

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

IN THE LAKE CIRCUIT COURT  
PROBATE DIVISION

IN THE MATTER OF THE ESTATE )  
 )  
OF MARJORIE J. SURDEZ, Deceased )

**Filed in Open Court**

Estate No. CE81-12

AUG 19 1983

*Edward A. Lubanski*

Clerk Lake Circuit Court

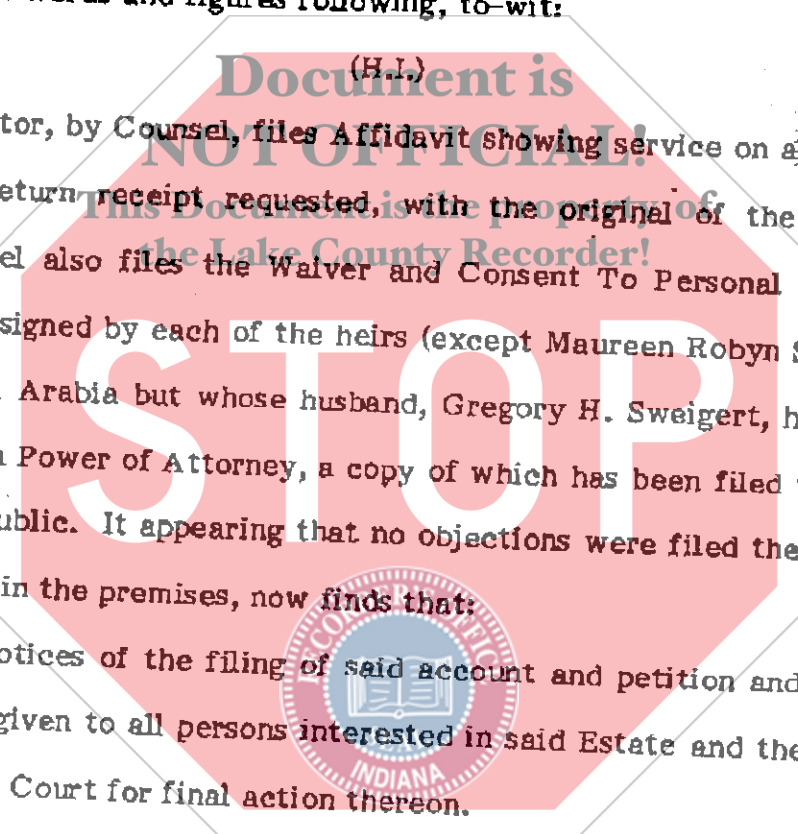
**ORDER APPROVING FINAL  
REPORT AND ACCOUNTING, DETERMINATION OF HEIRSHIP  
ORDER APPROVING DISTRIBUTION AND CLOSING ESTATE**

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This cause came on to be heard on the 19th day of August, 1983, upon the Executor's Final Account, Petition To Settle And Allow Account, Petition For Authority To Distribute Assets Remaining And Close Estate filed by The First Bank of Whiting, as Executor of the Estate of Marjorie J. Surdez, deceased, which account and petition are in the words and figures following, to-wit:

(H.I.)

The Executor, by Counsel, files Affidavit showing service on all of the heirs by certified mail, return receipt requested, with the original of the return receipts attached. Counsel also files the Waiver and Consent To Personal Representative's Final Accounting signed by each of the heirs (except Maureen Robyn Sweigert, who is presently in Saudi Arabia but whose husband, Gregory H. Sweigert, has the power to act for her under a Power of Attorney, a copy of which has been filed with the Court), before a Notary Public. It appearing that no objections were filed thereto; the Court, being duly advised in the premises, now finds that:



1. Due notices of the filing of said account and petition and of the hearing on the same were given to all persons interested in said Estate and the same are now properly before the Court for final action thereon.

2. That Marjorie J. Surdez died testate, a resident of the County of Lake, State of Indiana, on the 28th day of December, 1980, and her Last Will and Testament was duly admitted to probate before this Court on the 9th day of January, 1981, and this Court appointed The First National Bank of Crown Point, Indiana, (now the Crown Point Branch of The First Bank of Whiting), Executor of the Last Will and Testament

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of the decedent, and said First National Bank of Crown Point was issued Letters Testamentary on the 9th day of January, 1981, and, since that date, said First National Bank and its successor, The First Bank of Whiting, have continued to serve in such capacity.

3. That the matters and things stated in said account and petition are true and that said Executor has accounted for all of the assets in said Estate coming into its hands.

4. That more than five (5) months have elapsed since the date of the first published notice to legatees, devisees, and creditors of said decedent; that all claims filed against said Estate have been paid and discharged; that neither said decedent nor her Executor was an employer of labor, within the meaning of that term as used in the Indiana Employment Security Act; and that all estate taxes, inheritance taxes and gross income taxes, if any, assessed in said Estate have been paid.

5. That ARTICLE III of decedent's Last Will and Testament devised the sum of Five Thousand (\$5,000), in cash, to the decedent's sister, Marie E. Davis, and the receipt of said Marie E. Davis is attached hereto and filed herewith.

6. That ARTICLE VI of decedent's Last Will and Testament provides that an undivided one-half of the eighty acres, more or less, of farm land located in Lake County, Indiana, should be transferred to "The First National Bank of Crown Point as Trustee, to be held, managed and controlled as a trust estate, with all of the rights, powers, and subject to the limitations, granted a Trustee under the Indiana Trust Code, IC, 1971, Section 30-4-1-10, et.seq., as amended from time to time," for the benefit of her grandchildren (including later born grandchildren, if any).

