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STATE OF INDIANA

IN THE LAKE CIRCUIT COURT

COUNTY OF LAKE

*Filed in Open Court*

IN THE MATTER OF THE ESTATE OF CHARLES R. WESTPHAL, Deceased

ESTATE NO. CE80-386

WAS ALREADY DULY ENTERED FOR TAXATION IN NAME OF

*Walter & Ellen Edinger*

OCT 01 1982

AUDITOR LAKE COUNTY

*Edward J. Westphal, Deceased*  
**ORDER APPROVING FINAL ACCOUNT, ATTORNEY FEES AND ORDER OF DISTRIBUTION**

This cause came on to be heard this 5th day of February, 1982, upon the "Personal Representative's Final Account and Petition (1) To Settle and Allow Account; and (2) To Approve Attorney's Fees; and (3) For Authority to Distribute Estate", filed by Richard H. Westphal, as Personal Representative of the Estate of Charles R. Westphal, deceased, which account and petition is hereinafter referred to as the "Final Account" and reads as follows: (H.L.)

PRELIMINARY JURISDICTIONAL FACTS

The court thereupon examined the pertinent notices and proofs thereof and now finds that:

1. Due notice of the qualification of your Personal Representative, and the issuance thereto of Letters Testamentary was given as required by law.
2. That more than five (5) months have elapsed since the date of the first published notice to creditors and other persons interested in the estate.
3. Due notice of the filing of such Final Account and of hearing thereon was given to all persons interested in this estate, as required by law.
4. No objections to the Final Account have been filed.
5. Such Final Account is now ready for submission to the court and for consideration thereof and action thereon by the court.

FINDINGS OF FACTS

Having examined and considered such Final Account and being duly advised, the court now finds that:

1. The amount claimed as credit for Attorney's fees is just and reasonable for services rendered to date and for normal anticipated services to be rendered in connection with the final distribution of the estate.

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STATE OF INDIANA  
LAKE COUNTY  
FILED IN RECORDED  
WILLIAM BIELSKI JR  
RECORDS

WAS ALREADY DULY ENTERED FOR TAXATION IN NAME OF  
*Walter & Ellen Edinger*

OCT 15 1982

*Gene O. Thomas*  
AUDITOR LAKE COUNTY

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2. The Personal Representative has accounted for all assets in the estate coming into its hands during the administration of the estate and for which it is chargeable by law, except for payment of Attorney's fee, expenses incidental to closing the estate and the making of final distribution to the named legatees of the deceased, as set forth in Item II of the decedent's Last Will and Testament.

3. All Indiana Inheritance Taxes due by reason of this decedent's death have been paid. There were no Federal Estate Taxes due by reason of this decedent's death.

4. All income subject to Federal or Indiana Income Taxes and for which this decedent or his estate are liable has been duly reported by proper tax returns and the taxes shown to have been due have been paid.

5. Neither the decedent nor the Personal Representative of the decedent's estate was an employer of labor as that term is defined by the Indiana Employment Security act, and there are no unpaid contributions, interest, or penalties imposed by such act upon this decedent's estate.

6. That except for payment of Attorney fees, and expenses incidental to the final distribution of this estate, all claims, including expenses of administration, have been paid; there are no unsatisfied claims against this decedent's estate and all debts and obligations of this decedent's estate, not otherwise mentioned above, have been paid or discharged.

7. All specific and cash devises contained in this decedent's Will, not lapsed or adeemed, have been paid and discharged in full and all provisions of such will have been executed except for making final distribution to the residuary legatees.

8. All assets of this decedent's estate have been fully administered upon except for making final distribution.

9. That the personal property available for distribution to the residuary legatees as of the close of the period covered by the Final Account consists of cash on hand in your Personal Representative's checking account.

10. In addition to such personal property this decedent left real estate

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which he was purchasing on contract located in Lake County, Indiana, more particularly described as follows:

*Contract Brijen  
4-2-67*

**Parcel 1:** Part of Lot 1, Clark's Addition to the Town of Lowell, as shown in Miscellaneous Record "A", page 413, in Lake County, Indiana and part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 33 North, Range 9 West of the 2nd P.M., described as: Commencing at a point 4 feet East of the Northwest corner of said Lot 1 and running thence South 100 feet, thence West 21 feet, thence North 7 feet 2 inches, thence West 11½ inches, thence North 92 feet 10 inches, thence East 21 feet 11½ inches to the place of beginning, (excepting that part thereof conveyed to Sarah A. Castle by Warranty Deed dated June 8, 1907 and recorded June 15, 1907 in Deed Record 131, page 290 and except that part thereof conveyed to the Town or corporation of Lowell, Lake County, Indiana, by Warranty Deed dated June 24, 1881 and recorded June 28, 1881, in Deed Record 30, page 344.

**Parcel 2:** A part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 33 North, Range 9 West of the 2nd Principal Meridian described as Commencing at a point which is 17 feet West and 92 feet 10 inches South of the Northwest corner of Lot 1 in Clark's Addition to the Town of Lowell, as shown in Miscellaneous Record "A", page 413, in Lake County, Indiana; thence West 11½ inches; thence South 7 feet 4 inches; thence East 11½ inches, thence North 7 feet 4 inches to the place of beginning, in the Town of Lowell, Lake County, Indiana, as conveyed to Frances Eugene Buckley and wife Stella P. by Deed dated September 18, 1940 and recorded September 19, 1940, in Deed Record 620, page 148.

