

# HOOSIER SURVEYOR

Summer 2024

BROUGHT TO YOU BY THE INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS

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- John McNamara: 50 Years as a St. Joseph County Surveyor
- President's Message
- Legal Surveys
- And More



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*(back row) Jessica Hess, Carol Morman, Ryan Selby, Vincent Barr, Eric Meeks, Steve Maxwell,  
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## Submit Content for the Hoosier Surveyor Publication

If you have an article to share or a story to tell, we want to hear from you!

Please submit content to our Communications Coordinator via email ([kanderson@ispls.org](mailto:kanderson@ispls.org)).

The Hoosier Surveyor is published quarterly by the Indiana Society of Professional Land Surveyors to inform land surveyors and related professions, government officials, educational institutions, libraries, contractors, suppliers and associated businesses and industries about land surveying affairs.

Articles and columns appearing in this publication do not necessarily reflect the viewpoints of ISPLS or the Hoosier Surveyor staff, but are published as a service to its members, the general public and for the betterment of the surveying profession. No responsibility is assumed for errors, misquotes or deletions as to its content.

# COVER IMAGE



Photo courtesy of Bryan F. Catlin, PS

This photo was taken in rural Hendricks County between Clayton and Danville on April 8 during the total solar eclipse. Bryan Catlin projected the eclipse image through a 1960s era Wild T-2 theodolite. He used a 2'x2' cardboard sun shield around the objective lens to create a more significant shadow.

Additional eclipse photos provided by Vince Barr of VS Engineering Inc. are on Page 9.

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# ISPLS 2025 CONVENTION & VIRTUAL CONFERENCE

*Save the Dates*



## ISPLS 2025 Annual Convention

January 15-17, 2025

Old National Events Plaza

Evansville, IN

## ISPLS 2025 Virtual Conference

March 7th, 14th, 21st, 28th, 2025

Virtual

## *Call for Convention Proposals*

ISPLS is now accepting proposals for education sessions to be provided at the ISPLS 2025 Annual Convention and 2025 Virtual Conference.

If you are interested in presenting a session, fill out the proposal form and send it to [info@ispls.org](mailto:info@ispls.org) before June 30, 2024.

# SURVEYOR OLYMPICS

*Presented by ISPLS Past President's Council*

Join the ISPLS Past President's Council at Brown County State Park on Saturday, August 31, 2024 for the first ever Surveyor Olympics!

## Competitive Events Include:

- "Wiggle in" / "Buck in" on Line
- Stiff Leg Tripod Setup
- Modern Leg Tripod Setup
- Angle Guess
- Pace Distance Guess
- Chain Throw

The Council welcomes surveyors to compete individually or as school or company teams.

If you are interested in participating, please register yourself or your team by completing this form:

[https://docs.google.com/forms/d/e/1FAIpQLScLdUsgxk4PNa7daLjc8sE\\_AHluErT04IC73NFiAF15gLRU9Q/viewform](https://docs.google.com/forms/d/e/1FAIpQLScLdUsgxk4PNa7daLjc8sE_AHluErT04IC73NFiAF15gLRU9Q/viewform)

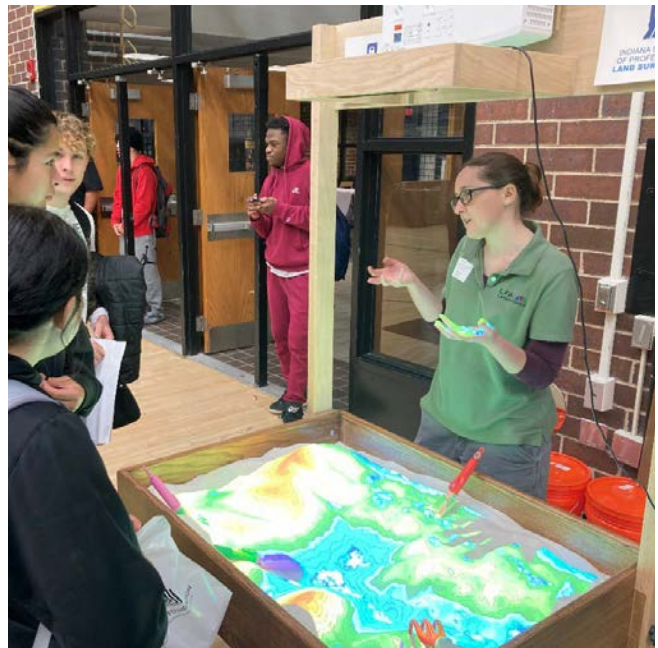
# PENN HIGH SCHOOL JOB FAIR EXHIBITOR SUMMARY

*Michelle M.G. Slack, PS*

The St. Joseph Valley Chapter represented ISPLS at the Penn High School Job Fair in March 2024. The purpose of the event was to highlight jobs that were available to students, either full-time, part-time, seasonal, or internships, and to get career ideas into their heads. There were exhibitors from various local companies, as well as higher education and the armed forces.

The St. Joseph Valley Chapter exhibited two years ago, but with little success of getting a student to even acknowledge our existence. The most noticeable observation this year was that the augmented reality sandbox was a student magnet!

Mike Rozycki with Abonmarche and Michelle Slack with Elkhart County Highway helped unload (in the rain!) and set up. Erin McGuire with Lawson-Fisher Associates, Duane Mast with Niblock Excavating, and Michelle remained at the event to mingle with the students and tear down the sand table. Erin and Duane were fantastic with the students and did an excellent job of explaining surveying and keeping them engaged. Very few students knew what a surveyor was.



*Erin McGuire enthusiastically gives a surveying spiel to students at the Penn High School Job Fair.*



*Duane Mast guides "hands-on" learning at the sand table.*



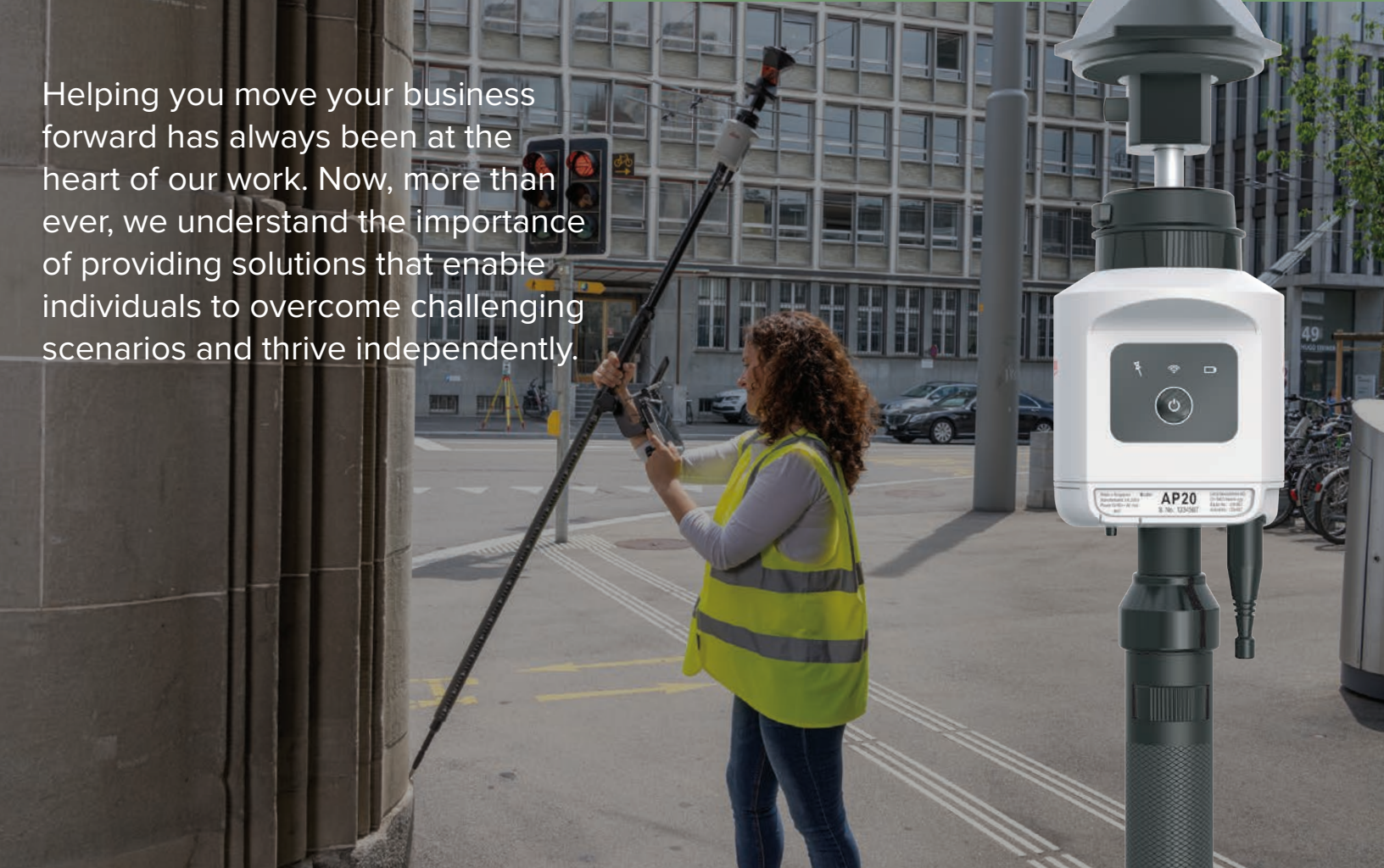
*St. Joseph Valley Chapter's augmented reality sandbox was a hit at the job fair. It's shared with the Northwest Chapter while theirs is being built.*

