DAME COUNTY FLED FOR RECORD

2005 045495

STATE OF INDIANA

)) SS:

COUNTY OF PORTER

MOTOR TO A

AFFIDAVIT OF SURVIVORSHIP

Comes now JAMES O. SIMMONS, being duly sworn upon his oath, and states as follows:

- 1. He is the surviving spouse of BARBARA SIMMONS (the "decedent"), who died on the 21st day of December, 2204, while domiciled in Lake County, Indiana and that the will of the decedent was not probated as the real estate was held jointly with BARBARA SIMMONS wherein the opening of an estate and probating of the will was not required.
- 2. JAMES O. SIMMONS and BARBARA SIMMONS, his late wife, were the owners in fee simple of the following described real estate commonly known as 3731 Sandalwood Dr., Highland, Indiana, more particularly described as follows:

Part of Lot 20 in Sandalwood Subdivision Phase One, an Addition to the Town of Highland, as per plat thereof, recorded in Plat Book 82 page 91, in the Office of the Recorder of Lake County, Indiana, which part is more particularly described as follows: Beginning at the Southeast corner of said Lot 20; thence Southwesterly along the curved Southerly line of said Lot 20, on a curve concave to the Southeast and having a radius of 280.00 feet, an arc distance of 48.86 feet; thence North 29 degrees 52 minutes 00 seconds West, parallel to the East line of said Lot 20, a distance of 49.06 feet to the Northeast corner of said Lot 20; thence South 29 degrees 52 minutes 00 seconds East, along the East line of said Lot 20, a distance of 129.14 feet to the point of beginning.

3. JAMES O. SIMMONS and BARBARA SIMMONS, were husband and wife at the time they acquired title to said real estate by deed of conveyance dated December 31, 1998 and recorded in the Office of the Lake County Recorder on the January 7, 1999.

FILED

JUN - 2 2005

STEPHEN R. STIGLICH

Page 1 of 2

000159

CA SOSTA

4. The marital relationship which existed between JAMES O. SIMMONS and BARBARA SIMMONS continued unbroken from the time they acquired title to said real estate until the death of BARBARA SIMMONS on the December 21, 2004, at which time JAMES O. SIMMONS acquired title to the real estate as surviving spouse.

JAMES O. SIMMONS

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

Before me the undersigned, a Notary Public for Porter County, State of Indiana, personally appeared JAMES O. SIMMONS and he being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true. Signed and sealed this day of May, 2005.

This Document is the property of

the Lake Cou

, Notary Public

County of Residence: Nach 39, 200

MOTARY PUBLIC - STATE OF MOTANA COMMISSION #452041 LAKE COUNTY MY COMMISSION EXP. MARCH 29, 2067

This instrument prepared by David A. Mack, Costas Law Offices, P.C., 409 Lincolnway, Valparaiso, Indiana 46383. Telephone: (219) 548-7300.