

Chicago Title Insurance Company

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STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE CIRCUIT COURT

CROWN POINT, INDIANA

69070

REALTY ASSET PROPERTIES,)
LTD.,)

Plaintiff,)

vs.)

CAUSE NO. 45C01-9907-CP-01850

LAKE COUNTY AUDITOR,
JEAN WANDEL, KATHLEEN
CALLENDER, and any Heirs,
Successors, Corporations,
Assigns, and all other persons
claiming under, from or through
them,

Defendants.)

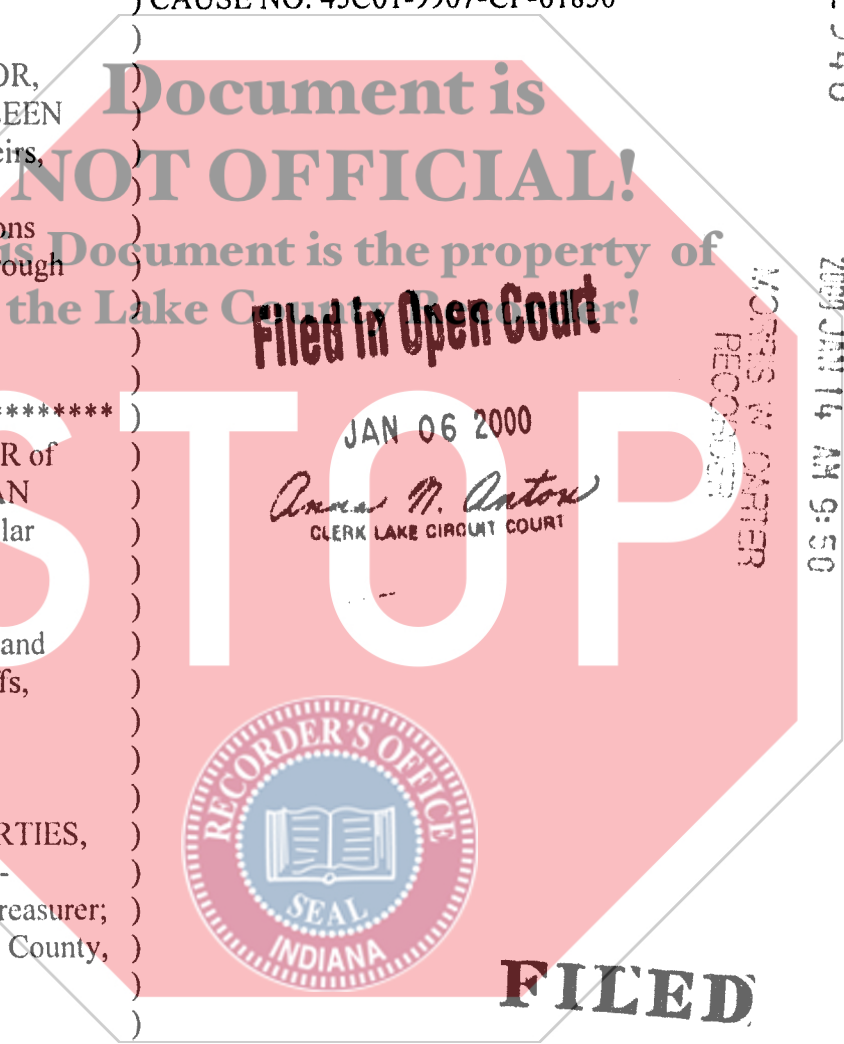
KATHLEEN CALLENDER of)
Golden, Colorado, and JEAN)
ELLEN WANDEL of Poplar)
Bluff, Missouri,)

Counter-Claimants and)
Third Party Plaintiffs,)

vs.)

REALTY ASSET PROPERTIES,)
LTD., PEGGY HOLINGA-)
KATONA, Lake County Treasurer;)
PETER BENJAMIN, Lake County,)
Auditor; and BANK ONE,)
MERRILLVILLE, N.A.,)

Counter-Defendants and)
Third Party Defendants.)



