

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF BOONE         )  
  ) CAUSE NO: 06C01-2409-PL-001578

TOWN OF WHITESTOWN, INDIANA )  
  )  
                                  Plaintiff, )  
                                  v.         )  
  )  
BRENT SHIKE,                         )  
  )  
                                  Defendant. )

**AGREED FINDINGS AND JUDGMENT**

Plaintiff, Town of Whitestown (the “Town”) and Defendant, Brent Shike (“Shike”), jointly submit their Agreed Findings and Judgment in this case. The Court, having examined the record and being duly advised, now finds:

1. Shike is the owner of record of two adjoining parcels of real estate commonly known as 203 S. Main Street (“Garage Parcel”) Whitestown, Boone County, Indiana.

2. Shike and his wife, non-party Cindy M. Shike (collectively the “Shikes”), are the owners of record of the real estate located at 205 S. Main Street (“Residential Parcel”), Whitestown, Boone County, Indiana which is immediately south of the Garage Parcel. Both parcels collectively referred to as the “Shike Real Estate.”

3. In furtherance of its reconstruction of Peters Street and Hull Street (the “Project”), the Town filed its Complaint in Condemnation on September 27, 2024, seeking

to acquire a fee simple interest in the entirety of the Garage Parcel. In its Complaint, the Town did not seek to condemn Shike's Residential Parcel as it is not strictly needed in furtherance of the Project.

4. The Town's Complaint complies with Indiana eminent domain law, and the Court has jurisdiction over the subject matter of this case and the parties herein.

5. Shike was properly served with a Summons, the Complaint, and a Notice to Appear as required by statute.

6. The Shikes and the Town negotiated in good faith to amicably resolve this dispute. During those negotiations, they determined that it would be to their mutual benefit for the Town to acquire both the Garage and Residential Parcels, instead of just the Garage Parcel.

7. Accordingly, the Town and Shikes agree that:

a. The Town shall acquire the entirety of the Shike Real Estate, including both the Garage and Residential Parcels, to use for any purpose the Town deems appropriate.

b. In exchange for the fee simple interests in the Shike Real Estate, the Shikes shall recover the total just compensation amount of \$415,000.00, which includes any and all damages related to the acquisition.

c. The Shikes shall execute any and all documentation needed to effectuate the transfer of the Shike Real Estate.

d. The Shikes shall maintain the Shike Real Estate in its current condition and shall vacate the premises no later than July 1, 2025.

8. This Agreed Findings and Judgment is sufficient to convey the fee simple interests in Real Estate acquired by the Town and to resolve all outstanding issues in this matter.

IT IS ORDERED, ADJUDGED, AND DECREED by the Court that the Town has appropriated the fee simple interest in the Real Estate, and the Town now holds, in fee simple, the Real Estate interest described in Exhibit A, which legal description is incorporated herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Shikes shall have and recover from the Town as total just compensation for the Town's acquisition of the Real Estate interests the sum of \$415,000.00, in full satisfaction of this judgment.

IT IS FURTHER ORDERED that the Town shall issue a check in the total sum of \$415,000.00, made payable to Brent and Cindy Shike, and send the same to Michael J. Andreoli, Andreoli Law Office, 1393 West Oak Steet, Zionsville, IN 46077. The total sum shall constitute the total just compensation amount due to the Shikes.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:

- a. The Clerk of the Court shall promptly send a certified copy of this Agreed Findings and Judgment to the Auditor and Recorder of Boone County, Indiana;
- b. The Auditor shall remove Fee Real Estate described in **Exhibit A** from the tax records and rolls of Boone County, Indiana and cancel any and all unpaid **Tax Year 2025** and subsequent years' taxes thereon;
- c. The Auditor shall submit evidence of this removal from the tax records by United States mail to Taft Law c/o Kristine Gordon, One Indiana Square Suite 3500, Indianapolis, IN 46204;
- d. The Recorder shall, without payment of a fee, record the transfer of the Real Estate described in **Exhibit A**, also without payment of a fee; and
  - a. The Recorder shall submit evidence of that recordation, by United States mail, to Taft Law c/o Kristine Gordon, One Indiana Square Suite 3500, Indianapolis, IN 46204.

SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge, Boone Superior Court

AGREED TO AND SUBMITTED BY:

TOWN OF WHITESTOWN, INDIANA

BRENT SHIKE

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CINDY M. SHIKE

By: \_\_\_\_\_

APPROVED AS TO FORM:

/s/ Chou-il Lee

Chou-il Lee

Kristine Gordon

Taft Stettinius & Hollister, LLP

One Indiana Square, Suite 3500

Indianapolis, IN 46204

*Attorneys for the Town of Whitestown*

/s/

Michael J. Andreoli

Andreoli Law Office,

1393 West Oak Steet

Zionsville, IN 46077

*Attorney for Brent and Cindy Shike*

Distribution: to all counsel of record.

Boone County Recorder  
33 N. 9<sup>th</sup> St, Suite 309  
Noblesville, IN 46060

Boone County Auditor  
33 N. 9<sup>th</sup> Street, Suite L21  
Noblesville, IN 46060

Boone County Treasurer  
33 N. 9<sup>th</sup> Street, Suite 112  
Noblesville, IN 46060

Boone County Clerk  
1 Boone County Square, Suite 106  
Noblesville, IN 46060

**EXHIBIT "A"**

Project: Peters & Hull Street Reconstruction

Sheet 1 of 1

Parcel 1 – Fee Simple

Key No.: 06-08-19-000-001.105-019

Form: WD-1

Lot Number 1 in Buck's Second Addition to the Town of Whitestown, in Boone County, Indiana, as per plat thereof recorded in Plat Record 3, pages 20 and 21, of the records of the Recorder's office, Boone County, Indiana.

Containing 7,200 square feet, more or less.



This description was prepared for the Indiana Department of Transportation by Michael A. Wilson, Indiana Registered Land Surveyor, License Number LS22100008, on the 12<sup>th</sup> day of March, 2024.

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**EXHIBIT "A"**

Project: Peters & Hull Street Reconstruction

Sheet 1 of 1

Parcel 2 – Fee Simple

Key No.: 06-08-19-000-001.200-019

Form: WD-1

Lot Number 2 in Buck's Second Addition to the Town of Whitestown, in Boone County, Indiana, as per plat thereof recorded in Plat Record 3, pages 20 and 21, of the records of the Recorder's office, Boone County, Indiana.

Containing 7,200 square feet, more or less.



This description was prepared for the Indiana Department of Transportation by Michael A. Wilson, Indiana Registered Land Surveyor, License Number LS22100008, on the 12<sup>th</sup> day of March, 2024.

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