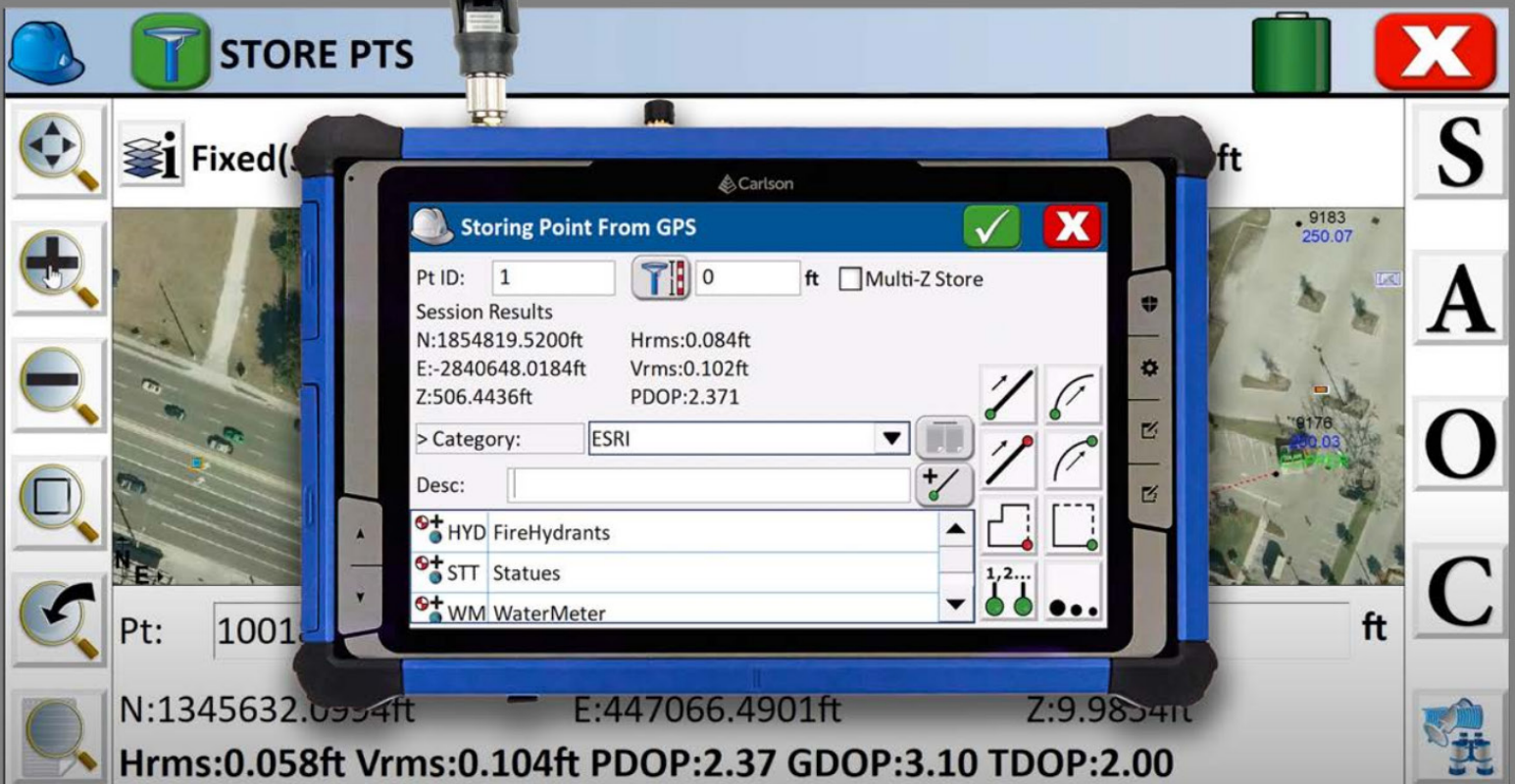
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# PRESIDENT'S MESSAGE

*Ryan Selby, PS, ISPLS President*

I know it is said a lot in these messages, but it is very true. The year as president goes by so fast. I am relaxing at home this Memorial Day weekend with my wife and little girl and can't believe it is already the end of May.

It has been a busy last couple months for me. As the school year has been winding down, I was invited to a number of schools to promote this great profession. I was able to talk with elementary students at East Elementary School in Pendleton, Pendleton Heights High School Civil Construction Pathways, and twice at Triton Central High School Civil Construction Pathways. For those that have not heard of the Civil Construction Pathways program, I encourage you to look it up. This program was first developed at Hamilton Heights by Eric Fisher. He has since retired from teaching at the high school level and has been expanding this program to various schools around the state. Jessica Hess has worked closely with Eric to develop a surveying curriculum that can be used by the CCP instructors in the high schools to teach students basic surveying. This June six more instructors from around the state will attend a "teach the teacher" event on the Statehouse lawn to learn the basics before taking it back to their respective schools. For the 2024-2025 school year, this will bring the number of schools offering the survey curriculum to 17. This is an amazing opportunity for our profession, and I encourage all members to seek opportunities to assist these programs or call for them to be added to your local school system. This is an amazing way to change the future of surveying in Indiana.

In addition to the multiple school visits this spring, I also had the opportunity to attend the NSPS spring business meetings in Arlington, Virginia, in late April.

I am very grateful for the support of American Structurepoint Inc. for offering to cover my expenses for this trip. I gave a pretty detailed recap of my trip on the podcast so I would encourage you to check that out. It was a great opportunity that allowed me to see the NSPS Student Competition and spend some time with young surveyors from around the country. Gary Kent, Tony Gregory and I met with legislators during the Day on the Hill. We met with staff members from Sen. Todd Young, Sen. Mike Braun, Rep. André Carson and Rep. Greg Pence. We discussed all three issues: monument preservation after a natural disaster, a sense of congress on protecting licenses for design professionals, and a pilot program within the DoD Transition Assistance Program for linking military surveyors to civilian careers. We also left information packets on the topics with Rep. Victoria Spartz and Rep. Frank Mrvan. This was a unique and enjoyable experience I would recommend members attend in the future. The rest of the week was spent participating in a number of the NSPS committee meetings and board meetings. There is so much learning that can happen when surrounded by surveyors from all across the country.

