

79D04-2106-PL-000061

JUDGE WILLIAMS INFORMED HE  
MUST RECUSE 9-16-2021

RECUSAL ORDER ISSUED 9-20-2021

COURT CLERK ASSIGNS SPECIAL  
JUDGE MATTHEW SANDY ON  
9-24-2021

JUDGE SANDY ACCEPTED  
APPOINTMENT 9-29-2021

THIS IS ONLY 4 DAYS AFTER RECUSAL

PARTIES HAD 7 DAYS TO FILE THEIR AGREEMENT ON  
SPECIAL JUDGE WITH COURT

NO SUCH AGREEMENT IS IN COURT RECORDS

From: Thomas DeHahn thomas.dehahn@icloud.com  
Subject: Recusal - Randy Williams attorney for William M Tislow  
and Elizabeth L Tislow  
Date: Sep 16, 2021 at 4:38:50 PM  
To: Randy Williams rwilliams@tippecanoe.in.gov  
Cc: Christine Pass cpass79@gmail.com

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**EXHIBIT A**

Judge Williams

You have a conflict of interest in acting as Judge in the Mattern vs Tislow case before you now.

As their former attorney who never withdrew from case and as attorney for Tislow step siblings in Will dispute directly involving Huston Road property in current case

You must recuse and refer for special judge appointment

Thomas S DeHahn

Jack L. Walkey and Randy J. Williams enter their written appearances as counsel for the defendants, William M. Tislow and Elizabeth L. Tislow,

Sent from my iPhone

STATE OF INDIANA )  
 ) SS:  
COUNTY OF TIPPECANOE )

IN THE SUPERIOR COURT  
OF TIPPECANOE COUNTY

JAMES F. MATTERN,  
SUZANNE S. MATTERN

CASE NO: 79D01-2106-PL-000061

v.

**EXHIBIT B**

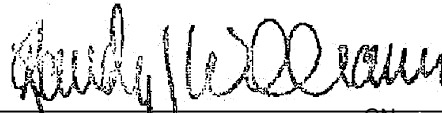
WILLIAM M. TISLOW,  
ELIZABETH L. TISLOW

**ORDER**

Having been advised of an existing, and previously unreported, conflict, the Court recuses itself and directs counsel to comply with local Rules for change of Judge.

Copy Counsel.

SO ORDERED this September 20, 2021.



\_\_\_\_\_  
Randy J. Williams, Judge <sup>GN</sup>  
Tippecanoe Superior Court I

STATE OF INDIANA

) IN THE TIPPECANOE SUPERIOR COURT 1

COUNTY OF TIPPECANOE

)  
) CASE NO: 79D01-2106-PL-000061

JAMES F. MATTERN, SUZANNE S. MATTERN

**EXHIBIT C**

V.

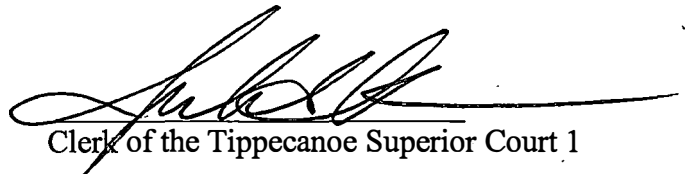
WILLIAM M. TISLOW, ELIZABETH L. TISLOW

**APPOINTMENT OF SPECIAL JUDGE**

The presiding Judge, Randy J Williams, has recused himself from this case and ordered the Clerk of Tippecanoe Superior Court 1 to appoint a Special Judge pursuant to Trial Rule 79.

The Clerk of the Tippecanoe Superior Court 1 now appoints the Honorable Mathew S. Sandy, Judicial Officer of the Tippecanoe Superior 4 Court to serve as Special Judge in this cause, subject to the person's qualification herein.

Dated on this the 24th day of September, 2021.

