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GINA PIMENTEL
RECORDER
STATE OF INDIANA
LAKE COUNTY
RECORDED AS PRESENTED
2024-030729
1:30 PM 2024 Oct 25

STATE OF INDIANA)
) SS: Parcel 1 - Property Number: 45-15-16-301-008-000-013
COUNTY OF LAKE) Parcel 2 - Property Number: 45-15-16-351-001-000-013

AFFIDAVIT OF DEVOLUTION

- I, *Vicki Harmon*, being first duly sworn, makes this Affidavit of her own personal knowledge.
- The affiant is the daughter of **Melton Smith**, a/k/a Melton E. Smith (hereafter "Melton E. Smith"), who died intestate on 5-4-2024, a widower, his spouse Betty J. Smith, a/k/a Betty Josephine. Smith, (hereafter "Betty J. Smith"), having passed on 4-16-2014 (see Survivorship Affidavit). Melton Smith never remarried.
- The most recent instrument recorded in the Office of the Lake County Recorder regarding the above-described property is *Notice of Order and Judgment* originally dated 1/4/2006 and recorded on as instrument number 2006-000450.
- Pursuant to a Warranty Deed dated 2/15/1971 and recorded in the Office of the Lake County Recorder on 2/23/1971 as instrument number 90399, the real estate commonly known as 12301 Wicker Ave. Cedar Lake, IN 46303 was conveyed to Melton E. Smith and Betty J. Smith.
- The real estate conveyed in paragraph 4 herein is legally known and described as follows:

Parcel 1: That part of the South Quarter of the South 2/3 of the North half of the west Half of the Southwest Quarter of Section 16, Section 16, Township 34 North, Range 9 West of the 2nd Principal Meridian, lying West of the New York Central Railroad right of way, and

Parcel 2: That part of the North One-Third of the South half of the West half of the Southwest Quarter of Section 16, Township 34 North, Range 9 West of the 2nd Principal Meridian, lying west of the said New York Central Railroad right of way, in Lake County, Indiana.

Subject to rights of the public and the State of Indiana in and to that part off the West end of premises in question taken for United States Highway 41; subject also to Right of Way Grant made by Theodore M. Schreiber and pearl J. Schreiber, husband a nd wife, to State of Indiana, dated Fe bruary 27 J 1962 and recorded May 11, 1962 in Deed Record 1171, page 195 as Document No. 402956; and all existing highways, easements, rights of way and restrictions of record.

Parcel 1 - Property Number: 45-15-16-301-008-000-013
Parcel 2 - Property Number: 45-15-16-351-001-000-013

FILED

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OCT 25 2024

PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

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NOT AN OFFICIAL DOCUMENT

6. The mortgage shown in paragraph 3 herein and modified 10/16/2018, was given instrument number 2001 08632 and the Warranty Deed shown in paragraph 4 herein was given instrument number 2001 086301.

7. On the death of Betty J. Smith, on 4/16/2014, her interest in the above-described property passed by law to the then surviving spouse, Melton E. Smith, deceased 5/04/2024.

8. That the heirs at law (all adults) for Melton E. Smith and their respective interests, under an intestate succession are:

- Vicki Harmon (the Affiant), daughter of Melton E. Smith (25%); and
- Mickey Smith, son of Melton E. Smith (25%); and
- Richard Smith, son of Melton E. Smith (25%); and
- Caroline Smith, daughter of Melton E. Smith (25%).

9. The fractional interests of each distributee named in paragraph 8 herein is 25% (1/4), to be taken as *Tenants in Common*.

10. That no Estate has been opened, nor has any letters testamentary or letters of administration been issued to a court appointed personal representative for any of the decedents within the time limits specified under I.C. § 29-1-7-15.1(d); and a probate court has not issued findings and an accompanying order preventing the limitations in section I.C. § 29-1-7-15.1(b) from applying to the decedents' real property.

11. 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 once five months have elapsed since the date of the decedent's death.

12. The purpose of filing this Affidavit at this time is to transfer the realty to the rightful heirs without the expense of opening an estate and to enable the heirs to protect the property by enabling them to insure the realty.

