETITION FOR ANNEXATION INTO THE CITY OF SHELBYVILLE, INDIANA  
EXHIBIT A**

<u>Parcel ID and Owner Information</u>	<u>Phone</u>	<u>Address</u>
73-07-34-200-007.000-001 (partial annex) Thelma C. Coers Revocable Trust Bernard G Coers Revocable Trust	317-825-0527	51 W. Mechanic St., Shelbyville, IN
73-07-35-100-006.000-001 (partial annex) Thelma C. Coers Revocable Trust Bernard G Coers Revocable Trust	317-825-0527	51 W. Mechanic St., Shelbyville, IN
73-07-35-100-009.000-001 (partial annex) Brenda L. Coers Suzanne M. Hitchcock	317-825-0527	51 W. Mechanic St., Shelbyville, IN

The undersigned states the information above and on the attached petition is true and correct as s/he is informed and believes.

By: N. Gregg Graham  
Name: N. Gregg Graham, POA  
Date: 8-9-22  
Owner: Thelma C. Coers Revocable Trust

By: N. Gregg Graham  
Name: N. Gregg Graham, POA  
Date: 8-9-22  
Owner: Bernard G. Coers Revocable Trust

By: N. Gregg Graham  
Name: N. Gregg Graham, POA  
Date: 8-9-22  
Owner: Brenda L. Coers

By: N. Gregg Graham  
Name: N. Gregg Graham, POA  
Date: 8-9-22  
Owner: Suzanne M. Hitchcock

State of INDIANA )  
County of SHELBY ) SS:  
Subscribed and sworn to before me this 9<sup>th</sup> day of August,  
2022  
Terrill S. Hill / Terrill S. Hill  
Notary Public - Signed Printed  
Residing in Shelby County. My Commission expires: 12/29/2029



**TERRI S. HILL, Notary Public**  
Shelby County, State of Indiana  
Commission Number NP0738168  
My Commission Expires December 29, 2029

**SPECIAL DURABLE POWER OF ATTORNEY  
FOR REAL ESTATE TRANSACTION**

**Branda L. Coers, Suzanne M. Hitchcock, the Thelma C. Coers Revocable Trust and the Bernard G. Coers Revocable Trust, and Coers Limited Liability Company III**, an Indiana limited liability company, being at least 18 years of age and mentally competent, and being duly authorized to execute this instrument, do hereby authorize, designate and appoint **N. Gregg Graham**, Attorney, as our true and lawful Attorney-in-Fact and agent, to act for each of us with respect to the sale of certain real estate situated in Shelby County, Indiana, with the following powers and authority.

**RECITALS**

WHEREAS, Brenda L. Coers and Suzanne M. Hitchcock are the owners as tenants in common of approximately 55.7 acres of farm real estate, being shown as Parcels 73-07-35-100-009.000-001 and 73-07-35-100-005.000-001; and

WHEREAS, the Thelma C. Coers Revocable Trust, with Amy Coers Tu, as Trustee, is the owner of an undivided one-half (½) interest and the Bernard G. Coers Revocable Trust, with Amy Coers Tu and Suzanne M. Hitchcock, as Trustees, is the owner of an undivided one-half (½) interest in certain farm real estate shown as Parcel No. 73-07-34-200-007.000-001, 73-07-35-100-003.000-001 and 73-07-35-100-006.000-001; and

WHEREAS, Coers Limited Liability Company III is the owner of approximately 5.28 acres consisting of Woodland Mobile Home Park as shown as Parcel No. 73-07-34-400-004.000-001, all as shown on the transfer records of the Shelby County Auditor; and

WHEREAS, collectively, all of the above parties are the Sellers under a Contract For the Purchase of Real Estate dated April \_\_\_\_, 2022 and in said contract, the Purchaser, Genesis Property Development, Inc. will be conducting certain inspections during a 120 day Due Diligence Period and in order to simplify Seller's participation in the process, Seller collectively agree to appoint N. Gregg Graham as Attorney-in-Fact during the process and to act for them up to and including closing with limited powers as set forth herein.

1. To execute any and all documents, consents, petitions for rezoning, subdividing or consent to variances as applicable during Purchaser's Due Diligence Period with regard to individual or combined parcels of real estate listed above.

2. To assist Purchaser in obtaining proper zoning and approvals for use suitable to Purchaser for the above described real estate.



3. To act for us and individually, as Sellers moving toward closing the transaction.

4. We hereby ratify and confirm all that our said Attorney-in-Fact shall do by virtue hereof. This Power of Attorney shall become effective on the date of execution hereof. We hereby reserve the right of revocation; however, this Special Power of Attorney shall continue in full force and effect until October 1, 2022, unless revoked by us, in writing, before that date or until closing of the transaction occurs.

5. The Attorney-in-Fact herein appointed is not a Member of said LLC and is acting on behalf it with only the limited powers granted herein.

6. This power of attorney is a durable power of attorney and will not be affected by the incapacity of the grantors.

Dated this 4 day of May, 2022.

Brenda L. Coers

Brenda L. Coers

Suzanne M. Hitchcock

Thelma C. Coers Revocable Trust  
Bernard G. Coers Revocable Trust

By: \_\_\_\_\_  
Amy Coers Tu, Trustee

By: \_\_\_\_\_  
Suzanne M. Hitchcock, Trustee

Coers Limited Liability Company III

By: \_\_\_\_\_  
Amy Coers Tu, Manager

STATE OF INDIANA     )  
                                      ) SS;  
COUNTY OF SHELBY    )

Before me, a Notary Public, in and for said state and county, personally appeared Brenda L. Coers, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 4<sup>th</sup> day of May, 2022.



**TERRI S. HILL, Notary Public**  
Shelby County, State of Indiana  
Commission Number NP0738168  
My Commission Expires December 29, 2029

*Terri S. Hill*

Terri S. Hill, Notary Public

STATE OF INDIANA     )  
                                      ) SS;  
COUNTY OF MONROE    )

Before me, a Notary Public, in and for said state and county, personally appeared Suzanne M. Hitchcock, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this \_\_\_\_ day of May, 2022.

(SEAL)

\_\_\_\_\_  
Notary Public

STATE OF CONNETICUT     )  
                                      ) SS;  
COUNTY OF MIDDLESEX    )

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this \_\_\_\_ day of May, 2022.

(SEAL)

\_\_\_\_\_  
Notary Public

STATE OF CONNETICUT     )  
  ) SS;  
COUNTY OF MIDDLESEX    )

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, as duly authorized Manager, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this \_\_\_\_ day of May, 2022.