DEFAULT JUDGMENT

PETER BENJAMIN
LAKE COUNTY AUDITOR

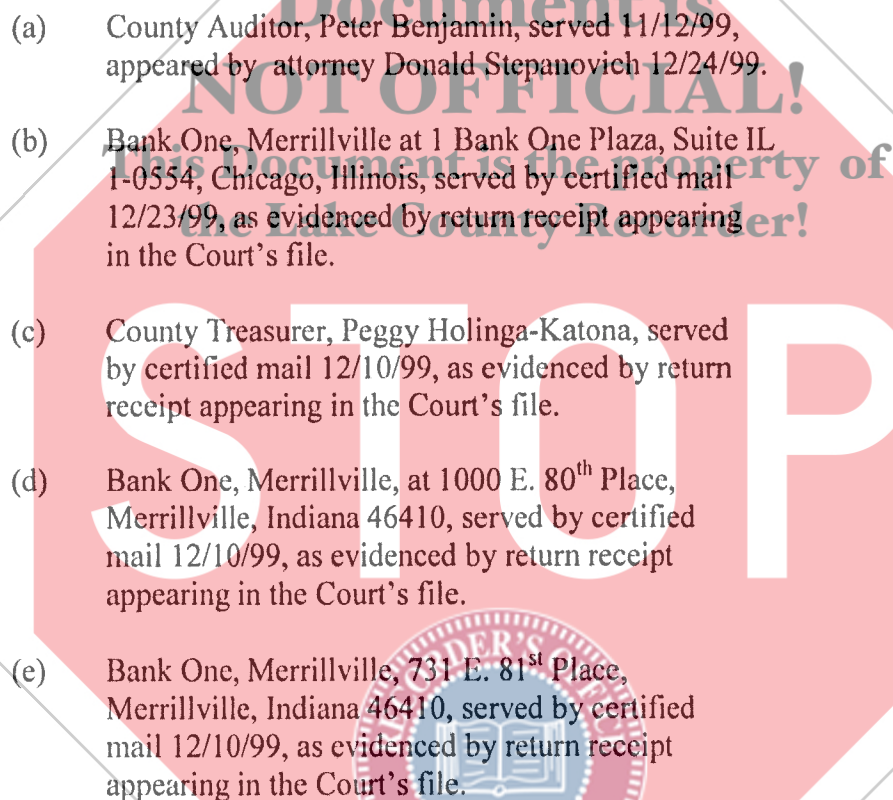
CTIC has made an accommodation recording of
the instrument. We have made no examination
of the instrument or the land affected.

00701 19.00
E.P.
CK

Come now Third Party Plaintiffs, by their attorney of record herein, and file "Application For Default Judgment". Said Application is examined. The Record of Proceedings herein is examined.

The Court now grants said Application for a default, finding as follows:

(1) Third party plaintiffs filed their Third Party Complaint herein November 12, 1999, and caused Summons to be issued and served upon third party defendants, as follows:

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- (a) County Auditor, Peter Benjamin, served 11/12/99, appeared by attorney Donald Stepanovich 12/24/99.
 - (b) Bank One, Merrillville at 1 Bank One Plaza, Suite IL 1-0554, Chicago, Illinois, served by certified mail 12/23/99, as evidenced by return receipt appearing in the Court's file.
 - (c) County Treasurer, Peggy Holinga-Katona, served by certified mail 12/10/99, as evidenced by return receipt appearing in the Court's file.
 - (d) Bank One, Merrillville, at 1000 E. 80th Place, Merrillville, Indiana 46410, served by certified mail 12/10/99, as evidenced by return receipt appearing in the Court's file.
 - (e) Bank One, Merrillville, 731 E. 81st Place, Merrillville, Indiana 46410, served by certified mail 12/10/99, as evidenced by return receipt appearing in the Court's file.

(2) None of the third party defendants has appeared, and attempted to defend the Third Party Complaint, other than County Auditor, Peter Benjamin, as aforementioned.

