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 $\underline{\text{March 17, 2023}}$

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

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 Jaines James Gaines STATE OF INDIANA)
) SS: ACKNOWLEDGMENT
COUNTY OF MACLON)
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 Jschill Printed Jeffrey Jschill
Resident of County, Indiana Notary Public - Seal
My Commission Expires 01-31-2025 State of Indiana Marion County My Commission Expires 01/31/2029 Commission No. NP0731372

THASE

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

Customer Copy 9206112118

CASHIER'S CHECK

02/09/2023

Void after 7 years

Remitter: BRODERIC

BRODERICK B THOMPSON

\$** 1,000.00 ******

Pay To The JAMES GAINES

Order Of:

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

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
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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

Gustomer Copy 9206112116

02/09/2023 Void after 7 years

BRODERICK B THOMPSON

Remitter:

\$** 17,000.00 **

Pay To The LISA MICHELLE SHARKEY Order Of:

/emo:----

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

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 Baines 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 Jschill Printed Jeffrey Jschill
Resident of County, Indiana 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 /SC STATE OF INDI	Michelle	fulle S Shark	harkey Ley
COUNTY OF	Marun) SS:)	ACKNOWLEDGMENT

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.

Signature_ Jeff Jahall Printed Jeffrey JSdw1/

Resident of MON 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

Marion County Probate Form 421.1 Affidavit for Transfer of Assets Without Administration

STATE OF INDIANA)		
COUNTY OF MARION)	•	
IN THE MATTER OF:)	,
THE ESTATE OF Helen L Chandler	ì	,

AFFIDAVIT FOR TRANSFER OF ASSETS WITHOUT ADMINISTRATION

The undersigned, being duly sworn, states that:

- 1. The above decedent died on the 6th Day of April ,2020 , (intestate) while domiciled in Marion County, Indiana.
- 2. No petition for the appointment of a personal representative of the decedent's estate is pending or has been granted in any jurisdiction.
 - 3. At least forty-five (45) days have elapsed since the death of said decedent.
 - 4. The value of the gross probate estate of the decedent, wherever located, less liens and encumbrances, does not exceed \$100,000.00.
- 5. The person or persons set forth in paragraph 6 below are entitled to the property as set forth after their names, by reason of:
 - A. Lisa Michelle Sharky and James Gaines are the sole surviving heirs of Helen L Chandler.
- 6. The following person or persons are entitled to receive, without Administration, the following listed property from the person, firm or Corporation shown after the property, subject to liens and encumbrances:

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%	Perso	onal items	
7.	The undersigned a	affiant, as clain	nant, has notified	each person identified in the
previous Parag	raph of the claima	nt's intention to	o present an affid	lavit pursuant to IC 29-1-8-1.
8.	The undersigned a	affiant, as clain	nant, is entitled to	payment or delivery of the
property on bel	half of each person	n identified in t	his affidavit.	
9.	This affidavit is m	ade for the pui	rpose of inducing	the above-named holder(s) of
the decedent's	above-described p	property to turn	the property ove	to the persons indicated in
Paragraph 7 or	to the undersigned	d affiant on bel	nalf of such perso	ons, as provided by law. (See
I.C. §§ 29-1-8-	1 and 29-1-8-2)			
I affiro	under the pena	lties for perju	ry that the foreg	oing representations are true.
Date: <u>Feb. 9</u>	2023			
			Signature of Af	fiant
			ames Bar	· · · · · · · · · · · · · · · · · · ·
			James Gaines	
			•	
STATE OF INDIAN	Ι Δ			
Λ.	arish) SS:	ACKNOWLED	GMENT
COUNTY OF !	Migh)		
acknowledged th	ary Public in and fo e execution of the f herein contained a	foregoing Affida	d State, personall vit , and who, havi	y appeared <u>James Gmals</u> who ing been duly sworn, stated that any
Witness my hand	and Notarial Seal t	his $\frac{9}{}$ day of	February 2023	
Signature	of Shell	Printed	Jeffreyts	ihall_
Resident of	arion Cou	ınty, Indiana		Jeffrey J Scholl
My Commission I	Syminas 01-71	-2029	i	Notary Public - Seal State of Indiana
IAIÀ COHMINEZION I	-yhue2 01, 37			Marion County
	•		My Com	manon County emission Expires 01/31/2029 emission No. NP0731372

Marion County Probate Form 421.1 Affidavit for Transfer of Assets Without Administration

STATE OF INDIANA)		
COUNTY OF MARION)	S :	
IN THE MATTER OF:)	,
THE ESTATE OF Helen L Chandler	r)	,

AFFIDAVIT FOR TRANSFER OF ASSETS WITHOUT ADMINISTRATION

The undersigned, being duly sworn, states that:

- 1. The above decedent died on the 6^{th} Day of April ,2020 , (intestate) while domiciled in Marion County, Indiana.
- 2. No petition for the appointment of a personal representative of the decedent's estate is pending or has been granted in any jurisdiction.
 - 3. At least forty-five (45) days have elapsed since the death of said decedent.
 - 4. The value of the gross probate estate of the decedent, wherever located, less liens and encumbrances, does not exceed \$100,000.00.
- 5. The person or persons set forth in paragraph 6 below are entitled to the property as set forth after their names, by reason of:
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- 6. The following person or persons are entitled to receive, without Administration, the following listed property from the person, firm or Corporation shown after the property, subject to liens and encumbrances:

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Lisa Michelle Sharkey	50%	proceeds	Mortgage foreclosure	Clerk of Marion County
James Gaines	50%	Proceeds	Mortgage Foreclosure 7960 Austrian Pine	
Lisa Michelle Starkey	50%	Personal items		

				<u></u>	
James Gaines	50%	Person	al items		
7.	The undersigned af	fiant, as claima	nt, has notified	each person identifie	d in the
previous Parag	raph of the claimant	s intention to	present an affid	avit pursuant to IC 29)-1 -8-1 .
8.	The undersigned af	fiant, as claima	nt, is entitled to	payment or delivery	of the
property on be	half of each person	identified in thi	s affidavit.		
9.	This affidavit is ma	de for the purp	ose of inducing	the above-named ho	lder(s) of
the decedent's	above-described pro	operty to turn th	ne property ove	r to the persons indica	ated in
Paragraph 7 or	to the undersigned	affiant on beha	lf of such perso	ons, as provided by la	w. (See
I.C. §§ 29-1-8-	1 and 29-1-8-2)				
I affirm Date: 2-9	n under the penalt -23	ies for perjury	that the foreg	oing representation	s are true.
67			Signature of A	fiant	1.
		-	\mathcal{J}_{0}	sa Miche	lle Sho
			Lisa Michelle	Snarkey	
STATE OF INDIAN	Marion) SS:)	ACKNOWLED	GMENT	
acknowledged ti	tary Public in and for ne execution of the fo therein contained are	regoing Affidavi	State, personall t , and who, hav	y appeared <u>Liss Mak</u> ing been duly sworn, st	ella Sharkwijko ated that any
Witness my hand	l and Notarial Seal th	is 9 day of <u>Fe</u>	ebruary 2023		
Signature	the shill	Printed	effrey JSc	hell	
Resident of	AGRION Cour	ity, Indiana) Int	from I Scholl	
My Commission	Expires 01-31	2029	Notai	frey J Scholl y Public - Seal	
my Commission	Lapii Co		Ma	ite of Indiana arion County	
			My Commiss Commiss	ion Expires 01/31/2029 ion No. NP0731372	