Here locally, I wasn't aware in January when I took over as president the amount of time the board would spend this year discussing the society's finances. Fiscal responsibility has always been important to me as a board member and that is no different this year. As many of you know, a question was raised during the business meeting at the convention about what the board's plan was for the pot of money the society has slowing been growing. That simple question has led to multiple discussions at our board meetings this year. We are currently working on a financial plan that will provide us with some guidelines for what we want to do with those funds. We plan to establish what a "rainy day" fund looks like and what to do with the funds above that amount.



## PRESIDENT'S MESSAGE

My hope is that this will allow us to find some additional funds in the budget to use for some of the important initiatives we are working on and still keep the society financially sound for many more years.

The June meeting is always a difficult one for the board as we work to establish our budget for the coming year. No doubt this year will be no different. Many decisions have to be made on where to allocate the limited amount of money the society has to work with which leads to some very hard conversations amongst the directors.

In closing, I would like to remind everyone of the Surveyor Olympics happening August 31 at Brown County State Park. This event is open to all members of the profession and their families, regardless of whether you plan to participate in the competition. Please come enjoy the weekend, tell stories and make new memories with your fellow surveyors.

## VINCE BARR & NICK COYLE'S ECLIPSE EXPERIENCE



*Nick Coyle uses a 1960s survey transit to project an image of the April 8 total solar eclipse at VS Engineering, 4275 N. High School Road, Indianapolis. (Photos provided by Vince Barr)*



*ISPLS Past-President Vince Barr and Nick Coyle show a sun shield atop a transit at VS Engineering that made the sun's image more visible during the solar eclipse. Both are in the Right-of-Way Engineering Department.*

# LEGAL SURVEYS

*Bryan F. Catlin, PS*

The goal of this column is to provide brief summaries of recent Indiana Court of Appeals and Supreme Court cases involving topics related to surveying practice, certainly not to provide legal advice. Because of the recent changes to the court's website, I use Google Scholar to search for Indiana cases. Once cases were found, I search for a case by a party's name or case number on the Indiana site to obtain a more conveniently formatted document at [www.in.gov/judiciary](http://www.in.gov/judiciary). Comments or suggestions for future columns are welcome by email to: [Bryan.Catlin@indy.gov](mailto:Bryan.Catlin@indy.gov).

**Frame Station Inc. d/b/a Framemakers, v. The Foundry at 304, LLC, Foundry WPR Orrego, LLC and Foundry WPR Elmore, LLC, Indiana Court of Appeals Case No. 23A-CT-1426, January 25, 2024**

Here Framemakers is benefited by a non-exclusive ingress-egress easement created across a portion of the Foundry property when a portion of an alley was vacated so that access to Framemakers' parking lot from the street to the north was maintained. The terms of the easement specifically stated that access would not be obstructed during construction. Foundry was aware of the easement. Foundry contracted with Onyx and East, LLC (Onyx) to construct a project on their property and per terms of their contract were to confine work to areas permitted by applicable laws, statutes, ordinances, codes, rules and regulations. Beginning in June 2019 through 2019, Onyx blocked the easement area with fencing, construction equipment and materials. Construction vehicles also used Framemakers' parking lot as evidenced by tire marks.

Foundry was aware of the interference with the easement area but at no time placed any signage, issued written instructions or took any other action to protect Framemakers' rights to ingress and egress on the easement. On April 30, 2020, Framemakers filed a complaint against Foundry seeking to address the interference and obstruction of the easement by requesting an injunction to preserve and protect easement rights, an injunction to prohibit blocking the alley, damages for trespass to property, and business damages. A bench trial was held on January 11-12, 2023, in the Monroe Circuit Court. On June 1, 2023, the trial court issued a judgment in favor of Foundry, noting that it was clear Onyx, and parties they employed, had continuously and pervasively obstructed Framemakers' easement rights in violation of the easement grant. On the issue of trespass, the court found that Foundry was not liable for the actions of their contractors and there was no evidence Foundry trespassed on Framemakers' property. The court found damages for obstruction and interference with the easement were the sole responsibility of the contractor and that Foundry was not responsible for the contractors' actions. This appeal ensued.

The appeals court noted the trial court had conflated property law principles with negligence principles between Foundry and Onyx. Onyx is not a party to the easement and Framemakers is not a party to the construction contract between Onyx and Foundry. Foundry is liable for the violation of Framemakers' rights under the easement. The court also noted the clear meaning of the easement despite slightly vague wording elsewhere in the easement language. The appeals court further noted the trial court had erred by concluding Foundry did not interfere with the easement and reversed the trial court judgment and remanded the case back for determination of damages, if any.

# LEGAL SURVEYS

**Jason Morehouse and Sarah Morehouse, v. Dux North, LLC, Indiana Supreme Court Case No. 23S-PL-71, February 8, 2024**

*As a reminder, my original case summary of the Appeals Court opinion follows in italics.*

*Jason Morehouse and Sarah Morehouse, v. Dux North, LLC, Indiana Court of Appeals Case No. 22A-PL-664, September 27, 2022*

*Maurice and Gwendolyn Marshall had owned three contiguous parcels in Hamilton County. They sold one in April of 1991 which had previously had road access by crossing the other two parcels via a gravel lane that had been in existence since at least 1985 to the Shorewood Corporation. In December of 2018, the Marshalls sold the other two parcels to the Morehouses. Shorewood had road access over other parcels they owned from the parcel they acquired from the Marshalls. Shorewood sold three parcels, including the one they had acquired from the Marshalls, to Dux North Inc. in 1995, which in turn sold to Dux North, LLC in 2020 (an exhibit in the opinion shows the parcel layout). From 1991 until 2018, the owners of the parcel which Shorewood obtained from the Marshalls had used the gravel access across the other Marshall parcels to get to a public road with the Marshalls' permission. In June 2020, a Dux North member found the lock on a gate across the lane had been changed and asked about the new lock. Eventually, it was found that the Morehouses were concerned by an apparent misunderstanding of the Dux North member about his lack of legal rights to cross the property, increased usage of the lane, use by strangers/trespassers, calls from the DNR, etc. The Morehouses offered a license agreement which acknowledged the Marshalls had permitted Dux North prior use, but that going forward, only Dux North members and a limited number of guests could use the lane, and only during duck season.*

*Dux North filed a complaint in the Hamilton Superior Court on October 5, 2020, for declaratory judgment against the Morehouses. Dux North alleged they had an easement of necessity over the Morehouse property. After a response, Dux North argued at a hearing that they either had an easement of necessity or an easement by prior use. The Morehouses did not object to this argument. The trial court found that Dux North had an easement by prior use over the Morehouse property and entered summary judgment for Dux North. The court also denied the Morehouses' motion for partial summary judgment on the issue of whether Dux North had an easement of necessity. This appeal followed.*

*The appeals court noted that Indiana case law sometimes conflated the elements required to prove these two distinct types of implied easements before the last two decades. An easement of necessity is implied when there has been a severance of unity of ownership of a tract in such a way as to leave one part without any access to a public road. An easement of prior use is implied when, during a period of unity of title, an owner imposes an apparent permanent and obvious servitude on one part of the land in favor of another part and the servitude is in use when the parts are severed, if the servitude is reasonably necessary for the fair enjoyment of the part benefited. A request for an easement by necessity must show an absolute necessity, while a request for an easement by prior use must show the intention for continuous use.*

*Here, because the parcel in question had been part of Shorewood's large, unified tract with access to a public road, when it was severed from Shorewood there was no absolute need for an easement of necessity across the Morehouse property.*

# LEGAL SURVEYS

*Dux North argued that due to difficult terrain across other Shorewood tracts it was not a reasonable or practicable means for access, but the court noted the trial court erred when it denied the Morehouses' motion for partial summary judgment on the alleged easement of necessity over the Morehouse property.*

*Now the appeals court turned to the easement by prior use question. Dux North had shown that the road, an obvious servitude, existed when unity of title with the current Morehouse property was severed in April of 1991, but the court noted the evidence does not show it was in use at that time. The record showed the Marshalls had allowed use from 1991 until 2018 but did not specify when in 1991 that happened or if the road was even passable in April of 1991.*

*The decision of the trial court was reversed and remanded for further proceedings.*

Dux sought transfer to the Indiana Supreme Court, which was granted, thus vacating the appeals court opinion. The Supreme Court noted the differences between the two types of easements claimed, while noting Dux does not have an easement of necessity because parcel 3 (Dux) was not *legally* landlocked when it was severed from parcels 1 and 2 (Morehouse). The Court now reverses the trial court judgment granting Dux summary judgment on the easement by prior use claim and the declaratory judgment establishing an implied easement by prior use. The case was remanded back to the trial court with instructions to enter judgment for Morehouses on Dux's claim for an implied easement of necessity and to decide whether Dux has an easement by prior use over the Morehouse property.

