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## TIVING TRUST DECLARATION

OF

## VIRGINIA ORDYNA

THIS TRUST INDENTURE, MADE this 3rd day of DECEMBER, 1987, by and between - VIRGINIA ORDYNA - of Hammond, Lake County, Indiana, hereinafter called the "GRANTOR"; and - VIRGINIA ORDYNA - of Hammond, Lake County, Indiana, hereinafter called the "TRUSTEE";

## WITNESSETH:

THAT WHEREAS, the said CRANTOR DESIRES TO TRANSFER INTO TRUST certain REAL ESTATE and PERSONAL PROPERTY described as follows, to-wit:

The property at No. 4828 Oak Avenue, Hammond, Indiana, also described as: Lot 40 and the South half of Lot 41, in Block 3 in Stafford & Trankle's Addition to Hammond, Lake County, Indiana;

All of my belongings and contents, in said home

Checking Accounts and Savings Accounts; and

Such other property, whether REAL or PERSONAL, which I may in the future add to this trust by conveying, assigning, transferring and delivering it to the TRUSTEE under the terms of this trust;

all of said TRUST PROPERTY to be used for the purpose of providing income and other funds for <u>VIRGINIA ORDYNA</u>, as <u>BENEFICIARY</u> of this trust, during her lifetime, and for the purposes, after her lifetime, of distributing the trust assets to her children, namely: <u>RICHARD F. ORDYNA</u> and <u>SUSAN SWART</u>, equally.

NOW THEREFORE, the GRANTOR by these presents, and by the transfer of title to said property to the TRUSTEE, VESTS TITLE TO SAID PROPERTY IN SAID.

TRUSTEE, AND HER SUCCESSOR TRUSTEE, TO HAVE AND TO HOLD the said property,

IN TRUST NEVERTHELESS, for the uses and purposes of this trust, and subject to the terms, conditions and powers hereinafter set forth.

1. The TRUSTEE shall hold, manage, and administer the aforesaid trust property, and any future additions thereto, and shall collect the interest,

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income and distributions therefrom; and the TRUSTYE shall pay over the entire not intake from each collections monthly as received to: VIRGINIA ORDYNA, for her personal use during her lifetime.

- 2. The TRUSTER shall have all powers conferred by law, including but not limited to the specific powers set forth in INDIANA CODE 30-4-3-3 and 30-4-3-4, as amended, and as further amended during the period of this trust, PROVIDED that any such powers shall not be interpreted to nullify any provisions hereof. I wish to especially emphasize that the TRUSTEE and the SUCCESSOR TRUSTEE shall have full powers to liquidate the assets of this trust and to invest, re-invest, contract to sell, and sell assets of this trust, including real estate, in such Trustee's sole discretion, without securing the approval or authority of any Court, or any Beneficiary, since it is intended that the trust assets be kept available for the needs and purposes of VIRGINIA ORDYNA, and for distribution at termination.
- property of the trust, or any part thereof, and thereupon the TRUSTEE shall forthwith arrange the assignment, transfer, conveyance, pay-over and delivery of said assets requested by the Grantor, it being intended that this trust is a revocable trust, in part, or as a whole. The GRANTOR further retains the right to change SUCCESSOR TRUSTEES and SUCCESSOR BENEFICIARIES, and to change the allocation to the SUCCESSOR BENEFICIARIES.
- 4. After the lifetime of VIRGINIA ORDYNA, this trust shall terminate and all of the assets and accruals of the trust shall be distributed in eash or in kind to her children, namely: RICHARD F. ORDYNA and SUSAN SWART, in equal shares, as their absolute property forever. Upon completion of distribution, this trust shall terminate and the SUCCESSOR TRUSTEE shall be automatically and finally discharged.

In the event that either of my children are not living at the time of my death, then, in that event, said deceased child's share shall go to the children of such deceased child, in equal shares, as their absolute property forever.