(SEAL)

\_\_\_\_\_  
Notary Public

<p>This Instrument Prepared By: N. Gregg Graham Attorney at Law Attorney No. 7246-73 51 W. Mechanic St. Shelbyville, IN 46176 317-825-0527</p>
--

3. To act for us and individually, as Sellers moving toward closing the transaction.

4. We hereby ratify and confirm all that our said Attorney-in-Fact shall do by virtue hereof. This Power of Attorney shall become effective on the date of execution hereof. We hereby reserve the right of revocation; however, this Special Power of Attorney shall continue in full force and effect until October 1, 2022, unless revoked by us, in writing, before that date or until closing of the transaction occurs.

5. The Attorney-in-Fact herein appointed is not a Member of said LLC and is acting on behalf of with only the limited powers granted herein.

6. This power of attorney is a durable power of attorney and will not be affected by the incapacity of the grantors.

Dated this \_\_\_\_ day of May, 2022.

\_\_\_\_\_  
Brenda L. Coers

\_\_\_\_\_  
Suzanne M. Hitchcock

Thelma C. Coers Revocable Trust  
Bernard G. Coers Revocable Trust

By: \_\_\_\_\_  
Amy Coers Tu, Trustee

By: \_\_\_\_\_  
Suzanne M. Hitchcock, Trustee

Coers Limited Liability Company III

By: \_\_\_\_\_  
Amy Coers Tu, Manager

3. To act for us and individually, as Sellers moving toward closing the transaction.
4. We hereby ratify and confirm all that our said Attorney-in-Fact shall do by virtue hereof. This Power of Attorney shall become effective on the date of execution hereof. We hereby reserve the right of revocation; however, this Special Power of Attorney shall continue in full force and effect until October 1, 2022, unless revoked by us, in writing, before that date or until closing of the transaction occurs.
5. The Attorney-in-Fact herein appointed is not a Member of said LLC and is acting on behalf of it with only the limited powers granted herein.
6. This power of attorney is a durable power of attorney and will not be affected by the incapacity of the grantors.

Dated this 9 day of May, 2022.

\_\_\_\_\_  
Brenda L. Coers

\_\_\_\_\_  
Suzanne M. Hitchcock  
Suzanne M. Hitchcock

Thelma C. Coers Revocable Trust  
Bernard G. Coers Revocable Trust

By: \_\_\_\_\_  
Amy Coers Tu, Trustee

By: \_\_\_\_\_  
Suzanne M. Hitchcock, Trustee

Coers Limited Liability Company III

By: \_\_\_\_\_  
Amy Coers Tu, Manager



STATE OF INDIANA     )  
                                  ) SS;  
COUNTY OF SHELBY    )

Before me, a Notary Public, in and for said state and county, personally appeared Brenda L. Coers, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this \_\_\_\_ day of May, 2022.

(SEAL

Terri S. Hill, Notary Public

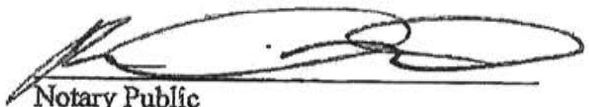
STATE OF INDIANA     )  
                                  ) SS;  
COUNTY OF MONROE    )

RUSSELL A MILLER  
NOTARY PUBLIC  
SEAL  
MONROE COUNTY, STATE OF INDIANA  
MY COMMISSION EXPIRES MAY 13, 2028  
COMMISSION NUMBER NP8728798

Before me, a Notary Public, in and for said state and county, personally appeared Suzanne M. Hitchcock, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 9 day of May, 2022.

(SEAL)

  
Notary Public

STATE OF CONNETICUT     )  
                                  ) SS;  
COUNTY OF MIDDLESEX    )

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 6 day of May, 2022.

(SEAL)

Melissa A. Pionzio  
Notary Public

**MELISSA A. PIONZIO**  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires  
October 31, 2025

STATE OF CONNETICUT     )  
  ) SS;  
COUNTY OF MIDDLESEX    )

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, as duly authorized Manager, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 6 day of May, 2022.

(SEAL)

Melissa A. Pionzio  
Notary Public

**MELISSA A. PIONZIO**  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires  
October 31, 2025

This Instrument Prepared By:  
N. Gregg Graham  
Attorney at Law  
Attorney No. 7246-73  
51 W. Mechanic St.  
Shelbyville, IN 46176  
317-825-0527

Entered for Taxation

NOV 13 2003

*Margaret L. Brink*  
Auditor Shelby County

**TRUSTEE'S DEED**

THIS INDENTURE WITNESSETH, That JOHN S. COERS and SUZANNE M. HITCHCOCK, as Successor Co-Trustees under the Bernard G. Coers Revocable Trust dated October 15, 1996, or any amendments thereto ("Grantor"), DISTRIBUTES AND CONVEYS to JOHN S. COERS and SUZANNE M. HITCHCOCK, as Successor Co-Trustees under Part A of the Bernard G. Coers Trust dated October 15, 1996, or any amendments thereto ("Grantee"), the following-described real estate in Shelby County, Indiana, to-wit:

**SEE EXHIBIT "A"**

**Attached hereto and made a part hereof.**

Subject to all highways, easements, mortgages, liens, encumbrances, and agreements of record and all taxes and assessments.

Description provided by Grantor. This Trustee's Deed was prepared without the benefit of an examination of an abstract of title, commitment for title insurance or a survey.

Grantor states that John S. Coers and Suzanne M. Hitchcock are the Successor Co-Trustees under the Bernard G. Coers Revocable Trust dated October 15, 1996, or any amendments thereto (the "Trust"), and that said Trust is still in full force and effect. Grantor further states that Bernard G. Coers and Thelma C. Coers served as Trustees of the Trust until Bernard's death on the 12<sup>th</sup> day of October, 2001, and Thelma's resignation as Trustee on the 30<sup>th</sup> day of December, 2002, and pursuant to Article IX, paragraph F. of the Trust, upon the

death or resignation of Bernard G. Coers and Thelma C. Coers, John S. Coers and Suzanne M. Hitchcock are designated to serve as Successor Co-Trustees of the Trust.

Grantor represents and warrants that John S. Coers and Suzanne M. Hitchcock, as Successor Trustees, have the power to convey the real estate herein pursuant to the terms of the Trust; and that Grantee hereunder is not obligated to see that the terms of the Trust have been complied with.

IN WITNESS WHEREOF, Grantor has executed this Trustee's Deed this 17 day of April, 2003.

BERNARD G. COERS REVOCABLE TRUST  
(U/A 10-15-96)

By John S. Coers  
John S. Coers, Successor Co-Trustee

By Suzanne M. Hitchcock  
Suzanne M. Hitchcock, Successor Co-Trustee

STATE OF INDIANA )  
 ) SS:  
COUNTY OF Shelby

Before me, the undersigned, a Notary Public in and for the County of Shelby, State of Indiana, personally appeared JOHN S. COERS and SUZANNE M. HITCHCOCK, as Successor Co-Trustees under the Bernard G. Coers Revocable Trust dated October 15, 1996, or any amendments thereto, who acknowledged the execution of the foregoing Trustee's Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 17 day of April, 2003.