Courts have wavered over whether an easement of necessity could be created on a parcel not legally landlocked, but where it would be very difficult or expensive to access the road they had legal access to.

The Indiana Supreme Court has now set a standard which requires the parcel to be legally landlocked before considering if an easement of necessity exists.

## **Elpers Bros. Construction & Supply Inc., et al., v. Deane L. Smith II, M.D., et al., Indiana Court of Appeals Case No. 23A-PL-437, February 27, 2024**

Elpers Bros. Construction & Supply Inc. (Elpers Construction) and Elpers Development Inc. (Elpers Development) (collectively, the Builders) purchased real estate in 2006 they divided into a sixteen-lot neighborhood (the Subdivision). Elpers Construction contracted with an engineering firm to design and construct the neighborhood drainage system. The drainage design included a lake on Lot 1. A proposed drainage report was approved by the Vanderburgh County Drainage Board (the Board). No one from Elpers Construction discussed the size of the lake with their engineer, and Elpers Construction did not oversee or manage the construction of the lake. In January of 2007, Paul Elpers, as president of Elpers Construction, signed the "Notice of Intent to Construct a Water Main Extension," State Form 49008, as the "responsible person." This states in part that the design and construction would be performed under his direction or supervision and would meet all local rules or laws, regulations, and ordinances. In addition, Elpers Construction submitted an amended drainage plan that provided the contractor shall comply with all local, state and federal codes, ordinances, rules, regulations, orders and other legal requirements. ...

The Smiths purchased Lot 1 on May 2, 2007, and hired Elpers Construction to build their residence. Elpers Construction represented to the Smiths that while they could use the lake for recreational purposes, it also served as a retention pond for the Subdivision and was subject to an easement for drainage of surface and storm water from other lots.

# LEGAL SURVEYS

The construction contract between the Smiths and Elpers Construction provided that Elpers Construction would obtain all necessary permits and licenses and comply with all laws and ordinances during the construction process. At some point, Elpers Construction represented to the Smiths that they had received all necessary approvals from government agencies.

In June 2007, the Builders recorded Conditions, Reservations, Restrictions, and Protective Covenants for the subdivision. Per these restrictions, the Stonegate Estates Subdivision Homeowners' Association Inc. (the HOA) was incorporated on July 16, 2008, with the four owners of Elpers Construction as the Board of Directors during the Subdivision's development, and they retained complete control of the HOA.

At some point during construction of the Smiths' residence, Paul Elpers recommended they purchase a geothermal heating and cooling system, despite being aware a heating company he had previously consulted refused to install such a system because the lake wasn't deep enough. The Smiths selected a company to install a geothermal system, and Elpers Construction contracted with them for the sale and installation of the system, including coils that were to be placed in the lake. Elpers Construction invoiced the Smiths for the system with an additional ten percent general contractor's fee.

The system operated without problems from 2009 until sometime in 2015. The Smiths noticed soil and mud runoff, erosion, and silt buildup at one end of the lake which formed a sandbar that protruded out of the lake. The Smiths' yard also flooded and debris would wash into the yard.

The geothermal system functioned less efficiently, and the Smiths believed that was due to drainage issues in the subdivision and deteriorating lake conditions.

The coils of the geothermal unit were found to have been damaged because of the silt buildup.

The Smiths hired another engineering firm to review the drainage plans. That firm found eleven deficiencies in the design and construction that contributed to erosion and buildup, including using a wrong precipitation value and an error in pipe sizing. These led to water covering the road, debris backing up, and flooding of the Smiths' yard. The geothermal system would need to be reconstructed, along with dredging of the lake, with costs estimated at \$240,000. It was also discovered that necessary permits from the U.S. Army Corps of Engineers and the Indiana Department of Environmental Management (IDEM) had not been obtained. IDEM sent the Smiths a letter in 2019 indicating Elpers Construction had failed to obtain authorization for the lake on their property. An inspection revealed multiple violations of environmental statutes, rules, and regulations, including improper placement of in-stream structures and failure to obtain authorization for discharge of fill material. The Smiths were also informed a required permit had not been obtained in accordance with the Clean Water Act, and several violations of the Act had been committed in constructing the drainage system.

On December 12, 2017, the Smiths filed a complaint against the Builders and the HOA in the Vanderburgh Circuit Court. The Smiths alleged the lake was no longer usable because of sediment from runoff, that their geothermal system was damaged and would have to be reconstructed with dredging and other remedial measures and/or the coils would have to be relocated. The complaint alleged the Builders and HOA had failed to act in accordance with various agreements to remediate the continuing damage to their property or undertake proper reconstruction and maintenance of the drainage facilities.

# LEGAL SURVEYS

The Smiths sought a declaratory judgment declaring the Builders and HOA in breach and in violation of the subdivision plat and all applicable ordinances, regulations and statutes, and an order directing the Builders to immediately comply with the provisions of the subdivision plat and its conditions, and to perform such corrective and remedial work necessary to be in full compliance. The Smiths also alleged the Builders negligently designed, constructed, and maintained the drainage and erosion control facilities in the Subdivision, and that the Builders and HOA, acting in concert, negligently maintained the Subdivision's drainage and erosion control facilities.

In July 2018, the Smiths replaced their geothermal system at a cost of nearly \$26,000 and had the piping placed in the ground. On November 4, 2021, they filed an amended complaint adding counts against Elpers Construction for breach of contract and fraud. The Smiths also added a count for declaratory judgment seeking to pierce the HOA's corporate veil that would impose all of the legal duties and obligations of the HOA on the Developers because the HOA was merely acting as the Builders "alter ego."

On August 12, 2022, the Smiths moved for partial summary judgment, claiming Elpers Construction owed them a non-delegable duty to properly design and construct the drainage system, and that it should be charged with all of the duties and liabilities of the HOA. The Builders moved for summary judgment on the same issue. The HOA filed a separate motion for summary judgment claiming the Smiths failed to assert any viable claims against it and that the Builders should not be considered the HOA's alter ego. On December 20, 2022, the trial court granted the Smiths' motion for partial summary judgment, finding Elpers Construction had a non-delegable duty to properly design and build the drainage. All other plaintiffs' requests for summary judgment were denied as was the HOA's request for summary judgment concerning the HOA being an alter ego.

The rest of the HOA's request for summary judgment was granted. The Builders and HOA moved to certify the trial court's order for interlocutory appeal, which was granted and accepted.

On appeal, it was concluded the trial court properly granted partial summary judgment to the Smiths on their claim Elpers Construction owed a non-delegable duty to properly design and construct the drainage system. By granting the HOA's request for summary judgment on everything but being the Builders alter ego, the appeals court found that since the alter ego theory is not an independent cause of action, the remedy of piercing the corporate veil would be futile, and the HOA must be dismissed as a named party. Further, because Elpers Development did not have a role in developing the drainage system, building the lake, or constructing the Smiths' residence, the court erred in denying Elpers Development motion for summary judgment. Because of Paul Elpers' representations about the geothermal system, fraud accusations against Elpers Construction were allowed to stand. The judgment of the trial court was affirmed in part, reversed in part, and remanded for further proceedings.

