

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

IN RE: MARTIN B. O'MELIA, DECEASED

91026239

AFFIDAVIT FOR TRANSFER OF REAL PROPERTY

1. That the above-named decedent died testate on the 21st day of September, 1989, while domiciled in Lake County, and that the Will of the decedent was admitted to probate and spread of record in the Circuit Court of Lake County, Indiana, on the 6th day of June, 1990, and a copy of said Will is attached hereto, incorporated herein by reference and identified as Exhibit "A".

2. That ~~forty-five (45) days have elapsed~~ since the death of the decedent.

3. That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

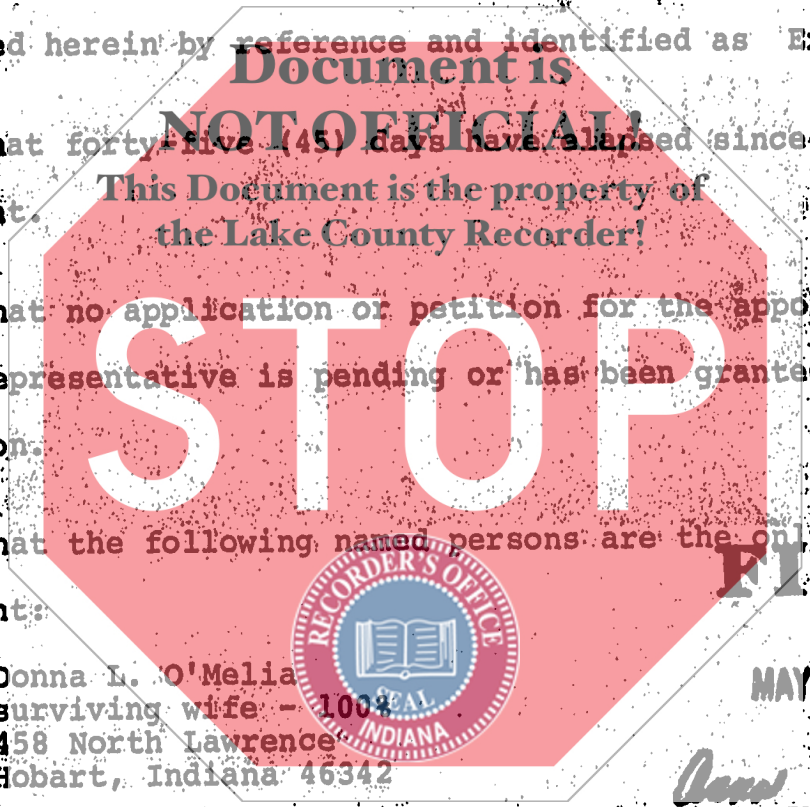
4. That the following named persons are the only legatees of the decedent:

Donna L. O'Melia  
surviving wife - 100%  
458 North Lawrence  
Hobart, Indiana 46342

5. That the value of the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the allowance provided by I.C. 29-1-4-1, the costs and expenses of administration and reasonable funeral expenses.

6. That among the decedent's probate assets is a parcel of real estate which was owned by the decedent located in Lake County, Indiana, more particularly described as follows:

Lot 23, Block 6, of Aetna Manor, Second Subdivision in the City of Gary, Lake County, Indiana, as per plat thereof recorded in the Office of the Recorder of Lake County, Indiana (Key # 41-270-23),



FILED

MAY 28 1991

*Donna R. Anton*  
RECORDER

ROBERT (BOB) FREELAND  
RECORDER

MAY 28 9 54 AM '91

STATE OF INDIANA/S.S. NO.  
LAKE COUNTY  
FILED FOR RECORD

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1600

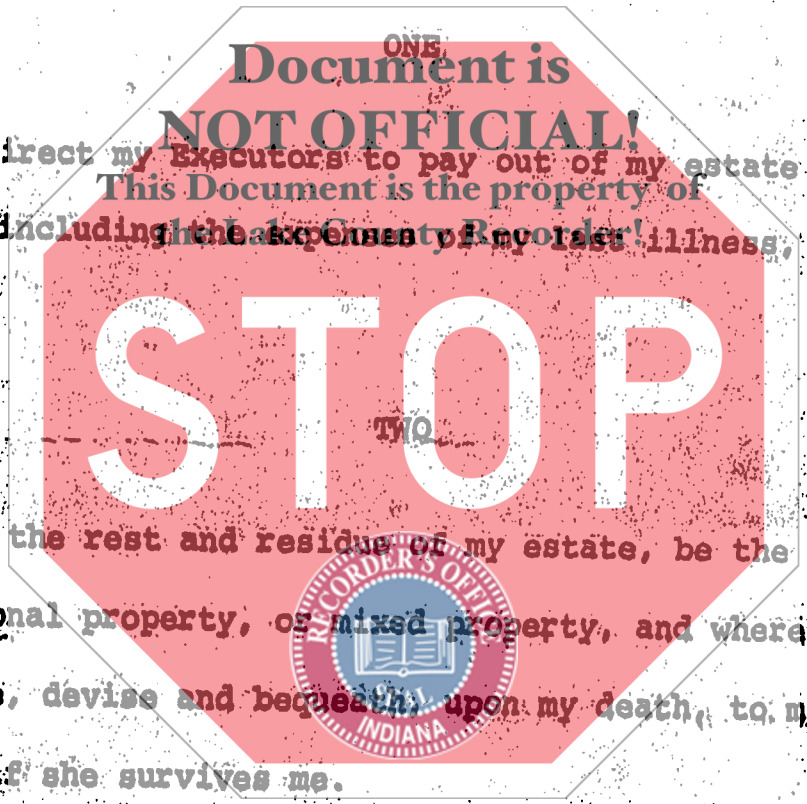
28851

JUN 06 1990 Last Will and Testament

Robert C. Ortel  
CLERK LAKE CIRCUIT COURT

I, MARTIN B. O'MELIA, now residing in Lake County, Indiana,

being of sound and disposing mind and memory, but mindful of the uncertainty of life, do make, publish and declare this to be my Last Will and Testament, hereby revoking all former Wills by me heretofore made, and declaring this and none other to be my Last Will and Testament.



