

Filed In Open Court

STATE OF INDIANA)
COUNTY OF LAKE)

) SS: MAY 5 1995

IN THE LAKE SUPERIOR COURT
PROBATE DIVISION--ROOM TWO
SITTING AT EAST CHICAGO, IN

IN RE THE ESTATE OF:

Robert C. Antle
CLERK LAKE SUPERIOR COURT

McKINLEY PITTMAN, SSN: 401-18-8193
deceased

ESTATE NO.: 002-95-05-ES-98

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER.

ORDER GRANTING

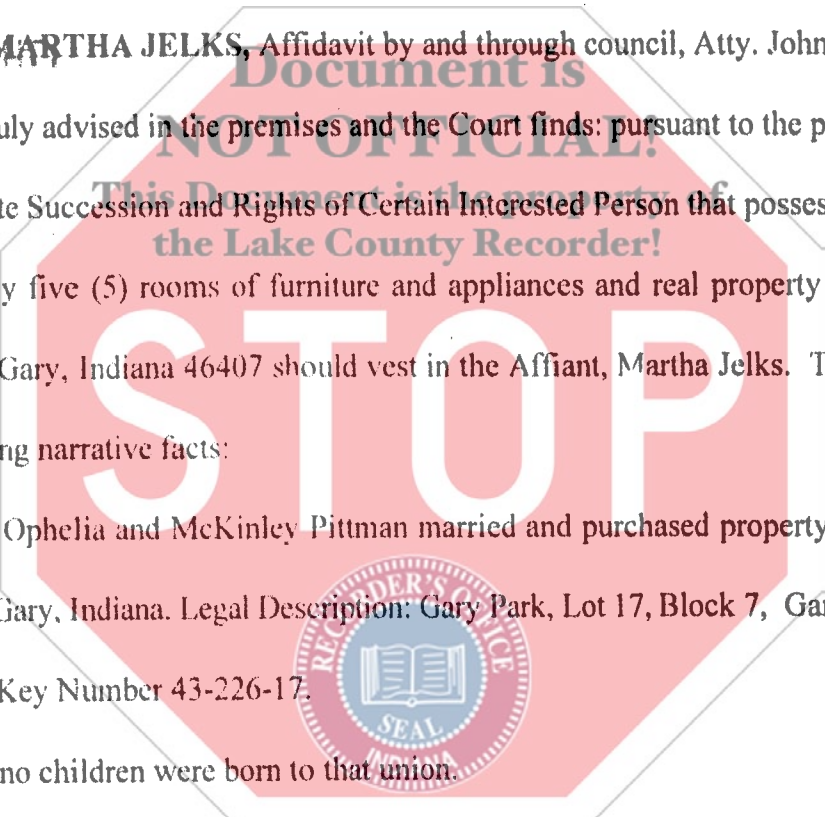
MAY 6 1996 SMALL ESTATES AFFIDAVIT FOR TRANSFER OF PERSONAL AND REAL PROPERTY

SAM OHLIC,
AUDITOR LAKE COUNTY

MARTHA JELKS, Affidavit by and through council, Atty. John Henry Hall, the

Court has been duly advised in the premises and the Court finds: pursuant to the provisions of I.C. 29-1-2-1 Intestate Succession and Rights of Certain Interested Person that possession and title to personal property five (5) rooms of furniture and appliances and real property located at 2466 Fillmore Street, Gary, Indiana 46407 should vest in the Affiant, Martha Jelks. The Court further finds the following narrative facts:

1. That Ophelia and McKinley Pittman married and purchased property located at 2466 Fillmore Street, Gary, Indiana. Legal Description: Gary Park, Lot 17, Block 7, Gary, Lake County, Indiana 46407, Key Number 43-226-17.
2. That no children were born to that union.
3. That Ophelia died in 1967 and McKinley married Willie Mae Nunn in 1974.
4. That in 1976, McKinley purchased Lot 16 adjacent to the property at 2466 Fillmore, in his name only.
5. That in April 1986 McKinley died intestate (without a will).
6. That McKinley and Willie Mae had no children.
7. That in December of 1993, having never remarried, Willie Mae Pittman died with only



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LAKE COUNTY
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→ Atty. John Henry Hall, Box 1498, Gary, IN 46407

a sister to survive her, the Affiant, Martha Jelks.

8. McKinley Pittman's known living relative are five nieces and one nephew:

Mrs. Annie P. Cobb, age 69, 132 Linkwood Rd., NW, Atlanta, GA 30311
Mrs. Lettie M. Edwards, age 66, 924 Fortwood, Chattanooga, TN 37403
Mrs. Mary Buchanan, age 63, 1309 Rosedale, Nashville, TN 37207
Mrs. Bessie Martin, age 61, 1711 Lydia Drive, Huntsville, Ala 35816
Mrs. Esther Braden, age unk, 11530 Cemorrton, Hawthone, CA 90047
Mr. Booker T. White, Jr. age 52, 392 Augusta Dr., Nashville, TN 37207

9. That Section 1.(b) of I.C. 29-1-2-1 states "Except as otherwise provided in subsection (c), the surviving spouse shall receive the following share:

- (1) One-half (1/2) of the net estate if the intestate is survived by at least one (1) child or by the issue of at least one (1) deceased child.
- (2) Three-fourths (3/4) of the net estate, if there is no surviving issue, but the intestate is survived by one (1) or both of the intestate's parents.
- (3) **All of the net estate, if there is no surviving issue or parent."**

10. Subsection (c) further states that "If the surviving spouse is a **second or other subsequent spouse who did not at any time have children by the decedent**, and the decedent left surviving him a child or children or descendants of a child or children by a previous spouse, such surviving second or subsequent childless spouse shall take only a life estate in one-third (1/3) of the lands of the deceased spouse, and the fee shall, at the decedent's death, vest at one in such child or children, or the descendants of such as may be dead, subject only to the life estate of the surviving spouse. Such second or subsequent childless spouse shall, however, receive the same share of the personal property of the decedent as is provided in subsection (b) with respect to surviving spouses generally.

