

1. The complaint for mortgage foreclosure of the property owned by Helen L. Chandler (deceased), 7960 Austrian Pine Drive, Indianapolis, IN 46268, was filed in this cause on September 27, 2019.
2. The Court entered a summary judgment in this matter on June 9, 2021, providing for the foreclosure and sale of the real estate via sheriff's sale.
3. A sheriff's sale was conducted on February 17, 2023, by the Sheriff of Marion County, Indiana, at which time the real estate was sold in excess of the amount of the Plaintiff's judgment and other allowable fees and costs.
4. The excess funds remaining from the sale, after payment of the Plaintiff's judgment and all costs, in the amount of \$69,935.70 were received by, and are being held by, the Clerk of Marion County.
5. The summary judgement provided that the United States Department of Housing and Urban Development was to receive payment on any amounts owed to it after payments

- to the Plaintiff.
6. The United States Department of Housing and Urban Development has motioned for payment of a total of \$22,241.28 and Defendant heirs of Helen L. Chandler have no objection to that motion.
  7. Helen Chandler died intestate on April 6, 2020, leaving no spouse and two children, James Gaines and Lisa Stott-Sharkey.
  8. No estate case was opened for Helen L. Chandler and it appears to remain a small estate following the payment of debts owed to Defendant United States Department of Housing and Urban Development.
  9. Helen L. Chandler's children, following payment to Defendant United States Department of Housing and Urban Development, are each entitled to one-half of the remaining surplus in this matter.
  10. James Gaines requests the release of his one-half of the remaining surplus, following payments owed to United States Department of Housing and Urban Development, in the amount of \$23,847.21, pursuant to IC §32-30-10-14 and IC §29-1-2-1.

WHEREFORE, Defendant Helen L. Chandler's heir at law James Gaines, by counsel, prays that the Court grants this petition for the release of the excess proceeds of the sheriff's sale to him, and for all other just and proper relief.

Respectfully Submitted,

/s/ Amanda R. Whipple  
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**CERTIFICATE OF SERVICE**

I certify that on March 14, 2023, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS) and served the following parties:

Matthew Stephens Love, attorney for Plaintiff  
Keith W. Lerch, attorney for Defendant

Respectfully Submitted,

/s/ Amanda R. Whipple

Amanda R. Whipple, Atty #28834-49