

STATE OF INDIANA )  
 ) , SS:  
COUNTY OF MADISON )

IN RE: IRENE P.  
HERR, DECEASED

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A F F I D A V I T

RICHARD G. HERR, being first duly sworn upon his oath, states:

1. That the above-named decedent died testate on the 6th day of November, 1996, while domiciled in Madison County, Indiana, and that the Last Will and Testament of the decedent was probated and spread of record in the Madison County Circuit Court on the 4th day of March, 1997, and a copy of said Will is attached to this affidavit as Exhibit "A".

2. That more than 45 days have elapsed since the death of the said IRENE P. HERR.

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

4. It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of \$15,000.00.

5. That at the time of her death, the decedent was the owner of real estate located at 4564 Pennsylvania, Gary, Lake County, Indiana, being more particularly described as follows:

Lots 17 and 18, Block 2, Broadway Realty and Investment Co's. Addition to Gary, as shown in Plat Book 9MA Page 1997 31, in Lake County, Indiana.

having an approximate value of \$14,000.00.

6. That IRENE P. HERR, IRENE PEARL HERR and PEARL IRENE HERR all refer to one and the same person.

7. That pursuant to the "Third" Item in the decedent's Last Will and Testament, said real estate was given and devised to the decedent's children, namely, your affiant, RICHARD G. HERR and MARLENE L. BURNS, in equal shares.

8. That this Affidavit is made for the purpose of transferring title to the above-described real estate into the names of RICHARD G. HERR and MARLENE L. BURNS, equally, as tenants in common, as provided for by I.C. 29-1-8-1.

WHEREFORE, the affiant herein hereby requests that title to the above-described real estate be transferred into the names of RICHARD G. HERR and MARLENE L. BURNS, equally, as tenants in common.

Richard G. Herr  
RICHARD G. HERR

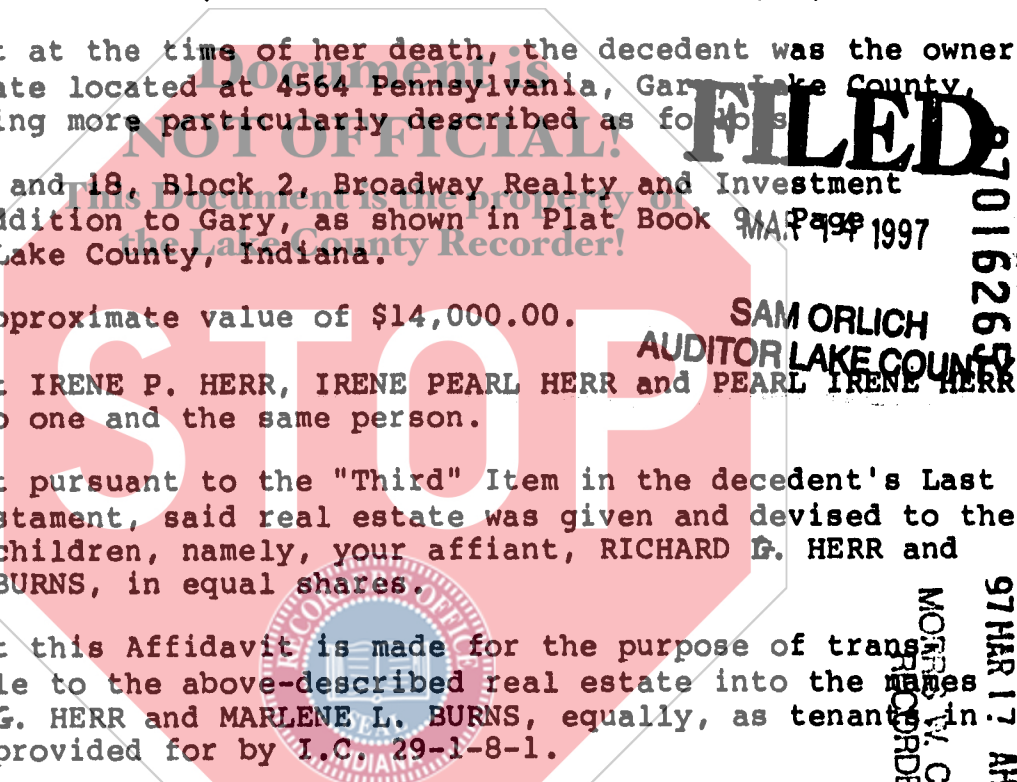
Subscribed and sworn to, before me, a Notary Public in and for said County and State of this 25 day of Feb., 1997.

My Commission Expires:  
CATHERINE DURANO  
NOTARY PUBLIC STATE OF INDIANA  
LAKE CO.  
MY COMMISSION EXPIRES MAY 18, 1998  
ISSUED THRU INDIANA NOTARY ASSOC.