(3) None of the non-appearing third party defendants is an infant, incompetent, or member of the military service. Neither the Third Party Plaintiffs, nor

their attorney, are aware of the identity of the legal representatives of any one of the non-appearing defendants, within the meaning of the case precedent established in the Supreme Court of Indiana decision and opinion in Smith vs. Johnson, 711 N.E. 2d 1299 (Ind. 1999).

(4) Since June 20, 1983, Landowners have been vested with fee simple absolute title to the following described real estate in the Town of Merrillville, Ross Township, Lake County, Indiana ("The Real Estate"), to-wit:

All that part of the NE $\frac{1}{4}$ of Section 4, TWP. 35N. Range 8 W of the 2nd P.M. more particularly described as follows: Commencing at the NE corner thereof, thence South along the East line of said Section 4, a distance of 103.06 feet; thence West at right angles a distance of 500.00 feet; thence North a distance of 108.44 feet along a line that is parallel to and 500.00 feet West of the East line of said Section 4; to a point on the North line of said Section 4; thence East along the North line of said Section to a point of beginning, all in Ross Township, Lake County, Indiana.

Locally known as 5304 Broadway, Merrillville, Indiana (see Deed Exhibit "A" attached hereto and incorporated herein by reference.

IT IS NOW ORDERED, ADJUDGED and DECREED that the Tax Sale of the subject property is declared void ab initio and of no force and effect, and the Certificate of Sale and Tax Deed (copies annexed) are stricken and ordered vacated, expunged and set aside, to forever be held for naught.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Bank One, Merrillville, NA, as Lessee under the parties Lease, is Ordered to fully indemnify and save third party complainants as landowners harmless from any and all losses they may suffer as a result of the failure to pay real estate taxes on the subject property.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that third party plaintiffs' attorneys be awarded attorney's fees herein in the sum of \$17,500.00. Costs vs. Third Party Defendants.

MADE and ENTERED at Crown Point, Indiana, this 6 day of

January

, 2000.

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Lorenzo Anedondo
JUDGE, Lake Circuit Court

STOP



STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

Prescribed by the State Board of Account

99041680

99 MAY 17 AM 8:51

TAX DEED

INDIANAPOLIS, INDIANA
RECORDER

WHEREAS REALTY ASSET PROPERTIES, LTD. did the 16th day of March, 1999 produce to the undersigned, PETER BENJAMIN Auditor of the County of LAKE in the State of Indiana, a certificate of sale dated the 19th day of September, 1997, signed by SAM ORLICH who, at the date of sale, was Auditor of the County, from which it appears that REALTY ASSET PROPERTIES, LTD. on the 19th day of September, 1997, purchased at public auction, held pursuant to law, the real property described in this indenture for the sum of \$15,891.20, being the amount due on the following tracts of land returned delinquent in the name CALLENDER KATHLEEN & WANDELL JEAN for 1996 and prior years, namely:

36-15-0018-0110
PT. E.2 NE. NE.
103.06X500X108.44X500 FT.
S.4 T.35 R.8 I.22 AC.
1204231018

Q111-231-018

Such real property has been recorded in the Office of the LAKE County Auditor as delinquent for the nonpayment of taxes and proper notice of the sale has been given. It appearing that REALTY ASSET PROPERTIES, LTD. is the owner of the certificate of sale, that the time for redeeming such real property has expired, that the property has not been redeemed, that REALTY ASSET PROPERTIES, LTD. has demanded a deed for the real property described in the certificate of sale, that the records of the LAKE County Auditor's Office State that the real property was legally liable for taxation, and the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for 1996 and prior years:

THEREFORE, this indenture, made this 16th day of March, 1999, between the State of Indiana by PETER BENJAMIN, Auditor of LAKE County, of the first part, and REALTY ASSET PROPERTIES, LTD. of the second part, witnesseth: That the party of the first part, for and in consideration of the premises, has granted and bargained and sold to the party of the second part, his heirs and assigns, the real property described in the certificate of sale, situated in the County of LAKE, and State of Indiana, namely and more particularly described as follows:

36-15-0018-0110
PT. E.2 NE. NE.
103.06X500X108.44X500 FT.
S.4 T.35 R.8 I.22 AC.
1204231018

to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said County is empowered by law to convey the same.