## **Amanda and Michael Percifield, v. Morgan County Plan Commission, Indiana Court of Appeals Case No. 23A-MI-2039, February 7, 2024 - MEMORANDUM DECISION - not regarded as precedent**

Here the Morgan Superior Court ruled against the Percifields after they were fined for a public nuisance by installing a 10,000-lumen barn light in rural Morgan County that illuminated their neighbors' house, pond, barn, etc., and then installing additional lights after the neighbors filed a complaint. Evidently, they didn't get along. The initial \$2,000 fine was suspended, subject to abatement, and the Percifields were ordered to pay \$8,500 in costs and attorneys' fees. On appeal, the judgment of the trial court was affirmed.

# LEGAL SURVEYS

Since lighting plans are often required during development, it may pay to be sure light levels off the developed property are not excessive even if the local jurisdiction doesn't have a specific regulation for that.

**SPM Development Inc. d/b/a Reinbrecht Homes, v. The Gibson County Board of Commissioners, Warren Fleetwood, Mary Key and Ken Montgomery, Indiana Court of Appeals Case No. 23A-PL-986, February 20, 2024 - MEMORANDUM DECISION - not regarded as precedent**

Here SPM wanted to develop 30.92 acres into a residential subdivision in Gibson County. Gibson County does not have a planning commission, so the Gibson County Board of Commissioners governs platting, here assisted by the Gibson County Subdivision Review Committee. SPM was unable to reach agreement with neighbors to obtain easements to connect to an existing public or private sewage system. In this situation, there are two other options in the subdivision control ordinance (SCO): to build a private system on each lot, or to study the feasibility of a community sewage and water system. SPM proposed a community type of sewer system where each home would have its own septic tank, and each tank would have a pipe running into one of three larger septic field beds in the subdivision. The Indiana State Board of Health approved this sewage system design and the Review Committee reported to the Board that the primary plat had been prepared in accordance with the terms of the SCO. The Board held three public hearings, and the Commissioners expressed concerns with the system including flooding and potential drainage issues which would affect the sewer system as well as roads and water tables. The Board also had concerns about the amount and cost of maintenance for the system.

The Board eventually asked the Review Committee to review the system further, and the Review Committee reply included language that they did not believe they were able to provide additional technical analysis of the septic/sanitary plans. The Board eventually denied approval of the plat as not conforming to the SCO because each lot did not have a private system and because of the flood area. SPM filed a complaint in the Gibson Superior Court which upheld the Board's decision as not arbitrary, capricious, or otherwise contrary to law, and that the developer had no "clear and unquestioned legal right" to approval of its proposed subdivision that utilized a community or cluster septic system. SPM appealed and the judgment of the trial court was affirmed.

**Anthony Lefevers, v. SGC Properties, LLC, Indiana Court of Appeals Case No. 23A-PL-909, March 1, 2024 - MEMORANDUM DECISION - not regarded as precedent**

This case from the Harrison Circuit Court concerned two properties separated by an alley in Corydon. Lefevers lived in a house on his lot and SGC purchased two lots with a house that had burned. In 2019, after having utilities marked, SGC had the damaged house demolished and the land leveled, but no excavation work took place at that time.

In February 2019, the pipes inside Lefevers' house froze and burst. A plumber fixed the pipes, but Lefevers no longer had water service. Lefevers contacted the town about the lost service but was unsuccessful in getting service restored. On July 24, 2019, SGC began building a duplex on their real estate after again having utilities marked. Several old pipes were found from the old house. After verifying each was dormant, unused, and abandoned, one of the SGC owners authorized the crew to sever the lines and complete the foundation. SGC also dug down three feet where a sewer line was supposed to be on their property but did not find a sewer line.

# LEGAL SURVEYS

During construction of the duplex, raw sewage began to run from the Lefevers real estate onto the SGC real estate. SGC contacted the local health department, and Lefevers was cited for exposed sewage in his yard (and had previously received a citation for this). To solve this Lefevers capped his sewer line, but sewage continued to appear in the back yard of the SGC real estate. Lefevers claimed he had seen building crews breaking his pipes on the SGC real estate, but no easements were found benefiting Lefevers' real estate on the SGC real estate. Lefevers lived in his house without water or sewer service until March 2020.

Lefevers filed a complaint against SGC on November 20, 2020, alleging SGC severed his water and sewer lines when the duplex was built. The court eventually found that Lefevers failed to show that he had either a water line or an easement for a water line across the SGC real estate. No evidence was introduced that a sewer line actually existed across the SGC real estate, and the court granted an involuntary dismissal of Lefevers' case.

Lefevers appealed and the judgment of the trial court was affirmed.

**Vassil M. Marinov and Venetka V. Marinov, v. Wakerobin Estates, II Homeowners Association Inc., Indiana Court of Appeals Case No. 23A-SC-2010, March 7, 2024 - MEMORANDUM DECISION - not regarded as precedent**

From the Tippecanoe Superior Court comes a case where the Marinovs purchased real estate in a subdivision in 2004. From 2018 to early fall 2022, pursuant to its by-laws, Wakerobin HOA assessed fees against the Marinovs totaling \$1,050 which they failed to pay. On September 12, 2022, Wakerobin HOA filed a Notice of Claim in small claims court seeking to collect those fees.

The Marinovs, pro se, contended their real estate was not in a section of the subdivision governed by the Wakerobin HOA, that they did not have actual notice of Wakerobin HOA or its fees, and that mandatory membership in Wakerobin HOA violated the Marinovs' rights to freedom of association and freedom of religion. On May 15, 2023, after several months of discovery disputes, the small claims court held a final hearing and found in favor of Wakerobin HOA and ordered the Marinovs to pay the \$1,050 in assessed fees, \$2,500 in attorneys' fees, plus \$115 in court costs. The Marinovs filed a motion to correct error which was denied and then filed an appeal.

On appeal, the court found the Marinovs failed to set forth the applicable standards for review for any of the issues they raised, and they provided no citations to authorities or statutes in support of their claims. The small claims court was affirmed on all issues raised due to the Marinovs' noncompliance with Appellate Rule 46. This noncompliance would leave the court to have to essentially brief the case and fashion arguments on behalf of the Marinov's claims, and the court will not exercise their discretion to do.

**Chirico Media, LLC., v. Indiana Department of Transportation, Indiana Court of Appeals Case No. 23A-PL-2179, March 25, 2024 - MEMORANDUM DECISION - not regarded as precedent**

Only because surveyors sometimes are involved in the process of obtaining billboard permits, and our work can be part of the "vested rights" discussed, I include this summary.

Chirico applied for a permit to erect a billboard along I-74 in Shelby County in 2015. INDOT denied the permit because it had designated that area as part of a scenic byway, the Historic Michigan Road Byway, in 2011, and under federal and state law, billboards generally cannot be built next to a road designated as a scenic byway.



# LEGAL SURVEYS

Chirico started an administrative appeal with INDOT. An administrative law judge was appointed in January 2016, but Chirico took no action on the appeal for almost four years. Eventually, Chirico filed briefs arguing the Historic Michigan Road Byway wasn't validly created. Specifically, Chirico argued that creation of a scenic byway is a rule that must meet the requirements of Indiana's Administrative Rules and Procedures Act (ARPA), which INDOT didn't do in 2011. The argument was that the byway didn't actually exist in 2015 and shouldn't have been used as a reason to deny the permit. INDOT's Commissioner disagreed and denied the appeal, and Chirico's petition for judicial review by the Marion Superior Court was denied.

Chirico appealed, renewing its rule-making argument. But in 2019, while Chirico's administrative appeal was pending but dormant, INDOT went through the ARPA rule-making process to establish a rule to governing scenic byways which ratified and confirmed scenic byways designated before July 1, 2018. INDOT contends this renders the appeal moot as no effective relief can be rendered.

