

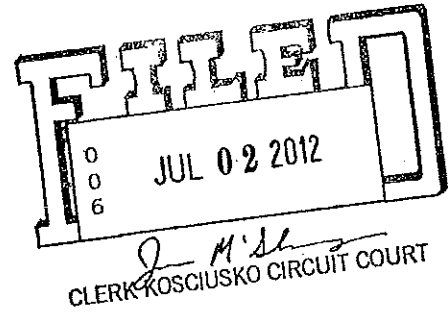
IN THE KOSCIUSKO CIRCUIT COURT  
121 NORTH LAKE STREET  
WARSAW, INDIANA 46580

CHAD D. LARSH, PAUL J. SMITH, )  
GAIL L. SMITH, LEE E. GROSS, )  
DANIEL JONES, JENNIFER JONES, )  
THOMAS E. WARREN and )  
DIANA L. WARREN, )  
Petitioners )

CAUSE NO. 43C01-1204-MI-44

vs. )

INDIANA DEPARTMENT OF )  
NATURAL RESOURCES, )  
LARRY J. HOWARD and )  
BERNADEAN M. HOWARD, )  
Respondents )



**ORDER**

Submitted July 2, 2012, for hearing on Respondent Indiana Department of Natural Resources' Motion to Dismiss Petitioners' Petition for Judicial Review seeking judicial review of Natural Resources Commission's Final Order of Partial Summary Judgment issued in Administrative Cause No. 10-206W (PL-21572). Petitioners appeared by counsel, Stephen R. Snyder. Indiana Department of Natural Resources appeared by Sierra L. Alberts, Deputy Attorney General. Respondents, Larry J. Howard and Bernadean M. Howard, appeared by counsel, Melanie Farr. Argument heard.

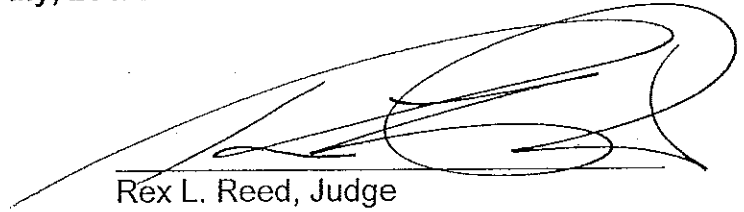
The Court having heard the argument and having reviewed the entire file and being duly advised in the premises **NOW FINDS** as follows:

1. That the Petitioners failed to file the Agency Record or to seek an extension to file the Agency Record in a timely fashion.
2. That the Petitioners sought to introduce at hearing this day Agency Record for the Court's consideration in ruling upon Respondent's Motion to Dismiss.
3. That counsel for Respondents each and both objected to the Court's receipt of tendered Agency Record.

4. That the Court refused to receive or consider Agency Record tendered by counsel for Petitioners.

**IT IS, NOW, THEREFORE ORDERED, ADJUDGED AND DECREED** that the Motion to Dismiss of Respondents, Indiana Department of Natural Resources and Larry J. Howard and Bernadean M. Howard, are each and both GRANTED and the Petitioners' Petition for Judicial Review of Agency Decision and this cause are hereby DISMISSED.

**SO ORDERED this 2<sup>nd</sup> day of July, 2012.**

A handwritten signature in black ink, appearing to read 'Rex L. Reed', is written over a horizontal line. The signature is stylized and somewhat cursive.

Rex L. Reed, Judge  
Kosciusko Circuit Court

Distribution:

Stephen R. Snyder  
Sierra L. Alberts  
Melanie L. Farr

RLR/km