  
Clerk of the Tippecanoe Superior Court 1

Distribution: Benjamin Michael Mattingly

Scott J. Fandre

Mathew S. Sandy

# SUPPORT

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## EXHIBIT A

CCS for 79C01-0009-CP-000295

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Kelleher vs Frank W Rund II

RANDY WILLIAMS ATTORNEY FOR  
ELIZABETH TISLOW STEP  
SIBLINGS IN LAST WILL CONTEST  
SUIT AGAINST TISLOW FATHER,  
FRANK W. RUND

HUSTON ROAD PROPERTY  
INVOLVED

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-0009-CP-000295

Robyn Ricks

§  
§  
§  
§

Location: **Tippecanoe Circuit Court**  
Judicial Officer: **Persin, Sean M**  
Filed on: **09/05/2000**  
Case Number History:

vs.

**Frank W Rund**

CASE INFORMATION

Statistical Closures  
10/09/2019 Dismissed

Case Type: **CP - Civil Plenary**

Case Status: **10/09/2019 Decided**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number 79C01-0009-CP-000295  
Court Tippecanoe Circuit Court  
Date Assigned 01/02/2018  
Judicial Officer Persin, Sean M

**Previous Case Assignments**

Case Number 79C01-0009-CP-000295  
Court Tippecanoe Circuit Court  
Date Assigned 09/05/2000  
Judicial Officer Busch, Thomas H  
Reason Change of Judge

PARTY INFORMATION

Plaintiff

Hinners, Kim

Attorneys

**Williams, Randy J**  
Retained

765-742-9046(W)  
301 Main Street  
Lafayette, IN 47901

rwilliams@tippecanoe.in.gov

**Keleher, Michael P**  
, 00000

**Williams, Randy J**  
Retained

765-742-9046(W)  
301 Main Street  
Lafayette, IN 47901

rwilliams@tippecanoe.in.gov

**Keleher, Todd**

**Williams, Randy J**  
Retained

765-742-9046(W)  
301 Main Street  
Lafayette, IN 47901

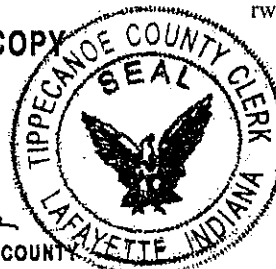
rwilliams@tippecanoe.in.gov

Ricks, Robyn

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True and Complete

MAY 18 2020

CLERK OF COURTS TIPPECANOE COUNTY



**Williams, Randy J**  
Retained

765-742-9046(W)  
301 Main Street

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-0009-CP-000295

Lafayette, IN 47901  
rwilliams@tippecanoe.in.gov

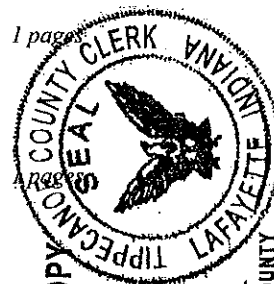
**Defendant**      **Rund, Frank W, Sr.**  
5705 HOUSTON RD  
WEST LAFAYETTE, IN 47906

**Theobald, Gregg Stuart**  
Retained  
765-423-4392(F)  
765-420-0818(W)  
410 Main St.  
Lafayette, IN 47901  
greggt@theobaldlaw.com

**Mediator**      **McGlone, James V**  
300 MAIN STREET, STE 800  
PO BOX 1010  
LAFAYETTE, IN 47902

**McGlone, James Val**  
Retained  
317-423-1561(W)  
300 Main Street Ste 900  
P.O. Box 1010  
Lafayette, IN 47902-1010  
jvm@stuartlaw.com