- 5. The CHANTON hereby appoints VIRGINIA CREYNA, as TRUSTEE of this trust. The CHANTON hereby appoints RICHARD V. ORDYNA and SUSAN SWART as CO-SUCCESSON TRUSTEES hereunder with like powers as provided for the TRUSTEE herein, to serve in the event of the resignation, disability or death of VIRGINIA ORDYNA. The GRANTON authorizes the said CO-SUCCESSON TRUSTEES to act together or singly and independently of each other, because geographical separation may not always permit dual signatures in many possible circumstances. of Moreover, if one/said children predeceases me, then the survivor shall be the sole SUCCESSON TRUSTEE.
- 6. The SUCCESSOR TRUSTEES shall have the power and authority in their sole discretion, while serving as the Current Successor Trustees, to determine that <u>VIRGINIA ORDYNA</u> is in need of funds for necessities, maintenance, taxes, treatment, care, hospitalization, nursing, companion or convalescent care, and for any funeral expenses; and the Current Successor Trustees are authorized to liquidate, sell, convey, withdraw, and reduce to cash assets of the trust to meet such requirements of said Beneficiary.
- 7. The Current SUCCESSOR TRUSTEES may pay all bills of VIRGINIA ORDYNA so that the Beneficiary may be relieved of all details in connection therewith, and may purchase food, clothing, incidentals, necessities and items for the comfort and convenience of said Beneficiary, and may pay for all medical, nursing, hospital, convalescent home, companion care and housekeeping services needed by Beneficiary.
- 8. This trust shall terminate, if it does not terminate previously by reason of the above provisions, at a date twenty-one (21) years after the date of death of the last Beneficiary living at the date of this agreement.
- 9. The GRANTOR declares and directs that the "disability" of a Trustee or Successor Trustee shall be established by a statement of a licensed doctor stating that the person serving as Trustee or Successor Trustee is not able to effectively carry out the functions of a Trustee under this trust. We direct that such a statement, or a photocopy thereof, be regarded as conclusive evidence of such incapacity when received by any financial institution or title company, and to be sufficient evidence as to the disability of the current Trustee, thus causing the succession of the next Successor Trustee to the conduct and management of this trust.

- dealing with the trust assets duly delivered on the date duties are undertaken hereunder; and there shall be no duty to examine the accounts, records, and acts of the previous Trustee, nor shall such Successor Trustees be responsible for any acts or failure to act by the previous Trustee, it being intended hereby to explain that Indiana Code, Sec. 30-4-3-13 shall not apply to this trust.
- ll. The TRUSTEE by signing this agreement thereby accepts the trust herein created and assents to its terms. Any SUCCESSOR TRUSTEE who undertakes to act under powers and duties of the office thereby accepts the terms and conditions of the trust herein created.

IN WITNESS WHEREOF, the said VIRGINIA ORDYNA, as GRANTOR has hereunto set her hand and seal, on this, the 3rd day of DECEMBER, 1987; and the said VIRGINIA ORDYNA, as TRUSTEE has hereunto set her hand and seal, signifying her acceptance of the said trusteeship.

(VIRGINIA ORDYNA) - GRANTOR

Wirginia Ordyna) - GRUSTEE (SEAL)

STATE OF INDIANA)

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COUNTY OF LAKE

BEFORE ME, the undersigned, a NOTARY PUBLIC in and for the COUNTY and STATE aforesaid, appeared: <u>VIRGINIA ORDYNA</u>, the <u>GRANTOR</u> and <u>TRUSTEE</u> herein, personally known to me, and she signed the above and foregoing <u>LIVING TRUST</u>

<u>DECLARATION</u>, as her act and deed for the uses and purposes therein set.

WITNESS my hand and Notarial seal, on this, the 3rd day of DECEMBER

1987.

MY Commission Expires: April 12th, 1991. Wieden E. Anderson) (NOTARY PUBLIC)

(The COUNTY of my residence is: LAKE)

(This document prepared by; Arnold G. Huebner, attorney)