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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2010 040156

2010 JUL 12 PM 3:10

**DEED OF PERSONAL REPRESENTATIVE**  
RECORDED

Joyce A. Bernard, as domiciliary foreign Personal Representative of the Estate of L. Cosby Bernard, Jr., deceased, which estate is pending as Case No. CWF07-99 in the Circuit Court of Lancaster County, Virginia, and whose Letters of Appointment therein as executor of the Estate of L. Cosby Bernard, Jr., deceased, have been filed and placed of record in Lake County, Indiana pursuant to Indiana Code 29-2-1-5 and 6 under Cause Number 45D01-1007-EM-052 in the Lake Superior Court, Room One, in Hammond, Indiana, by virtue of the powers given a personal representative under Indiana law hereby **CONVEYS and DISTRIBUTES** to: Joyce A. Bernard, as trustee of The L. Cosby Bernard Revocable Trust dated September 20, 2002, and any successor trustees thereof, as the grantee, of Lancaster County, in the State of Virginia, for good and sufficient consideration and by virtue of the authority given in the decedent's Will probated and placed of record in said proceedings, the following described real estate located in Lake County, Indiana:

**Lots Numbered Ten (10) and Eleven (11) as marked and laid down on the recorded plat of Radio Center Industrial Subdivision in the City of Hammond, Lake County, Indiana, as the same appears of record in Plat Book 29, Page 30, in the Recorder's Office of Lake County, Indiana; and**

**Part of the Southwest Quarter of the Southeast Quarter of Section 5, Township 36 North, Range 9 West of the 2<sup>nd</sup> P.M., commencing at the Southwest corner of Lot Number Eleven (11) in Radio Center Industrial Subdivision, in the City of Hammond, Lake County, Indiana, as the same appears of record in Plat Book 29, Page 30, in the Recorder's Office of Lake County, Indiana, thence East along the South line of Lots 11, 10, and 9 of said Radio Center Industrial Subdivision, to the Southeast corner of said Lot 9, a distance of 370 feet, thence South 10 feet more or less, to a point 95 feet North of the South line of Section 5, Township 36 North, Range 9 West of the 2<sup>nd</sup> P.M., thence West along a line 95 feet North of and parallel to the South line of said Section 5, a distance of 370 feet to a point which is 341 feet East of the East line of Indianapolis Boulevard, thence North a distance of 10 feet, more or less, to the place of beginning, in the City of Hammond, Lake County, Indiana.**

**Tax Key Numbers: 45-07-05-457-011.000-023 and 45-07-05-457-014.000-023**

**SUBJECT TO:**

- a) Real Estate taxes for the year 2009 payable 2010 and all years thereafter;
- b) Covenants, restrictions and easements of record;
- c) Public roads, highways, alleys, ditches and drains;
- d) Zoning and local ordinances and restrictions pertaining to the real estate;
- e) Building lines and building laws, ordinances and regulations affecting the real estate; and,
- f) Any matters created or suffered as a result of the Grantee's acts or occupancy of the real estate.

This deed has been made pursuant to and for the purposes of IC 29-1-7.5-3.4 and 3.6, IC 29-1-15-18, IC 29-2-1-6, and any laws amendatory to or in substitution for them.

Property Address: 2040-2044 164<sup>th</sup> Place  
Hammond, Indiana 46324

DATED THIS 9<sup>TH</sup> DAY OF JULY, 2010.

DULY ENTERED FOR TAXATION SUBJECT TO  
FINAL ACCEPTANCE FOR TRANSFER

*Joyce A. Bernard*  
(Signature)

40<sup>02</sup>

Joyce A. Bernard  
(Name Printed or Typed)

13333

as domiciliary foreign Personal Representative  
of the Estate of L. Cosby Bernard, Jr., deceased.

RM

JUL 12 2010

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

002812

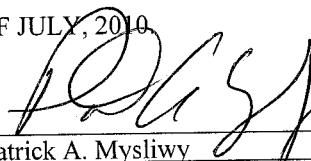
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STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Joyce A. Bernard, as domiciliary foreign Personal Representative of the Estate of L. Cosby Bernard, Jr., deceased, and acknowledged the execution of the foregoing Personal Representative's Deed.