Chirico didn't deny more recent billboard applications could be denied, but argued they had "vested rights" in the billboard project before the regulation was adopted. It is true that a party's vested rights in a project are generally protected against retroactive application of new land use restrictions, but a party claiming to have vested rights must show a material expenditure of money, time, or effort in a project. Here Chirico's only argument was that it was granted a zoning variance by the Shelby County Board of Zoning Appeals in May 2015. They cited no evidence of the money, time or effort it took to obtain the variance. The court found that Chirico didn't have vested rights in the billboard project before INDOT adopted the regulation confirming the Historic Michigan Road Byway, so its request for a permit is subject to that regulation.

Further, because the existence of the byway doesn't allow issuance of a billboard permit, the court could not grant Chirico effective relief even if it might agree with its argument about the original designation of the byway. The appeal was found moot and dismissed.

*Bryan F. Catlin, PS has been registered as a Land Surveyor in Indiana since 1991. He holds B.S. Land Surveying Engineering and M.S. Engineering (Geodesy) degrees from Purdue University.*

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# JOHN MCNAMARA: 50 YEARS AS A ST. JOSEPH COUNTY SURVEYOR

*Michelle M.G. Slack, PS*

When you think of longevity, you may think of someone who has lived a very long life, over 85 years of age. Most people, especially in 2024, don't think of a job or place of employment in terms of longevity. According to the United State Bureau of Labor and Statistics, the median number of years that wage and salary workers had been with their current employer was 4.1 years in January 2022. That seems like a low number. But apparently, our society is job hopping to gain more experience, more money, or simply because we can. Very few people can say they have longevity with a job. However, John McNamara, PE, PS, is an exception to that rule. Not only can he claim longevity in terms of age (currently 83 years old), but also in terms of employment. John held the position of St. Joseph County Surveyor (South Bend, Indiana) for 50 years, from January 1973 until his retirement in December 2022.

John McNamara was born and raised in Brockton, Massachusetts. He attended the University of Notre Dame where he graduated with a civil engineering degree in 1962. By 1968 he became licensed in Indiana as a surveyor, and then as an engineer in 1969. He worked locally for a few years at EPS (Engineering Planning Services). He then moved to Little Rock, Arkansas, to work for Brighton Engineering on DOT projects, eventually returning to South Bend and EPS. By 1972 he was hired as the St. Joseph County Engineer, for \$16,000 per year. While in that role, he decided to run for the office of the St. Joseph County Surveyor, where he was elected for the 1973 term for \$11,000 per year.

Here are some highlights of John's 50 years as a public servant:



## Most memorable projects of career:

While working at Engineering Planning Services, John surveyed the Kingsbury Ordnance Plant in southern LaPorte County for the Federal Government. They surveyed with a geodimeter, completing some of the work at night.

While working as county surveyor, he did boundary surveys for the county parks department, specifically Spicer Lake and Baugo Creek.

## Biggest challenge:

Politics. In the beginning, John was required to contribute 10% of his salary to the Democratic Party. It was an "expected donation," until he started to fight back. In fact, he had to borrow that first 10% (\$1,100) just to run for office in 1972.

# 50 YEARS AS A ST. JOSEPH COUNTY SURVEYOR

Eventually, the “expected donation” requirement stopped, but he still had other challenges to face. As a government employee, budget cuts were the most difficult to ride out and were completely out of his control. This would cause layoffs or pay cuts that would affect him personally, because of the working relationships he had with others, or causing his department to be short-staffed. It wasn’t easy to get pay raises or buy new equipment because he didn’t play politics.

## Mentor:

Bob Richardson at Engineering Planning Services, who helped hone his technical skills.

## Perspective on working for the government versus working for consulting:

According to John, in private practice you *need* to make payroll, causing more pressure to get the work done, instead of doing it right. John recalled at Engineering Planning Services the owners were “shaking the bush” every two weeks to drum up business to make payroll. When working for the government, he was essentially on overhead all the time. There were minimal money worries for him. He got paid even if he couldn’t get outside due to the rain or snow. There was no budget to blow when a boundary takes longer to solve because of lack of records or complex legal descriptions. Working for the government can be less stressful than consulting work, if you learn how to let things roll off your back.

## Changes observed in Indiana Land Surveying regulations and practices:

The most notable change in Indiana for a surveyor during John’s tenure was Rule 12, specifically the Surveyor’s Report. This made all surveyors justify what they did by having to put it in writing. Surveyors became required to prove their work, making it easier for someone to follow in their footsteps in the future.

## Advice for aspiring surveyors entering the profession in Indiana:

- “Be honest. If you made a mistake admit it right away.” It’s easier to fix when you first learn about it, than to end up in court.
- Obtain a civil engineering degree with a minor in surveying, specifically at Purdue. There is money in engineering but no money in surveying. The engineering degree will support you, while the surveying degree will keep you doing what you love.
- The need for surveyors and a survey product is an afterthought for most in the industry. Find ways to get paid more in the future; don’t let technology replace us.
- Look and act professionally so others see you as professional and pay you what you are worth.

## Evolution of a land surveyor from start of career to retirement:

Back in the day, survey crews were staffed with two or three people; now we can do it all alone, even though we shouldn’t.

Some of the best technology available today is the capability to digitize/scan old records and the use of GPS. However, John feels that technology may also be detrimental to surveyors. Fifty years ago, it seemed like the surveyor was “needed.” Now it seems like others in the industry assume there is a less of a need because of developing technology like GPS, robots, GIS and now AI (artificial intelligence). Surveying can be viewed now as a do-it-yourself skill if you know how to operate the equipment. Surveyors need to be careful not to lose professional standing, because others want technology to replace us.

# 50 YEARS AS A ST. JOSEPH COUNTY SURVEYOR

## **Key skills and qualifications that a successful land surveyor should possess:**

First and foremost, in John's opinion, have common sense. That speaks for itself.

Secondly, surveyors should have basic knowledge of land surveying without the use of technology. Electronics and technology make it easier and more efficient to work. But if surveyors don't know the basics, how can they tell if the instruments are reporting the correct outcome? This emerging technology is why John quit private practice on the side in the late 1980s. He could not keep up with the new technology and still meet all the requirements of Indiana law while practicing on a part-time basis.

Finally, John feels that continuing education is a must in our ever-changing world of technology and laws. When first established, the requirements got push-back from surveyors, and John admits the changes were "a pain in the butt." However, he could see that these continuing education classes provided an in-depth discussion of the new laws, with explanations of how they were to be carried out. This in turn got everyone on the same page. This became evident in his time spent on the state licensing board.

## **John's view on collaboration with other professionals, such as engineers or architects:**

John recognizes there were things he might not be qualified to do. No one should go beyond their skill level. He hired out work that he was not qualified to do, or he would have sub-consultants work on projects where he lacked the manpower to staff them. He was aware of his manpower shortcomings and would easily collaborate with others for the sake of a project.

## **Changes or improvements to the surveying profession:**

There should be more cooperation and sharing of information between surveyors. There is too much possessiveness and worry about someone else benefiting from your own work. John understands there is a balance to how much you share. But not sharing at all prevents surveyors from adequately following in the footsteps of each other.

John feels all elected or appointed county surveyors in Indiana should be licensed. Under current law, an elected county surveyor is not required to be licensed. John believes having a license will make them more knowledgeable and able to do all tasks required of a licensed surveyor without requiring the county to subcontract out the work. This will save the county money in the long run.

