

6

2000 032773

2000 MAY 12 AM 2

MORRIS V. ...  
RECORDER

# Last Will and Testament of

FRANK A. BELINSKY

I, FRANK A. BELINSKY, of 8000 Jefferson Avenue, Munster, Ind., hereby revoke my former Wills and Codicils and declare this to be my last Will.

## Document is NOT OFFICIAL!

### PARAGRAPH I

I direct my Executor, hereinafter named, to pay all of the following expenses and assessments charged against my Estate or against any beneficiary herein, out of and charged generally against my Estate as a whole, without right of reimbursement or contribution from any beneficiary herein or from any other person, to be paid in a manner considered equitable by my Executor, and as soon after my death as is practical:

- A. My funeral and burial expenses and the expenses of my last illness.
- B. All Federal and State Inheritance, Estate and similar taxes, including such taxes assessed on account of life insurance proceeds or other property which shall be included in my gross estate for the purpose of such taxes whether or not included in my Estate for probate purposes.
- C. All other bills, debts and expenses which I or my Estate shall legally owe and which shall be timely filed in my Estate.

### PARAGRAPH II

I give to my wife, Maxine H. Belinsky, if she survives me, hereafter referred to as my "spouse", all that part of the property which I own at my death and which my spouse shall select, and which shall not exceed in value the greater of \$250,000.00 or 50% of the value of my adjusted gross estate (as may be finally determined and adjusted by law or the Internal Revenue Service), it being my intention that my spouse shall receive the maximum assets that may be transferrable to my spouse under the marital deduction provisions of the laws of the United States in effect as of the time of my death.

### PARAGRAPH III

It is contemplated by me that all of the property which I own at my death shall not exceed \$250,000.00 in value; if my property shall exceed that value so that property remains after the transfer to my spouse, as contemplated in Paragraph II above, then, and in that event, such excess property which I may own at my death I hereby give to my spouse.

S. A. B

Hugh Brauer  
9200 Columbus Av, Munster 46321

19.00  
7282

①

PARAGRAPH IV

If my spouse shall not survive me, all of the property which I own at my death I hereby give to the Trustee named in Paragraph V below, to be retained, managed and distributed by said Trustee under the provisions of Paragraph VI below.

PARAGRAPH V

Designation of Trustee

If a Trustee is required under the provisions of Paragraph IV, above, I designate and appoint DIANA RUBINO, of Hammond, Indiana, as Trustee, to retain, manage and distribute the assets given to said Trustee, and pursuant to the provisions of Paragraph VI below. If said Trustee does not so act, for any reason, I hereby appoint LINDA LEWIS, of St. John, Indiana to act as successor Trustee.

I direct that no bond be required of any of the named Trustees. If the Trust shall be created, the Trust Corpus shall include proceeds of any life insurance policies insuring my life or any retirement fund benefits which are payable to the Trustee designated by the terms of this Will, or to my Estate, except as hereafter set forth in Paragraph X below.

PARAGRAPH VI

Trust Provisions

The purpose of this Trust is to provide for the support, education and general welfare of my children until such time as the youngest of said children shall reach his or her twenty-first (21st) birthday, and to provide for the distribution of the Trust property as stated in the following subparagraphs.

A. Notwithstanding any other words of direction or authority herein contained, I direct that the Trustee, hereunder, in the performance of his duties and in the managing, controlling or handling of the Trust assets, shall always use prudent and reasonable due care, so that the best interests of the beneficiaries of this Trust shall be properly and adequately protected. Where possible, the Trustee shall consult with the beneficiaries of this Trust so as to ascertain their best interests.

B. The Trust Estate, including all income therefrom and increase thereof, may be retained, invested or reinvested by said Trustee in real or personal property without any statutory restriction. He may sell any property, real or personal, publicly or privately, without court order and without notice, upon such terms and conditions as shall be reasonable and satisfactory and in the best interests of the beneficiaries. He may manage, control, lease or encumber the assets of the Trust Estate in any way which will fulfill the purposes of this Trust.