In testimony whereof, PETER BENJAMIN, Auditor of LAKE County, has hereunto set his/her hand, and affixed the seal of the Board of County Commissioners, the day and year last above mentioned.

Peggy W Katona

Attest: PEGGY HOLINGA KATONA
Treasurer: LAKE County



Witness: *Peter Benjamin* (L.S.)
PETER BENJAMIN, Auditor of LAKE County

State OF INDIANA

County OF LAKE

} SS.

Before me, the undersigned, Anna N Anton, in and for said County, this day, personally came the above named PETER BENJAMIN, Auditor of said County, and acknowledged that he/she signed and sealed the foregoing deed for the users and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal this 17 day of May, 1999

Anna N. Anton
Anna N Anton, Clerk of LAKE County

This instrument prepared by PETER BENJAMIN, County Auditor.

Post Office address of grantee: 3950 RCA BLVD SUITE 5001
PALM BEACH GARDENS, FL 33410

A12-I

MAY 17 1999

PETER BENJAMIN
LAKE COUNTY AUDITOR

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NOT OFFICIAL!**

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the Lake County Recorder!**

CERTIFICATION OF CLERK

As legal custodian I hereby certify that the above and foregoing is a true and complete copy of the original on file with this office in the cause stated thereon.

Witness my hand and the seal of the court this
10th day of June 2000.

Debra N. Anton
Clerk of the Lake Circuit and Superior Courts

By: John T. [Signature]
Deputy Clerk



TAX SALE CERTIFICATE

\$15,891.20

No. 4515739

Subject To 10%: \$15,891.20
Subject To 10% Per Annum: \$0.00

STATE OF INDIANA, LAKE COUNTY

I, SAM ORLICH County Auditor in and for the County aforesaid, do hereby certify that at public sale held by IRENE HOLINGA the County Treasurer of the aforesaid County, which commenced on 09/17/97 at 10:00 AM and continued until all parcels were offered for sale, that the treasurer did on 9/19/97 in the main gallery of the LAKE COUNTY GOVERNMENT CENTER AUDITORIUM legal notices as prescribed in IC 6-1.1-24-2 having been given, sold to

FUNB AS CUSTODIAN FOR FUNDCO.
3950 RCA BLVD., #5001.
PALM BEACH GARDENS FL 33410

the following described piece or parcel of land in Lake County, Indiana, to wit:

36-15-0018-0110
PT. E.2 NE. NE.
103.06X500X108.44X500 FT.
S.4 T.35 R.8 1.22 AC.

the said sum paid being equal to or greater than the amount of the judgment issued by the Lake County Circuit Court on 09/11/97 said judgment based on taxes, penalty, interest and costs due on the Real Estate above described for the year 1996, and former years, to which is added the tax of 1996, said land being assessed and duly entered for the taxation in the name of

CALLENDER KATHLEEN & WANDELL JEAN
1000 E 80TH PL TWIN TOWERS
MERRILLVILLE IN 46410-5653

The purchaser, above named, having paid the said Treasurer said purchase money (he or she being the highest and best bidder for cash), will be entitled to a deed for the tract of land so purchased as above described, at the expiration of one year from the date of said sale and after said purchaser complies with the statutory requirements of IC 6-1.1-25-4 et seq., if the same shall not have been previously redeemed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Auditor aforesaid at Crown Point, Indiana, this 19th day of September, 1997


SAM ORLICH, AUDITOR OF LAKE COUNTY, INDIANA

STATE OF INDIANA, LAKE COUNTY

I, IRENE HOLINGA Treasurer of Lake County, do hereby guarantee that the taxes and special assessments on the Real Estate named in the above certificate are delinquent, and that the same were yet due and unpaid at the time of the sale thereof, mentioned in said certificate, and said Real Estate being eligible for sale under IC 6-1.1-24.


IRENE HOLINGA, TREASURER OF LAKE COUNTY, INDIANA

A12-I