This discussion led to how all county surveyors should be paid fairly and in line with what licensed surveyors are making in private industry. When John retired mid-term, St. Joseph County was required by precinct members to appoint someone to take his place until the next election. The person appointed was a previous county councilman, with no surveying experience. John was making \$68,000 as a licensed surveyor when he retired in December 2022. In summer 2023, the St. Joseph County Council was considering salary increases for several of its elected officials. In doing their research, they discovered that the current salary for the elected county surveyor did not factor in whether the surveyor was licensed or not. Counties are required in Indiana to set the salary of a licensed surveyor at 1.5 times that of an unlicensed surveyor (Indiana Code 36-2-12-15; the law has been on the books since 1980 with an amendment in 1981). Although the county voted to make this change in 2023 (St. Joseph County Bill No. 86-23), John never reaped the benefit.

# 50 YEARS AS A ST. JOSEPH COUNTY SURVEYOR

Because the position is political and John tended to avoid that side of his job, he believes he would never have been able to get the pay increase for himself. He gives credit to the current county surveyor for making sure this law is upheld.



## Involvement with ISPLS:

John is a firm believer that all surveyors should be involved in a professional organization of the profession that you have vested interest in. These organizations can benefit surveyors from a state and national level in ways that you cannot do yourself. (For example, the ISPLS Workforce Development Committee is helping the St. Joseph Valley Chapter with guidance and swag to help spread the word of surveying locally. This in turn may encourage students to become surveyors who may work for surveying companies located within the geographic chapter area.) John helped start the St. Joseph Valley Chapter of ISPLS in the 1960s, with the goal of bringing surveyors together. He served on the ISPLS Board of Directors from 1984 to 1987 and again in 2001, and the Indiana Licensing Board from 1990 to 1998. In addition to his work on ISPLS, he helped to resurrect and be an active member of the Indiana County Surveyor's Association.

## County Surveyor Accomplishments:

- Single-handedly researched all the St. Joseph County Commissioner's Records to determine the establishment and existing rights-of-way of all county roads in St. Joseph County. This information was placed in a searchable spreadsheet where it is accessible on the County Surveyor's website. John estimates that he spent nearly 6 months or longer reading and re-reading the records for accuracy.
- Digitizing/scanning all paper records (surveys, plats, notes, etc.) in the surveyor's office to make them available online for surveyor access 24 hours a day, 7 days a week.

## List of awards and accomplishments:

- 1977 - George Award from Mishawaka Enterprise
- 1982 - Pine Tree Award from St. Joseph County Department of Public Works
- 1983 - Outstanding County Official Award
- 1988 - Sagamore of the Wabash from Governor Robert Orr
- 1997 - Presidents Award from Indiana County Surveyors Association
- 2019 - Outstanding County Surveyor from Indiana County Surveyor's Association

John is not just a surveyor. He was a husband, father, coach, community leader and volunteer. He was married to Carol, who passed away in 2016. Together they had 5 children, 18 grandchildren and 5 great-grandchildren. The flexibility of working as county surveyor allowed him to be a part of his family's lives. He was able to attend and coach his children's sporting events. John remarried in September 2022 to Nancy Pence, who passed away in March 2024. He speaks very highly of his children and grandchildren.

# 50 YEARS AS A ST. JOSEPH COUNTY SURVEYOR

John has no regrets being the county surveyor for so many years. He says it was hard to work in government at first, but he eventually learned to let things roll and acknowledged that this was where he belonged. His strong suit was working with the people, something he referred to as good B.S. skills. (He jokingly said that he was NOT referring to his Bachelor of Science degree.) He mellowed out towards the public over the 50 years he was in office. He got used to the job and realized “you can’t please everyone,” but he was also willing to admit when his office made a mistake. He had a policy that no matter what the question was from the public, his office would answer it. They addressed every property owner who had a drainage issue, visiting their site and providing them with an answer. Sometimes this meant giving them a recommended solution, but also telling them that it was not the county’s responsibility. He would review surveys that a property owner didn’t understand and explain the situation. He did not believe in passing the public around blindly; he made sure they were being directed to the correct department. He got things done for the farmers. He was fair to all. John made it clear that he did not care if the person with the conflict was Republican or Democrat. Everyone was treated in a respectful manner and given an answer. He was aware that sometimes just talking to property owners was enough to appease them; some people just want to be heard or need to vent.

So how *did* John last for so many years as county surveyor? Back in the day he never considered that this would be a lifelong career, one that lasted much longer before retirement than for most people. He would just run every term without much thought. Very rarely was he ever challenged. It wasn’t until John was 64 (in 2004) that he really cared about running for surveyor and winning the election. Because of his age, he realized his options for employment would be minimal if he did not win. He figured one more term would get him to 68, and then he could retire. Yet retirement still never happened. The next five election cycles saw no challengers.

Also, he was not willing to give up his seat to someone unlicensed.

Eventually, all good things must come to an end. In 2020, John ran again uncontested. But even at that time, he knew he wanted to be done. He was getting a little tired of the grind and wanted to spend more time with family. Plus, he was hoping that a younger surveyor would step up to the plate and bring in the technology he was lacking. So, in 2022, he announced he would be leaving. An end of an era!

If you have never met and worked with John McNamara, you have missed out. He is an even-keeled man who gives everyone the benefit of the doubt. He is well loved by everyone in this county. He is still charming and witty at the ripe young age of 83. Everyone in the St. Joseph Valley Chapter of ISPLS will miss working with John.

When asked if there is anything he would like to add to the conversation, without hesitation, he said “I’d do it all over again!”

*Michelle Slack is a licensed land surveyor from Mishawaka, Indiana. She has recently taken a position as a Project Surveyor at Elkhart County Highway Department, where she will see firsthand if all the things John said about working for the government are true.*



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# NATIONAL SURVEYOR'S WEEK PROCLAMATION

*Thank you to everyone who helped us celebrate National Surveyor's Week.*

**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

Executive Order **PROCLAMATION**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS,** professional surveyors across Indiana will be committing this fourth week of March along with surveyors throughout the nation in observing the duty, contribution and promise of the surveying profession; and

**WHEREAS,** the role of the surveyor has been and remains vitally important in the development of the State of Indiana and this nation, with former surveyors including George Washington, Thomas Jefferson and Abraham Lincoln; and

**WHEREAS,** the Indiana Society of Professional Land Surveyors strives to hold its membership to the highest of ethical standards and provides invaluable training through continuing education programs; and

**WHEREAS,** the Indiana Society of Professional Land Surveyors maintains a watchful eye in order to protect the land we love while serving the community needs of an ever-changing world;

**NOW, THEREFORE, I, Eric J. Holcomb, Governor of the State of Indiana, do hereby proclaim March 17-23, 2024 as**

**INDIANA SURVEYORS WEEK**

in the State of Indiana and invite all citizens to duly note this occasion.

*In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of State. Done at the City of Indianapolis, this 1st day of March the year of our Lord 2024 and of the Independence of the United States 248.*