DATE	EVENTS & ORDERS OF THE COURT	INDEX
09/05/2000	Converted Event <i>CIVIL FILING FEE Receipt: 214763 Date: 09/05/2000</i>	1 pages
09/05/2000	Converted Event <i>BOND MONEY HELD IN TRUST UNTIL FURTHER ORDERED REC'D IN OFFICE \$100.00  CASH BOND BY BALL LAW FIRM Receipt: 214802 Date: 09/05/2000</i>	1 pages
09/08/2000	Converted Event <i>SUMMONS ISSUED</i>	1 pages
09/08/2000	Converted Event <i>Issue Date: 09/08/2000 Service : SUMMONS ISSUED Method : *CERTIFIED MAILER Cost  Per : \$ 0.00 RUND SR, FRANK W 5705 HOUSTON RD WEST LAFAYETTE, IN 47906  Tracking No: Z290895737</i>	1 pages
09/11/2000	Converted Event <i>CERTIFICATE OF MAILING SHOWING SERVICE FOR DEFENDANT Method :  *CERTIFIED MAILER Issued : 09/08/2000 Service : SUMMONS ISSUED Served :  09/09/2000 Return : 09/11/2000 On : RUND SR, FRANK W Signed By : Reason : CERT.  MAIL SERVICE Comment : Tracking #: Z290-895-737</i>	1 pages
09/27/2000	Converted Event <i>Defendant, by counsel, Donald L. Daniel, files Verified Motion for Extension of Time in Which  to Answer or Otherwise Respond, Appearance, both with certificate of service and Proposed  Order.</i>	1 pages
09/28/2000	Converted Event <i>The court having filed Motion for Extension of Time and proposed Order for Extension and the  Court examines, approves and enters accordingly and Defendant has to and including October  27, 2000 within which to respond. See Order. Copy to counsel.</i>	1 pages
02/22/2001	Converted Event <i>Defendant, Frank W. Rund, Sr., by counsel, files Answer, with certificate of service.</i>	1 pages
03/02/2001	Converted Event <i>Comes now Interested Party and Personal Representative by counsel. The Court sets April 30,  2001 as the date and time for status conference in this estate, as well as in cause number 9503-  GU-24 and 0009-CP-295. Copy to counsel.</i>	1 pages
04/30/2001	Converted Event	1 pages

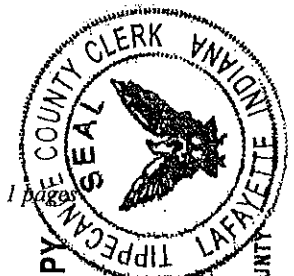


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True and Complete  
MAY 18 2020  
CLERK OF COURTS TIPPECANOE COUNTY  
*Gregg Stuart*

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-0009-CP-000295

*Come now the parties each by counsel and the Court conducts status conference herein. By agreement, the Court sets November 27, 2001 at 10:00 A.M. as the date and time for trial by jury on Plaintiff's verified Complaint To Contest Will. Copy to counsel.*

- |            |  |         |
|------------|--|---------|
| 04/30/2001 | Converted Event<br><i>Calendar: STATUS CONFERENCE HEARING (Event Code: C1STATUSCO) (Judge: RONALD MELICHAR) (Time: 15:00:00)</i>   |         |
| 07/19/2001 | Converted Event<br><i>Plaintiffs, by counsel, file Notice of Service, with certificate of service.</i>   | 1 pages |
