

**ZONING ORDINANCE NO. 2008-09**

**ZONING ORDINANCE AMENDMENT**

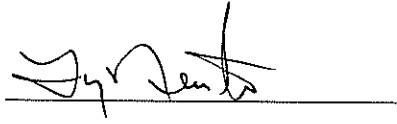
THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinances of the County of Shelby as it relates to a certain tract of property known as 3854 West 400 North Fairland, Indiana, specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on August 3, 1998, which became effective on January 1, 1999, including and incorporating therein Township Zoning Maps dated November 13, 2001, as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

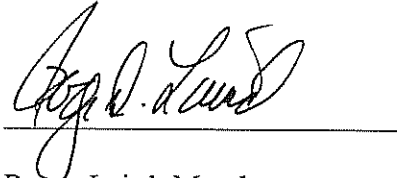
**Section 1: Purpose.** The purpose of this Ordinance shall be to amend the Zoning Map of Brandywine Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned M1, Limited Manufacturing and M2, General Manufacturing to a designation of M2, General Manufacturing.

**Section 2: Amendment.** Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on August 3, 1998, which became effective on January 1, 1999, including and incorporating therein Township Zoning Maps dated November 13, 2001, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following subsection:

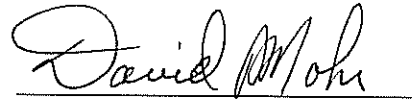
ADOPTED this 7 day of April, 2008, by a vote of 3 ayes and 0  
nays of members of the Board of Commissioners of Shelby County, Indiana.



Tony Newton, President

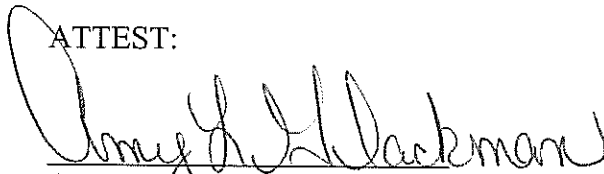


Roger Laird, Member



David Mohr, Member

ATTEST:



Amy Glackman, Auditor  
Shelby County, Indiana

- 
- 
- 
- 

25 West Polk Street, Rm 201  
Shelbyville, Indiana 46176  
Phone 317.392.6338  
Email:amy.dillon@co.shelby.in.us

## Shelby County Plan Commission

March 27, 2008

To: Shelby County Commissioners  
From: Amy L. Dillon, AICP  
Executive Director

**RE: Rezone 08-04: Bowen Engineering Corp.**

Gentlemen,

On behalf of the Shelby County Plan Commission, I certify to you the following report and recommendation concerning the application for approval of the rezone petition for the property located at 3854 West 400 North in Brandywine Township filed by Bowen Engineering Corp.

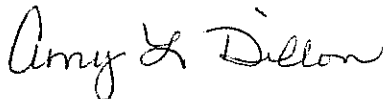
- 1.) The Plan Commission heard the application on March 25, 2008 at a public hearing held at the Shelby County Courthouse Annex Room 208A. Proper notice was given prior to the meeting by certified mail to all interested parties and by publication in the Shelbyville News as required by ordinance. Eight members of the Plan Commission were present.
- 2.) The petitioner was represented by Tony Crowe of Bowen Engineering Corp and Dylan Lambermont of MD Wessler and Associates.
- 3.) Tony Crowe and Dylan Lambermont made a formal presentation regarding the petition to the Plan Commission.
- 4.) Prior to the meeting on March 25, 2008, the petitioner had presented the Plan Commission with the following information.
  - a.) Rezone Application.
  - b.) Property description and drawing of the property to be rezoned.
  - c.) Site plan for the property.
  - d.) Written Findings of Fact.
  - e.) Letter of Intent.

- 5.) Public comment was solicited and considered by the Plan Commission.
  - a.) One individual made formal public comment regarding the project.
- 6.) The Plan Commission asked questions of the petitioner prior to making a motion on the petition.
- 7.) A motion was made to vote on the petition to forward a favorable recommendation to the County Commissioners. No stipulations were placed on the favorable recommendation for the rezone request.