C. Such of the income and corpus as is needed shall be applied or distributed by said Trustee, in cash or in kind, for the support, education and general welfare of each beneficiary. Such distributions shall be made to those persons and in such manner and amounts as said Trustee believes will fulfill the purposes of this Trust, regardless of the existence of other funds available for these purposes; said Trustee is authorized to make said distributions directly to said beneficiary, to his guardian, or to any other person in behalf of said beneficiary without the Trustee being liable to see to the application thereof.

S.A.B.

D. As soon as the youngest beneficiary hereunder shall have reached his or her twenty-first (21st) birthday, the Trust Estate then remaining shall be divided to provide an equal portion for each of the beneficiaries and the same shall be forthwith distributed to said beneficiaries. The Trust Estate and the duties and responsibilities of the Trustee shall thereupon immediately terminate.

E. There is to be no segregation of the interests of any one beneficiary under this Trust until such time as his share is distributed to him. The interests of the beneficiaries of the Trust created hereunder shall not be subject to or liable for any anticipations, assignments, sales, pledges, debts, contracts or liabilities of said beneficiaries and said interests shall not be seized by creditors of said beneficiaries or by anyone by attachment, garnishment, execution or otherwise.

Document is  
NOT OFFICIAL!

PARAGRAPH VII

If it is necessary that a guardian be appointed for any of my children, I direct that my spouse be appointed guardian of the person and of the Estate of such child; if my spouse does not so act, for any reason, I direct that DIANA RUBINO, of Hammond, Indiana,

be so appointed. I direct that no bond be required of any of said persons in that capacity.

PARAGRAPH VIII

I hereby appoint my spouse as Executrix of this Will. If my spouse does not so act, for any reason, I hereby appoint DIANA RUBINO, of 6804 Montana Street, Hammond, Indiana,

to act as Executrix of this Will. I direct that no bond be required of any of said persons in that capacity. I empower any of said persons or any successors in that capacity to continue to operate any businesses which I may own or operate at my death, for such time as shall be required in order to properly carry out my desires as expressed herein, and to sell, lease, or mortgage any property, real or personal, publicly or privately, for cash or on credit, for any purpose; to exchange any such property for other property; to grant options to purchase or acquire any such property; and to determine the prices and terms of sales, exchanges and options; to permit any of the beneficiaries named herein to enjoy the use in kind, during probate of this Will of any tangible personal property without liability on the part of said personal representative for any injury to, consumption of, or loss of any such property so used; to employ attorneys, auditors, depositaries, proxies and agents with or without descretionary powers; and to keep any property in the name of an executor or a nominee, with or without disclosure of any fiduciary relationship, or in bearer form; to settle, compromise, pay, contest or abandon claims of or against my estate, wherever situated, upon such terms as the executor considers advisable; to execute contracts, conveyances and other instruments, including instruments containing covenants and warranties binding upon and creating a charge upon my estate, and containing provisions excluding personal liability; to make any distribution or

J. A. B.

division of my estate in cash or in kind or both; to allot different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries, and to determine the value of any such property; to invest in any property, real or personal; to make such elections under the tax laws applicable to my estate as may be deemed expedient and desirable. No compensating adjustments between principal and income, nor with respect to any bequest or devise hereunder, shall be made by my executor even though the elections so made may substantially affect (beneficially or adversely) the interests of the various beneficiaries in the principal or income of my estate. The action of my executor with respect to elections made shall be conclusive and binding upon all beneficiaries. The beneficiaries, or their executors or administrators, shall not be liable for any unintentional, non-negligent injury to, consumption of, or loss of any property used as provided herein. I direct my executor to pay all Federal and State Estate and Inheritance taxes and similar taxes, which are assessed against my estate or against any beneficiary (including such taxes assessed on account of life insurance proceeds or other property which shall be included in my gross estate for the purpose of such taxes whether or not included in my estate for probate purposes) out of the assets of my estate in any manner considered equitable by my executor. In addition to powers enumerated herein, I hereby grant my executor any and all additional powers deemed necessary to carry out my wishes at a minimum of trouble and expense; all of the powers enumerated herein and all other powers granted to my executor shall be without an order of the court and without notice to anyone, upon such terms and conditions as shall seem best to said personal representative and without liability on the part of any purchaser, tenant or mortgagee to see to the application of the consideration.

