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MAY 16 2011

STATE OF INDIANA) IN THE PORTER SUPERIOR COURT
) SS:
COUNTY OF LAKE) VALPARAISO, INDIANA

IN THE MATTER OF THE)
RHODA M. SHEARS TRUST) CAUSE NO. 64DD1-1105-TR-4423
DATED FEBRUARY 17, 1992)

PETITION TO DOCKET TRUST AND APPOINT SUCCESSOR TRUSTEE

Donald W. O'Brien, petitioner herein, shows the Court as follows:

- 1. Kathleen R. O'Brien died testate on February 3, 2010, and at the time of her death was domiciled in Porter County, Indiana.
- 2. He is the surviving spouse of Kathleen R. O'Brien.

3. The Rhoda M. Shears Trust dated February 17, 1992, is the record owner of title to certain real estate in Lake County, Indiana, commonly known as 2944 - 165th Street, Hammond, Indiana, 46323, and more particularly described as:

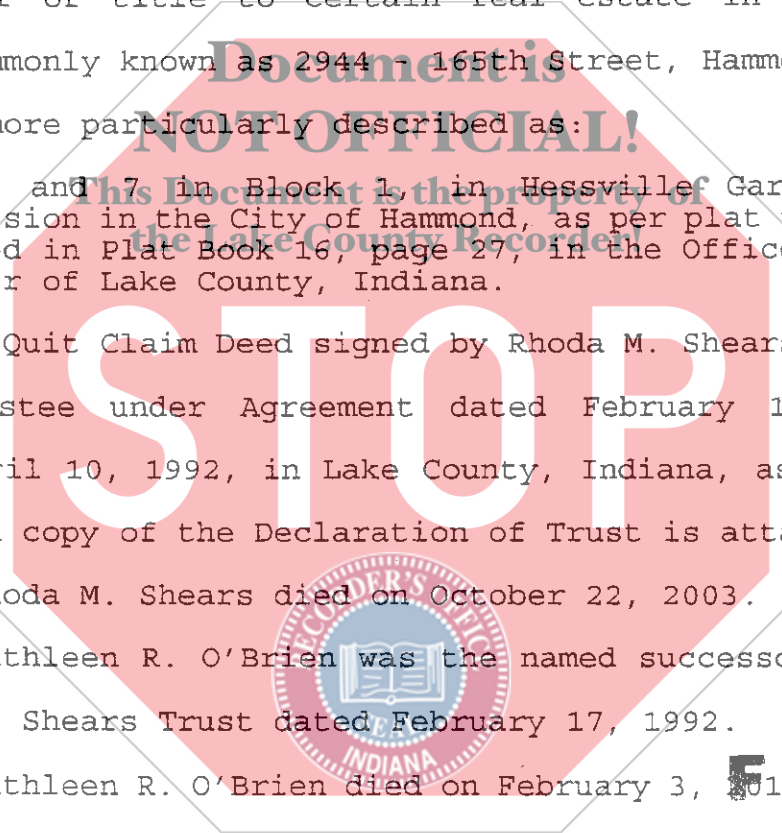
Lots 6 and 7 in Block 1, in Hessville Gardens, a Subdivision in the City of Hammond, as per plat thereof, recorded in Plat Book 16, page 27, in the Office of the Recorder of Lake County, Indiana.

by way of a Quit Claim Deed signed by Rhoda M. Shears to Rhoda Shears, Trustee under Agreement dated February 17, 1992, and Recorded April 10, 1992, in Lake County, Indiana, as Document No. 92021930. A copy of the Declaration of Trust is attached hereto.

- 4. Rhoda M. Shears died on October 22, 2003.
- 5. Kathleen R. O'Brien was the named successor trustee of the Rhoda M. Shears Trust dated February 17, 1992.

6. Kathleen R. O'Brien died on February 3, 2010, leaving no successor trustee.

7. The original trust beneficiary was Kathleen R. O'Brien. Contingent beneficiaries are the per stirpes descendants of



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LAKE COUNTY, INDIANA
CLERK OF SUPERIOR COURT
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RECORDER

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LAKE COUNTY AUDITOR
CKH 2194 CA

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Kathleen R. O'Brien, being her children, namely: Janice O'Brien Stone, Mary O'Brien, Scott O'Brien, Lester O'Brien, Lewis O'Brien, Donald W. O'Brien, Jr., and Patricia O'Brien Solarczyk.

8. The real estate which was conveyed to the trust has been sold.

9. There is no living trustee.

10. Petitioner requests the docketing of the trust for the purpose of appointing a successor trustee so the real estate can be conveyed to the buyer.

11. Petitioner requests that he be appointed as successor trustee of the Rhoda M. Shears Trust dated February 17, 1992.

12. He is a person qualified to act as successor trustee, in that he is the surviving spouse of the last named trustee and is familiar with the records she maintained regarding the trust.