| 11/13/2001 | Converted Event<br><i>Come now Plaintiffs and Defendant each by counsel. On motion of counsel for Plaintiff, the Court sets aside the hearing date of November 27, 2001 and assigns this cause for status conference for Friday, January 18, 2002 at 1:15 P.M. The Court, sua sponte, appoints James V McGlone as Mediator in this cause. Copy to counsel and James McGlone.</i>   | 1 pages |
| 01/18/2002 | Converted Event<br><i>The Court conducts status conference in this cause and will conduct further status conference on Monday, April 1, 2002 at 11:00 A.M. Copy to counsel.</i>  | 1 pages |
| 01/18/2002 | Converted Event<br><i>Calendar: STATUS CONFERENCE HEARING (Event Code: C1STATUSCO) (Judge: RONALD MELICHAR) (Time: 13:15:00)</i>   |         |
| 04/01/2002 | Converted Event<br><i>Come now the parties each by counsel. By agreement, the Court sets Tuesday, October 22, 2002 at 10:00 A.M. as the date and time for trial by jury on Plaintiff's Petition to Set Aside Will. The Court will conduct a final pre-trial conference on October 7, 2002 at 1:30 P.M. at which time counsel for the parties shall file their pre-trial order and preliminary instructions. The Court directs that counsel for Plaintiff prepare the pre-trial order in this cause. Copy to counsel.</i>   | 1 pages |
| 04/01/2002 | Converted Event<br><i>Calendar: STATUS CONFERENCE HEARING (Event Code: C1STATUSCO) (Judge: RONALD MELICHAR) (Time: 11:00:00)</i>   |         |
| 10/03/2002 | Converted Event<br><i>Come now Plaintiffs and Defendant each by counsel. Plaintiffs, by counsel, orally move to continue trial date for the reason that discovery has not yet been provided. The Court being duly advised in the premises now grants Plaintiff's motion and sets aside the trial date of October 22, 2002 and reassigns this cause for trial by jury for Tuesday, December 3, 2002 at 10:00 A.M. with two (2) days being allotted therefore. The Court orders that the mediation ordered herein be completed no later than November 15, 2002. Copy to counsel.</i> | 1 pages |
| 10/07/2002 | Converted Event<br><i>Calendar: FINAL PRETRIAL CONFERENCE (Event Code: C1FINALPTC) (Result: CASE CONTINUED) (Judge: RONALD MELICHAR) (Time: 13:30:00)</i>  |         |
| 11/22/2002 | Converted Event<br><i>The presiding Judge of this Court now recuses himself in this cause and appoints a panel from which the parties shall strike which by law provides, naming the Honorable Donald C Johnson, Honorable Thomas Busch and Honorable C Wayne Fountain. Copy to counsel.</i>   | 1 pages |
| 12/03/2002 | Converted Event<br><i>Calendar: JURY TRIAL (Event Code: CIJURY) (Result: case continued) (Judge: RONALD MELICHAR) (Time: 10:00:00)</i>   |         |
| 01/14/2003 | Converted Event<br><i>Defendant, by counsel, files Motion to Appoint a Panel of Judges, with certificate of service.</i>   | 1 pages |
| 01/21/2003 | Converted Event<br><i>Gregg S. Theobald enters his written appearance as counsel for the defendant, Frank W.</i>   | 1 pages |



