

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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2004 094523

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IN RE: THE MARRIAGE OF
CARISSA A. SIBERT,
Petitioner,

NOV 04 2004

MORRIS W. CARTER
RECORDER

Phillip E. Sibert
JUDGE PORTER SUPERIOR COURT

CAUSE NO.: 64D02-9908-DR-1829

and
PHILLIP E. SIBERT,
Respondent.

AGREED ORDER ON DAMAGES

WHEREAS, the Petitioner, Carissa A. Sibert n/k/a Carissa A. Swisher desires that the parties property located at 6524 Arizona Street, Hammond, Indiana be sold pursuant to the Court Order of January 9, 2001, her name removed from the Mortgage and Note, and her damages paid; and

WHEREAS, the Respondent, Phillip E. Sibert also desires that the parties property located at 6524 Arizona Street, Hammond, Indiana be sold pursuant to the Court Order of January 9, 2001 and Carissa A. Sibert n/k/a Carissa A. Swisher's name removed from the Mortgage and Note, and her damages paid;

NOW THEREFORE, the parties hereby agree to full settlement of their claims in this matter as follows:

1. The Respondent shall sell the property commonly known as: 6524 Arizona St., Hammond, Indiana and close thereon no later than December 10, 2004;
2. Should the house not close on or before December 10, 2004, the Court hereby appoints Centier Bank, to act as Receiver (or other institution should Centier Bank fail or refuse acceptance of appointment), and said receiver shall be given the powers to sell the property and collect all proceeds. All proceeds from a sale under this provision shall be deposited with the Porter County Clerk of the Court, for further hearing on damages.
3. The Petitioner shall hold a Judgment in her favor in the amount of Two-Thousand Five-Hundred Dollars (\$2,500.00) for her damages as of the date of this Agreement. Petitioner shall have the right to file, in the Recorder's Office of Lake County, Indiana, a Lien for said amount, ~~and said lien shall not constitute a cloud of title upon the property.~~ Said lien shall inure to all subsequent purchasers of the property if not satisfied and paid in full at closing and the Respondent is Ordered to notify all purchasers directly of

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By Warrantee Deed,

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same. Should said lien not be paid and released in full as of the date of closing, it shall collect interest at a rate of twelve percent (12%) per annum. Further, the parties agree that, should foreclosure of the Lien become necessary, Petitioner shall be entitled to additional attorney fees and costs for same.

Respondent to immediately provide a key to the property within 24 hours of this order for the purpose of inspecting the property

4. Respondent is currently two (2) to three (3) months behind on the mortgage payments with Mercantile National Bank of Indiana. Respondent agrees to immediately make current all amounts due as of the date of this Agreement. The parties agree that failure to do so will result in additional damages to the Petitioner.

ALL OF WHICH IS AGREED THIS 4TH DAY OF November, 2004.

Carissa A. Swisher
Carissa A. Sibert n/k/a Carissa A. Swisher,
Petitioner

Phillip E. Sibert
Phillip E. Sibert,
Respondent

APPROVED AS TO FORM AND CONTENT:

Brian E. Less
Brian E. Less (21973-49)
Attorney for Petitioner
PETRY, FITZGERALD & LESS
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James E. Rice
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Attorney for Respondent
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W ALL OF WHICH IS FOUND AND RECOMMENDED THIS 4 DAY OF _____, 2004.

Kathleen R. Forbes
Kathleen R. Forbes
Magistrate, Superior Court #2

SO ORDERED THIS 4 DAY OF NOV, 2004.

Robert E. Olsen
Robert E. Olsen
Judge, Superior Court #2

DIST: B. Less
J. Rice