Signature Kathleen A. Bray  
Printed Kathleen A. Bray  
Notary Public

My Commission Expires:

July 18, 2007

My County of Residence:

Shelby

This instrument prepared by William J. Dale, Jr., Attorney at Law, Dale & Eke, 9100 Keystone Crossing, Suite 400, Indianapolis, Indiana 46240, (317) 844-7400.

Send tax statements to: John S. Coers and Suzanne M. Hitchcock, Trustees  
2120 South Clark Road  
Shelbyville, Indiana 46176

g:\client\coe101\trustee deed to part a.doc



Exhibit "A" attached to and made a part of a Trustee's Deed by and between John S. Coers and Suzanne M. Hitchcock, as Successor Co-Trustees of the Bernard G. Coers Revocable Trust dated October 15, 1996 ("Grantor") and John S. Coers and Suzanne M. Hitchcock, as Successor Co-Trustees of Part A of the Bernard G. Coers Trust dated October 15, 1996 ("Grantees")

---

**AN UNDIVIDED ONE-HALF (1/2) INTEREST IN:**

All that part of the west half of the northwest quarter of section 3, township 12 north, range 7 east, which lies south of the right-of-way of the Pittsburg, Cincinnati, Chicago, and St. Louis Railway, containing 59 acres, more or less. Subject to the easement rights of the State of Indiana for State Highway No. 44 running along the north boundary of said Land.

EXCEPT THEREFROM: Beginning at a point 1039 feet south and 13 feet east of the northwest corner of the northwest quarter of section 3, township 12 north, range 7 east and running thence east 1326.3 feet; thence north 955.6 feet to the limited access right-of-way line on the south side of State Road #44; thence in a general southwesterly direction along said line 711.5 feet to the end of said limited access right-of-way line; thence in a westerly direction along the south right-of-way line 384 feet to a right-of-way marker; thence southwesterly along said right-of-way line 351.8 feet to a point 13 feet east of the west line of said quarter section; thence south 344 feet to the point of beginning, containing 20.45 acres, more or less, in all; subject to covenants, conditions and restrictions of record.

ALSO EXCEPT: A part of the west half of the northwest quarter of section 3, township 12 north, range 7 east of the second principal meridian in Indiana. Said part being more particularly described as follows:

Commencing at the northwest corner of said half quarter section, thence south on and along the west line of said half quarter section 1404.00 feet to the beginning point of this description; thence south 88 degrees 59 minutes east 597.00 feet; thence north 365.00 feet; thence south 88 degrees 59 minutes east 742.30 feet; thence south 00 degrees 02 minutes west 1158.80 feet; thence north 88 degrees 19 minutes west 1339.05 feet to a point on the aforesaid west line; thence north on and along said west line 777.86 feet to the beginning point of this description. Containing in all 30.37 acres, subject to all legal highways, rights-of-way and easements of record.

Exhibit "A" attached to and made a part of a Trustee's Deed by and between John S. Coers and Suzanne M. Hitchcock, as Successor Co-Trustees of the Bernard G. Coers Revocable Trust dated October 15, 1996 ("Grantor") and John S. Coers and Suzanne M. Hitchcock, as Successor Co-Trustees of Part A of the Bernard G. Coers Trust dated October 15, 1996 ("Grantees")

28.85-  
ALSO, beginning at a point on the south line of the northeast quarter of section 34, township 13 north, range 7 east, 2142 feet east of the southwest corner of said quarter section; running thence north parallel with the east line of said quarter section to the center line of the Shelbyville and Rushville Road (now known as the German Road) running thence northeasterly along the center line of said road to a point where the east line of said section 34, township and range aforesaid, intersects the center line of said road; thence south on the east line of said section 34 to the southeast corner of said quarter section; thence west to the place of beginning.

Subject, however, to the right of way granted to the Indianapolis and Cincinnati Traction Company recorded in Miscellaneous Record 9 page 482.

EXCEPT THEREFROM: Beginning at a point where the middle of the German Road in the northeast quarter of section 34, township 13 north, range 7 east is intersected by a property line running north parallel with the east line of said quarter section and located 2142 feet east of the southwest corner of said quarter section, thence running north 80 degrees 30 minutes east along the middle of said road 395 feet to a point which is 1517 foot west of a public road to the south; thence south along an existing fence 233 feet; thence west along a fence 100 feet; thence south 89 degrees 25 minutes west along the fence 293 feet to the property line; thence north along the fence and across a pond 170 feet to the point of beginning, containing 1.8 acres, more or less, in all. Subject to all existing statements and rights of way.

ALSO EXCEPT: Tract #1: Beginning at the northeast corner of a tract of land conveyed to Joseph Peters, the deed to which is recorded in the Office of the Recorder of Shelby County, Indiana, in Deed Record Book #221, page 377, and running thence south on the east line of the aforementioned tract 203.55 feet; thence east 107.0 feet; thence north 203.55 feet to the middle of the German Road; thence west 107.0 feet to the place of beginning, containing one half acre, more or less. Tract #2: Beginning at the northeast corner of Tract #1 as described herein and running

Exhibit "A" attached to and made a part of a Trustee's Deed by and between John S. Coers and Suzanne M. Hitchcock, as Successor Co-Trustees of the Bernard G. Coers Revocable Trust dated October 15, 1996 ("Grantor") and John S. Coers and Suzanne M. Hitchcock, as Successor Co-Trustees of Part A of the Bernard G. Coers Trust dated October 15, 1996 ("Grantees")

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thence south along the east line of said Tract #1 a distance of 203.55 feet; thence east 107.0 feet; thence north 203.55 feet to the middle of the German Road; thence west 107.0 feet to the point of beginning, containing one-half acre, more or less.

ALSO EXCEPT: Beginning at a point on the north line of the west half of the northwest quarter of section 35, township 13 north, range 7 east 1120.75 feet west of the northeast corner of said half quarter section, and running thence north 90 degrees 00 minutes west 120.5 feet on said north line, thence south 89 degrees 11 minutes east 202.55 feet, thence north 90 degrees 00 minutes east 120.5 feet; thence north 89 degrees 11 minutes west 202.55 feet to the point of beginning. Containing .56 acre, more or less.



Entered for Taxation

18068

320

31A 1418

NOV 24 1996

*Grant to Bernard G. Coers*  
*and Thelma C. Coers*  
 Grant to Bernard G. Coers

**WARRANTY DEED**

THIS INDENTURE WITNESSETH, That BERNARD G. COERS ("Grantor") of Shelby County, State of Indiana, CONVEYS AND WARRANTS to BERNARD G. COERS and THELMA C. COERS, as Trustees, or the Successor Trustees, under the Bernard G. Coers Revocable Trust dated October 15, 1996, or any amendments thereto ("Grantee"), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Shelby County, State of Indiana:

**SEE EXHIBIT "A"**

Attached hereto and made a part hereof.