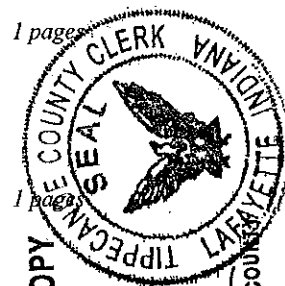
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CLERK OF COURTS TIPPECANOE COUNTY



CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. 79C01-0009-CP-000295**

*Rund, Sr., with certificate of service.*

- |            |   |         |
|------------|---|---------|
| 02/18/2003 | <p>Converted Event<br/> <i>Defendant, by counsel, files Motion to Strike (striking the Hon. Thomas H. Busch), with certificate of service.</i></p>  | 1 pages |
| 02/25/2003 | <p>Converted Event<br/> <i>Plaintiffs, by counsel, file Motion to Strike (striking the Hon. Donald C. Johnson), with certificate of service.</i></p>  | 1 pages |
| 02/27/2003 | <p>Converted Event<br/> <i>Parties have filed their Motions to Strike leaving the Honorable C Wayne Fountain as Special Judge in this cause, who is to appear and qualify as provided by law. Copy to counsel and Magistrate C Wayne Fountain.</i></p>  | 1 pages |
| 04/23/2003 | <p>Converted Event<br/> <i>Comes now Plaintiffs by counsel, Randy Williams, and comes also Defendant, by counsel, Gregg S. Theobald, and submit the following Agreed Order for Change of Judge: That Wayne Fountain has recused himself from the case due a potential conflict of interest. That the parties agree that the Honorable Vincent Grogg shall now assume jurisdiction of this cause of action. Copies to Randy Williams and Gregg S. Theobald. sl</i></p>   | 1 pages |
| 04/23/2003 | <p>Converted Event<br/> <i>Defendant, by counsel, files Motion to Set Pre-Trial Conference, with certificate of service, and proposed order.</i></p>  | 1 pages |
| 04/23/2003 | <p>Converted Event<br/> <i>Come now Plaintiffs by counsel, Randy Williams and comes also Defendant by counsel, Gregg S. Theobald, and submit the following Agreed Order for Change of Judge: That Wayne Fountain has recused himself from the cause due a potential conflict of interest. That the parties agree that the Honorable Vincent Grogg shall now assume jurisdiction of this cause of action. It is now ordered that the Honorable Vincent Grogg shall appear and assume jurisdiction of this cause. See Order. Copy to R Williams and G Theobald and HONorable Vincent Grogg.</i></p> | 1 pages |
| 05/01/2003 | <p>Converted Event<br/> <i>Vincent F. Grogg, heretofore appointed Special Judge herein, now qualifies and assumes jurisdiction of this cause. Cause ordered to forward to Special Judge copies of all relevant pleadings herein. Copy distributed by Judge to counsel via FAX, and Clerk ordered to distributed hard copy to counsel, per distribution list. Copy to Randy Williams and Gregg S. Theobald. (See order)</i></p>  | 1 pages |
| 05/01/2003 | <p>Converted Event<br/> <i>Status Conference set in all the above matters for 9:15 a.m. May 5, 2003. Copy distributed via FAX by Judge to counsel. Clerk ordered to distributed hard copy to counsel per distribution list. Dated April 29, 2003. Vincent F. Grogg, Special Judge Copy to Gregg S. Theobald and Randy J. Williams. See Order.</i></p>   | 1 pages |
| 05/05/2003 | <p>Converted Event<br/> <i>Come now the parties each by counsel and status conference is conducted. Honorable Vincent F. Grogg, Special Judge</i></p>   | 1 pages |
| 05/05/2003 | <p>Converted Event<br/> <i>Calendar: STATUS CONFERENCE (Event Code: SC) (Judge: VINCENT GROGG) (Time: 09:15:00)</i></p>   | 1 pages |
| 05/07/2003 | <p>Converted Event<br/> <i>Counsel for parties, Gregg S. Theobald for the Plaintiffs and Matt McQueen for the defendant met with the Special Judge on May 5, 2003, at 9:15 a.m. for a Status Conference, whereupon by agreement: 1. James V. McGlone was re-appointed as Mediator in the Civil Suit above, 79C01-0009-CP-295, the same being a Suit to Contest Will, and said Mediator is requested to complete said Mediation Process prior to the Status Conference hereinafter set out, and Counsel ORDERED to cooperate with said mediation Process in order to expedite the same;</i></p>    | 1 pages |



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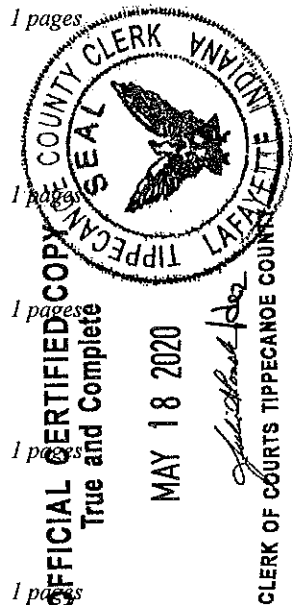
MAY 18 2020

*Spencer J. Doe*  
 CLERK OF COURTS TIPPECANOE COUNTY INDIANA

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. 79C01-0009-CP-000295**

2. The Status Conference was continued to 8:30 a.m., June 20, 2003. Copy distributed by Special Judge to James V. McGlone, P.O.Box 1010, Lafayette, IN, and Clerk to distribute copy to counsel. Dated this 5th day of May, 2003. Vincent F. Grogg, Special Judge. (See order) sl

