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STATE OF INDIANA )  
) SS:  
COUNTY OF LAKE )

IN THE LAKE CIRCUIT COURT

2002 018869

CAUSE NO. 45C01-0006-MI-01646

2002 JAN 18 2:30

TBC IV, INC., )  
)  
Plaintiff, )

CLERK OF SUPERIOR COURT  
RECORDER

vs. )

GARRISON REALTY CO, INC., )  
LAKE COUNTY TREASURER, )  
and LAKE COUNTY AUDITOR, )

Filed in Open Court

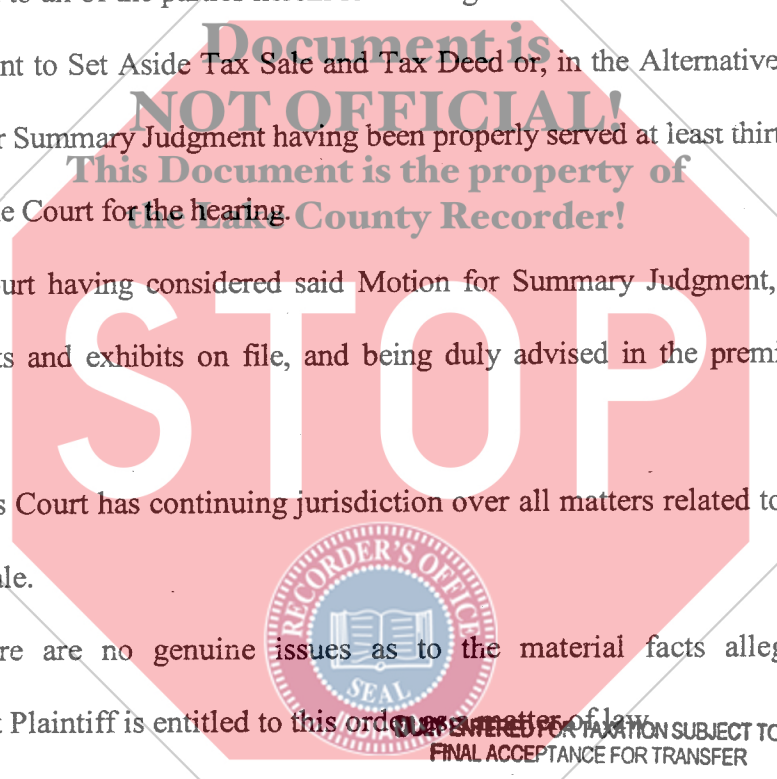
JAN 18 2002

Defendants. )

Anne M. Antow  
CLERK LAKE CIRCUIT COURT

ORDER TO SET ASIDE TAX DEED AND TAX SALE

Comes now the Plaintiff, TBC IV, Inc. (hereinafter "TBC"), by counsel, pursuant to due notice by the Court to all of the parties herein for hearing on the Motion for Summary Judgment on Plaintiff's Complaint to Set Aside Tax Sale and Tax Deed or, in the Alternative, to Reform Deed, and said Motion for Summary Judgment having been properly served at least thirty (30) days before the time fixed by the Court for the hearing.



And the court having considered said Motion for Summary Judgment, together with the pleadings, affidavits and exhibits on file, and being duly advised in the premises, now finds as follows:

1. This Court has continuing jurisdiction over all matters related to the Lake County real property tax sale.
2. There are no genuine issues as to the material facts alleged in Plaintiff's Complaint and that Plaintiff is entitled to this order as a matter of law.

FEB 19 2002

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PETER BENJAMIN  
LAKE COUNTY AUDITOR

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075754  
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3. On or about February 11, 1998, Plaintiff's assignor, Transamerica Business Credit (hereinafter "Transamerica"), purchased the tax sale certificate for the following described real estate:

Parcel No.: 14-19-0052-0065

1<sup>st</sup> SUBDIV. E. GARY L. 58 BL.5

098353036

More commonly known as: 639 Central Avenue, Gary, Indiana.

4. Transamerica tendered the sum of \$23,132.07 on or about February 11, 1998 to the Lake County Auditor and Lake County Treasurer to purchase said tax sale certificate.

5. Thereafter, Transamerica assigned its right to and interest in the tax sale certificate to Plaintiff, TBC.

6. The subject property, was sold for delinquent property taxes due on it and two (2) other parcels.

7. Pursuant to Indiana Code Section 6-1.1-25-11, the real property described in the tax deed to Plaintiff was not subject to the taxes for which it was sold.

8. The tax deed issued to Plaintiff should be voided and set aside and the tax sale of this parcel should be voided and set aside.

9. The Plaintiff, TBC, should be refunded the purchase price of the tax sale certificate in the amount of \$23,132.07, plus interest at the rate of 6% per annum until said sums are refunded and all real estate taxes paid by TBC on the above-described parcel since the tax sale.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the Defendant, Lake County Auditor, be ordered to refund to Plaintiff, the purchase money of the above-described tax sale certificate in the amount of \$23,132.07, plus interest at the rate of 6% per annum from February 11, 1998 until the date the money is refunded to Plaintiff.

2. That the Defendant, Lake County Auditor, is ordered to refund TBC all real estate taxes paid on the above-decried parcel since the date of the tax sale.

4. That the tax deed issued to Plaintiff, TBC IV, Inc., from the Lake County Auditor dated December 8, 1998 and recorded March 11, 1999 as Instrument No. 99022118 is hereby set aside and voided.

5. That the February 11, 1998 tax sale of the following described real estate is hereby set aside and voided:

Parcel No.: 14-19-0052-0065

1<sup>st</sup> SUBDIV. E. GARY L. 58 BL.5

098353036

More commonly known as: 639 Central Avenue, Gary, Indiana.



6. That pursuant to Indiana Code Section 6-1.1-25-11, TBC, successor in interest to Transamerica, shall execute, acknowledge and deliver to the owner of the above-described real estate as of the date of the tax sale, Garrison Realty Co., Inc., whatever interest TBC may have acquired by the tax sale deed.

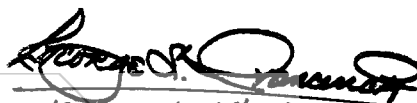
7. That Plaintiff shall no longer be responsible for payment of real estate taxes due or past due on the subject real estate.

1-18-02   
JUDGE, LAKE CIRCUIT COURT

DISTRIBUTION:

Jennifer D. McNair, 21220-49  
WOOD TUOHY GLEASON MERCER & HERRIN  
111 Monument Circle, Suite 3400  
P.O. Box 44942  
Indianapolis, IN 46204-0942  
(317)636-3551

Edward R. Hall, 22040-45  
7520 Broadway  
Merrillville, IN 46410

  
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