

BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA

IN THE MATTER OF:

JOHN T. RADEMAKER, JR., Claimant,	)	
	)	Administrative Cause Number: 09-116W
vs.	)	
	)	
PAULINE WELLS, RICHARD WELLS, WAYNE E. MILLER, KEITH REESE, LEISA REESE, DONALD BROWN, BETTY BROWN, ROGER DUFFEY, MARGARET DUFFEY, and DAVID JOHNSON, Respondents,	)	<b>FILED</b> <b>AUG 26 2010</b> NATURAL RESOURCES COMMISSION DIVISION OF HEARINGS
	)	
DEPARTMENT OF NATURAL RESOURCES, Respondent Intervener.	)	(Riparian Rights Dispute)

**STIPULATION OF NOTICE**

COME NOW the Claimant, John T. Rademaker, Jr. ("Claimant"), by counsel, Mark A. Metzger, and Shadyside Neighbors Association, LLC ("Shadyside"), by counsel, Terry L. Cornelius, and would notify the Court as follows:

1. On April 15, 2010, a Notice of Entry of Findings of Fact and Conclusions of Law with Final Order of Natural Resources Commission was entered.
2. Finding 51 of the Final Order states:  
"51. For the Respondents to successfully assert a lawful non-conforming use, they must satisfy a threshold requirement of demonstrating riparian ownership. Whether they have riparian ownership, and, if so, the geographic extent of the ownership, are questions awaiting determination by the Steuben Circuit Court through their adverse possession claim. Absent the successful claim of adverse possession, the Respondents' use of Crooked Lake for the placement of a group pier is unlawful rather than lawful."
3. Paragraph 6 of the Final Order provides:  
"(6) The Commission retains jurisdiction in this proceeding until January 1, 2011, to support the successful completion of the anticipated survey and to facilitate matters pertaining to the adverse possession claims by the Steuben Circuit Court in Cause Number 76C0-0904-0305."
4. The Claimant and Shadyside hereby notify this Court that the matter in the Steuben Circuit Court has been completed, and by stipulation, the Order Vacating the Steuben

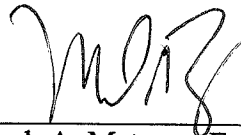
Circuit Court Order Quieting Title as to John T. Rademaker, Jr., has been vacated and set aside, and the Steuben Circuit Court's Decree Quieting Title in favor of Shadyside as dated May 29, 2009, has been confirmed, thus, establishing ownership of the parcel of property, establishing riparian ownership in Shadyside.

5. The parties would further notify the Court that pursuant to Final Order Number (2), a surveyor has been employed, who has, with the consultation of the D.N.R., determined the point of implementation and Shadyside's pier has been placed in compliance therewith.

Respectfully submitted,



Terry L. Cornelius I.D.# 3383-02  
CORNELIUS & WEINGARTNER  
919 S. Harrison St. - Suite 400  
Ft. Wayne, IN 46802  
(260)423-1423  
Attorney for Plaintiff, Shadyside Neighbors  
Association, LLC




Mark A. Metzger, Esq. I.D. #14611-49  
METZGER ROSTA, LLP  
32 South 9<sup>th</sup> St.  
Noblesville, IN 46060  
(317) 219-4604  
Attorney for Intervener, John T. Rademaker, Jr.

### CERTIFICATE OF SERVICE

I certify that on the 26<sup>th</sup> day of August, 2010, service of a true and complete copy of the above and foregoing pleading or paper was made by depositing same in the United States mail, in an envelope properly addressed with sufficient first-class postage affixed to the following:

Eric L. Wyndham, Esq.  
Ihor N. Boyko, Esq.  
Office of Legal Counsel  
Department of Natural Resources  
402 W. Washington St. - Room W295  
Indianapolis, IN 46204



Terry L. Cornelius, Esq.