WHEREFORE, petitioner prays the Court for an order docketing the Rhoda M. Shears Trust dated February 17, 1992, appointing Donald W. O'Brien as successor trustee of said trust, and for all other just and proper relief in the premises.


Donald W. O'Brien
DONALD W. O'BRIEN

I verify under the penalties for perjury that the above and foregoing representations are true.


Donald W. O'Brien
DONALD W. O'BRIEN

MARGARET ROYCE GALVIN 7039-45
5930 Hohman Avenue
Hammond, Indiana 46320
219-933-4715
Attorney for Petitioner
Donald W. O'Brien

IN TESTIMONY that the foregoing is a true copy taken from the records of Porter Circuit / Superior Court I Karen M. Martin, Clerk thereof set my hand and affix the Seal of Said Court
This 20th day of June 2011
Karen M. Martin CLERK
CIRCUIT / SUPERIOR COURTS COUNTY OF PORTER, INDIANA
By K. R. Wood Deputy Clerk

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92021931

DECLARATION OF TRUST

WHEREAS, I, RHODA M. SHEARS, of the City of Hammond, County of Lake, State of Indiana, am the owner in fee simple of certain real estate in said county known as 2944 165th Street, Hammond, Indiana 46323, which real estate is described more fully in the Deed conveying it from JOHN N. THOMPSON and ELLA THOMPSON, Husband and Wife, to KENNETH M. SHEARS and RHODA M. SHEARS, Husband and Wife, as

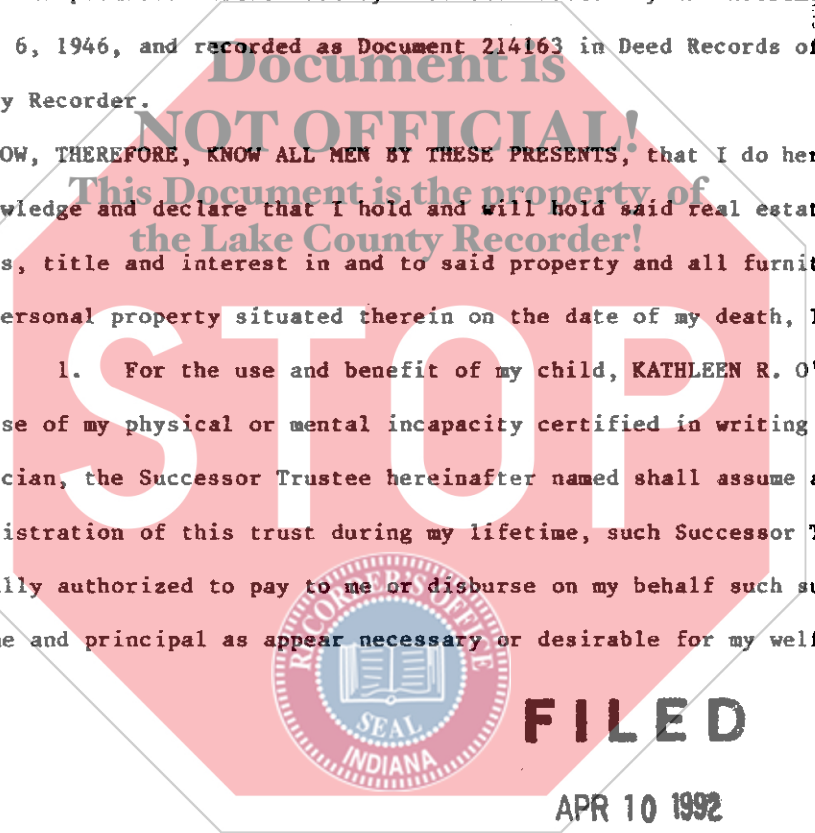
Lots 6 and 7 in Block 1, in Hessville Gardens, a Subdivision in the City of Hammond, as per plat thereof, recorded in Plat Book 16, page 27, in the Office of the Recorder of Lake County, Indiana.

Being the premises earlier conveyed to the Settlor by an instrument dated March 6, 1946, and recorded as Document 214163 in Deed Records of the Lake County Recorder.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I do hereby acknowledge and declare that I hold and will hold said real estate and all my rights, title and interest in and to said property and all furniture, fixtures and personal property situated therein on the date of my death, IN TRUST:

1. For the use and benefit of my child, KATHLEEN R. O'BRIEN. If because of my physical or mental incapacity certified in writing by a physician, the Successor Trustee hereinafter named shall assume active administration of this trust during my lifetime, such Successor Trustee shall be fully authorized to pay to me or disburse on my behalf such sums from income and principal as appear necessary or desirable for my welfare. Upon my