06/16/2003	<p>Converted Event  <i>The Status Conference scheduled for 8:30 a.m., June 20, 2003, is ORDERED to be had by conference telephone call, with counsel for the Plaintiffs to arrange said call, with Special Judge to be contacted at his home telephone. Copy distributed by FAX to counsel by Special Judge per distribution list. (See order) Vincent F. Grogg, Special Judge. sl</i></p>	1 pages
06/20/2003	<p>Converted Event  <i>Calendar: STATUS CONFERENCE (Event Code: SC) (Judge: VINCENT GROGG) (Time: 08:30:00)</i></p>	
06/23/2003	<p>Converted Event  <i>Pursuant to Court Order, counsel for the parties, Randy Williams and Gregg S. Theobald met by conference telephone call with Special Judge at 8:30 a.m., June 20, 2003, and it appearing that mediation herein has not yet been completed, this conference is continued to 8:30 a.m., August 29, 2003, to be had by conference telephone call, with counsel for Plaintiffs to arrange same, and counsel ORDERED to advise the Court prior to said conference as to the progress in the mediation process. Copy to counsel. Vincent F. Grogg, Special Judge. (See order) Dated this 20th day of June, 2003. sl</i></p>	1 pages
08/29/2003	<p>Converted Event  <i>Pre-Trial Order entered. There is pending a will contest suit (79C01-0009-CP-295) and certain matters in an Estate and Guardianship, and the trial of all matters is set for 8:15 a.m., January 13, 2004, in the Tippecanoe Circuit Court, probable length of trial, two days, and by agreement the will contest suit will be tried by a Jury, and the other issues by the Court, with the trial and hearings to be held simultaneously, and all involve similar issues of fact; A final pre-trial conference is set for December 12, 2003, at 8:30 a.m. in the Tippecanoe Circuit Court; (See order) Copy to counsel. Vincent F. Grogg, Special Judge.</i></p>	1 pages
09/08/2003	<p>Converted Event  <i>Order re-setting final pre-trial conference entered. Due to congestion in the calendar of the Special Judge, the final pre-trial conference set for December 12, 2003, at 8:30 a.m., is re-scheduled and re-set for December 11, 2003, at 8:30 a.m. Vincent F. Grogg, Senior Judge. Copy to Randy Williams and Gregg S Theobald. sl</i></p>	1 pages
12/11/2003	<p>Converted Event  <i>Calendar: FINAL PRE-TRIAL CONFERENCE (Event Code: FPTC) (Judge: VINCENT GROGG) (Time: 08:30:00)</i></p>	
12/15/2003	<p>Converted Event  <i>Parties, by counsel, file Settlement Agreement.</i></p>	1 pages
01/13/2004	<p>Converted Event  <i>Calendar: Jury Trial (Event Code: JT) (Judge: VINCENT GROGG) (Time: 08:15:00)</i></p>	
04/29/2004	<p>Converted Event  <i>Defendant, by counsel, files Verified Petition for Dismissal, with certificate of service. File-Marked April 28, 2004.</i></p>	1 pages
07/07/2004	<p>Converted Event  <i>Frank Rund, Personal Representative of the Estate of Jean K Rund, by counsel, files VERIFIED MOTION TO DISMISS WILL CONTEST CAUSE OF ACTION. (file marked 07/07/2004)</i></p>	1 pages
07/07/2004	<p>Converted Event  <i>Verified Motion To Dismiss Will Contest Cause of Action filed by Frank Rund, Personal Representative, is hereby granted and cause of action is dismissed with prejudice. Copy to counsel</i></p>	1 pages
07/16/2004	<p>Converted Event</p>	1 pages



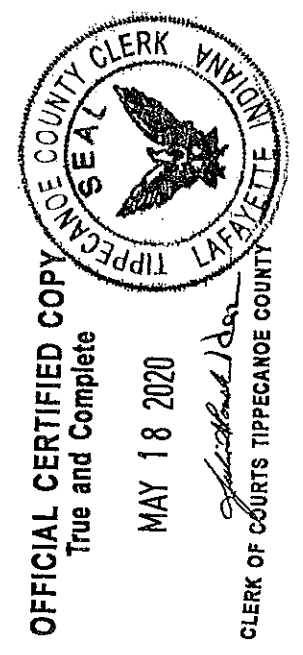
CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. 79C01-0009-CP-000295**

*Comes now Frank W. Rund, personal representative of the estate of Jean K. Rund, and files his verified Motion to Dismiss Will Contest Cause of Action. Said Motion was filed with this Court on July 7, 2004 and made a part of this Court's record. And the Court, being duly advised, now grants said Motion and orders that the will contest cause of action filed herein be dismissed with prejudice. (See order) Vincent F. Grogg. Copy to counsel and parties per form.*