11. That in this situation, subsection (b) applies and the property descended to WILLIE MAE PITTMAN.

12. McKinley Pittman did not have children and subsection (c) did not apply as related to a decedent who left children surviving him.

13. Therefore, subsection (b)(3) **All of the net estate, if there is no surviving issue or parent, "applies in this present case."**

14. That if McKinley Pittman had children at the time of his death, Willie Mae Pittman would have enjoyed a life estate in the property which estate would have terminated in December of 1993.

15. That once McKinley Pittman died, all of his property, including the lot purchased during his second marriage descended to Willie Mae McKinley.

16. That upon Willie Mae Pittman's death subsection (d)(3) becomes applicable which states "If there is no surviving spouse or issue of the instestate, then to the surviving parents, as follows: brothers and sisters, and the issue of deceased brother and sisters of the instestate..."

17. That in this case, Willie Mae Pittman has one sister that survived her and thus all of the property must descent and transfer to the one surviving sister.

18. That according to the Indiana Probate Code of Intestate Succession, all of the property belonging to McKinley Pittman now belongs to Willie Mae Pittman's sister, Mrs. Martha Jelks, the Affiant, along with all of the taxes, and utility bill apertuned to said property.

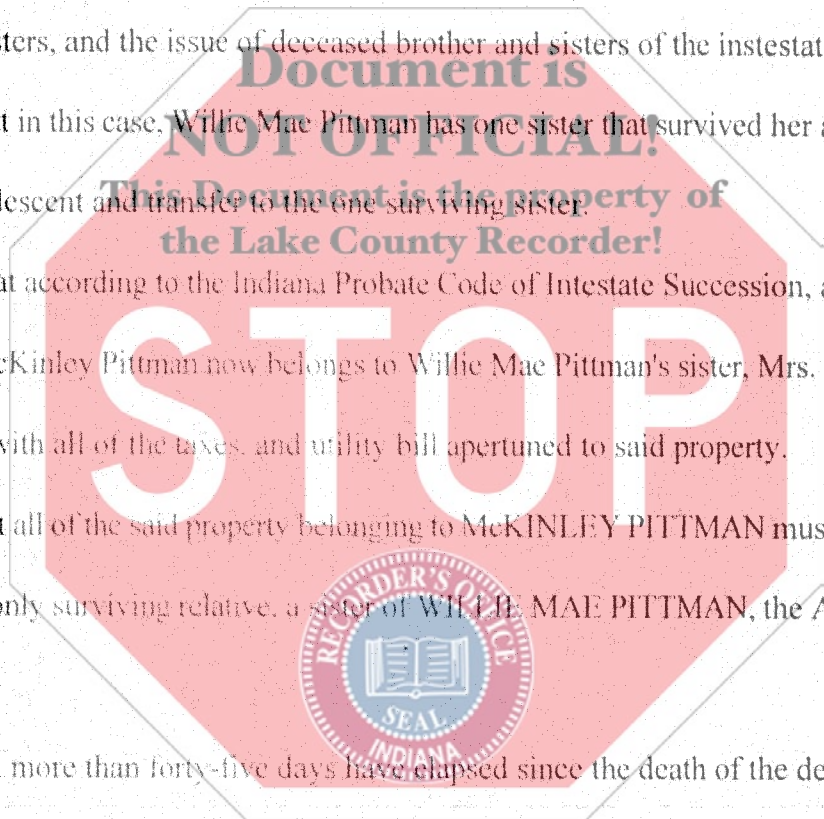
19. That all of the said property belonging to MCKINLEY PITTMAN must descend, transfer and vest in the only surviving relative, a sister of WILLIE MAE PITTMAN, the Affiant MARTHA JELKS.

20. That more than forty-five days have elapsed since the death of the decedent.

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

22. That the value of the decedent's gross estate, less liens and encumbrances, does not exceed the sum of Fifteen Thousand (\$15,000.00) as provided by I.C. 29-1-8-3, including the costs and expenses of administration and reasonable funeral expenses.

23. That there are no creditors known to the affiant.



24. That the tax mailing address: Martha Jelks, 808 S. Hobart Blvd. #103, Los Angeles CA 90005.

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED, that all personal property, five (5) rooms of furniture and appliances and other personal property, known and unknown and real property located 2466 Fillmore Street, Gary, Lake County, Indiana , Legal Description: Gary Park, Lots 16 and 17, Block 7, Key Number 43-226-17, owned by McKinley Pittman and/or Willie Mae Pittman VESTS in MARTHA JELKS, in fee simple absolute instanter.

Document is
ALL ORDERED THIS ^{5th} ~~NOT OFFICIAL!~~ DAY OF May, 1995.

**This Document is the property of
the Lake County Recorder!**

William E. Davis

JUDGE

STOP

