



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 11**

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COMMON ADDRESS OF LOTS TO BE REZONED:

2904 Fenwood Avenue, Terre Haute, Indiana 47803

Parcel 84-06-23-230-003.000-002

Current Zoning: M-2 Heavy Industrial District

Requested Zoning: R-1 Single Family Residence District

Proposed Use: Single Family Residence Home

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Name of Owner: David D & Jerdina N Whitaker

Address of Owner: 2904 Fenwood Avenue

Phone Number of Owner: (812)-241-6469

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Jerdina N Whitaker

Council Sponsor: Cheryl Loudermilk

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**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

JUN 07 2024

SPECIAL ORDINANCE NO. 11, 2024

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots Numbers 165 and 166 in Schaal's Second Subdivision of a part of the North ½ of the North East ¼ of Section 23, Township 12 North, Range 9 West, as per recorded plat thereof, recorded November 18, 1909, in Plat Record 10, Page 30, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2904 Fenwood Avenue, Terre Haute, IN 47803

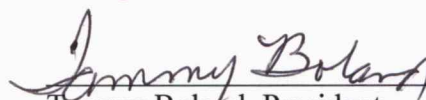
be and the same is, hereby established as a **R-1 Single Family Residence District** together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this ordinance.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member,

  
Cheryl Loudermilk, Councilperson

Passed in open Council this 11<sup>th</sup> day of July, 2024.

  
Tammy Boland, President

ATTEST:


  
Michelle L. Edwards, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 25<sup>th</sup> day of July,

2024 at 12:44 pm o'clock.

  
Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 25<sup>th</sup> day of July,  
2024.

  
Brandon C. Sakbun, Mayor

ATTEST:

  
Michelle L. Edwards, City Clerk

This instrument prepared by Jerdina N Whitaker, 2904 Fenwood Ave, Terre Haute, Indiana  
47803

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.

  
Jerdina N Whitaker

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, David and Jerdina N Whitaker respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Numbers 165 and 166 in Schaal's Second Subdivision of a part of the North ½ of the North East ¼ of Section 23, Township 12 North, Range 9 West, as per recorded plat thereof, recorded November 18, 1909, in Plat Record 10, Page 30, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2904 Fenwood Avenue, Terre Haute, IN 47803

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as M-2 Heavy Industrial District.

Your petitioner would respectfully state that the real estate is now single family residence. Your petitioner intends to continue to use the real estate as a single family residence.

Your petitioner would request that the real estate described herein shall be zoned as a R-1 Single Family Residence District. Your petitioner would allege that the Single Family Residence District would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-1 Single Family Residence District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 7<sup>th</sup> day of June, 2024.

BY: David Whitaker  
David Whitaker

BY: Jerdina N. Whitaker  
Jerdina N. Whitaker

PETITIONER: David and Jerdina N Whitaker, 2904 Fenwood Avenue, Terre Haute, IN 47803

This instrument prepared by Jerdina N Whitaker, 2904 Fenwood Ave, Terre Haute, Indiana  
47803

**AFFIDAVIT OF:**

COMES NOW affiant, David Whitaker and affirms under penalty of law that affiant is the owner of record of the property located at 2904 Fenwood Avenue, Terre Haute, Indiana 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

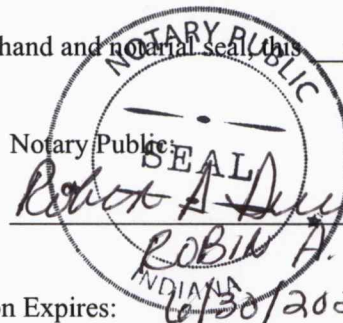
I affirm under penalty for perjury, that the foregoing representations are true.

SIGNATURE: David Whitaker  
David Whitaker

STATE OF INDIANA )  
                          )     SS:  
COUNTY OF VIGO  )

Personally appeared before me, a Notary Public in and for said County and State, David Whitaker who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 1 day of March, 2024.

