

STATE OF INDIANA ) IN THE MARSHALL CIRCUIT COURT  
 ) SS:  
COUNTY OF MARSHALL ) CAUSE NO. 50C01-0309-MI-91

IN THE MATTER OF THE PETITION )  
FOR THE CREATION OF SOUTH-WEST )  
LAKE MAXINKUCKEE )  
CONSERVANCY DISTRICT )

**FILED**  
IN OPEN COURT  
NOV 22 2013  
*Justin A. [Signature]*  
CLERK OF MARSHALL CIRCUIT COURT  
MARSHALL COUNTY, STATE OF INDIANA

**FINDINGS OF FACTS AND ORDER  
OF ADDING AREA THE BOUNDARIES OF THE  
SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT  
FOR AREA COMMONLY REFERRED TO AS LOT 3 AND LOT 4  
OF SCHULTZ SUBDIVISION LOCATED ON THE NORTHWEST  
QUARTER (NW ¼) OF SECTION 28, TOWNSHIP 32 NORTH,  
RANGE 1 EAST, MARSHALL COUNTY, INDIANA**

Comes now the Board of Directors of South-West Lake Maxinkuckee Conservancy District, in person and by counsel, Alan M. Hux, for a hearing on the Petition to the Board of Directors of South-West Lake Conservancy District for Adding Area to the South-West Lake Conservancy District previously filed herein on October 8, 2013. Evidence and arguments having been heard and the petitions having been submitted and the Court being fully advised in the premises, now finds as follows:

**FINDINGS**

1. The Board of Directors of the South-West Lake Maxinkuckee Conservancy District duly adopted, at a special meeting on October 5, 2013 its Resolution No. 2013-1004-1, Resolution Adding Additional Area Commonly Known As Lot 3 And Lot 4 Of Schultz Subdivision Located On The Northwest Quarter (NW ¼) Of Section 28, Township 32 North, Range 1 East, Marshall County, Indiana to the South-West Maxinkuckee Conservancy District (“Resolution”), adding the property described in said Resolution to the boundaries of the District.
2. All of the freeholders of the property sought to be added to the boundaries, as described in the Resolution, duly petitioned (the “Petitions”) the Board of Directors of the

District requesting their property be added to the boundaries of the District.

3. Due notice of the Petitions was given pursuant to I.C. 14-33-4-3, by mailing notice of the Petitions by first class mail to all freeholders in the District and to all freeholders in the area sought to be added to the boundaries of the District on October 21, 2013.

4. The petitioning freeholders and the District fully complied with I.C. 14-33-4-3 as to notice and the contents of the Petitions.

5. The Petition to Add Area and Resolution were filed with this Court and the Natural Resources Commission, all in accordance with I.C. 14-33-4-3.

6. The Natural Resources Commission filed its report dated November 13, 2013 with this Court and did not object to the area described in the Petition being added to the boundaries of the District.

7. The Court received no objections or exceptions filed by any owner of real property, either within the District or within the area sought to be added to the District.

8. The terms and conditions stated in the Resolutions are reasonable.

9. The Petitions for Adding Area to the South-West Lake Maxinkuckee Conservancy District filed herein are sufficient and proper.

10. It is necessary and feasible that the property commonly known as Lot 3 and Lot 4 of Schultz Subdivision Located on the Northwest Quarter (NW ¼) Of Section 28, Township 32 North, Range 1 East, Marshall County, Indiana be added to the boundaries of the South-West Maxinkuckee Conservancy District.

11. The South-West Maxinkuckee Conservancy District and the Petitioners properly followed the procedures for adding area to the District's boundaries set forth in I.C. 14-33-4-3.

12. The evidence in this proceeding supports the statements in the Petitions.

Based upon the foregoing findings and the Court being fully advised in the premises, IT IS ORDERED, ADJUDGED AND DECREED that the South-West Maxinkuckee Conservancy District is established in the area described as follows, to-wit:

Lot 3 and Lot 4 of Schultz Subdivision Located On The Northwest Quarter (NW ¼) Of Section 28, Township 32 North, Range 1 East, Marshall County, Indiana. (the "Area")

IT IS FURTHER ORDERED that the Area is, from this date, added to the boundaries of the South-West Maxinkuckee Conservancy District, subject to the terms and conditions stated in the South-West Maxinkuckee Conservancy District Resolution No 2013-1004-1 and this Order; that no amendment to the District Plan is required to serve the Area and that the Area added pursuant to this Order shall become part of the South-West Maxinkuckee Conservancy District Plan.

IT IS FURTHER ORDERED that for purposes of election of the Board of Directors of the District and for all other purposes of the District that the Area be considered a part of District Area 6.

Dated this 22<sup>nd</sup> day of November, 2013.



Curtis D. Palmer, Judge  
Marshall Circuit Court

Distribution:

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