Description provided by Grantor. This Warranty Deed was prepared without the benefit of an examination of an abstract of title, commitment for title insurance or a survey.

Subject to all highways, easements, mortgages, liens, encumbrances and agreements of record and all taxes and assessments.

Grantor represents said conveyance is made to Bernard G. Coers and Thelma C. Coers, as Trustees under the Bernard G. Coers Revocable Trust Agreement dated October 15, 1996, or any amendments thereto (the "Trust"), wherein the Grantor is the primary beneficiary of said Trust. Pursuant to said Trust, Grantee has full power to sell, mortgage, lease and convey the real estate herein granted and the purchaser, mortgagee or lessee, as the case may be, shall not be required to see to the application of the proceeds.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed, this 15th day of October, 1996.

*Bernard G. Coers*  
 BERNARD G. COERS



STATE OF INDIANA

COUNTY OF SHELBY

Before me, the undersigned a Notary Public for Marion County, State of Indiana, personally appeared BERNARD G. COERS, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 15th day of October, 1996.

  
Notary Public

William J. Dale, Jr.  
(Printed Signature)

My Commission Expires:

August 5, 1997

My County of Residence:

Marion



This instrument was prepared by A. Robert Lasich, Attorney at Law, Dale & Eke, 9100 Keystone Crossing, Suite 400, Indianapolis, Indiana 46240.

Send tax statements to:

Bernard G. Coers and Thelma C. Coers, Trustees  
116 Progress Road  
Shelbyville, IN 46176

COE100/Deed3a



Section 14, Township 12 North, Range 7 East, and  
part of Section 13, Township 12 North, Range 7 East,  
County of Warren, State of Ohio, owned by and to be  
held by  
Bernard G. Covert, Grantor, and Bernard G. Covert and Thomas O. Covert,  
Trustees of the Bernard G. Covert Revocable Trust dated October 15, 1960, Grantee.

#### AN UNDIVIDED ONE-HALF INTEREST IN:

All that part of the west half of the northeast quarter of section 14, Township 12 North, Range 7 East, which lies south of the right-of-way of the Cincinnati, Chicago, and St. Louis Railway, containing 45 acres, more or less. Subject to the easement rights of the State of Indiana for State Highway No. 44 running along the north boundary of said land.

EXCEPT THEREFROM, Beginning at a point 1037 feet south and 13 feet east of the northwest corner of the northwest quarter of section 14, Township 12 North, Range 7 East and thence east 1135.1 feet; thence north 954.6 feet to the limited access right-of-way line of the south side of State Road 44; thence in a general southeasterly direction along said line 711.3 feet to the end of said limited access right-of-way line; thence in a westerly direction along the south right-of-way line 334 feet to a right-of-way marker; thence southeasterly along said right-of-way line 351.3 feet to a point 15 feet east of the west line of said quarter section; thence south 344 feet to the point of beginning, containing 20.45 acres, more or less, is all, subject to easements, conditions and restrictions of record.

ALSO EXCEPT: A part of the west half of the northwest quarter of section 14, Township 12 North, Range 7 East of the second principal meridian in Indiana, said part being more particularly described as follows:

Commencing at the northwest corner of said half quarter section, thence south on and along the west line of said half quarter section 1404.00 feet to the beginning point of this description; thence south 88 degrees 59 minutes east 597.00 feet; thence north 365.00 feet; thence south 88 degrees 59 minutes east 742.30 feet; thence south 00 degrees 02 minutes west 1153.00 feet; thence north 88 degrees 19 minutes west 1339.05 feet to a point on the aforesaid west line; thence north on and along said west line 717.86 feet to the beginning point of this description. Containing in all 30.37 acres, subject to all legal highways, rights-of-way and easements of record.

ALSO, Beginning at a point on the south line of the northeast quarter of section 14, Township 12 North, Range 7 East, 7142 feet east of the southwest corner of said quarter section; running thence north parallel with the east line of said quarter section to the center line of the Shelbyville and Evansville Road (now known as the Common Road) running thence southeasterly along the center line of said road to a point where the east line of said section 14, Township 12 North, Range 7 East, intersects the center line of said road; thence south on the east line of said section 14 to the southeast corner of said quarter section; thence west to the place of beginning, and

Also all that part of the southeast quarter of section 14, Township 12 North, Range 7 East, lying north of the P.C.C. & St. L. Railroad, and included in the following described tract, to-wit: Beginning on the south line of said southeast quarter at a point 120 rods east of the southeast corner thereof and running thence east to the southeast corner thereof; thence north to the northeast corner thereof; thence west on the north line of said quarter section 40 rods; and thence south 180 rods, more or less, to the place of beginning, containing 5.12 acres, more or less.

Also, a strip of land 724 feet in width off the eastern part of the following described tract, to-wit: The west half of the north quarter of section 18, township 12 north, range 7 east, county of Shelby, State of Missouri, lying south of the north line of the right of way of the St. Louis & North Western Railroad;

Containing in all the lands herein described 48.5 acres, more or less, subject, however, to the right of way granted to the St. Louis & North Western Railroad by the Cincinnati Traction Company recorded in Miscellaneous Record 11 page 211.

**SURVEY THEREOF:** Beginning at a point where the north line of the German Road in the northwest corner of section 18, township 12 north, range 7 east is intersected by a property line running north parallel with the east line of said quarter section and located 1120.78 feet east of the northeast corner of said quarter section, thence running north 89 degrees 11 minutes east along the middle of said road 201.38 feet to a point, thence 151.7 feet west of a public road to the corner where said road crosses the section line 111 feet; thence west along a fence 107.0 feet to the point of beginning, 19 minutes west along the fence 111 feet to the property line where the road crosses the fence and across a pond 170 feet to the point of beginning, containing 1.5 acres, more or less, in all. Subject to the right of way, easements and rights of way.

**ALSO SURVEY:** Tract 21: Beginning at the northeast corner of a tract of land conveyed to Joseph Setum, the deed to which is recorded in the office of the Recorder of Shelby County, Missouri, in Book 1000 page 621, page 177, and running thence south on the east line of the aforementioned tract 201.38 feet; thence east 151.7 feet; thence north 111.11 feet to the middle of the German Road; thence west 107.0 feet to the point of beginning, containing one half acre, more or less. **Tract 22:** Beginning at the northeast corner of Tract 21 as described herein and running thence south along the east line of said Tract 21 a distance of 201.38 feet thence east 151.7 feet; thence north 111.11 feet to the middle of the German Road; thence west 107.0 feet to the point of beginning, containing one half acre, more or less.