6. That the decedent, at the time of her death, still owned said eighty (80) acre parcel of real estate just north of Crown Point, Indiana, a portion of which had been platted for subdivision purposes. The aforementioned real estate is located in the County of Lake, State of Indiana, and is described as follows:

Commencing at a point marked by an iron pipe which is 1330.3 feet North of the Southwest corner of Section 30, Township 35 North, Range 8 West of the 2nd P.M.; thence North 1476.33 feet to an iron pipe on the West line of said

Section; thence East 2373.4 feet to an iron pipe; thence Southerly along the East line of the Northeast Quarter of the Southwest Quarter of Section 30, Township 35 North, Range 8 West 1461.33 feet to a stake; thence Westerly on a line which is parallel to the South line of said Northeast Quarter 2367.3 feet to the place of beginning, containing 69 acres, more or less, except therefrom the 10.799 acres on the east side of the property and fronting on Whitcomb Street which was platted and recorded December 27, 1978, as Woodview Subdivision to the Town of Merrillville. (Tax Key No. 15-0129-0012)

Also, Lots 1 to 10, both inclusive, <sup>plus a retention basin</sup> of Woodview Subdivision to the Town of Merrillville as shown in Plat Book 49, page 144, in Lake County, Indiana. (Tax Key Nos. 15-0489-0001 to 15-0489-0011, both inclusive)

7. That said real estate should have been sold during administration in order to pay the expenses of administration and the taxes, both federal and state, which were assessed by virtue of the decedent's ownership or control of property at, or before, her death.

8. That in order to avoid such a sale during a time when real estate prices were depressed due to economic conditions, the decedent's four (4) children advanced Forty-Four Thousand Three Hundred Eleven Dollars and Fifty-Three Cents (\$44,311.53) to the Estate and the above described real estate (as well as the grandchildren's trust interest in an undivided one-half of that real estate) should be subject to a lien in favor of the four children in the amount of such advancement.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That said Final Report and Account of said Executor is hereby in all things approved, settled, and confirmed.
2. That the distribution of the balance of the property, remaining in said Executor's hands for distribution, has been made pursuant to the distribution set forth in the final accounting to the decedent's children and her Testamentary Trust for her grandchildren and is hereby, in all things, approved.
3. That, pursuant to Indiana law, the following described real estate, to-wit:

Commencing at a point marked by an iron pipe which is 1330.3 feet North of the Southwest corner of Section 30, Township 35 North, Range 8 West of the 2nd P.M.; thence North 1476.33 feet to an iron pipe on the West line of said Section; thence East 2373.4 feet to an iron pipe; thence Southerly along the

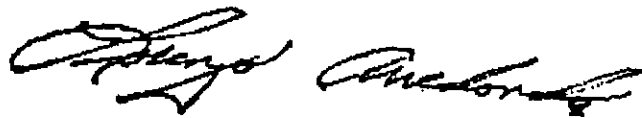
East line of the Northeast Quarter of the Southwest Quarter of Section 30, Township 35 North, Range 8 West 1461.33 feet to a stake; thence Westerly on a line which is parallel to the South line of said Northeast Quarter 2367.3 feet to the place of beginning, containing 69 acres, more or less, except therefrom the 10.799 acres on the east side of the property and fronting on Whitcomb Street which was platted and recorded December 27, 1978, as Woodview Subdivision to the Town of Merrillville. (Tax Key No. 15-0129-0012)

*plus a retention basin*

Also, Lots 1 to 10, both inclusive, of Woodview Subdivision to the Town of Merrillville as shown in Plat Book 49, page 144, in Lake County, Indiana. (Tax Key Nos. 15-0489-0001 to 15-0489-0011, both inclusive)

vested as follows:

- a) An undivided one-half (1/2) in The First National Bank of Crown Point (now The First Bank of Whiting) as Trustee under a Testamentary Trust, for the use and benefit of the decedent's grandchildren (including after-born grandchildren), and
  - b) An undivided one-half (1/2) in Cheryl Dawn Surdez Schupback, Maureen Robyn Sweigert, Mark Wayne Surdez, and Paul Leon Surdez, as tenants in common, but
  - c) Said real estate being subject to a lien for the Forty-Four Thousand Three Hundred Eleven Dollars and Fifty-Three Cents (\$44,311.53) advanced by Cheryl Dawn Surdez Schupback, Maureen Robyn Sweigert, Mark Wayne Surdez, and Paul Leon Surdez.
4. That said Executor, having made distribution of all of the assets and property and having attached a receipt from all of the heirs (except Maureen Robyn Sweigert), evidencing same, said distribution is hereby approved and confirmed.
  5. That said Executor, having complied with the terms of this order and having in all things carried out the provisions of this final decree, except for filing the receipt of Maureen Robyn Sweigert, shall be released and discharged from any further liability or responsibility as said Executor of the Estate of Marjorie J. Surdez, deceased, and this Estate shall be completely and finally closed of record, upon the Executor's filing, with the Court, the receipt of said Maureen Robyn Sweigert. All of which is ordered this 19th day of August, 1983.



Judge, Lake Circuit Court

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20th September 2006  
 Thomas R. Fulkrot  
 Clerk of the Lake County Board of Supervisors

By: *[Signature]*  
 Deputy Clerk