STATE OF INDIANA
LAKE COUNTY
RECORDER OF DEEDS
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AUDITOR LAKE COUNTY

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death, unless a beneficiary shall predecease me, my Successor Trustee is hereby directed forthwith to sell said real estate and distribute the sale proceeds unto the beneficiaries in equal shares, per stirpes and thereby terminate this TRUST; provided, however, that if any beneficiary hereunder shall not have attained the age of twenty-one (21) years, the Successor Trustee shall hold such beneficiary's share of the trust assets in continuing trust until such beneficiary shall have attained the age of twenty-one (21) years. During such period of continuing trust the Successor Trustee in her absolute discretion, may retain the specific trust property herein described if she believes it in the best interest of the Beneficiary so to do, or she may sell or otherwise dispose of such specific trust property, investing and reinvesting the proceeds as she may deem appropriate. Payments hereunder by the Successor Trustee may be made to the person with whom said minor beneficiary resides without the intervention of a guardian.

2. The beneficiaries hereunder shall be liable for their proportionate share of any taxes levied upon my total taxable estate by reason of my death.

3. All interests of beneficiaries hereunder shall be inalienable and free from anticipation, assignment, attachment, pledge or control by creditors or by a present or past spouse of any such beneficiary in any proceeding in law or equity.

4. I reserve the right during my lifetime (a) to place a mortgage or other lien upon said property and (b) to collect any rental or other income which may accrue from the trust property and to pay such income to myself. I shall be exclusively entitled to all income accruing from the trust property during my lifetime and no beneficiary named herein shall have any claim upon any such income and/or profits distributed to me.

5. I reserve the power and right during my lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of any beneficiary. The sale or disposition of the whole or any part of the property shall constitute as to such whole or part a revocation of this trust.

6. I reserve the right to designate new or additional beneficiaries hereunder.

7. In the event of my physical or mental incapacity certified in writing by a physician, I appoint KATHLEEN R. O'BRIEN as Successor Trustee.

8. Upon my death, KATHLEEN R. O'BRIEN, shall succeed me as Trustee.

9. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon any Successor Trustee.

10. I and any Successor Trustee shall serve without posting bond.


11. This Declaration of Trust shall be construed and enforced in accordance with the laws of Indiana.

IN WITNESS WHEREOF, I have signed this Declaration of Trust on 2-17, 1992.


RHODA M. SHEARS

BEFORE ME, the undersigned Notary Public in and for the County of Lake, State of Indiana, personally appeared RHODA M. SHEARS and acknowledged the execution of this Declaration of Trust on 2-17, 1992.




R. T. MOORE, Notary Public
Lake County Resident
Commission Expiration: 8/3/92

This instrument prepared by: Attorney Roger T. Moore, P.C., #9289-64
6195 Central Avenue, Portage, IN 46368
(219) 762-0402

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE PORTER SUPERIOR COURT
VALPARAISO, INDIANA

FILED
IN OPEN COURT
MAY 19 2011

IN THE MATTER OF THE)
RHODA M. SHEARS TRUST) CAUSE NO.
DATED FEBRUARY 17, 1992)

James V. Bullard
JUDGE PORTER SUPERIOR COURT

ORDER DOCKETING TRUST AND APPOINTING SUCCESSOR TRUSTEE

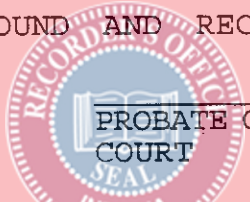
Donald W. O'Brien, having filed his verified Petition to Docket Trust and Appoint Successor Trustee, together with Consents of all trust beneficiaries;

And the Court having examined said Petition and being duly advised in the premises, the Court now finds that the allegations of said petition are true, that the prayer of the petition should be granted, and the trust submitted to the Court's jurisdiction for the sole purpose of appointing a successor trustee.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Court now assumes jurisdiction over the corpus of said trust, and orders the Clerk of the Court to docket the same.

It is further ordered that Donald W. O'Brien be, and he hereby is, appointed as Successor Trustee of the Rhoda M. Shears Trust dated February 17, 1992, and shall qualify as said successor trustee upon taking and filing an Acceptance and Oath.

ALL OF WHICH IS FOUND AND RECOMMENDED this ___ day of _____, 2011.



PROBATE COMMISSIONER, PORTER SUPERIOR COURT

ALL OF WHICH IS SO ORDERED AND APPROVED this 10 day of May, 2011.

JUDGE, PORTER SUPERIOR COURT

IN TESTIMONY, that the foregoing is a true copy taken from the records of Porter Circuit / Superior Court I Karen M. Martin, Clerk thereof set my hand and affix the Seal of Said Court.
This 20th day of June 2011
Karen M. Martin CLERK
CIRCUIT / SUPERIOR COURTS COUNTY OF PORTER, INDIANA
By Rebecca Woodbine Deputy Clerk