**ALSO SURVEY:** Beginning at a point on the north line of the west half of the northwest quarter of section 18, township 12 north, range 7 east 1120.78 feet west of the northeast corner of said half quarter section, and running thence north 89 degrees 11 minutes west 150.5 feet to said north line, thence south 89 degrees 11 minutes east 202.55 feet, thence north 70 degrees 30 minutes east 110.1 feet, thence south 89 degrees 11 minutes east 107.17 feet to the point of beginning, containing .36 acre, more or less.

RECEIVED FOR RECORD  
1944  
12-13-44  
Shelby County Recorder  
Page 124-317 of the record  
of Shelby County, Missouri  
H. A. Tolley  
SHELBY COUNTY RECORDER



Entered for Taxation

48057

325

810

NOV 1996

*Opal L. Miller*  
Shelby County

**WARRANTY DEED**

THIS INSTRUMENT WITNESSETH That THELMA C. COERS ("Grantor") of Shelby County, State of Indiana, CONVEYS AND WARRANTS to THELMA C. COERS and BERNARD G. COERS, as Trustees, or the Successor Trustee, under the Thelma C. Coers Revocable Trust dated October 15, 1996, or any amendments thereto ("Grantee"), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Shelby County, State of Indiana:

**SEE EXHIBIT "A"**

Attached hereto and made a part hereof.

Description provided by Grantor. This Warranty Deed was prepared without the benefit of an examination of an abstract of title, commitment for title insurance or a survey.

Subject to all highways, easements, mortgages, liens, encumbrances and agreements of record and all taxes and assessments.

Grantor represents said conveyance is made to Thelma C. Coers and Bernard G. Coers, as Trustees under the Thelma C. Coers Revocable Trust Agreement dated October 15, 1996, or any amendments thereto (the "Trust"), wherein the Grantor is the primary beneficiary of said Trust. Pursuant to said Trust, Grantee has full power to sell, mortgage, lease and convey the real estate herein granted and the purchaser, mortgagee or lessee, as the case may be, shall not be required to see to the application of the proceeds.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed, this 15th day of October, 1996.


*Thelma C. Coers*  
THELMA C. COERS

NOV 4 1996

STATE OF INDIANA )  
 ) SS:  
COUNTY OF SHELBY )

Before me, the undersigned, a Notary Public for the State of Indiana, personally appeared THELMA C. COERS, who acknowledged the execution of the Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 19th day of October, 1996.

  
Notary Public  
William J. Dale, Jr.  
(Printed Signature)

My Commission Expires:

August 3, 1997

My County of Residence:

Marion



This instrument was prepared by A. Robert Lasich, Attorney at Law, Dale & Eke, 9100 Keystone Crossing, Suite 400, Indianapolis, Indiana 46240.

Send tax statements to:

Thelma C. Coers and Bernard G. Coers, Trustees  
116 Progress Road  
Shelbyville, IN 46176

COE100/Deed3a

NOV 4 1938

Exhibit "A" attached to and made  
part of Warranty Deed to said land.

Thomas C. Coers ("Grantor") and Thelma C. Coers ("Grantee")  
Trustees of the Thelma C. Coers Revocable Trust dated January 13, 1938.

AN UNDIVIDED ONE-HALF INTEREST IN:

All that part of the west half of the southeast quarter of section 34, township 12 north, range 7 east, which lies west of the right-of-way of the Michigan, Cincinnati, Chicago, and St. Louis Railway, containing 20 acres, more or less. Subject to the easement rights of the State of Indiana for State Highway No. 46 running along the north boundary of said land.

**SURVEY THEREOF:** Beginning at a point 1019 feet south and 32 feet east of the northwest corner of the northeast quarter of section 34, township 12 north, range 7 east and running thence north 121.1 feet; thence north 98.6 feet to the line of said right-of-way line on the west side of State Road 44; thence in a general southeasterly direction along said line 711.3 feet to the end of said limited access right-of-way line; thence in a westerly direction along the south right-of-way line 304 feet to a right-of-way marker; thence southeasterly along said right-of-way line 181.8 feet to a point 13 feet east of the west line of said quarter section; thence south 344 feet to the point of beginning, containing 20.45 acres, more or less, in all; subject to easements, conditions and restrictions of record.

**ALSO HEREBY:** A part of the west half of the northeast quarter of section 34, township 12 north, range 7 east of the second principal meridian in Indiana. Said part being more particularly described as follows:

Commencing at the northwest corner of said half quarter section, thence south on and along the west line of said half quarter section 1404.05 feet to the beginning point of this description; thence south 52 degrees 55 minutes east 597.03 feet; thence north 145.50 feet; thence south 53 degrees 39 minutes east 742.30 feet; thence south 03 degrees 03 minutes west 1198.80 feet; thence north 88 degrees 19 minutes west 1339.02 feet to a point on the aforesaid west line; thence north on and along said west line 777.84 feet to the beginning point of this description. Containing in all 10.37 acres, subject to all legal highways, rights-of-way and easements of record.

**ALSO,** beginning at a point on the south line of the northeast quarter of section 34, township 12 north, range 7 east, 7142 feet east of the southwest corner of said quarter section; running thence north parallel with the east line of said quarter section to the center line of the Shelbyville and Nashville Road (now known as the German Road) running thence northeasterly along the center line of said road to a point where the east line of said section 34, township and range aforesaid, intersects the center line of said road; thence south on the east line of said section 34 to the southeast corner of said quarter section; thence west to the place of beginning, and

also all that part of the southeast quarter of section 34, township 12 north range 7 east, lying north of the P.C.C. & St. L. Railroad, and included in the following described tract, to-wit: Beginning on the south line of said southeast quarter at a point 120 rods east of the southeast corner thereof and running thence east to the southeast corner thereof; thence north to the northeast corner thereof; thence west on the north line of said quarter section 40 rods; and thence south 120 rods, more or less, to the place of beginning, containing 5.22 acres, more or less.



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also, a strip of land 24 feet in width off the entire west side of the following described tract, to-wit: The west half of the northeast quarter of section 35, township 13 north, range 7 east, except that part thereof lying south of the north line of the right of way of the P.C.C. & St. L. Railroad;

Containing in all the lands herein described 43.6 acres, more or less, subject, however, to the right of way granted to the Indianapolis and Cincinnati Traction Company recorded in Miscellaneous Record 9 page 122.

EXCEPT THEREFROM: Beginning at a point where the middle of the German Road in the northeast quarter of section 34, township 13 north, range 7 east is intersected by a property line running north parallel with the east line of said quarter section and located 2142 feet east of the southwest corner of said quarter section, thence running north 83 degrees 30 minutes east along the middle of said road 395 feet to a point which is 1517 feet west of a public road to the south; thence south along an existing fence 213 feet; thence west along a fence 100 feet; thence south 43 degrees, 25 minutes west along the fence 293 feet to the property line; thence north along the fence and across a pond 170 feet to the point of beginning, containing 1.8 acres, more or less, in all. Subject to all existing encumbrances and rights of way.