The Plan Commission approved the motion by a vote of 8 to 0; therefore, a favorable recommendation is being forwarded to the County Commissioners.

If further information is required, please feel free to contact me at the enclosed location.

Respectfully,



Amy L. Dillon, AICP  
Executive Director

Copy to: File  
Tony Crowe

**REZONING APPLICATION**

Shelby County Plan Commission  
25 West Polk Street, Room 201  
Shelbyville, IN 46176  
P: 317.392.6338 F: 317.421.8365

For Office Use Only	
Case #:	_____
Hearing Date:	_____
Fees:	_____
Approved	Denied

**1. Applicant/Property Owner:**

**Applicant:**

Name: Bowen Engineering Corp, Tony Crowe  
Address: 10315 Allisonville Road  
Fishers, IN 46038  
Phone Number: 317-542-2616  
Fax Number: 317-841-4257  
E-mail Address: tcrowe@bowenengineering.com

**Owner:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

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

**Attorney/Contact Person:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

**Project Engineer:**

Name: M. D. Wessler and Assoc, Wayne Moor  
Address: 6319 S. East St, Suite A  
Indianapolis, IN 46227  
Phone Number: 317-788-4551  
Fax Number: 317-788-4553

**3. Project Information:**

General Location of Property (and address if applicable):  
3854 West 400 North, Fairland, IN  
\_\_\_\_\_  
\_\_\_\_\_

Current Use: Vacant previously fabrication store  
Current Zoning: M1 and M2 split zoning on one parcel  
Proposed Use: storage and equipment repair  
Proposed Zoning: M2  
Area (in acres): 16.54 Acres

**4. Attachments:**

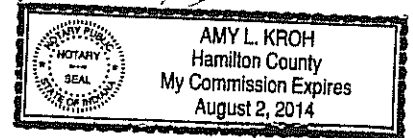
- Affidavit & Consent of Property Owner (if applicable) N/A
- Proof of ownership (copy of deed)
- Letter of Intent
- Site Plan
- Vicinity Map
- Application Fee
- Legal Description

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

Signature of Applicant: \_\_\_\_\_ Date: 3-5-08

State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this 5<sup>th</sup> day of March, 2008  
Amy L. Kroh, Amy L. Kroh  
Notary Public - Signed Printed  
Residing in Hamilton County My Commission expires August 2, 2014



# REZONING APPLICATION

Shelby County Plan Commission  
25 West Polk Street, Room 201  
Shelbyville, IN 46176  
P: 317.392.6338 F: 317.421.8365

For Office Use Only
Case #: _____
Hearing Date: _____
Fees: _____
Approved    Denied

## 1. Applicant/Property Owner:

### Applicant:

Name: Bowen Engineering Corp., Tony Crowe  
Address: 10315 Allisonville Road  
Fishers, IN 46038  
Phone Number: 317-842-2616  
Fax Number: 317-841-4257  
E-mail Address: tcrowe@bowenengineering.com

### Owner:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

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

### Attorney/Contact Person:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

### Project Engineer:

Name: M.D. Wessler und Assoc., Wayne Moore  
Address: 6219 S. East St. suite A  
Indianapolis, IN 46227  
Phone Number: 317-788-4551  
Fax Number: 317-788-4553

## 3. Project Information:

General Location of Property (and address if applicable):  
3854 West 400 North, Fairland, IN  
\_\_\_\_\_  
\_\_\_\_\_

Current Use: vacant, previously fabrication storage  
Current Zoning: M1 and M2 split zoning on one par  
Proposed Use: storage and equipment repair  
Proposed Zoning: M2  
Area (in acres): 16.54 Acres

## 4. Attachments:

- Affidavit & Consent of Property Owner (if applicable) N/A
- Proof of ownership (copy of deed)
- Letter of Intent
- Site Plan
- Vicinity Map
- Application Fee
- Legal Description

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

Signature of Applicant:  Date: 3-5-08

State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public - Signed

\_\_\_\_\_  
Printed

Residing in \_\_\_\_\_ County My Commission expires \_\_\_\_\_

Bowen Engineering Corporation  
10315 Allisonville Road  
Fishers, IN 46038

March 5, 2008,

Shelby County Plan Commission  
25 West Polk Street, Room 201  
Shelbyville, IN 46176

Re: Letter of Intent for Rezoning  
Property located at 3854 West 400 North in Fairland

Shelby County Plan Commission:

Bowen Engineering Corporation has recently purchased a property at 3854 West 400 North in Fairland. See the attached Vicinity Map for the general location. The property is currently a single parcel under one owner with a split zoning. A portion of the property is zoned M1 (Limited Manufacturing) and a portion is zoned M2 (General Manufacturing). Bowen Engineering Corporation is requesting that the entire property be zoned M2.