#### PARAGRAPH IX

If neither my spouse nor any of my children survive me leaving issue surviving me, then, and in that event, all of the property which I own at my death I hereby give to the following persons, or to the survivor of them, in substantially equal shares, share and share alike, per stirpes: The heirs of both myself and my spouse had I and my spouse died intestate.

#### PARAGRAPH X

##### Restriction On Executor and Trustee

Notwithstanding any other provision set forth herein, either heretofore, or hereafter, and in the event that the Executor or Trustee appointed hereby, or any substitute or successor thereto, shall become possessed of or the beneficiary of any death benefits paid pursuant to and under the provisions of any pension or profit sharing plan covering myself, which shall be defined and qualified under any provision or provisions of the Internal Revenue Code, as amended, so as to make said benefits tax exempt, under no circumstances shall said Executor or Trustee commingle said proceeds with any of the other proceeds that may be received by them, but in the alternative shall hold and retain such sums as a separate and distinct fund and shall not, under any circumstances have any authority or power to use said funds for the payment of any expense of the administration of this estate, or for the payment of any taxes occasioned by virtue of my death, or otherwise nor shall said funds be in any way considered as a part of my estate, residuary, or otherwise.

J. A. B.

PARAGRAPH XI

In construing this Will, the meanings of the words "CHILD" or "CHILDREN" shall include my natural children living as of the time and of the execution of this Will, and all afterborn natural children and all legally adopted children. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

Executed at Merrillville, Indiana, this 28th day of April, 1977. I certify that at the time of the execution of this Will, I am mentally competent and acting voluntarily. I further certify that this Will consists of five (5) typewritten pages and that I have initialed each page of this Will, exclusive of this page, in the lower left-hand corner.

Document is the property of  
the Lake County Recorder!

*Frank A. Belinsky*  
FRANK A. BELINSKY

The foregoing instrument, consisting of five (5) typewritten pages, was signed, initialed and published by Frank A. Belinsky, Testator herein, as his last Will, in the presence of us who, at his request, in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses. We each certify that at the time of the execution of this Will, the said Testator was mentally competent and acting voluntarily.

*Wayne D. Brewer*      7863 Broadway, Merrillville, Ind 46410  
Signature of Witness      Address

*Jeanette C. Holcomb*      574 Lake View Dr., Lowell, Ind. 46356  
Signature of Witness      Address

*Rochester M. Murphy*      317 Pettibone Crown Point Ind. 46307  
Signature of Witness      Address

UNDER PENALTIES FOR PERJURY, WE, FRANK A. BELINSKY, HUGH D. BRAUER, JEANENNE C. HOLCOMB and KATHRYN M. MURPHY,

the Testator and the Witnesses respectively whose names are signed to the attached or foregoing instrument declare:

1. That the Testator executed the instrument as his Will;
2. That, in the presence of all of the undersigned witnesses, he signed or acknowledged his signature already made or directed another to sign for him in his presence;
3. That he executed the Will as his free and voluntary act for the purposes expressed in it;
4. That each of the witnesses, in the presence of the Testator and of each other, signed the Will as witnesses;
5. That the Testator was of sound mind; and
6. That to the best of their knowledge, the Testator was at the time eighteen (18) or more years of age, or was a member of the Armed Forces or of the Merchant Marine of the United States, or its allies.

April 28, 1977  
DATE

*Frank A. Belinsky*  
FRANK A. BELINSKY  
Testator



*Hugh D. Brauer*  
Witness

*Jeanenne C. Holcomb*  
Witness

*Kathryn M. Murphy*  
Witness