Said real estate was not disposed of during the administration of this estate which real estate, together with the cash on hand, is available for final distribution or disposition to the beneficiaries under the decedent's Will.

11. That the residuary devisees of this decedent's estate, all of whom are legally competent adults, whose names and addresses are known, and the share of the residuary estate to which each is entitled are as follows:

<u>Name</u>	<u>Address</u>	<u>Amount</u>
Richard H. Westphal	387 North Nichols Lowell, IN 46356	1/3 interest in real estate which is presently being purchased on contract. Value \$13,666.67
Donna M. Colwell	855 Carol Drive Crown Point, IN 46307	1/3 interest in real estate which is presently being purchased on contract. Value \$13,666.67
Charles B. Westphal	23120 Pierce Ave. Shelby, IN 46377	Household goods and furnishings as specifically devised in Item I of decedent's will. Value 810.00  1970 American Motors Hornet automobile as specifically devised in Item

I of decedent's  
will. Value 225.00

1/3 interest in  
real estate  
which is  
presently being  
purchased on  
contract.

Value 13,666.66

Total 14,701.66

12. The manner of distribution and disposition of this decedent's residuary estate as proposed by your Personal Representative is fair, equitable and reasonable.

14. All other matters and things as stated and shown in such Final Account are true, correct and proper.

#### GENERAL CONCLUSIONS

The court now concludes that such Final Account is correct and that the prayer thereof should be granted in full.

#### DECREE

IT IS NOW, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

1. The account is hereby in all respects approved, settled, allowed and confirmed.

2. The amount claimed as credit for the payment of fees to the the Personal Representative's attorney for services rendered to date and for the normal anticipated services required in making final distribution are hereby allowed and approved and ordered paid.

3. That after payment of Attorney's fees, and all expenses incidental to the closing of this estate, the Personal Representative is hereby directed to distribute the balance of the personal property, including cash, remaining in its hands and available for distribution to the residuary devisees on the following basis:

<u>Name</u>	<u>Fractional Amount</u>	<u>Dollar Amount</u>
Richard H. Westphal	1/3	\$13,666.67
Donna M. Colwell	1/3	13,666.67
Charles B. Westphal	1/3	13,666.66

4. Real Estate being purchased on contract by this decedent at the time of his death and not disposed of by the Personal Representative during the administration of this estate, situated in Lake County, Indiana, is described as follows:

Parcel 1: Part of Lot 1, Clark's Addition to the Town of Lowell, as shown in Miscellaneous Record "A", page 413, in Lake County, Indiana and part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 33 North, Range 9 West of the 2nd P.M., described as: Commencing at a point 4 feet East of the Northwest corner of said Lot 1 and running thence South 100 feet, thence West 21 feet, thence North 7 feet 2 inches, thence West 11½ inches, thence North 92 feet 10 inches, thence East 21 feet 11½ inches to the place of beginning, (excepting that part thereof conveyed to Sarah A. Castle by Warranty Deed dated June 8, 1907 and recorded June 15, 1907 in Deed Record 131, page 290 and except that part thereof conveyed to the Town or corporation of Lowell, Lake County, Indiana, by Warranty Deed dated June 24, 1881 and recorded June 28, 1881, in Deed Record 30, page 344.

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Said Real Estate was devised by Item II of decedent's Will as part of the decedent's residuary estate and upon the death of this decedent, all right, title and interest in and to such real estate vested in said residuary devisees, as tenants in common as follows:

The post office addresses of the above devisees are as follows:

<u>Name</u>	<u>Post Office Address</u>
Richard H. Westphal	367 North Nichols Lowell, Indiana 46356
Donna M. Colwell	855 Carol Drive Crown Point, Indiana 46307
Charles B. Westphal	23120 Pierce Avenue Shelby, Indiana 46377

5. The Personal Representative is hereby directed to record a certified copy of this Decree in the Office of the Recorder of each county in which the real estate described above is situated and is further directed after

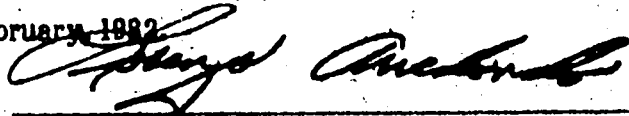
making distribution of the personal property as directed herein, to file it's Supplemental Report showing therein:

A. Any further accounting for receipts and disbursements in accordance with this decree;

B. That distribution and payment of personal property and cash in this decedent's residuary estate has been made pursuant to this decree;

C. That the Personal Representative has in all respects carried out the provisions of this decree.

Dated: This 5th day of February, 1992



Judge, Lake Circuit Court

The United States of America



STATE OF INDIANA, COUNTY OF LAKE, ss:

I, the undersigned, Clerk of the Lake Circuit Court of Lake County, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify, that the above and foregoing is a full, true, correct and complete copy of the Order of Court dated February 5, 1982 in Cause No. CE80-386 entitled In the Matter of the Estate of CHARLES R. WESTPHAL, as fully as the same appears of record in my office as such Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in Crown Point in the said County, this 6th day of October, A. D., 1982

Edward A. Dukowski

Clerk Lake Circuit Court.

By Florence Beeler Deputy