A portion of the property was converted to M2 in 1985. An attached letter from the Shelby County Plan Commission dated April 29, 1985 to Paul M. Walker (a previous owner of the property) states that a portion of the property was rezoned as M2. We request that the remaining portions of the property be rezoned so that the entire property is under the same zoning category, M2. Bowen Engineering will provide the required public notice and send notification letters to the interested parties.

Bowen Engineering Corporation intends to add a new temporary field office, re-dress the stone parking and storage areas, install a new septic system and make other miscellaneous improvements to the existing property. The property will be used as a field office for staging and storage of construction materials and equipment. Some equipment maintenance will also be performed within the existing building. See the attached Site Plan for the current zoning and additional site details.

Thank you for considering this property for rezoning. If you have questions or require additional information, please contact me.

Sincerely,  
Bowen Engineering



Tony Crowe  
Shop Manager

Enclosures: Rezoning Application, Application for Rezoning, Vicinity Map, Zoning Map, Site Plan,  
a copy of a letter dated April 29, 1985, copy of the deed which includes a legal description

**APPLICATION FOR REZONING**  
**FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION**

Applicant: Bowen Engineering Corporation, Tony Crowe

Case #: \_\_\_\_\_

Location: 3854 West 400 North, Fairland, IN

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request is (circle one) consistent with the Shelby County Comprehensive Plan because: the planned use matches the allowable use for M2 zoning
2. The request is (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: the site is currently zoned as a manufacturing district, and the proposed rezoning will remain a manufacturing district.
3. The request is (circle one) consistent with the most desirable use for which the land in each district is adapted because: the site will not be significantly altered from its current condition
4. The request is (circle one) consistent with the conservation of property values throughout the jurisdiction because: Bowen plans to maintain the property in a usable condition and will maintain the existing privacy fence in an attempt to keep a visually ~~separated~~ separated boundary.
5. The request is (circle one) consistent with responsible growth and development because: Bowen hopes to contribute to economic development in the area

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Shelby County Plan Commission

