

NOT AN OFFICIAL DOCUMENT

STATE OF INDIANA)
COUNTY OF LAKE)

SS:

IN RE:
ROSETTA B. NICHOLSON,
DECEDENT

DEVOLUTION AFFIDAVIT

The undersigned, Emanuel Smith, Jr., (the "Affiant"), being duly sworn on oath states that:

1. He is a surviving legatee of Rosetta B. Nicholson (the "Decedent"), who died on March 1, 2018 while domiciled in Lake County, Indiana.

2. The Decedent acquired a sole interest in the real estate described in this Affidavit (the "Real Estate") by the Survivorship Affidavit dated March 10, 2016 and recorded on March 15, 2017, in the office of the Recorder of Lake County, Indiana.

3. The last instrument recorded in the office of the Recorder of Lake County, Indiana, was the Survivorship Affidavit dated March 10, 2016, and recorded on March 15, 2016, in the office of the Recorder of Lake County, Indiana.

4. The Real Estate is located in Lake County, Indiana, and described by property tax parcel number and legal description as follows, to-wit:

Parcel No.: 45-08-21-455-018.000-004

Lot 26 and the South half of Lot 27, Block "H", Park Manor 3rd Subdivision, in the City of Gary, as shown in Plat Book 16, Page 21, Lake County.

Common Address: 3624 Van Buren St., Gary, IN 46408

5. The individuals entitled to the real estate as a result of the Decedent's death and pursuant to Decedent's Last Will and Testament are her surviving son, Martin F. Nicholson, Sr., her surviving step-son, Charles W. Nicholson, Jr., her surviving nephew, Emanuel Smith, Jr., and her surviving niece, Natlon Tillery, as joint tenants with rights of survivorship, and that the aforementioned legatees are all competent adults.

6. Decedent's Last Will and Testament has been spread of record in the Lake Circuit Court, Probate Division, under Cause Number 45C01-2006-EM-000097, and on June 12, 2020 the Court probated said Last Will and Testament Without Administration. (See attached Exhibit "A")

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GINA PIMENTEL
RECORDER
STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2021-025249

1:28 PM 2021 Mar 19

FILED

MAR 19 2021

JOHN E. PETALAS
LAKE COUNTY AUDITOR

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CS
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7. Pursuant to the Last Will and Testament of the Decedent, Rosetta B. Nicholson, the Decedent's Title Interest for the property herein listed should be transferred to her surviving son, **Martin F. Nicholson, Sr.**, her surviving step-son, **Charles W. Nicholson, Jr.**, her surviving nephew, **Emanuel Smith, Jr.**, and her surviving niece, **Natlon Tillery**, as joint tenants with rights of survivorship, as a matter of probate law of the State of Indiana.

8. The Decedent owed no financial obligations to creditors and there is no federal estate tax due and owing as a consequence of the Decedent's death.

9. As of this date:

a. at least 7 months have elapsed since the Decedent's death;

b. no letters testamentary or letters of administration have been issued to a court-appointed personal representative for the Decedent within the time limits specified under I.C. 29-1-7-15.1(d);

c. a probate court has not issued findings and an accompanying order preventing the limitations in I.C. 29-1-7-15(b) from applying to the Real Estate;

d. a majority in interests of the Decedent's distributees have not consented to the Decedent's personal representative's sale of the Decedent's Title Interest to pay any debt or obligation of the Decedent, which is not a lien of record in Lake County, Indiana, or to pay any costs of administration of any Decedent's estate under I.C. 29-1-10-21; and

e. consequently, it is not possible for the Decedent's personal representative to sell the Decedent's Title Interest to pay any debt or obligation of the Decedent, which is not a lien of record in Lake County, Indiana, or to pay any costs of administration of any Decedent's estate.

10. The purpose of this Affidavit is to induce the Auditor of Lake County, Indiana, to endorse this Affidavit and record it as a title transfer in the Auditor's real estate ownership records as an instrument that is exempt from the requirements to file a sales disclosure under I.C. 29-1-7-23 (c), and to direct the Recorder of Lake County, Indiana, to record the Affidavit and index it to the Latest Recorded Instrument in the Recorder's index records.

11. The Affiant affirmed the truth of the representations in this Affidavit under penalty for perjury and authorizes any person to rely upon this Affidavit as evidence of an effective transfer of title of record (as defined in I.C. 32-20-2-1) as stated in I.C. 29-1-7-23(e).

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EXECUTED AND DELIVERED in my presence

[Signature]
WITNESS SIGNATURE

Renee A Long
WITNESS PRINTED NAME

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Before me, a Notary Public in and for said County and State, this 19th day of MAY, 2020, did personally appear Chad Taylor Jr, being known to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Emanuel Smith, Jr., in the above-named subscribing witness's presence, and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

In witness whereof I have hereunto subscribed my name and affixed my official seal.

[Signature]
NOTARY SIGNATURE
Commission Expires: 3/31/24
Resident of LxK County
Commission No. 682846

Valerie J Broadnax
NOTARY PUBLIC
Lake County, State of Indiana
Commission Number: 682846
My Commission Expires March 31, 2024



Waterbury Lake County Recorder

STATE OF INDIANA) IN THE LAKE CIRCUIT COURT
) SS: PROBATE DIVISION
COUNTY OF LAKE) SITTING AT CROWN POINT, INDIANA

IN THE MATTER OF)
ROSETTA B. NICHOLSON,) CAUSE NO.:
Deceased)
Filed in Open Court
June 12, 2020
LAKE CIRCUIT COURT
MS

ORDER OF PROBATE OF WILL WITHOUT ADMINISTRATION
(Will Spread of Record)

Comes now Emanuel Smith, Jr., having filed his Verified Petition for the Probate of Decedent's Will without Administration, which petition is in the following words and figures, to-wit:

(H.I.)

Further, there is now produced in open Court and submitted to the Court, an instrument in writing purporting to be the Last Will and Testament of Rosetta B. Nicholson. That said Last Will and Testament of the decedent was a self-proved Will executed in all respects according to law with proper acknowledgment and verification thereof. Such instrument and petition are now submitted to the Court and the Court having examined the same, having heard evidence and being duly advised now finds:

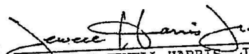
1. That such decedent died on or about March 1, 2018, and at the time of such death was domiciled in Gary, Lake County, Indiana.
2. That such written instrument purporting to be such decedent's Last Will and Testament was duly executed in all respects according to law, has been duly proved, is the Last Will and Testament of such decedent, and is entitled to be admitted to probate in such County.

Exhibit "A"


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IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the written instrument purporting to be the Last Will and Testament of Doris Arlene Leonard be and it is hereby admitted to probate and spread of record as such.

FOUND AND RECOMMENDED this 12th day of June, 2020.


HONORABLE JEWELL HARRIS, JR.
PROBATE COMMISSIONER ^{MS}
LAKE CIRCUIT COURT

ORDERED AND APPROVED this 12th day of June, 2020.


HONORABLE MARISSA J. McDERMOTT
JUDGE, LAKE CIRCUIT COURT

Property of Lake County Recorder