

NOT AN OFFICIAL DOCUMENT

FILED

Jun 07 2023 GM
PEGGY HOLINGA-KATONA
LAKE COUNTY AUDITOR

2023-517530
06/07/2023 12:27 PM
TOTAL FEES: 25.00
BY: JAS
PG #: 4
RECORDED AS PRESENTED

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
GINA PIMENTEL
RECORDER

STATE OF INDIANA)
)
COUNTY OF LAKE)

AFFIDAVIT OF TITLE PASSAGE

The Affiant, Brian F. Starzak ("Affiant"), being first duly sworn, under oath deposes and says as follows:

1. Instrument Indexes: The Affiant requests that the Recorder of Lake County, Indiana, record and index this Affidavit according to IC 36-2-7-10(l) with a cross-referencing notation on the Recorder's records to the following instruments:
 - a. Tract 1
 - i. Instrument Title: Warranty Deed ("Prior Deed").
 - ii. Instrument Citation: Document Number 97019530 in the Office of the Recorder of Lake County, Indiana.
 - iii. Instrument Date: March 25, 1997.
 - iv. Instrument Recording Date: April 2, 1997.
 - v. Instrument Grantors: Roy A. Mistro and Susan M. Mistro, husband and wife.
 - vi. Instrument Grantees: William L. Starzak, Sr. and Frances K. Starzak, husband and wife; and William L. Starzak, Jr.
2. Real Property Descriptions:
 - a. The legal description of the real property conveyed by the Prior Deed ("Real Estate") is as follows:

Lot 280 in Pine Island Ridge Unit 34, as shown in Plat Book 48, Page 115,
Lake County, Indiana.

Parcel Number: 45-11-25-431-009,000-036
3. The Affiant is one of the surviving adult children of William L. Starzak, Sr., deceased ("William Sr."), and Frances K. Starzak, deceased ("Frances"), and the Affiant makes this Affidavit upon his personal knowledge.

NOT AN OFFICIAL DOCUMENT

4. William Sr. and Frances were husband and wife when they acquired title by the Prior Deed to which the records in the office of the Auditor of Lake County refer as follows:
 - a. County and State of Real Property Location: Lake County, Indiana.
 - b. Parcel Number: 45-11-25-431-009.000-036.
 - c. Property Address: 9077 Clark Place, Schererville, IN 46375 (Crown Point, IN 46307 mailing).
 - d. Abbreviated Real Property Description: PINE ISLAND RIDGE UNIT 34 LOT 280.
5. William Sr. died on January 25, 1998.
6. Frances died testate on September 12, 2017.
7. Frances survived as William Sr.'s surviving spouse after William Sr.'s death on January 25, 1998. Frances and William Sr. were never at any time divorced subsequent to their acquisition of the $\frac{1}{2}$ interest in the Real Estate as tenants by the entirety; and consequently, by operation of the law, title to the $\frac{1}{2}$ interest in the Real Estate was immediately vested in Frances upon William Sr.'s death.
8. No one filed a petition for administration of Frances estate and, therefore, no court decree of final distribution of her estate was entered, nor was a closing statement filed, so there was no prohibition against the presentation of Frances will for probate under IC §29-1-7-15.1(a).
9. Frances' Last Will and Testament was admitted to probate without administration in Lake County, Indiana under Cause Number 45D11-2306-EM-000118 by order of the Lake Superior Court entered June 5, 2023, after Frances' death, which was permissible as an exception to the 3-year time limit after Frances' death pursuant to IC §29-1-7-15.1(h) to admit her will to probate.
10. Article 3 of Frances' Last Will and Testament provides for distribution of 100% of Frances' interest in the Real Estate to William L. Starzak, Jr.

NOT AN OFFICIAL DOCUMENT

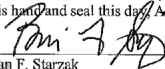
11. More than 5 months passed after Frances' death and no one petitioned for administration of her estate within that period, so title to the 1/2 interest in the Real Estate passed indefeasibly upon Frances' death to the her sole Legatee for the Real Estate as follows:

Name	Relationship	Address	Percentage
William L. Starzak, Jr.	Son	9077 Clark Place Crown Point, IN 46307	100%

12. William Sr. and Frances are the decedents with respect to whom the Affiant is making this Affidavit according to the provisions of IC §29-1-7-23(b)-(f).

13. This affidavit is made for the purpose of establishing the facts herein contained, to induce the Lake County Auditor to transfer the Real Property to William L. Starzak, Jr. upon the Lake County Auditor's real property transfer records, and to induce the Lake County Recorder to record this Affidavit and index it to the Prior Deed. William L. Starzak, Jr.'s interest is 100% in the Real Estate.


IN WITNESS WHEREOF, the Affiant has affixed his hand and seal this day ^{MA} ~~April~~ ^{May} 16, 2023.



Brian F. Starzak

STATE OF INDIANA, COUNTY OF LAKE) SS:

Before me, a Notary Public in and for said County and State, this day, ^{MA} ~~April~~ ^{May} 16, 2023, personally appeared Brian F. Starzak, who affirmed under oath the truth of the representations contained herein and acknowledged the execution of the above and foregoing Real Property Title Passage Affidavit to be his free and voluntary act and deed.


Notary Public
Printed Name: Michael John Quirk
County of Residence: Lake, IN

My Commission Expires: _____

Commission Number: _____



NOT AN OFFICIAL DOCUMENT

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. David C. Hiestand

This Real Property Title Passage Affidavit was prepared by/return to:
David C. Hiestand, Smith Legal Group, LLC, 802 Wabash Avenue, Suite 100, Chesterton, Indiana
46304.

Property of Lake County Recorder