


STATE OF INDIANA)	IN THE MARION SUPERIOR COURT
)	
COUNTY OF MARION)	CAUSE# 49D04-1909-MF-040456
)	
PNC Bank, National Association)	
Plaintiff(s))	
)	
vs.)	
HELEN L. CHANDLER)	
et al.)	
Defendant(s))	
)	
BOX SUITES LLC)	
Intervener)	

**INTERVENER'S OBJECTION TO MOTION TO RELEASE SURPLUS AND
INTERVENER'S CROSS MOTION TO RELEASE SURPLUS TO INTERVENER**

Comes now Intervener, BOX SUITES LLC, by counsel, and files its objection and cross motion and states as follows:

1. A sheriff s sale was conducted by the Marion County Sheriff, at which the real estate, which is the subject matter of this case, sold in excess of the amount of the Plaintiff s judgment.
2. The excess funds remaining from the sale, after paying Plaintiff s judgment and all costs, were received by and being held by the Marion County Clerk.
3. Prior to the sheriff sale, Intervener paid the 2 heirs of Helen Chandler a total of \$18,000.00 and acquired the right to the surplus. SEE ATTACHED
4. Intervener informed the heirs of the pros and cons related to selling their interest in the surplus.
5. Intervener is entitled to the surplus pursuant to IC 32-30-10-14.

WHEREFORE, Intervener, by counsel, prays this Honorable Court, grant this motion and order the Clerk to release the excess proceeds of the sheriff s sale to Intervener, and deny all other motions to do the same.


SCOTT RICHARDS #19871-49
8465 KEYSTONE XING #212
INDIANAPOLIS IN 46204
317/859-5666

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2023, I electronically filed the foregoing documents using the Indiana E-Filing System. I further certify that these documents were mailed to the Defendant(s) on March 17, 2023

MATTHEW STEPHENS LOVE

KEITH W. LERCH

JAMES GAINES; c/o Amanda Whipple
PO BOX 47966
INDIANAPOLIS IN 46247

LISA SHARKEY
7960 AUSTRIAN PINE DRIVE
INDIANAPOLIS IN 46268



Scott Richards

ASSIGNMENT OF INTEREST IN FUTURE SURPLUS RELATED TO FORECLOSURE

For and in consideration of good and valuable consideration, the receipt of which being hereby acknowledged, I, James Gaines dealing with his sole property, as assignor, who resides at

_____ hereby assigns, sells, transfers and conveys to Box Suites, LLC, as assignee, any and all Foreclosure surplus proceeds to which I may be entitled to share in from the sale of that certain parcel of real property, which is to be sold on 2/17/23 or continued by the Clerk of the Marion Court in cause # 49 D041 909 MF 040456 and related to property at 7960 Austrian Pine Dr, Indianapolis IN.

In executing this assignment, I have been informed by the assignee that my other option would be to let the property go to sale and be entitled to all such proceeds. It is my understanding that the surplus could be much more than I am receiving today but could also be less, for that reason I am foregoing the risk and accepted the agreed upon amount today. I understand that I should not accept this offer I would be entitled to:

- a. The amount of surplus funds available for distribution..
- b. I have the right to file a claim directly with the Clerk of the Circuit Court for my interest in such surplus funds.
- c. I have the right to consult with an independent attorney of my choice before executing this assignment.

In executing this assignment, I hereby represent that:

- a. I am one of the only 2 children of Helen L Chandler (see death certificate)
- b. Attached hereto is my affidavit of Heirship
- c. I acknowledge that I am making the above representations under oath and under penalty of perjury in order for assignee to receive payment of such surplus funds and I have not previously nor will I assign these to any other party.
- d. Attached is my Limited Power of Attorney granted upon Todd Hansen.

The assignee represents that there shall be no recourse against assignor other than representations above.

All Surplus funds that I James Gaines would be entitled to are now the property of Box Suites, LLC.

Signature James Gaines
James Gaines
STATE OF INDIANA)

) SS: ACKNOWLEDGMENT

COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared James Gaines who acknowledged the execution of the foregoing document, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9 day of February 2023

Signature Jeffrey J Scholl Printed Jeffrey J Scholl

Resident of Marion County, Indiana

My Commission Expires 01-31-2029

Jeffrey J Scholl
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires 01/31/2029
Commission No. NP0731372



Terms and Conditions (Remitter and Payee):

- * Please keep this copy for your record of the transaction
- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
 - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
- * Placing a Stop Payment on a Cashier's Check
 - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- * Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

**FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK**

**Customer Copy
9206112118**

02/09/2023

Void after 7 years

Remitter: BRODERICK B THOMPSON

\$ 1,000.00 ****

Pay To The Order Of: JAMES GAINES

Memo: _____
Note: For information only. Comment has no effect on bank's payment.