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

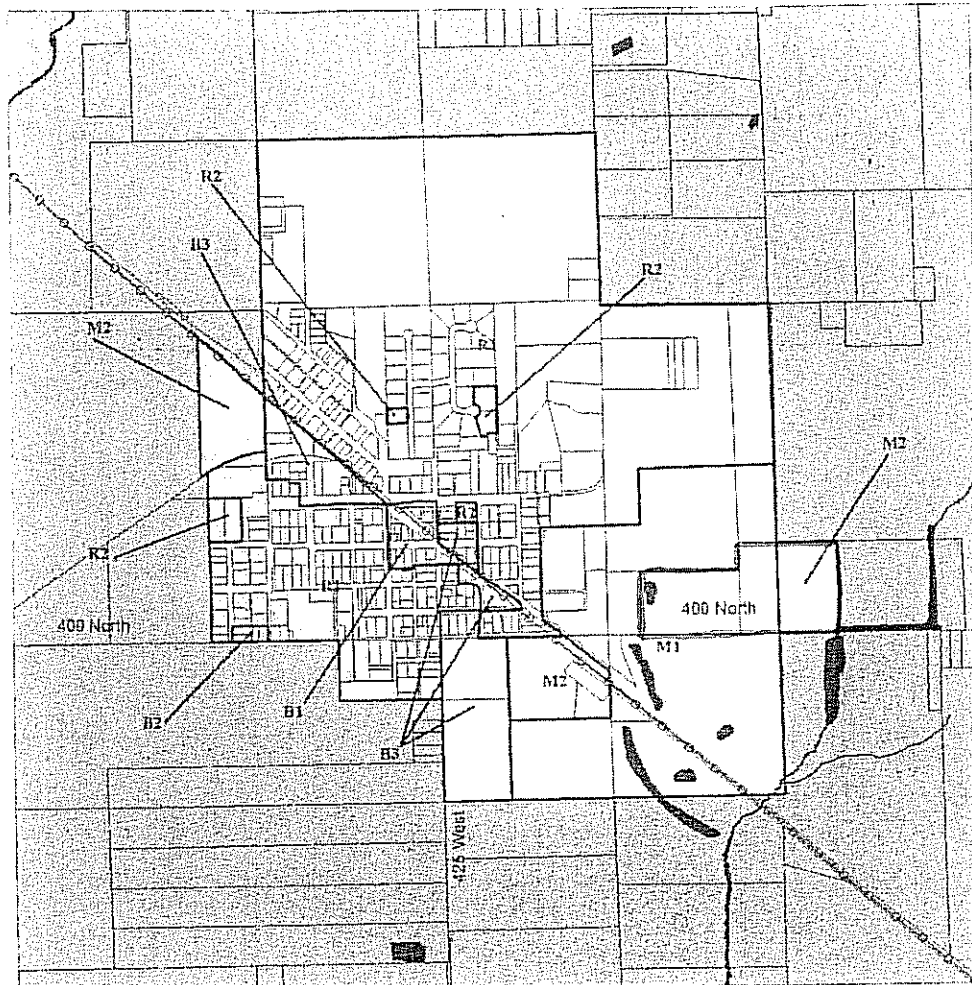
President

Attest: \_\_\_\_\_

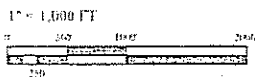
Secretary

















Fairland



Zoning Districts

-  Prime Ag. Cropland
-  AZ Airport Zone
-  R1 Single Family
-  R2 General Residential
-  RE Residential Estate
-  B1 Business One
-  B2 Business Two
-  B3 Business Three
-  M1 Limited Manufacturing
-  M2 General Manufacturing

Community Zoning Maps

**Brandywine Township Zoning**  
 Shelby County, Indiana



N



PROPOSED CRUSHED STONE  
CESS DRIVE

ZONE B  
PER THE FIRM  
MAP #180235 0060B

ZONE "B" LINE PER THE FIRM  
MAP #180235 0060B

ZONE "B"  
PER THE FIRM  
MAP #180235 0060B

NO CONSTRUCTION ACTIVITIES  
OR FILL IS TO BE PLACED IN  
OR ADJACENT TO THE POND  
BANKS

EXISTING POND  
WATER LEVEL 758.0

REMOVE EXISTING PRIVACY  
FENCE AND PLACE IT AT THE  
WEST PROPERTY LINE

PROPOSED ADA COMPLIANT  
ACCESS RAMP

PROPOSED SEPTIC  
TANKS

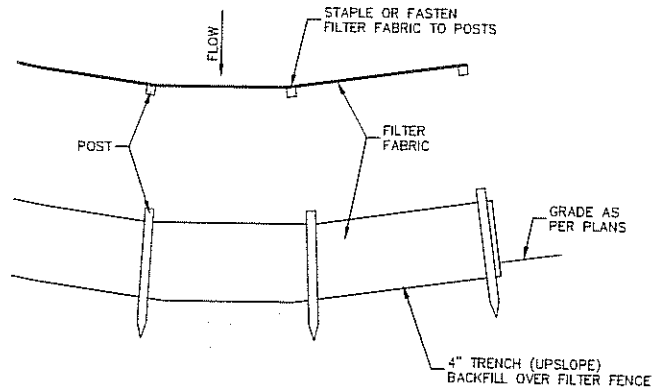
(GRASS)  
ZONE "A3"  
PER THE FIRM  
MAP #180235 0060B

TES:

ELEVATIONS IMPROVEMENTS, BOUNDARIES, FLOOD ZONES AND  
SEPTIC SYSTEM SHOWN ARE BASED ON INFORMATION PROVIDED  
BY ALL LAND SURVEYING, LLC.  
APPROXIMATE LOCATION AND SIZE OF  
SEPTIC SYSTEM AND TANK PER THE R  
SHELBY COUNTY HEALTH DEPARTMENT. THE 100 YEAR  
FLOOD ELEVATION FOR THIS SITE IS APPROXIMATELY 769.50.