Notary Public  
  
Robin A. Drummy  
ROBIN A. DRUMMY  
INDIANA  
6/30/2026

My Commission Expires: 6/30/2026

My County Of Residence: Vigo

**AFFIDAVIT OF:**

COMES NOW affiant, Jerdina N. Whitaker and affirms under penalty of law that affiant is the owner of record of the property located at 2904 Fenwood Avenue, Terre Haute, Indiana 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

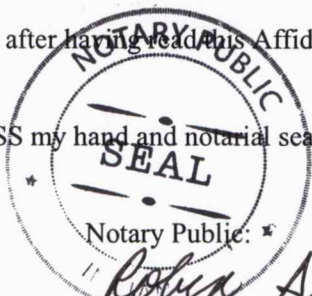
I affirm under penalty for perjury, that the foregoing representations are true.

SIGNATURE: Jerdina N. Whitaker  
Jerdina N. Whitaker

STATE OF INDIANA )  
  )     SS:  
COUNTY OF VIGO     )

Personally appeared before me, a Notary Public in and for said County and State, Jerdina N. Whitaker who acknowledges the execution of the above and foregoing, after being duly sworn upon her oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 28 day of FEBRUARY, 2024.



Robin A. Drummy  
ROBIN A. DRUMMY

My Commission Expires: 6/30/2026

My County Of Residence: VIGO



**TERRE HAUTE**  
A LEVEL ABOVE

# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: July 8, 2024

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER 11-24

CERTIFICATION DATE: July 3, 2024

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 11-24. This Ordinance is a rezoning of property located at 2904 Fenwood Avenue, Terre Haute, IN. Parcel number 84-06-23-230-003.000-002. The Petitioners, David and Jerdina Whitaker petitions the Plan Commission to rezone said single family home from zoning classification M-2 to R-1 Single Family District.

The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 11-24 at a public meeting and hearing held Wednesday, July 3, 2024. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 11-24 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 11-24 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 11-24 was FAVORABLE with the following condition: 1) Setback and buffering waiver to be recorded with the deed or title.



Handwritten signature of Norm Froderman in black ink.

Norm Froderman, Vice President

Handwritten signature of Sydney Shahar in black ink.

Sydney Shahar, Assistant Director

Received this 8th day of July, 2024



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 11-24

Doc: # 49

Date: July 2024

Page 1 of 4

**APPLICATION INFORMATION**

Property Owner: David & Jerdina Whitaker

Proposed Use: Single Family Residence Home

Proposed Zoning: R-1, Single Family Residence District

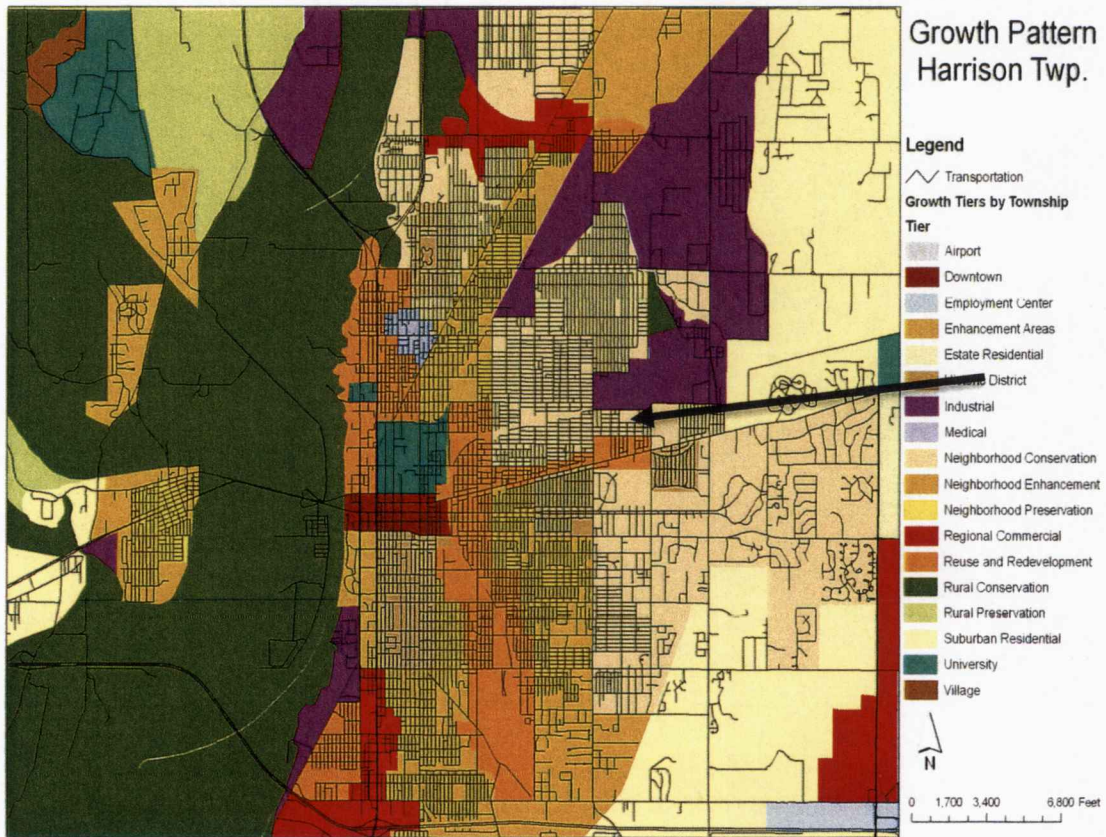
Current Zoning: M-2, Heavy Industrial District