WITNESS MY HAND AND SEAL THIS 9<sup>TH</sup> DAY OF JULY, 2010.

My Commission Expires: November 15, 2017  
Resident of Lake County, Indiana

  
\_\_\_\_\_  
Patrick A. Mysliwy, Notary Public  
(Name Printed or Typed)

This instrument prepared by: Patrick A. Mysliwy (Indiana Atty. No. 10002-45), Maish & Mysliwy, Attorneys at Law,  
53 Muenich Court, P.O. Box 685, Hammond, Indiana 46320.

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

  
\_\_\_\_\_  
Patrick A. Mysliwy, Attorney at Law (Preparer)

Grantee Street Address: Joyce A. Bernard, trustee of the L. Cosby Bernard Revocable Trust  
295 Waddy Drive  
Weems, VA 22576

Grantee Address To Mail Tax Bills: Joyce A. Bernard, trustee of the L. Cosby Bernard Revocable Trust  
P.O. Box 1943  
Kilmarnock, VA 22482

After Recording Return Mail to: Maish & Mysliwy, Attorneys at Law  
P.O. Box 685  
Hammond, IN 46320

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Clerk's Office

JUL 07 2010

15D01-1007E M 52  
CLERK LAKE SUPERIOR COURT

**CERTIFICATE/LETTER OF QUALIFICATION  
COMMONWEALTH OF VIRGINIA**

VA. CODE §§ 6.1-70, 6.1-195.28, 6.1-208.3, 6.1-208.5, 13.1-428, 37.1-134.15, 64.1-122, 64.1-128

Lancaster County ..... Circuit Court

I, the duly qualified clerk/deputy clerk of this Court, **CERTIFY** that on

September 13, 2007  
DATE

Joyce A. Bernard  
NAME(S) OF PERSON(S) QUALIFYING

....., duly qualified in this court, under applicable provisions of law, as

- executor of the estate of
- administrator of the estate of
- curator of the estate of
- guardian of
- conservator of the estate of
- committee of
- trustee of

L. Cosby Bernard, deceased ..... The powers of the  
NAME OF DECEDENT, WARD OR INCAPACITATED PERSON

fiduciary(ies) named above continue in full force and effect.

\$ 2,259,800.00 ..... has been posted.

Given under my hand and the seal of this Court on

May 9, 2008  
DATE

Diane H. Mumford ..... , Clerk  
by Alisa Saller ..... , Deputy Clerk



070000099

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LAST WILL and TESTAMENT

45001-1007E M 52

OF

L. COSBY BERNARD

I, L. COSBY BERNARD, of Lancaster County, Virginia, declare this to be my will, and I revoke all prior wills and codicils that I have made.

ARTICLE I

A. In the trust instrument referred to in Article VI of this will, I have directed the trustee to provide for payment of all of (a) my legally enforceable debts, including debts owed by me to a trustee individually, except debts which constitute a lien or encumbrance on real property, (b) the expenses of my last illness and funeral, (c) the administration expenses payable by reason of my death, and (d) the estate, inheritance, and other death taxes (including interest and penalties, if any, but excluding any generation-skipping tax) payable in any jurisdiction by reason of my death (including those administration expenses and death taxes payable with respect to assets which do not pass under that trust instrument) other than that part of any such death taxes attributable to property in which I have a qualifying income interest for life or over which I have a power of

CCB

appointment and with respect to which my Executor shall be entitled to reimbursement or recovery. My Executor shall enforce all rights to reimbursement for or recovery of, and provide for payment of, any such death taxes attributable to property in which I have a qualifying income interest for life or over which I have a power of appointment, unless payment of such estate tax has otherwise been satisfactorily provided for out of the qualifying income interest for life or power of appointment property.

B. If my wife predeceases me and establishes a QTIP Trust in which I am the beneficiary of the income from that trust in at least annual payments, I direct that any taxes payable on my death as the result of funds placed in that QTIP Trust be paid out of my estate.