ALSO EXCEPT: Tract #1: Beginning at the northeast corner of a tract of land conveyed to Joseph Peters, the deed to which is recorded in the office of the Recorder of Shelby County, Indiana, in Deed Record Book #221, page 177, and running thence south on the east line of the aforementioned tract 203.55 feet; thence east 107.0 feet; thence north 203.55 feet to the middle of the German Road; thence west 107.0 feet to the point of beginning, containing one half acre, more or less. Tract #2: Beginning at the northeast corner of Tract #1 as described herein and running thence south along the east line of said Tract #1 a distance of 203.55 feet; thence east 107.0 feet; thence north 203.55 feet to the middle of the German Road; thence west 107.0 feet to the point of beginning, containing one half acre, more or less.

ALSO EXCEPT: Beginning at a point on the north line of the west half of the northwest quarter of section 35, township 13 north, range 7 east 1120.75 feet west of the northeast corner of said half quarter section, and running thence north 90 degrees 00 minutes west 120.5 feet on said north line, thence south 89 degrees 11 minutes east 203.55 feet, thence north 90 degrees 00 minutes east 120.5 feet, thence north 89 degrees 11 minutes west 203.55 feet to the point of beginning. Containing .55 acre, more or less.

RECEIVED FOR RECORD  
 Vol. 4 day of Nov 1926  
 12-36 P M and recorded  
 Book Record No. 325  
 Pages 310-313 of the record  
 of Shelby County, Indiana

James A. Nalley  
 SHELBY COUNTY RECORDER

ENTER FOR TAXATION

MAR 03 2011

2011001581 PER REP \$28.00  
 03/03/2011 04:19:39P 7 PGS  
 Mary Jo Phares  
 SHELBY County Recorder IN  
 Recorded as Presented



*Amey H. Blackman*  
 SHELBY COUNTY AUDITOR

**PERSONAL REPRESENTATIVE'S DEED**

Brenda L. Coers, as Personal Representative of the Estate of John S. Coers, deceased, which estate is pending under Cause No. 73C01-1012-EU-80 in the Shelby Circuit Court, of Shelby County, Indiana, by virtue of the power given a personal representative under Indiana law **CONVEYS AND DISTRIBUTES** to Brenda L. Coers, of Shelby County, Indiana, the following described real estate in Shelby County, Indiana, to wit:

THE REAL ESTATE DESCRIBED ON THE ATTACHED EXHIBIT A,  
 WHICH IS INCORPORATED HEREIN

Grantee herein assumes and agrees to pay the real estate taxes due in 2011 and all subsequent taxes on the above described real estate.

There is no consideration for this conveyance.

Dated this 2nd day of March, 2010.

Estate of John S. Coers, deceased

By *Brenda L. Coers Personal Rep.*  
 Brenda L. Coers, Personal Representative

State of Indiana, County of Shelby, SS:

Before me, the undersigned a Notary Public in and for said County and State this 2nd day of March, 2011 personally appeared Brenda L. Coers, as Personal Representative

SALE DISCLOSURE  
 NOT REQUIRED  
 SHELBY COUNTY ASSESSOR

of the Estate of John S. Coers, deceased, and acknowledged the execution of the above and foregoing instrument for and on behalf of said estate.

My Commission Expires

March 13, 2016



N. Gregg Graham  
N. Gregg Graham, Notary Public  
Resident of Shelby County, Indiana

Send tax statements to:  
217 N 425 E  
Shelbyville, IN 46176

Grantee mailing address:  
217 N 425 E  
Shelbyville, IN 46176

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. Robert Adams

Prepared by Robert Adams, Attorney, 33 West Washington Street, Shelbyville, IN 46176

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The following described real estate located in Shelby County, Indiana, to wit:

**Tract One**

Part of the west half of the Northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the north line of said half quarter section 698.75 feet west of the northeast corner thereof; Running thence north 90 degrees 00 minutes west along said north line 350.00 feet, thence south 00 degrees 24 minutes east 622.69 feet, thence north 90 degrees 00 minutes east 350.00 feet, thence north 00 degrees 24 minutes west 622.69 feet to the point of beginning, containing 5.0 acres, more or less.

Said tract being subject to all existing legal easements and rights of way.

**EXCEPT THEREFROM:**

Part of the west half of the northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the North line of said half quarter section 935.86 feet west of the northeast corner thereof; Running thence north 90 degrees 00 minutes west along said north line 112.89 feet, thence south 00 degrees 24 minutes east 192.93 feet, thence north 90 degrees 00 minutes east 112.89 feet, thence north 00 degrees 24 minutes west 192.93 feet to the point of beginning, containing 0.5 acres, more or less.

Said tract being subject to all existing legal easements and rights of way.

Parcel Number: 73-07-35-100-005.000-001

Parcel Address: North 325 East, Shelbyville, Indiana 46176

**Tract Two**

Beginning at the southeast corner of the southeast quarter of the southeast quarter of section 35 in township 13 north in range 7 east, and running thence north 81 rods and 21 links to

**Exhibit A**

the northeast corner of said quarter quarter section; thence west on and north line of said quarter quarter section 11 rods and 10 feet; thence south parallel with the east line of said quarter quarter section 81 rods and 20 links to the south line of said quarter quarter section; thence east 11 rods and 10 feet to the place of beginning, containing 5.93 acres, more or less.

Parcel Number: 73-07-35-400-005.000-001

Parcel Address: East State Road 44, Shelbyville, Indiana 46176

**Tract Three**

The southwest quarter of the southwest quarter of section 36 in township 13 north range 7 east, containing 40 acres, more or less.

**EXCEPT THEREFROM THE FOLLOWING:**

Part of the Southwest Quarter of Section 36, Township 13 North, Range 7 East of the Second Principal Meridian located in Union Township of Shelby County, Indiana.

Commencing at the Northeast corner of the said quarter-quarter section, said point being a mag nail over a stone, and also being the POINT OF BEGINNING; thence South 0 degrees 57 minutes 42 seconds East, along the East line of the said quarter-quarter section a distance of 500.00 feet to a mag nail; thence North 89 degrees 53 minutes 36 seconds West, parallel to the North line of the said quarter-quarter section a distance of 500.00 feet to a 5/8" capped rebar stamped "Powell 29800024"; thence North 0 degrees 57 minutes 42 seconds West, parallel to the East line of the said quarter-quarter section a distance of 500.00 feet to a 5/8" capped rebar stamped "Powell 29800024". Thence South 89 degrees 53 minutes 36 seconds East, along the North line of the said quarter-quarter section a distance of 500.00 feet to the POINT OF BEGINNING; said described tract containing 5.738 acre, more or less and being subject to the right of way of County Road 425 East and all easements of record.