Catherine Durano  
Catherine Durano, Notary Public  
Resident: Porter County, Indiana

PREPARED BY:  
EDWARD B. ALLEY, #2374-48  
Attorney-at-Law  
213 North 16th Street  
Elwood, Indiana 46036  
765/552-3311

SEND TAX STATEMENTS TO:  
Richard Herr & Marlene Burns  
2505 Linden Drive  
Valparaiso, Indiana 46383



FILED

01626

SAM ORLICH  
AUDITOR LAKE COUNTY

97 MAR 17 AM 10:48  
MORRIS W. CARTER  
RECORDER

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

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13,00

JK  
CK 3098

LAST WILL AND TESTAMENT  
OF  
THEODORE HERR AND IRENE HERR

We, Theodore Herr and Irene Herr, husband and wife, of Lake County, State of Indiana, being of sound and disposing mind and memory, declare this to be our joint will and testament, making void all wills and testamentary papers made heretofore by us.

FIRST, we order and direct that all of our just debts and funeral expenses be paid as soon after our death or deaths as may be convenient.

SECOND, we devise and bequeath all of such estate and property of whatever kind and nature, both real and personal, to which we may have the power to dispose of at our death to the surviving spouse of the above named husband and wife, and we appoint said spouse the executor or executrix of this will of the deceased to serve without bond, and that said executor or executrix have absolute discretion as to suitable burial for the deceased.

THIRD, PROVIDED, that in the event that we should die in a common disaster, or the surviving spouse should die without changing or revoking this will as his or her last will and testament, our total estate or the total estate of the surviving spouse, we devise and bequeath our children, Richard Herr and Marline Burns, in equal shares.

a. We hereby appoint Harold Herr executor under this provision of our last will and testament, and we direct that he be allowed

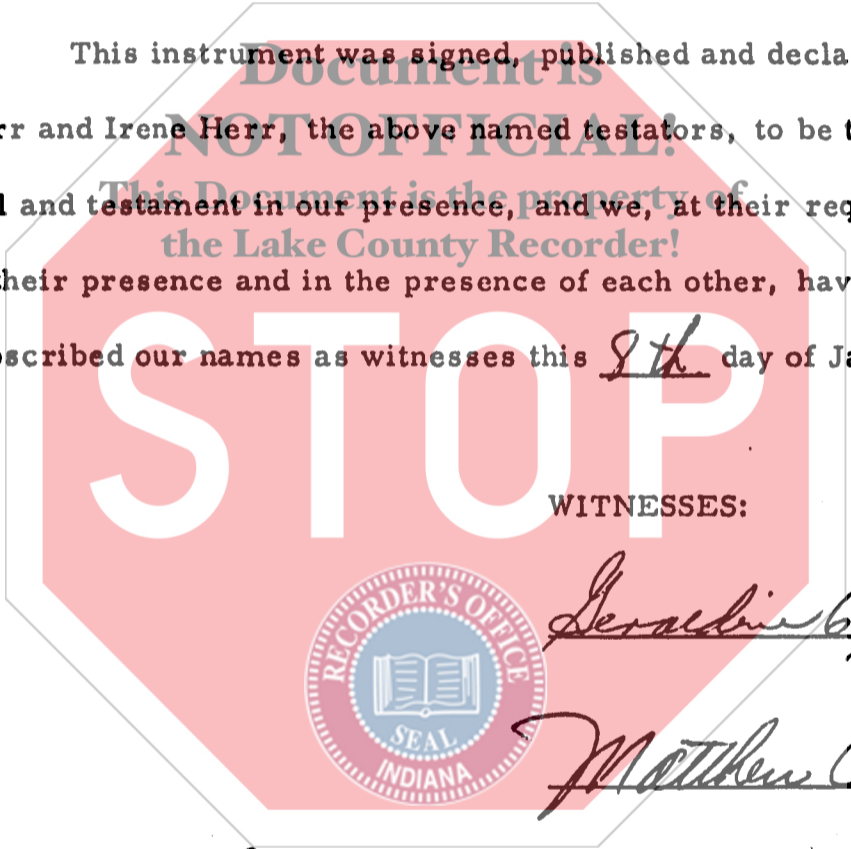
to serve without bond.

IN WITNESS WHEREOF, we have hereunto set our hands this  
8th day of January, 1964.

Theodore Herr  
Theodore Herr

Irene Herr  
Irene Herr

This instrument was signed, published and declared by Theodore Herr and Irene Herr, the above named testators, to be their last will and testament in our presence, and we, at their request and in their presence and in the presence of each other, have hereunto subscribed our names as witnesses this 8th day of January, 1964.



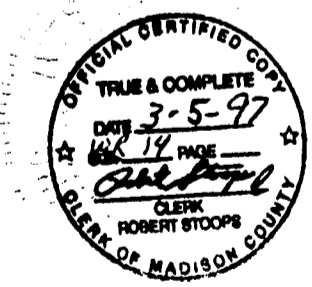
WITNESSES:

Levin E. Schueler

Matthew B. Rogers



Date 3/5/97  
Verified by \_\_\_\_\_ of will filed.  
Will  
Ordered \_\_\_\_\_  
Fredrick R. Spencer  
Judge, Madison Circuit Court



APPROVED  
Madison Circuit Court  
MAR - 5 1997  
James B. [Signature]  
COMMISSIONER