C. Despite the provisions of paragraph A of this Article, my Executor shall pay the amount of those debts, expenses, and death taxes referred to in paragraph A of this Article directed to be paid by the trustee but certified by the trustee as exceeding the principal out of which the trustee is directed to provide for payment. Any such amount payable by my Executor because of any such certification by the trustee shall be paid out of and charged generally against the principal of my residuary estate without seeking reimbursement or recovery from any person.

CCB

ARTICLE II

I have left separate instructions as to the disposition of my remains and as to a memorial and direct that the cost of these expenses be paid as set out in Article I as soon as practicable.

ARTICLE III

I was formerly married to Ann E. Flanagan but was divorced from her. I am married to Joyce Anne Bernard, hereinafter referred to as "my spouse" and have three children who are now living, whose names are Leslie C. Brosshart, currently residing at 222 Rutgers Ave., Swarthmore, PA 19081, Stuart C. Bernard, currently residing at 3407 S. Chestnut, Broken Arrow, OK 74012, and Sydney Bernard-Hogling, currently residing at 31467 Upper Bear Creek Road, Evergreen, CO 80439.

ARTICLE IV

A. I give all the tangible personal property which I own at my death, including any household furniture and furnishings, automobiles, books, pictures, jewelry, art objects, hobby equipment and collections, wearing apparel, and other articles of household or personal use or ornament, to my spouse, if my spouse is living on the thirtieth day after the date of my death, or if my spouse is not then living, to Leslie C. Brosshart, Stuart C. Bernard and Sydney Bernard-

LCB

Hogling as are living on the thirtieth day after the date of my death, in shares of substantially equal value, to be divided in such manner as they shall agree or, if they shall fail to agree upon a division within six months after the date of my death, as my Executor shall determine. I may leave a list or lists disposing of certain items of tangible personal property not otherwise specifically bequeathed, and the lists will be signed by me. It is my intention that these dispositions be made to the named persons by my executor as such dispositions have been given effect by Virginia law.

B. All costs of safeguarding, insuring, packing, and storing my tangible personal property prior to its distribution and of delivering each item to the place of residence of the beneficiary of that item shall be the expense of my estate.

ARTICLE V

I give all my residuary estate, being all property, real or personal, wherever situated, in which I may have any interest at my death not otherwise effectively disposed of, but not including any property over which I have power of appointment, to the acting trustee or trustees of that certain trust already created by me and known as the L. COSBY BERNARD REVOCABLE TRUST DATED SEPTEMBER 20, 2002, as in effect at my death, of which I and my spouse are now are trustees.

LCB

ARTICLE VI

A. I name my spouse to serve without surety or other security on any bond as Executor. I name C. Dwight Clarke as successor executor.

B. If the appointment of an Executor of my estate is necessary or desirable in any jurisdiction in which no Executor herein named is able and willing to act, I appoint as my Executor in that jurisdiction such person (who may be an officer or employee of a corporate Executor then acting) or corporation as may be designated in an instrument signed by my spouse, if legally competent, otherwise by my Executor to serve without bond, or if bond is required, without surety thereon, and to have all the powers and discretion with respect to my estate in that jurisdiction that are set forth or referred to in paragraph C of this Article, to be exercised without court order. As used in this will, the term "Executor" means any court-appointed fiduciary of my estate from time to time qualified and acting in any jurisdiction.

C. In addition to any powers granted by law, I give my Executor power, exercisable in the discretion of my Executor and without court order, to retain, sell (at public or private sale), exchange, lease for any term (even though commencing in the future or extending beyond the date of final distribution of my estate), mortgage, pledge, or otherwise deal for any purpose with the property, real or personal, from time to time

LCB



comprising my estate, for such consideration and on such terms (with or without security), as my Executor shall determine; to borrow money for any purpose, at interest rates then prevailing, from any individual, bank, or other source, irrespective of whether that lender is then acting as Executor; to invest in any property whatsoever; to compromise or abandon any claims in favor of or against my estate; to hold any property in the name of a nominee or in bearer form; to employ accountants, depositaries, attorneys, and agents (with or without discretionary powers); to execute contracts, notes, conveyances, and other instruments, including instruments containing covenants and warranties binding upon and creating a charge against my estate, and containing provisions excluding personal liability; to make distributions wholly in cash or in kind, or partly in each; to allot different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries; and to determine the value of any property distributed in kind.