Location: The property is on the north side of Fenwood Avenue approximately 90 ft. east of the intersection of Fenwood Avenue and Cherry Avenue.

Common Address: 2904 Fenwood Avenue, Terre Haute, IN 47803/ 84-06-23-230-003.000-002/Schaals 2<sup>nd</sup> Sub Lots 165-166

**COMPREHENSIVE PLAN GUIDANCE**

Service Area: The City of Terre Haute



### Neighborhood Conservation

These areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed (or expected to be in a relatively short timeframe). Fundamental directives urged for these areas encourage the maintenance of the residential desirability and stability. Where new infill development is proposed, it should be entirely consistent and compatible with pre-existing developments. However, special public attention may, in some cases, be required to assure that drainage, sidewalk improvements, and linkages to pedestrian and bicycle trails are made. Many of these neighborhoods may be excellent candidates for special assessment districts for neighborhood improvements and amenities.

In addition, these areas encompass existing retail activity nodes located throughout the community. In general, these commercial areas have evolved in an unplanned, largely uncoordinated manner along the frontage of primary arterials. Within these commercial bands, a great variety of activities exist which target different markets. Some activities are oriented toward “drive-by” markets, fast food restaurants, convenience stores, gasoline stations, drive-in banking facilities, for example. Other activities are special-purpose, oriented to single trips rather than comparative multi-purpose shopping. These single-purpose nodes serve a market larger than a single neighborhood. Sales and service of automobiles, trucks, boats, recreational vehicles, and related activities are special-purpose region-serving activities. They require a large site with good visibility. Finally, commercial areas include a range of neighborhood-level retail activities including grocery stores, pharmacies, personal services such as hair styling, and other frequently purchased goods and services.

Additional policies for Neighborhood Conservation areas should include:

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community-serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Reuse of commercial-oriented structure should be limited to retail activities that contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, the limitation of additional or new commercial uses is strongly advised.
- Geographic expansion of these commercial “strips” should be limited to the provision of additional space to ensure compatibility with adjacent uses, not an intensification of use.
- Improved landscaping, improved pedestrian amenities, and increased attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Dev. Priority: There is a low development priority in this area. The focus should remain on stability and reinvestment in the neighborhood.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 11-24

Doc: # 49

Date: July 2024

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**ZONING COMPATIBILITY**

Sur. Zones and Uses: **North** – M-2

**East** – M-2

**South** – R-1

**West** – M-2

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**ZONING REGULATIONS**

**Uses, Permitted - R-1 Single-Family Residence District.**

- (1) One-family detached dwellings.
- (2) Cemeteries, including crematories and mausoleums in conjunction therewith if not located within four hundred feet (400') of any other property in a Residence District.
- (3) Churches, Rectories, and Parish Houses.
- (4) Convents and Monasteries.
- (5) Gardening, including nurseries, provided that no offensive odors or dust are created.
- (6) Golf Courses, but not including commercially-operated driving ranges or miniature golf courses, provided that no clubhouse shall be located within three hundred feet (300') of any other property in a Residence District.
- (7) Libraries, Public. (Ord. No. 1, 1967, § 1131.01 a. - b., 7-6-67)
- (8) Child Care.
- (9) Home Occupations. (Gen. Ord. No. 17, 2000, 9-14-00)

(A) Unlicensed Child Care.