**ALSO EXCEPT THEREFROM THE FOLLOWING:**

Part of the Southwest Quarter of Section 36, Township 13 North, Range 7 East of the Second Principal Meridian located in Union Township of Shelby County Indiana.

**Exhibit A**

Commencing at the Northeast corner of the said quarter-quarter section, said point being a mag nail over a stone, and also being the POINT OF BEGINNING; thence South 0 degrees 57 minutes 42 seconds East, along the East line of the said quarter-quarter section a distance of 500.00 feet to a mag nail; thence North 89 degrees 53 minutes 36 seconds West, parallel to the North line of the said quarter-quarter section a distance of 500.00 feet to a 5/8" capped rebar stamped "Powell 29800024"; thence North 0 degrees 57 minutes 42 seconds West, parallel to the East line of the said quarter-quarter section a distance of 500.00 feet to a 5/8" capped rebar stamped "Powell 29800024", thence South 89 degrees 53 minutes 36 seconds East, along the North line of the said quarter-quarter section a distance of 500.00 feet to the POINT OF BEGINNING; said described tract containing 5.738 acre, more or less and being subject to the right of way for County Road 425 East and all easements of record.

Parcel Number: 73-07-36-300-002.000-019

Parcel Address: 425 East, Shelbyville, Indiana 46176

**Tract Four**

The West Half of the North West Quarter of Section 35, Township 13 North, Range 7 East, except that part thereof lying South of the north line of the right of way of the P.C.C. & St. L. Railroad, and EXCEPT also a strip of land 224 feet in width off the entire west side of said tract, and containing 66.5 Acres, more or less, subject to the right of way granted to Indianapolis & Cincinnati Traction Company recorded in Miscellaneous Record 9, page 482.

ALSO EXCEPT from the above Tract, the following two tracts of real estate, to-wit:

Part of the West Half of the North West Quarter of Section 35, Township 13 North, Range 7 East, in Shelby County, Indiana, more particularly described as follows:

Beginning at the northeast corner of said West Half and running thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) 1048.75 feet along the north line of said quarter

**Exhibit A**

section to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds West, 72.00 feet; thence South 00 degrees 24 minutes 00 seconds East 141.80 feet to an iron pin; thence North 90 degrees 00 minutes 00 seconds East 72.00 feet along a fence line to an iron pin; thence North 00 degrees 24 minutes 00 seconds West 141.80 feet to the point of beginning; containing 0.23 of an acre, more or less, and subject to all existing legal highway rights of way and easements of record.

Beginning at a point, said point being a railroad spike on the northeast corner of the West Half of the North West Quarter of Section 35, Township 13 North, Range 7 East of the Second Principal Meridian in Shelby County, Indiana; and running thence South 00 degrees 00 minutes 00 seconds (assumed bearing) 1663.02 feet along the east line of said half quarter section to the point of beginning of this tract, said point of beginning being a railroad spike; and running thence South 80 degrees 00 minutes 00 seconds West 689.71 feet to a point, said point being a wood hub stake; thence South 00 degrees 00 minutes 00 seconds 813.13 feet parallel with said east line of said half quarter section to a point, said point being a wood hub stake on a fence line, said fence line being on the north right-of-way line of the P.C.C. and St. Louis Railroad; thence North 62 degrees 14 minutes 00 seconds East 779.46 feet along said fence line on said north right-of-way line of said P.C.C. and St. Louis Railroad to a point, said point being a railroad spike on said east line of said half quarter section; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) 450.00 feet along said east line of said half quarter section to the point of beginning of this tract, containing 10.00 Acres, more or less, subject to all existing legal rights-of-way and easements.

**ALSO EXCEPT THEREFROM:**

Part of the west half of the Northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the north line of said half quarter section 698.75 feet west of the northeast corner thereof; Running thence north 90 degrees 00 minutes west along said north line 350.00 feet, thence south 00 degrees 24 minutes east 622.69 feet, thence north 90 degrees 00 minutes east 350.00 feet, thence north 00 degrees 24 minutes west 622.69 feet to the point of beginning, containing 5.0 acres, more or less.

**Exhibit A**



Said tract being subject to all existing legal easements and rights of way.

**EXCEPT THEREFROM:**

Part of the west half of the northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the North line of said half quarter section 935.86 feet west of the northeast corner thereof: Running thence north 90 degrees 00 minutes west along said north line 112.89 feet, thence south 00 degrees 24 minutes east 192.93 feet, thence north 90 degrees 00 minutes east 112.89 feet, thence north 00 degrees 24 minutes west 192.93 feet to the point of beginning, containing 0.5 acres, more or less.

Said tract being subject to all existing legal easements and rights of way.

Parcel Number: 73-07-35-100-009.000-001

Parcel Address: 325 East, Shelbyville, Indiana 46176

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**Exhibit A**

2008000469 TRUST DE \$26.06  
01/23/2008 02:13:58P 6 PGS  
Mary Jo Phares  
SHELBY County Recorder IN  
Recorded as Presented

# ENTER FOR TAXATION

JAN 23 2008

*James H. Huberman*  
SHELBY COUNTY AUDITOR

## TRUSTEE'S DEED

THIS INDENTURE WITNESSETH that Ella Fuchs Trust ("Grantor" herein) with John S. Coers and Suzanne M. Hitchcock as Successor-Trustees, of Shelby County, Indiana, CONVEYS to John S. Coers of Shelby County, Indiana and Suzanne M. Hitchcock, of Monroe County, Indiana ("Grantees" herein), the following described real estate in Shelby County, Indiana, to wit:

THE CERTAIN REAL ESTATE DESCRIBED ON EXHIBIT A  
ATTACHED HERETO AND MADE A PART HEREOF

Grantee herein assumes and agrees to pay the real estate taxes on the above described real estate due and payable in 2008 and all subsequent real estate taxes thereon.

John S. Coers and Suzanne M. Hitchcock became Successor Trustees after the demise of Bernard Coers on October 12, 2001.

Dated this 15 day of January, 2008.

Ella Fuchs Trust

By

*John S. Coers*  
John S. Coers, Successor Trustee

By

*Suzanne M. Hitchcock*  
Suzanne M. Hitchcock, Trustee

State of Indiana, Shelby County, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 15 day of January, 2008 personally appeared John S. Coers and Suzanne M. Hitchcock as Co-Trustees of the Ella Fuchs Trust, and executed and acknowledged the execution of the above and foregoing deed on behalf of said trust.