Drawer: JPMORGAN CHASE BANK, N.A.
NON NEGOTIABLE



Terms and Conditions (Remitter and Payee):

- * Please keep this copy for your record of the transaction
- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
 - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
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 - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- * Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

**FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK**

**Customer Copy
9206112116**

02/09/2023
Void after 7 years

Remitter: BRODERICK B THOMPSON

\$ 17,000.00 ****

Pay To The Order Of: LISA MICHELLE SHARKEY

Memo: _____
Note: For information only. Comment has no effect on bank's payment.

Drawer: **JPMORGAN CHASE BANK, N.A.
NON NEGOTIABLE**

ASSIGNMENT OF INTEREST IN FUTURE SURPLUS RELATED TO FORECLOSURE

For and in consideration of good and valuable consideration, the receipt of which being hereby acknowledged, I, James Gaines dealing with his sole property , as assignor, who resides at

_____ hereby assigns, sells, transfers and conveys to Box Suites, LLC, as assignee, any and all Foreclosure surplus proceeds to which I may be entitled to share in from the sale of that certain parcel of real property, which is to be sold on 2/17/23 or continued by the Clerk of the Marion Court in cause # 49 D041 909 MF 040456 and related to property at 7960 Austrian Pine Dr, Indianapolis IN.

In executing this assignment, I have been informed by the assignee that my other option would be to let the property go to sale and be entitled to all such proceeds. It is my understanding that the surplus could be much more than I am receiving today but could also be less, for that reason I am foregoing the risk and accepted the agreed upon amount today. I understand that I should not accept this offer I would be entitled to:

- a. The amount of surplus funds available for distribution..
- b. I have the right to file a claim directly with the Clerk of the Circuit Court for my interest in such surplus funds.
- c. I have the right to consult with an independent attorney of my choice before executing this assignment.

In executing this assignment, I hereby represent that:

- a. I am one of the only 2 children of Helen L Chandler (see death certificate)
- b. Attached hereto is my affidavit of Heirship
- c. I acknowledge that I am making the above representations under oath and under penalty of perjury in order for assignee to receive payment of such surplus funds and I have not previously nor will I assign these to any other party.
- d. Attached is my Limited Power of Attorney granted upon Todd Hansen.

The assignee represents that there shall be no recourse against assignor other than representations above.

All Surplus funds that I James Gaines would be entitled to are now the property of Box Suites, LLC .

Signature James Gaines
James Gaines
STATE OF INDIANA)

) SS: ACKNOWLEDGMENT

COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared James Gaines who acknowledged the execution of the foregoing document , and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9 day of February 2023

Signature Jeffrey J Scholl Printed Jeffrey J Scholl

Resident of Marion County, Indiana

My Commission Expires 01-31-2029

Jeffrey J Scholl
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires 01/31/2029
Commission No. NP0731372

ASSIGNMENT OF INTEREST IN FUTURE SURPLUS RELATED TO FORECLOSURE

For and in consideration of good and valuable consideration, the receipt of which being hereby acknowledged, I, Lisa Michelle Sharkey a married woman dealing with her sole property, as assignor, who resides at 7960 Austrian Pine Drive, Indianapolis IN hereby assigns, sells, transfers and conveys to Box Suites, LLC, as assignee, any and all Foreclosure surplus proceeds to which I may be entitled to share in from the sale of that certain parcel of real property, which is to be sold on 2/17/23 or continued by the Clerk of the Marion Court in cause # 49 D041 909 MF 040456 and related to property at 7960 Austrian Pine Dr, Indianapolis IN.

In executing this assignment, I have been informed by the assignee that my other option would be to let the property go to sale and be entitled to all such proceeds, It is my understanding that the surplus could be much more than I am receiving today but could also be less, for that reason I am foregoing the risk and accepted the agreed upon amount today. I understand that I should not accept this offer I would be entitled to:

- a. The amount of surplus funds available for distribution..
- b. I have the right to file a claim directly with the Clerk of the Circuit Court for my interest in such surplus funds.
- c. I have the right to consult with an independent attorney of my choice before executing this assignment.

