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STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

LAKE CIRCUIT COURT
CIVIL DIVISION
CAUSE NO. 45C01-0101-CP-00003

TBC IV, INC. 2002 047661)
Plaintiff,)
vs.)
LAKE COUNTY TREASURER and)
LAKE COUNTY AUDITOR)
Defendant(s))

2002 APR 11 10:45

Filed in Open Court

APR 11 2002

Anna N. Antone
CLERK LAKE CIRCUIT COURT

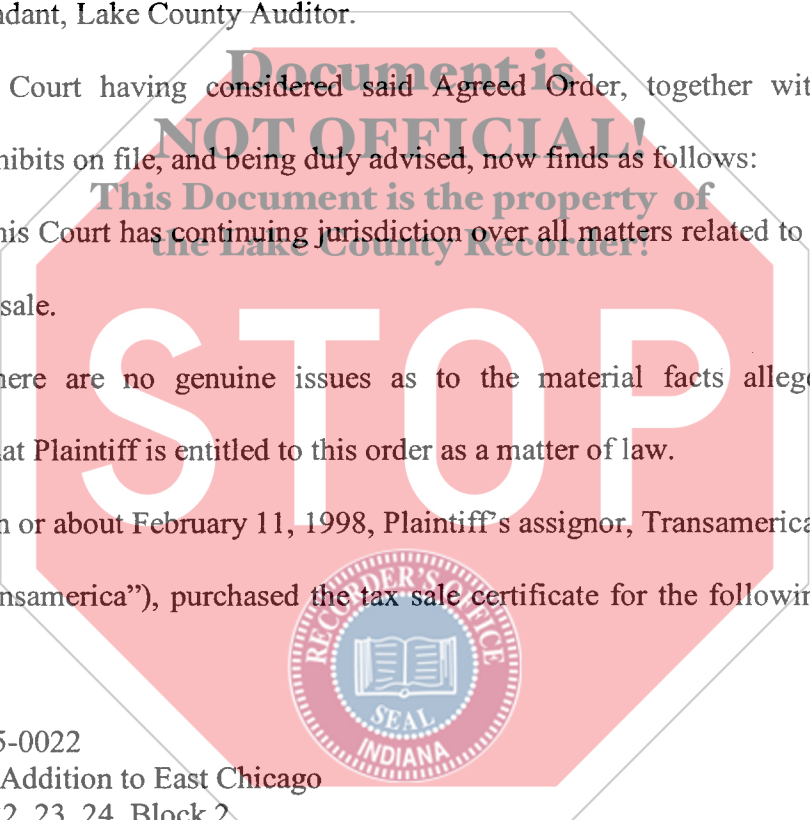
AGREED ORDER TO SET ASIDE TAX DEED AND TAX SALE

Comes now the Plaintiff, TBC IV, Inc. (hereinafter "TBC"), and Defendant, Lake County Auditor, both by counsel, and respectfully submit this Agreed Order as to Plaintiff's claims against the Defendant, Lake County Auditor.

And the Court having considered said Agreed Order, together with all pleadings, affidavits and exhibits on file, and being duly advised, 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.
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:

25-46-275-0022
Osborn's Addition to East Chicago
Lots 21, 22, 23, 24, Block 2



Bank One Center Tower
111 Monument Circle, Ste. 3400
P.O. Box 44942
Indianapolis, IN 46244

15.00
M.V.
077927
\$4.00 - copy

4. Transamerica tendered the sum of \$7,518.54 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 property record card for the above-described real estate at the time of the tax sale listed the common street address as 1701 Hanley Street, Gary, Indiana, and that the real estate was an improved parcel of land.

7. Until recently, the parcel number referenced above, 25-46-275-0022 was mislabeled 1701 Hanley Street, Gary, Indiana.

8. That the correct street address for parcel number 25-46-275-0022 is 5081-91 West 16th Avenue, Gary, Indiana.

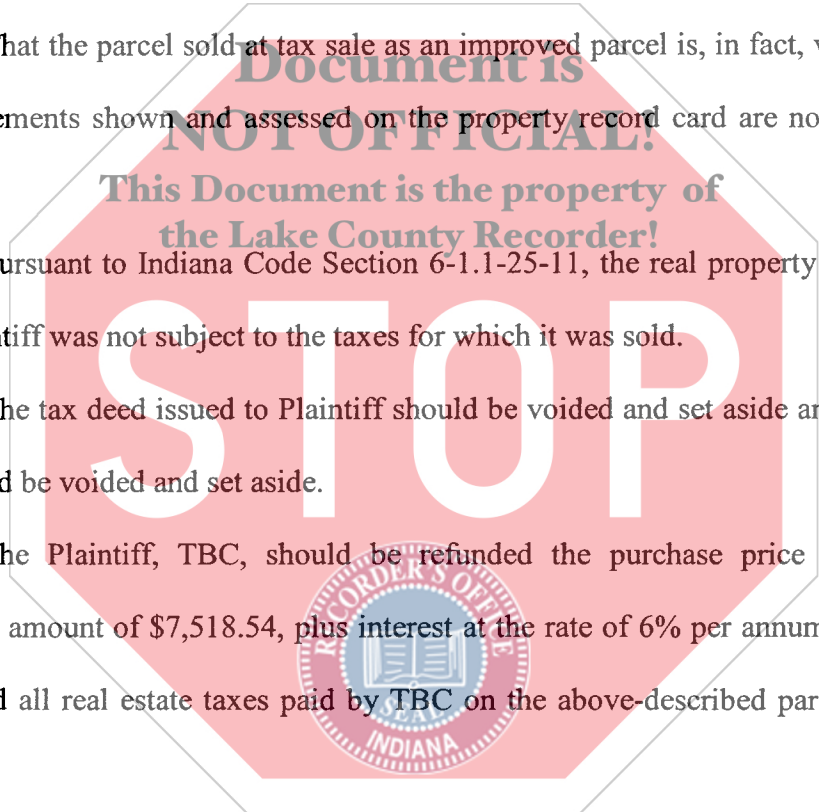
9. That the parcel sold at tax sale as an improved parcel is, in fact, vacant real estate and the improvements shown and assessed on the property record card are not located on this parcel.

10. 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.

11. 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.

12. The Plaintiff, TBC, should be refunded the purchase price of the tax sale certificate in the amount of \$7,518.54, 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 \$7,518.54, 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. 99022164 is hereby set aside and voided.

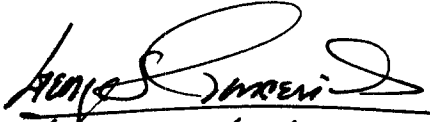
5. That the February 11, 1998 tax sale of the following described real estate is hereby set aside and voided:


25-46-275-0022
Osborn's Addition to East Chicago
Lots 21, 22, 23, 24, Block 2



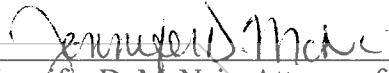
6. That pursuant to Indiana Code Section 6-1.1-25-11, TBC, successor in interest to Transamerica, shall execute, acknowledge and deliver to the owner of the above-described real estate as of the date of the tax sale, Hallie Winters, Jr. and Dorothy J. Winters, whatever interest TBC may have acquired 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.


May 3/4/02


4-11-02
JUDGE, LAKE CIRCUIT COURT

AGREED AND APPROVED:


Jennifer D. McNair, Attorney for
TBC IV, Inc.


Edward R. Hall, Attorney for Lake
County Auditor

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