An individual, or other entity, may provide child care in their residence for less than twenty-four (24) continuous hours to five (5) or fewer children at any time excluding relatives of the individual.

(B) Licensed Child Care

An individual, or other entity, who is licensed by the Vigo County Department of Public Welfare and the State Department of Public Welfare may provide child care services for children under the age of fourteen (14). The caregiver may not exceed ten (10) children, including their own children, at any one time.

(C) Licensed or unlicensed child care centers shall not be permitted in residential districts that do not comply to Subsections (a) and (b) above.

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 11-24

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Page 4 of 4

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- (10) Parks and Playgrounds, publicly owned and operated.
- (11) Schools, elementary and high, non-boarding and including playgrounds and athletic fields incidental thereto.
- (12) Signs, as regulated by Sec. 10-141 and Table 5.
- (13) Temporary buildings and trailers for construction purposes, for a period not to exceed the lawful duration of such construction.
- (14) Accessory uses.
- (15) A private outdoor swimming pool, fully enclosed by a barrier fence five feet (5') high or an equivalent barrier.
- (16) Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98)
- (17) Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98)

**FINDINGS and RECOMMENDATION**

Staff Findings:

The petitioners are requesting to rezone the property from M-2, Heavy Industrial District to R-1, Single Family Residence District. The property was originally zoned M-2 due to the proximity of the property owned by Public Service Co of Indiana Inc. (Duke Energy).

We have seen the same issue many times in the past area with homes in this area. Several homes surrounding the Duke Energy property are zoned M-2 despite being single-family homes. The lots have only been utilized as a single-family home.

Because the surrounding properties are still zoned M-2, the property owner must agree to waive any buffering requirements to surrounding M-2 zoned properties. The waiver must be in writing and attached to the deed or title.

Recommendation: The Department of Engineering gave a favorable recommendation. Staff also offers a Favorable Recommendation for this petition with the following conditions:

1. Setback and buffering waiver to be recorded with the deed or title.



**CITY OF  
TERRE HAUTE  
ENGINEERING  
DEPARTMENT**

City Hall  
17 Harding Avenue, Room 200  
Terre Haute, IN 47807  
Phone: 812.244.4903  
[www.terrehaute.in.gov](http://www.terrehaute.in.gov)

**MARCUS MAURER, P.E.**  
CITY ENGINEER

## MEMORANDUM

TO: Sydney Shahar  
Vigo County Area Planning Department

FROM: Jason Holler  
Lead Building Inspector

DATE: June 11th, 2024

RE: **2904 Fenwood Ave**

As requested by Area Planning, the Department of Engineering has reviewed the property located at 2904 Fenwood Ave:

- Rezoning of 2904 Fenwood Ave from M-2 Heavy Industrial to an R-1 Single Family Residence District.

The parcels surrounding this property are zoned M-2 to the North, to the south zoned R-1 and to the east and west they are Single Family homes and zoned M-2. The intended use would not alter the neighborhood's characteristic or create any significant problems for the surrounding area.

The Department of Engineering offers a positive recommendation for this rezoning.

Docket #49 SO #11-24

2904 Fenwood Ave





**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 11**

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COMMON ADDRESS OF LOTS TO BE REZONED:

2904 Fenwood Avenue, Terre Haute, Indiana 47803

Parcel 84-06-23-230-003.000-002

Current Zoning: M-2 Heavy Industrial District

Requested Zoning: R-1 Single Family Residence District

Proposed Use: Single Family Residence Home

Name of Owner: David D & Jerdina N Whitaker

Address of Owner: 2904 Fenwood Avenue

Phone Number of Owner: (812)-241-6469

Attorney Representing Owner (if any): N/A

Address of Attorney: N/A

Phone Number of Attorney: N/A

For Information Contact: Jerdina N Whitaker

Council Sponsor: Cheryl Loudermilk

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

SPECIAL ORDINANCE NO. 11, 2024

CITY CLERK

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BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