Norman Gregg Graham  
Norman Gregg Graham, Notary Public  
Resident of Shelby County, Indiana

My Commission Expires:

March 13, 2008

Send tax statements to:  
217 N. 425 E  
Shelbyville, IN 46176

Property Address:  
*Vacant Farmland*  
Shelbyville, IN 46176

Grantees' Address:  
John S. Coers  
217 N. 425 E  
Shelbyville, IN 46176

Suzanne M. Hitchcock  
2521 Cascade Drive  
Bloomington, IN 47407

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. N. Gregg Graham

Prepared by:  
N. Gregg Graham  
ADAMS & CRAMER  
33 W. Washington Street  
Shelbyville, IN 46176

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The following described real estate located in Shelby County, Indiana, to wit:

Tract One [Parcel No. 73-07-35-100-005.000-001]

Part of the west half of the Northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the north line of said half quarter section 698.75 feet west of the northeast corner thereof; Running thence north 90 degrees 00 minutes west along said north line 350.00 feet, thence south 00 degrees 24 minutes east 622.69 feet, thence north 90 degrees 00 minutes east 350.00 feet, thence north 00 degrees 24 minutes west 622.69 feet to the point of beginning, containing 5.0 acres, more or less.

Said tract being subject to all existing legal easements and rights of way.

EXCEPT THEREFROM:

Part of the west half of the northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the North line of said half quarter section 935.86 feet west of the northeast corner thereof; Running thence north 90 degrees 00 minutes west along said north line 112.89 feet, thence south 00 degrees 24 minutes east 192.93 feet, thence north 90 degrees 00 minutes east 112.89 feet, thence north 00 degrees 24 minutes west 192.93 feet to the point of beginning, containing 0.5 acres, more or less.

Said tract being subject to all existing legal easements and rights of way.

Tract Two [Parcel No. 73-07-35-400-005.000-001]

Beginning at the southeast corner of the southeast quarter of the southeast quarter of section 35 in township 13 north in range 7 east, and running thence north 81 rods and 21 links to the northeast corner of said quarter quarter section; thence west on and north line of said quarter quarter section 11 rods and 10 feet; thence

EXHIBIT A

south parallel with the east line of said quarter quarter section 81 rods and 20 links to the south line of said quarter quarter section; thence east 11 rods and 10 feet to the place of beginning, containing 5.93 acres, more or less.

Tract Three [Parcel No. 73-07-36-300-002.000-019]

The southwest quarter of the southwest quarter of section 36 in township 13 north range 7 east, containing 40 acres, more or less.

EXCEPT THEREFROM THE FOLLOWING:

Part of the Southwest Quarter of Section 36, Township 13 North, Range 7 East of the Second Principal Meridian located in Union Township of Shelby County, Indiana.

Commencing at the Northeast corner of the said quarter-quarter section, said point being a mag nail over a stone, and also being the POINT OF BEGINNING; thence South 0 degrees 57 minutes 42 seconds East, along the East line of the said quarter-quarter section a distance of 500.00 feet to a mag nail; thence North 89 degrees 53 minutes 36 seconds West, parallel to the North line of the said quarter-quarter section a distance of 500.00 feet to a 5/8" capped rebar stamped "Powell 29800024"; thence North 0 degrees 57 minutes 42 seconds West, parallel to the East line of the said quarter-quarter section a distance of 500.00 feet to a 5/8" capped rebar stamped "Powell 29800024". Thence South 89 degrees 53 minutes 36 seconds East, along the North line of the said quarter-quarter section a distance of 500.00 feet to the POINT OF BEGINNING; said described tract containing 5.738 acre, more or less and being subject to the right of way of County Road 425 East and all easements of record.

Tract Four [Parcel No. 73-07-35-100-009.000-001]

The West Half of the North West Quarter of Section 35, Township 13 North, Range 7 East, except that part thereof lying South of the north line of the right of way of the P.C.C. & St. L. Railroad, and EXCEPT also a strip of land 224 feet in width off the entire west side of said tract, and containing 66.5 Acres, more or less, subject to the

EXHIBIT A



right of way granted to Indianapolis & Cincinnati Traction Company recorded in Miscellaneous Record 9, page 482.

ALSO EXCEPT from the above Tract, the following two tracts of real estate, to-wit:

Part of the West Half of the North West Quarter of Section 35, Township 13 North, Range 7 East, in Shelby County, Indiana, more particularly described as follows:

Beginning at the northeast corner of said West Half and running thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) 1048.75 feet along the north line of said quarter section to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds West, 72.00 feet; thence South 00 degrees 24 minutes 00 seconds East 141.80 feet to an iron pin; thence North 90 degrees 00 minutes 00 seconds East 72.00 feet along a fence line to an iron pin; thence North 00 degrees 24 minutes 00 seconds West 141.80 feet to the point of beginning; containing 0.23 of an acre, more or less, and subject to all existing legal highway rights of way and easements of record.

Beginning at a point, said point being a railroad spike on the northeast corner of the West Half of the North West Quarter of Section 35, Township 13 North, Range 7 East of the Second Principal Meridian in Shelby County, Indiana; and running thence South 00 degrees 00 minutes 00 seconds (assumed bearing) 1663.02 feet along the east line of said half quarter section to the point of beginning of this tract, said point of beginning being a railroad spike; and running thence South 80 degrees 00 minutes 00 seconds West 689.71 feet to a point, said point being a wood hub stake; thence South 00 degrees 00 minutes 00 seconds 813.13 feet parallel with said east line of said half quarter section to a point, said point being a wood hub stake on a fence line, said fence line being on the north right-of-way line of the P.C.C. and St. Louis Railroad; thence North 62 degrees 14 minutes 00 seconds East 779.46 feet along said fence line on said north right-of-way line of said P.C.C. and St. Louis Railroad to a point, said point being a railroad spike on said east line of said half quarter section; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) 450.00 feet along said east line of said half quarter section to the point of beginning of this tract, containing 10.00 Acres, more or less, subject to all existing legal rights-of-way and easements.

#### EXHIBIT A

ALSO EXCEPT THEREFROM:

Part of the west half of the Northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the north line of said half quarter section 698.75 feet west of the northeast corner thereof; Running thence north 90 degrees 00 minutes west along said north line 350.00 feet, thence south 00 degrees 24 minutes east 622.69 feet, thence north 90 degrees 00 minutes east 350.00 feet, thence north 00 degrees 24 minutes west 622.69 feet to the point of beginning, containing 5.0 acres, more or less.

Said tract being subject to all existing legal easements and rights of way.

EXCEPT THEREFROM:

Part of the west half of the northwest Quarter of Section 35, Township 13 North, Range 7 East, more particularly described as follows:

Beginning at a point on the North line of said half quarter section 935.86 feet west of the northeast corner thereof; Running thence north 90 degrees 00 minutes west along said north line 112.89 feet, thence south 00 degrees 24 minutes east 192.93 feet, thence north 90 degrees 00 minutes east 112.89 feet, thence north 00 degrees 24 minutes west 192.93 feet to the point of beginning, containing 0.5 acres, more or less.

Said tract being subject to all existing legal easements and rights of way.

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EXHIBIT A