Drawing: N:\Land Projects\118508-04\dwg\118508-04-SP.dwg | Layout: Site Plan | Plotted: 03/05/08 @ 10:05:32 | User: Curtis Grinnan

DRAWN BY C.L.G.	CHECKED BY D.L.L.	<b>PLAN</b>	CURRENT SHEET NO. <b>1</b>
DRAWING SCALE 1" = 50'			
ISSUE DATE MARCH 2008		EN ENGINEERING AND STORAGE FACILITY SHELBY COUNTY, INDIANA	TOTAL SHEETS <b>2</b>
PROJECT NUMBER 118508			



**FILTER FENCE DETAIL**  
SCALE: NONE

SHOULD BE A PERVIOUS SHEET OF PROPYLENE, NYLON, POLYESTER OR ETHYLENE YARN AND THE MANUFACTURER OR SUPPLIER AS CONFORMING TO THE FOLLOWING REQUIREMENTS:  
(MIN.)  
3% (MAX.) ELONGATION:  
0 LBS./LIN. IN. (MIN.)  
- 30 LBS./LIN. IN.  
1 FT./MIN. (MIN.)  
1 LB. PER SQUARE YARD FABRIC.  
SHOULD BE EITHER 4-INCH DIAMETER WOOD OR 1.33 POUNDS PER LINEAR FOOT STEEL WITH A  
STEEL POSTS SHOULD HAVE PROJECTIONS FOR FASTENING WIRE TO THEM.  
SHOULD BE 1" x 2" WOOD (PREFERRED) OR EQUIVALENT METAL WITH A MINIMUM LENGTH OF 3

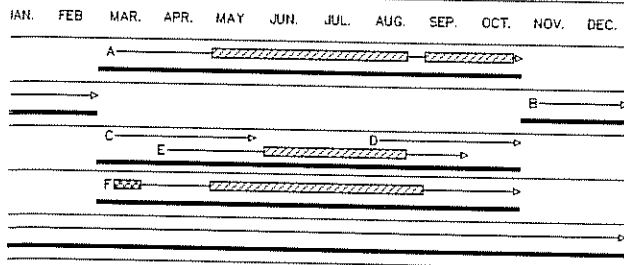
FOR SILT FENCES USING STANDARD STRENGTH FILTER CLOTH SHOULD BE A MINIMUM OF 42 INCHES  
GAUGE AND SHOULD HAVE A MAXIMUM MESH SPACING OF 6 INCHES.  
R SHOULD NOT EXCEED 36 INCHES.  
RCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID THE USE OF  
NECESSARY, FILTER CLOTH SHOULD BE SPLICED TOGETHER ONLY AT A SUPPORT POST, WITH A  
AND SECURELY SEALED.  
A MAXIMUM OF 10 FEET APART AT THE BARRIER LOCATION AND DRIVEN SECURELY INTO THE  
(CHES). WHEN EXTRA STRENGTH FABRIC IS USED WITHOUT THE WIRE SUPPORT FENCE, POST SPACING

SPACED APPROXIMATELY 4 INCHES WIDE AND 4 INCHES DEEP ALONG THE LINE OF POSTS AND

IF FILTER FABRIC IS USED, A WIRE MESH SUPPORT FENCE SHOULD BE FASTENED SECURELY TO THE  
USING HEAVY DUTY 1 INCH WIRE STAPLES, TIE WIRES OR HOG RINGS. THE WIRE SHOULD EXTEND  
M OF 2 INCHES AND SHOULD NOT EXTEND MORE THAN 36 INCHES ABOVE THE ORIGINAL GROUND