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Lots Numbers 165 and 166 in Schaal's Second Subdivision of a part of the North 1/2 of the North East 1/4 of Section 23, Township 12 North, Range 9 West, as per recorded plat thereof, recorded November 18, 1909, in Plat Record 10, Page 30, records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 2904 Fenwood Avenue, Terre Haute, IN 47803

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SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member, \_\_\_\_\_  
Cheryl Loudermilk, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Tammy Boland, President

ATTEST:

\_\_\_\_\_  
Michelle L. Edwards, City Clerk



Presented to me the Mayor of the City of Terre Haute, this \_\_\_\_\_ day of \_\_\_\_\_,  
2024 at \_\_\_\_\_ o'clock.

\_\_\_\_\_  
Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_\_ day of \_\_\_\_\_,  
2024.

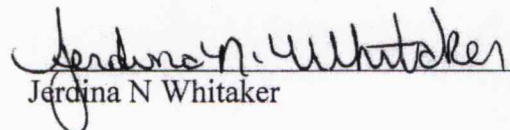
\_\_\_\_\_  
Brandon C. Sakbun, Mayor

ATTEST:

\_\_\_\_\_  
Michelle L. Edwards, City Clerk

This instrument prepared by Jerdina N Whitaker, 2904 Fenwood Ave, Terre Haute, Indiana  
47803

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.

  
\_\_\_\_\_  
Jerdina N Whitaker

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, David and Jerdina N Whitaker respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Numbers 165 and 166 in Schaal's Second Subdivision of a part of the North ½ of the North East ¼ of Section 23, Township 12 North, Range 9 West, as per recorded plat thereof, recorded November 18, 1909, in Plat Record 10, Page 30, records of the Recorder's Office of Vigo County, Indiana.

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Your petitioner would request that the real estate described herein shall be zoned as a R-1 Single Family Residence District. Your petitioner would allege that the Single Family Residence District would not alter the general characteristics of this neighborhood.

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IN WITNESS WHEREOF, This petition has been duly executed this 7<sup>th</sup> day of June, 2024.

BY: David Whitaker  
David Whitaker

BY: Jerdina N. Whitaker  
Jerdina N. Whitaker

PETITIONER: David and Jerdina N Whitaker, 2904 Fenwood Avenue, Terre Haute, IN 47803

This instrument prepared by Jerdina N Whitaker, 2904 Fenwood Ave, Terre Haute, Indiana  
47803

**AFFIDAVIT OF:**

COMES NOW affiant, David Whitaker and affirms under penalty of law that affiant is the owner of record of the property located at 2904 Fenwood Avenue, Terre Haute, Indiana 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

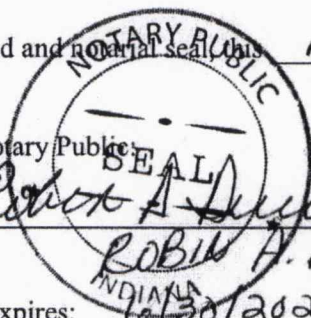
I affirm under penalty for perjury, that the foregoing representations are true.

SIGNATURE: David Whitaker  
David Whitaker

STATE OF INDIANA )  
                                  )     SS:  
COUNTY OF VIGO    )

Personally appeared before me, a Notary Public in and for said County and State, David Whitaker who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 1 day of MARCH, 2024.

Notary Public  
  
Robin A. Drumming  
ROBIN A. DRUMMING  
INDIANA  
06/30/2026

My Commission Expires: 06/30/2026

My County Of Residence: Vigo

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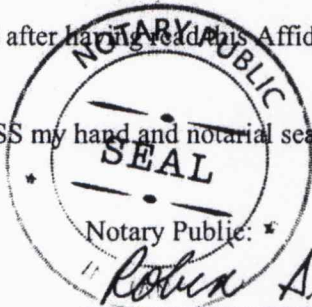
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SIGNATURE: Jerdina N. Whitaker  
Jerdina N. Whitaker

STATE OF INDIANA )  
                                    )    SS:  
COUNTY OF VIGO    )

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Robin A. Drummy  
ROBIN A. DRUMMY

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