I direct my Executors to pay out of my estate all of my just debts, including the Lake County Recorder's illness, and funeral expenses.

All the rest and residue of my estate, be the same real estate, personal property, or mixed property, and wherever situate, I hereby give, devise and bequeath, upon my death, to my wife, Donna L. O'Melia, if she survives me.

THREE

In the event my wife shall die prior to the date of my death, or shall die in a common disaster with me, then and in that event, I do hereby give, devise and bequeath, upon my death, all the rest and residue of my estate, be the same real estate, personal property, or mixed property, and wherever situate, of which I die possessed, in equal shares, one share to each of my children surviving

*Martin B. O'Melia*  
Martin B. O'Melia

me and one share to each group of the then surviving children of a child of mine who has predeceased me, including children of mine who shall be born after the date hereof. In the event my wife's grandmother, Agnes Maude Kewley, shall survive me, the gift herein made to my children shall be subject to the condition my estate shall first furnish appropriate care and support and all necessary funds to pay costs of same including housing to my said wife's grandmother, Agnes Maude Kewley, so long as she shall live.

The share of any child of mine being a minor at the time of my death shall be deposited in a special account in a Savings and Loan Association approved by the Judge of the Probate Court having jurisdiction of my estate, said account to be titled in the name of such minor and the guardian of such minor as next friend, it being my purpose to guarantee the availability of such funds as shall be necessary for the health, education, maintenance and welfare of such minor child and to guarantee further that disbursements may be made, as necessary, for education of such minor child beyond the high school level in any institution of education including but not limited to college or trade schools; it is a further express condition of the gift or gifts made in this Paragraph Three to my surviving children that all such sums shall be held on deposit subject to the following condition: That each surviving child shall have the right to withdraw twenty-five per cent (25%) of the balance of his share on deposit at the time he reaches twenty-one (21) years of age and that all income may be withdrawn by such child after the age of twenty-one (21) years, and that such child shall have authority to withdraw the balance on deposit in such account, at the attainment of the age of twenty-five (25) years. It is my purpose in this regard to encourage the conservation of such funds in the event of my death prior to the

  
*Martin B. O'Melia*  
Martin B. O'Melia

time my children reach the age of twenty-five (25) years.

FOUR

Although it is my understanding that my wife, Donna L. O'Melia, is or may be executing her Last Will and Testament at or about the time of the execution of this, my Last Will and Testament, it is not my nor our intention that such Wills shall be construed or deemed to be mutual, reciprocal, or dependent one upon the other, and it is not my nor our intention that the freedom of testation of myself and my wife be in any way limited or that the freedom to transfer property during the life of either of us be in any way limited.

Document is  
**NOT OFFICIAL!**

This Document is the property of  
the Lake County Recorder!

FIVE

I hereby name and appoint my wife, Donna L. O'Melia, Guardian of the estates of any of my children who shall be minors at the time of my death. In the event my said wife should for any reason fail to act or qualify as such, then I do appoint my cousin Monroe M. McAvoy and Barbara McAvoy, his wife, now of 1717 Woodlawn Avenue, Palo Alto, California 94303, jointly or the survivor of them, to act as Successor Joint Guardians of the person of any of my children who shall be minors at the time of my death; and I do hereby name and appoint Gary National Bank, a National Association, of Gary, Indiana, Successor Guardian of the estate of any of my children who shall be minors at the time of my death.

SIX

I hereby name and appoint my wife, Donna L. O'Melia, to be

  
Martin B. O'Melia

the Executrix of this, my Last Will and Testament, and ask that she be permitted to serve without bond; and should she for any reason fail to act or qualify as such, then I do appoint Gary National Bank, a National Association, of Gary, Indiana, to act as Successor Executor.

IN TESTIMONY WHEREOF, I, Martin B. O'Melia, have hereunto set my hand and seal to each page of this, my Last Will and Testament, at Hobart, Indiana, this 26<sup>th</sup> day of September, 1970.

*Martin B. O'Melia*  
Martin B. O'Melia

Document is  
**NOT OFFICIAL!**

We, the undersigned, hereby certify that the foregoing instrument of writing was this day produced to us by Martin B. O'Melia, and in our joint presence signed and acknowledged by him to be his Last Will and Testament, consisting of four pages including this attestation clause; and we do now, at his request and in his presence, and in the presence of each other, subscribe our names hereto as witnesses of said Will, the day and year first above written.

WITNESSES:

*Belva Steinbock*  
1311 *Capitol*  
*Hobart, Indiana*  
*Harry R. Kneiff*  
651 *E 3rd*  
*Hobart, Ind.*