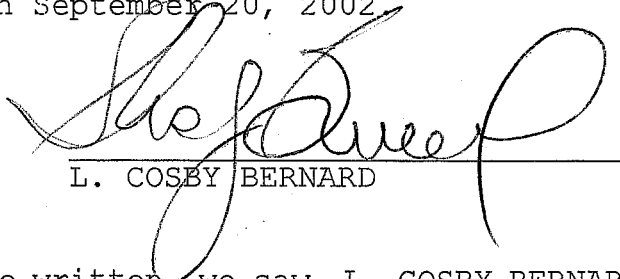
D. I direct my Executor to make such elections under the tax laws as my Executor deems advisable, including an election to create qualified terminable interest property, without regard to the relative interests of the beneficiaries, and my Executor shall have no liability for, or obligation to make compensating adjustments between principal and income or in the interests of the beneficiaries by reason of, the effects

LCB

of those elections. Any decision made by my Executor with respect to compensating adjustments or the exercise of any tax election shall be binding and conclusive on all persons.

E. I direct that the compensation of the corporate Executor, if any, shall be in accordance with its published schedule of fees as in effect at the time the services are rendered.

I signed this will on September 20, 2002.

  
L. COSBY BERNARD

On the date last above written, we saw L. COSBY BERNARD, in our presence, sign the foregoing instrument at its end. The Testator then declared it to be the Testator's will and requested us to act as witnesses to it. We then, in the Testator's presence and in the presence of each other, signed our names as attesting witnesses, believing the Testator at all times herein mentioned to be of sound mind and memory and not acting under constraint of any kind.

Gloria S. Wallace residing at Lancaster Co., Va.

Raymond W. Edwards residing at Lancaster County, VA

STATE OF VIRGINIA  
COUNTY OF LANCASTER, to-wit:

Before me, the undersigned authority, on this day personally appeared L. COSBY BERNARD, the Testator and Gloria S. Wallace and Raymond W. Edwards, witnesses, whose names are signed to the attached or foregoing instrument and, all of these persons being by me first duly

sworn, L. COSBY BERNARD, the Testator, declared to me and to the witnesses in my presence that said instrument is his last will and testament, and that he had willingly signed or directed another to sign the same for him, and executed it in the presence of said witnesses as his free and voluntary act for the purpose therein expressed; that said witnesses stated before me that the foregoing will was executed and acknowledged by the Testator as his last will and testament in the presence of said witnesses who, in his presence and at his request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said will, and that the Testator, at the time of the execution of said will, was over the age of eighteen years and of sound and disposing mind and memory.

*L. Cosby Bernard*  
L. COSBY BERNARD

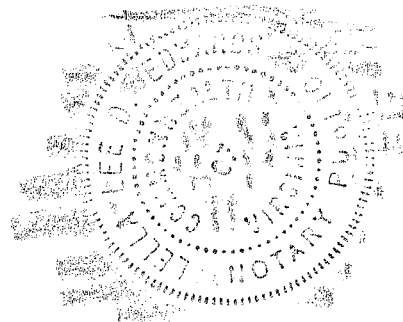
*Gloria S. Wallace*  
Witness

*Raymond W. Edwards*  
Witness

Subscribed, sworn and acknowledged before me by L. COSBY BERNARD, the Testator, subscribed and sworn before me by *Gloria S. Wallace* and *Raymond W. Edwards*, witnesses this 20<sup>th</sup> day of September, 2002.