FILTER FABRIC SHOULD BE STAPLED OR WIRED TO THE FENCE, AND 8 INCHES OF THE FABRIC SHOULD  
NCH. THE FABRIC SHOULD NOT EXTEND MORE THAN 36 INCHES ABOVE THE ORIGINAL GROUND  
ALL NOT BE STAPLED TO EXISTING TREES.  
IF FILTER FABRIC OR BURLAP AND CLOSER POST SPACING ARE USED, THE WIRE MESH SUPPORT FENCE  
IN A CASE, THE FILTER FABRIC IS STAPLED OR WIRED DIRECTLY TO THE POSTS WITH ALL OTHER  
APPLYING.  
BACKFILLED AND THE SOIL COMPACTED OVER THE FILTER FABRIC.  
REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UPSLOPE AREA  
STABILIZED.  
SHOULD BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED  
REPAIRS SHOULD BE MADE IMMEDIATELY.  
POSTS OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER  
FABRIC SHOULD BE REPLACED PROMPTLY.  
SHOULD BE REMOVED AFTER EACH STORM EVENT. THEY MUST BE REMOVED WHEN DEPOSITS REACH  
HEIGHT OF THE BARRIER.  
MAINTAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHOULD BE  
THE PROPOSED FINISHED GRADE.

**SEASONAL SOIL PROTECTION CHART**



1. RYEGRASS 40 LBS/ACRE; CREEPING RED FESCUE 40 LBS/ACRE;  
2. W MULCH/ACRE, OR ADD ANNUAL RYEGRASS 20 LBS/ACRE.  
3. RYEGRASS 60 LBS/ACRE; CREEPING RED FESCUE 60 LBS/ACRE;  
4. W MULCH/ACRE, OR ADD ANNUAL RYEGRASS 30 LBS/ACRE.  
5. 3 BUSHEL/ACRE  
6. E 2 BUSHEL/ACRE  
7. RASS 40 LBS/ACRE. (1 LB/1000 SQ. FT.)  
8. 2 TONS/ACRE  
9. SEEDING DURING JUNE, JULY, AND/OR SEPTEMBER.  
10. SEEDING FOR 2 TO 3 WEEKS AFTER APPLYING SOD.

Drawing: K:\land\Projects\118508-04\sp.dwg | Planner: 03/05/03 @ 10:05:42 | User: Curtis Gramman

DRAWN BY <b>C.L.G.</b>		CHECKED BY <b>D.L.L.</b>		<b>PLAN</b>	CURRENT SHEET NO. <b>2</b>
DRAWING SCALE <b>AS SHOWN AND NOTES</b>					
ISSUE DATE <b>MARCH 2</b>					
PROJECT NAME <b>INDIAN ENGINEERING STORAGE FACILITY</b>				TOTAL SHEETS <b>2</b>	
PROJECT NUMBER <b>118508</b>				COUNTY, INDIANA	

SHELBY CO. PLAN COMMISSION

300 COURT HOUSE BUILDING

SHELBYVILLE, INDIANA 46176

PHONE: 398-9892

April 29, 1985

Mr. and Mrs. Richard Esters  
P. O. Box 186  
Fairland, Indiana 46126

Dear Mr. and Mrs. Esters:

This letter is to inform you that, today, the Shelby County Commissioner's signed into Ordinance the rezoning of your property located in Section 10, Township 13-N, Range 6-E, Brandwine Township, Shelby County, Indiana, containing 10 acres.

The property is now zoned M-2, as you requested.

Sincerely yours,

*Paul H. Walker*

Paul H. Walker  
Executive Director  
Shelby County Plan Commission

PHW/mcr

## WARRANTY DEED

THIS INDENTURE WITNESSETH, That NANCY J. ESTERS, (Grantor) of Shelby County, in the State of Indiana, CONVEYS AND WARRANTS to BOWEN ENGINEERING CORPORATION, (Grantee), a corporation organized and existing under the laws of the State of Indiana, 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:

A part of the Southwest Quarter of section 10, Township 13 North, Range 6 East of the second Principal Meridian, situated in Brandywine Township, Shelby County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the said quarter section, said point being a 5/8" rebar; thence North 89 degrees 54 minutes 07 seconds East (an assumed bearing), along the south line of the said quarter section a distance of 257.93 feet; thence North 0 degrees 49 minutes 59 seconds West, a distance of 42.03 feet to a 5/8" capped rebar stamped "Powell 29800024", hereinafter called capped rebar on the North right-of-way line of County Road 400 North, said point also being the POINT OF BEGINNING; thence South 85 degrees 48 minutes 44 seconds East, along the said right-of-way line a distance of 79.24 feet to a capped rebar; thence North 89 degrees 39 minutes 36 seconds East, along the said right-of-way line a distance of 787.41 feet to a capped rebar; thence North 89 degrees 54 minutes 07 seconds East, along the said right-of-way line a distance of 497.95 feet to a capped rebar; thence North 1 degree 05 minutes 53 seconds West, a distance of 641.63 feet to a capped rebar; thence North 45 degrees 35 minutes 53 seconds West, a distance of 21.40 feet; thence South 89 degrees 54 minutes 07 seconds West parallel to the South line of the said quarter section, a distance of 432.80 feet to a capped rebar; thence South 1 degree 05 minutes 53 seconds East, a distance of 218.16 feet to a capped rebar; thence South 89 degrees 54 minutes 07 seconds West, parallel to the South line of the said quarter section a distance of 137.19 feet to a capped rebar; thence North 1 degree 05 minutes 53 seconds West, a distance of 31.08 feet to a capped rebar; thence South 89 degrees 54 minutes 07 seconds West, parallel to the South line of the said section a distance of 624.01

feet to a capped rebar; thence South 88 degrees 34 minutes 55 seconds West, a distance of 153.15 feet to a capped rebar; thence South 0 degrees 49 minutes 57 seconds East, a distance of 463.42 feet to the POINT OF BEGINNING. Containing 16.540 acres more or less and being subject to all existing legal rights-of-way and easement of record.

EXCEPT THEREFROM THE FOLLOWING:

A part of the Southwest Quarter of section 10, Township 13 North, Range 6 East of the second Principal Meridian, situated in Brandywine Township, Shelby County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the said quarter section, said point being a 5/8" rebar; thence North 89 degrees 54 minutes 07 seconds East (an assumed bearing), along the south line of the said quarter section a distance of 257.93 feet; thence North 0 degrees 49 minutes 59 seconds West, a distance of 42.03 feet to a 5/8" capped rebar stamped "Powell 29800024", hereinafter called capped rebar on the North right-of-way line of County Road 400 North, said point also being the POINT OF BEGINNING; thence South 85 degrees 48 minutes 44 seconds East, along the said right-of-way line a distance of 0.85 feet to a point of intersection with the West line of the parent tract #2 described in Deed Record Book 315, Pages 496-499; thence North 0 degrees 19 minutes 07 seconds East, along the West line of the above said tract #2 a distance of 463.69 feet to the Northwest corner of the above said tract #2; thence South 88 degrees 34 minutes 55 seconds West, a distance of 10.16 feet to a capped rebar; thence South 0 degrees 49 minutes 57 seconds East, a distance of 463.42 feet to the POINT OF BEGINNING. Containing 0.059 acres more or less and being subject to all existing legal rights-of-way and easement of record.

Such real estate is commonly known as 3854 W. 400 N., Fairland, Indiana 46126.

IN WITNESS WHEREOF, Grantor has executed this deed this 25 day of February, 2008.

Nancy J. Esters  
Nancy J. Esters

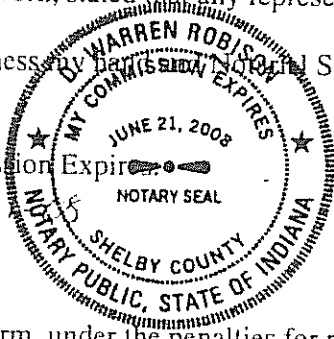
STATE OF INDIANA, SHELBY COUNTY, SS:

Before me, a Notary Public in and for said County and State, personally appeared Nancy J. Esters, 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 Notary Seal this 25 day of February, 2008.

My Commission Expires

6-21



D. Warren Robison  
D. Warren Robison, Notary Public  
County of Residence: Shelby

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 T. Thopy

THIS INSTRUMENT PREPARED BY ROBERT T. THOPY, ATTORNEY AT LAW,  
SHELBYVILLE, INDIANA.

Return deed to:

Send tax bills to: