

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

2005 052991

STATE OF INDIANA
LAKE COUNTY
IN THE LAKE SUPERIOR COURT
PROBATE DIVISION ROOM ONE
SITTING AT HAMMOND, INDIANA
2005 JUN 28 AM 9:13

IN THE MATTER OF THE)
INTER VIVOS AND TESTAMENTARY)
TRUSTS OF WALTER J. KONEFALL, SR)
DECEASED)

CAUSE NO.
45D01-0304-TR-003

MICHAEL A. TOWN
RECORDER

**ORDER DOCKETING TRUST AND
REPLACING TRUSTEE**

Docketing Trust

This matter comes before the court on the Verified Petition of Barbara Timko To Docket Trusts and replace Trustee filed herein the 30th day of April, 2003. There now appears in open court the Petitioner, Barbara Timko in person and by counsel, Andrew J. Fetsch, and Melinda Hoskins.

The court now finds that the respondent, David Paul Timko has been duly served and the matter is now properly before the court.

And the Court having examined said Petition and being duly advised in the premises, the Court now finds that the allegations contained in said petition are true, and that the prayer of said petition should be granted and the trusts the subject of this proceeding submitted to the Court's jurisdiction and review for the sole purpose of removing David Paul Timko as Trustee of said trusts, and appointing Melinda Hoskins as Successor Trustee.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Lake County Superior Court, Room One, Probate Division now assumes jurisdiction over the corpus of said trusts, and orders the Clerk of the Court to docket the same in the proper docket book.

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

002143

JUN 27 2005

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

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MO 73467474
RM

Removal of Trustee

This matter having come on for hearing and the Court having heard the evidence, and being duly advised in the premises,

NOW FINDS that David Paul Timko's attempted correspondence to counsel is a nullity and that David Paul Timko has made no application to the Court.

THE COURT FURTHER FINDS that a protective order was issued by the Lake County Superior Court, County Division 4, case number 45D12-0208-PO-00246, on September 26, 2002, barring the Trustee herein from entering the petitioner's residence, and that David Paul Timko did on the 31st of October, 2002, plead guilty in Hammond City Court, case number 02-2284 to the criminal offense of battery against his mother Barbara Timko, petitioner herein.

THE COURT FURTHER FINDS that on December 18, 2002 in Guardianship No. 45D05-9710-GU-082, this Court found that David Paul Timko was unfit to serve as the guardian for Walter J. Konefall, Jr. because David Paul Timko plead guilty to battery against his mother Barbara Timko, petitioner herein, and served time for said offense, and therefore this Court removed David Paul Timko as guardian of Walter J. Konefall, Jr.

THE COURT TAKES JUDICIAL NOTICE that David Paul Timko had plead guilty to assault and battery and served time in the Lake County Jail for said offense, and has been returned to jail in the Lake County, Indiana, Southlake Center for Mental Health Division for failure to perform court-ordered community service, where he remains, as a result.

THE COURT FURTHER FINDS that David Paul Timko is an unfit person to serve as Trustee and should be removed from the office of Trustee.

THE COURT FURTHER FINDS that Melinda Hoskins of 752 Porter Street, Gary, Indiana, 46404, Social Security Number 310-78-8490, is a fit and proper person to serve as

Successor Trustee as prayed, and that the request of Barbara Timko for appointment of Melinda Hoskins as successor Trustee should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that David Paul Timko is removed as Trustee and Melinda Hoskins of Gary, Indiana, is appointed as successor trustee of Trust Number LTWJK-101, ("Inter Vivos Trust) and successor trustee of the Testamentary Trust created under the Will of Walter J. Konefall, Sr., deceased ,dated April 23, 1997 ("Testamentary Trust").


IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that David Paul Timko shall file herein a detailed accounting of his activity as trustee covering the period from inception to current date with respect to both the Inter Vivos and the Testamentary Trust in due form on or before June 24, 2003.

ALL OF WHICH IS FOUND AND RECOMMENDED this 27th day of May, 2003.

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PROBATE COMMISSIONER

ALL OF WHICH IS SO ORDERED AND ADJUDGED this 27th day of May, 2003.


DKS
JUDGE, Lake Superior Court