*Shelley H. Edwards*  
Notary Public

My Commission expires 31 December 2004



A TRUE COPY  
TESTE:  
DIANE H. MUMFORD, CLERK  
BY *Diane Mumford* D.C.  
LANCASTER COUNTY CIRCUIT COURT

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LANCASTER COUNTY

RE: COSBY BERNARD , Deceased

PROBATE OF WILL AND  
QUALIFICATION OF EXECUTOR  
CWF07-99

A paper writing purporting to be the last will and testament of Cosby Bernard, deceased, was this day presented to the Clerk by Joyce A. Bernard , a beneficiary and the executor, and offered for probate.

It appearing that the decedent resided at 295 Waddy Drive, Weems, VA, 22576, in County of Lancaster, Virginia, within the jurisdiction of this Court, and died on February 27, 2007; and the paper writing dated September 20, 2002, consisting of eight (8) typewritten pages, having been executed and witnessed as provided by Sec. 64.1-87.1 or 64.1-87.2, Code of Virginia, it is ESTABLISHED and ADJUDGED to be the true last will and testament of Cosby Bernard, deceased, and is ORDERED to be recorded as such.

Thereupon, Joyce A. Bernard asked permission to qualify as Executor and such permission was GRANTED. Joyce A. Bernard then appeared, made oath as the law directs, and entered into and acknowledged before the Clerk a bond in the penalty of \$2,259,800.00, without surety, the will requesting that none be required. This bond, being payable and conditioned according to law, is ORDERED to be recorded.

Certificate is GRANTED the Executor for obtaining a probate of the will of Cosby Bernard, deceased, in due form.

The statement of responsibilities required by Sec. 64.1-122.1, Code of Virginia, and the written notice of probate and the affidavit referred to in Sec. 64.1-122.2, Code of Virginia, were given to the Executor.

Teste: Constance L. Kennedy, Clerk

By: Diane H. Mumford, Dep. Clerk

Date: September 13, 2007

A TRUE COPY  
TESTE:  
DIANE H. MUMFORD, CLERK  
BY: Diane H. Mumford D.C.  
LANCASTER COUNTY CIRCUIT COURT

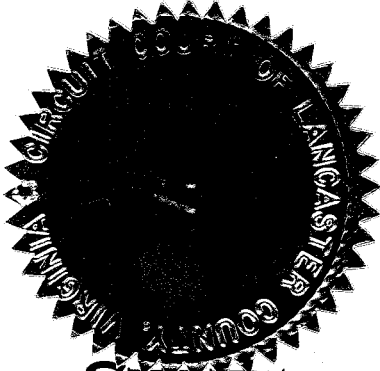
**STATE OF VIRGINIA,  
COUNTY OF LANCASTER,**

} to-wit:

I, **DIANE H. MUMFORD**, Clerk of the Circuit Court of the County of Lancaster, to hereby certify that on the 13th day of September, 2007,  
Joyce A. Bernard  
duly qualified in my said Court as Executor of the Estate of L. Cosby Bernard

and gave bond as such according to law, which bond is still in full force and effect.

In testimony whereof, I have hereto set my hand and annexed the seal of the said Court, this 9th day of May, 2008.



Diane H. Mumford, Clerk

**STATE OF VIRGINIA,  
COUNTY OF LANCASTER,**

} to-wit:

I, **HARRY T. TALIAFERRO, III**, Judge of the Circuit Court of the County of Lancaster, hereby certify that **DIANE H. MUMFORD**, whose name is signed to the foregoing certificate, is, and was at the time of signing the same, Clerk of the said Court, duly qualified; that her attestation is in due form of law; that her signature is genuine, and all her official acts entitled to full faith and credit.

Given under my hand, this 9th day of May, 2008.

Harry T. Taliaferro, III

**STATE OF VIRGINIA,  
COUNTY OF LANCASTER,**

} to-wit:

I, **DIANE H. MUMFORD**, Clerk of the Circuit Court of the County of Lancaster, do hereby certify that **HARRY T. TALIAFERRO, III**, whose name is signed to the foregoing certificate, is, and was at the time of signing the same, Judge of the said Court, duly qualified.

Given under my hand, this 9th day of May, 2008.

Diane H. Mumford, Clerk