In executing this assignment, I hereby represent that:

- a. I am one of the only 2 children of Helen L Chandler (see death certificate)
- b. Attached hereto is my affidavit of Heirship
- c. I acknowledge that I am making the above representations under oath and under penalty of perjury in order for assignee to receive payment of such surplus funds and I have not previously nor will I assign these to any other party.
- d. Attached is my Limited Power of Attorney granted upon Todd Hansen.

The assignee represents that there shall be no recourse against assignor other than representations above.

All Surplus funds that I Lisa Michelle Sharkey would be entitled to are now the property of Box Suites, LLC.

Signature Lisa Michelle Sharkey
Lisa Michelle Sharkey
STATE OF INDIANA

) SS: ACKNOWLEDGMENT

COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared Lisa Michelle Sharkey who acknowledged the execution of the foregoing document, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9 day of February 2023

Signature Jeffrey J Scholl Printed Jeffrey J Scholl

Resident of Marion County, Indiana

My Commission Expires 01-31-2029

Jeffrey J Scholl
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires 01/31/2029
Commission No. NP0731372

Name and Address of Person Entitled to Property	Share of the Property the Person is Entitled to	Description of the Property	Lien or Encumbrance (if any)	Name and Address of Person or Entity Holding the Property
Lisa Michelle Sharkey	50%	proceeds	Mortgage foreclosure 7960 Austrian Pine	Clerk of Marion County
James Gaines	50%	Proceeds	Mortgage Foreclosure 7960 Austrian Pine	Clerk of Marion County
Lisa Michelle Starkey	50%	Personal items		

James Gaines	50%	Personal items		
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7. The undersigned affiant, as claimant, has notified each person identified in the previous Paragraph of the claimant's intention to present an affidavit pursuant to IC 29-1-8-1.

8. The undersigned affiant, as claimant, is entitled to payment or delivery of the property on behalf of each person identified in this affidavit.

9. This affidavit is made for the purpose of inducing the above-named holder(s) of the decedent's above-described property to turn the property over to the persons indicated in Paragraph 7 or to the undersigned affiant on behalf of such persons, as provided by law. (See I.C. §§ 29-1-8-1 and 29-1-8-2)

I affirm under the penalties for perjury that the foregoing representations are true.

Date: Feb. 9, 2023

Signature of Affiant

James Gaines
James Gaines

STATE OF INDIANA)

COUNTY OF Marion) SS:

ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared James Gaines who acknowledged the execution of the foregoing Affidavit, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9 day of February 2023

Signature Jeffrey Scholl Printed Jeffrey Scholl

Resident of Marion County, Indiana

My Commission Expires 01-31-2029

Jeffrey J Scholl
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires 01/31/2029
Commission No. NP0731372

Name and Address of Person Entitled to Property	Share of the Property the Person is Entitled to	Description of the Property	Lien or Encumbrance (if any)	Name and Address of Person or Entity Holding the Property
Lisa Michelle Sharkey	50%	proceeds	Mortgage foreclosure 7960 Austrian Pine	Clerk of Marion County
James Gaines	50%	Proceeds	Mortgage Foreclosure 7960 Austrian Pine	Clerk of Marion County
Lisa Michelle Starkey	50%	Personal items		

James Gaines	50%	Personal items		
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7. The undersigned affiant, as claimant, has notified each person identified in the previous Paragraph of the claimant's intention to present an affidavit pursuant to IC 29-1-8-1.

8. The undersigned affiant, as claimant, is entitled to payment or delivery of the property on behalf of each person identified in this affidavit.

9. This affidavit is made for the purpose of inducing the above-named holder(s) of the decedent's above-described property to turn the property over to the persons indicated in Paragraph 7 or to the undersigned affiant on behalf of such persons, as provided by law. (See I.C. §§ 29-1-8-1 and 29-1-8-2)

I affirm under the penalties for perjury that the foregoing representations are true.

Date: 2-9-23

Signature of Affiant

Lisa Michelle Sharkey
Lisa Michelle Sharkey

STATE OF INDIANA)

COUNTY OF

Marion

) SS:

ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared Lisa Michelle Sharkey acknowledged the execution of the foregoing Affidavit, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9 day of February 2023

Signature

Jeffrey J Scholl

Printed

Jeffrey J Scholl

Resident of

Marion

County, Indiana

My Commission Expires

01-31-2029

Jeffrey J Scholl
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires 01/31/2029
Commission No. NP0731372