BY THE GOVERNOR: Eric Holcomb

# NSPS WORKFORCE DEVELOPMENT UPDATE

## *New Website for Surveying Education and Outreach*

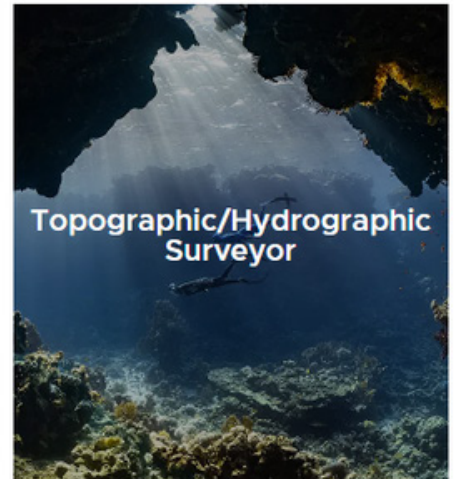
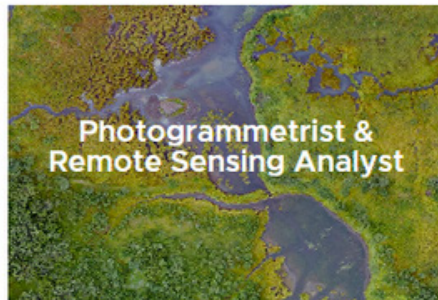
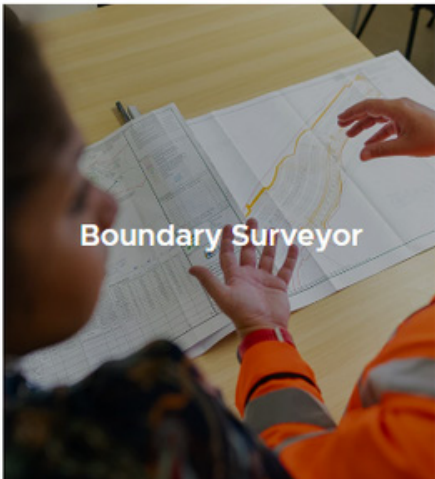
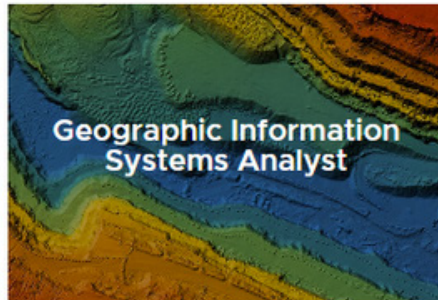
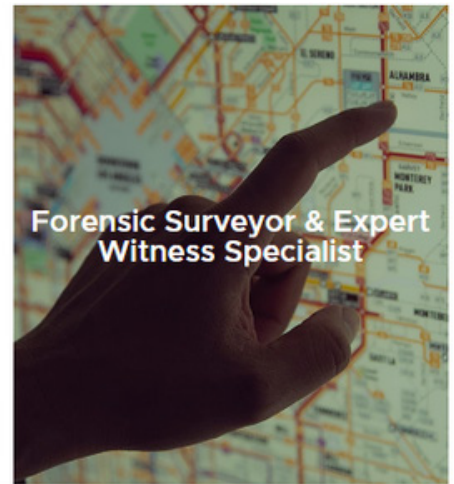
The NSPS has launched a new website for surveying education and outreach!

Be A Surveyor is a resource hub, helping introduce the surveying industry like never before.

There are many ways to get involved in outreach efforts for the surveying profession!

You can give a presentation to high school students, be at a table at a career fair, give a technical demonstration, lead a classroom activity, or help a scout troop earn their surveying merit badge.

Committee Leaders and Chapters of ISPLS are encouraged to sign up for the outreach fulfillment center to order outreach materials, such as brochures, small giveaways items, activity materials, even exhibit materials, like banners and table drapes!



# REMEMBERING OUR MEMBERS

## *Joel A. Hoehn*

*September 6, 1956 - March 9, 2024*



Joel A. Hoehn, 67, peacefully passed away on March 9, 2024.

Joel was born on September 6, 1956, in Silver Lake, Ind., to Robert and Norma Hoehn. He had one older brother, Jeff. His family later moved to Waynedale, Ind., where he was a graduate of Wayne High School in 1975. His childhood was spent riding bikes with his friends. He later upgraded his two wheels to a classic 1972 Nova leading to a lifetime love of classic muscle cars. As he and his brother got older they shared memories of cruising in their cars and attending NASCAR races together.

He met his wife of 37 years, LaDonna, in 1986. Joel has two children, a son, Kortoney, of Chicago, Ill., and daughter, Heather, of Denver, N.C. Joel enjoyed many family vacations in Frankenmuth, Mich., and to the beaches of the Carolinas.

Joel was an avid IU basketball fan, one of his final moments spent watching IU win with his children at his side. He enjoyed many hobbies including spending time outdoors, woodworking, and do-it-yourself projects. The most notable was a complete remodel on the early 1900s family home in Ossian, Ind.

He dedicated his life to providing for his family by servicing northern Indiana and parts of Ohio as a professional land surveyor and owner of Stoodly Associates in Bluffton, Ind. Joel began his career in land surveying at the age of 17. He also volunteered for 35 years to wetland conservation. Joel was a kind and soft-spoken man who was always offering a helping hand. He will be deeply missed by his family and friends.

Joel is preceded in death by his parents, Robert and Norma Hoehn. He is survived by his wife, LaDonna; brother Jeffrey (Faith) Hoehn; son Kortoney Gaff; and daughter Heather Hoehn, as well as an extended family of beloved friends.

# REMEMBERING OUR MEMBERS

*Leland D. Miller Jr.*  
*October 27, 1939 - April 9, 2024*



Leland D. Miller Jr., a dedicated and respected member of the Anderson, Ind., community, passed away April 9, 2024.

Born on October 27, 1939, in Portland, Ind., Leland experienced a journey marked by remarkable achievements and unwavering dedication. A proud Purdue graduate, he exemplified excellence in his career as the owner and operator of Miller Surveying since 1971 and a Life Member of the Indiana Society of Professional Land Surveyors. His commitment to precision and accuracy was renowned in the local community.

Leland's contributions extended beyond his business as he served the city of Anderson in various capacities, most notably as City Engineer.

His expertise and passion for his work made him a true professional who never hesitated to go the extra mile for the betterment of his city.

He also was an Army veteran, and his service to his country was a testament to his selflessness and bravery. His honorable military background added another layer of respect to his already distinguished persona.

Described as honest, fair, and the smartest man in the room, Leland approached life with a straightforward attitude that earned him admiration from all who had the pleasure of knowing him. A hard worker by nature, he embodied resilience and perseverance in every aspect of his life.

In his leisure time, Leland found joy in activities such as visiting casinos and horse tracks. His love for sports shone through as he actively participated in various athletic endeavors during his younger years. As a devoted fan of both the Cubs and the Red Sox baseball teams, he found camaraderie and excitement in cheering for his favorite players. Above all, Leland's heart belonged to Purdue, where he avidly supported their sports teams with unwavering loyalty.

He is survived by his children Kyra Miller, Greg Clark (Kim), Kyle Clark (Sally), Brian Clark (Rebecca), and Holli Hughes (Brandon); grandchildren Matt Sokol, Audra Sokol (Adam Crawley), Bonita Ortega, Chantz Hodson (Lauren), Zaria Abbott (Zach), Jonathon Clark (Tiffany), Kayla Gilley (Steven), and Josh Clark; 12 great-grandchildren; sister Beth Ann Arthur; cousin Anita Hall; and special family friend and caregiver Rhonda Shell.

He was preceded in death by his parents, Leland Sr. and Esther Miller; wife, Bonnie Miller; sister, Kay Fansler; daughter, Lori Miller; and great-grandchild Gabe.

# REMEMBERING OUR MEMBERS

## *Michael J. Marlow*

*May 7, 1940 - April 11, 2024*



He was a respected land surveyor in Illinois and Indiana and a Life Member of the Indiana Society of Professional Land Surveyors. He worked for the Elgin, Joliet and Eastern (EJ&E) Railroad and later retired from Alfred Benesch.

Michael was an active member of American Legion Post 180 in Highland, Ind., where his passion for supporting fellow veterans shone brightly. His involvement as trustee of the Croatian Fraternal Union 170 further demonstrated his commitment to fostering strong bonds within his heritage and community.

Michael J. Marlow, age 83, passed away April 11, 2024. Michael is survived by his daughters, Ann Marie Marlow and Catherine “Kat” (Richard Kubic) Marlow. He was preceded in death by his beloved wife of 53 years, Barbara; parents, George and Ann Marlow; and sister, Georgeann Tomlin.

Michael’s life was marked with significant contributions to his country, community, and profession. He joined the Navy Reserve in 1957 and graduated from Lew Wallace High School in 1958. He served as part of the Construction Battalion (Seabees) and was on active duty from 1959-1960 in Jacksonville, Fla., and spent seven months in Cuba during the Cuban Missile Crisis of 1962.

Michael earned his bachelor’s degree in engineering from Purdue Calumet.

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