06/14/2006	Converted Event <i>File has been scanned to Docuware</i>	1 pages
10/05/2006	Converted Event <i>DISBURSEMENT OF BOND MONEY TO STATE OF INDIANA ATTORNEY GENERAL UNCLAIMED PROPERTY</i>	1 pages
12/09/2009	Converted Event <i>Pursuant to Administrative Rules, this case file has been destroyed more than two years after entry of dismissal.</i>	1 pages
02/04/2014	Converted Event <i>Pursuant to Administrative Rules, this case file has been destroyed more than two year after case was dismissed. Scanned to docuware.</i>	1 pages
01/05/2015	Converted Event <i>Case transferred to jurisdiction of judicial officer</i>	1 pages

DATE	FINANCIAL INFORMATION
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<b>Plaintiff Keleher, Michael P</b> Total Charges	100.00
Total Payments and Credits	100.00
<b>Balance Due as of 5/18/2020</b>	<b>0.00</b>
<b>Plaintiff Keleher, Michael P</b> Registry and Trust Account Balance as of 5/18/2020	0.00



*BEGINNING IN SEPTEMBER 1996,  
ELIZABETH L. TISLOW HAD POWER OF  
ATTORNEY TO ACT FOR HER FATHER,  
FRANK W. RUND, WHO WAS GUARDIAN  
FOR HER STEP MOTHER, DOMICILED AT  
5705 HUSTON ROAD*

*THIS WAS DURING SAME PERIOD RANDY  
WILLIAMS FILED INTO COMPLAINT TO  
REPRESENT DEFENDANT TISLOW AS LEGAL  
COUNSEL - WHICH HE NEVER WITHDREW  
AS HER ATTORNEY*

*AND THEN ACTED AS COUNSEL FOR HER  
STEP SIBLINGS (TODD KELEHER, ET ALL)  
IN LAST WILL CONTEST LAWSUIT FILED  
AGAINST HER FATHER, FRANK W. RUND*

12

**POWER OF ATTORNEY**

I, **FRANK W. RUND, SR.**, of Tippecanoe County, State of Indiana, do hereby designate **ELIZABETH LUANE TISLOW**, of Tippecanoe County, State of Indiana, my true and lawful attorney in fact, or agent, to have the following powers:

To make, draw and indorse promissory notes or bills of exchange and to waive demand, presentment, protest, notice of protest, and notice of non-payment of all such instruments;

To make and execute any and all contracts;

To purchase, sell, dispose of, assign and pledge notes, stocks, bonds and securities and to exercise such voting rights as my ownership of any notes, stocks, bonds and securities may entitle me, either in person or by proxy;

To represent me in all matters pertaining to the business of any corporation in which I may have any interest;

To receive and to demand all sums of money, debts, dues, accounts, bequests, interest, dividends, and demands whatsoever which are now or shall hereafter become due or payable to me and to compromise or discharge the same;

To bargain for, contract concerning, buy, sell, mortgage and in any and every way and manner deal with personal property of any kind or nature;

To execute instruments to effect the transfer of any motor vehicle owned by me;

To execute and file tax returns;

To purchase, sell, mortgage, convey and lease any interest in real estate, wherever located, of which I may be owner now or hereafter;

with the same force and effect as though I were personally present and acting for myself; and I hereby ratify and confirm all that my said attorney-in-fact or agent shall do by virtue hereof.

I hereby reserve the right of revocation; however, this Power of Attorney shall continue in full force and effect until I have executed and recorded in the Recorder's Office of the County of my domicile a written revocation hereof.

This Power of Attorney shall not be affected by my incompetence.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of September, 1996.

Frank W Rund Sr (SEAL)  
**FRANK W. RUND, SR.**



05027963 11/18/2005 02:34pm  
PAMELA K BERGLUND, TIPPECANOE COUNTY RECORDER

NAME AFFIDAVIT

STATE OF INDIANA

COUNTY OF TIPPECANOE

THE UNDERSIGNED, FRANK RUND,

BEING FIRST DULY SWORN UPON OATH STATES THAT HE/SHE ARE ONE AND THE

SAME AS: FRANK RUND  
FRANK WILLIAM RUND  
FRANK W RUND  
FRANK W RUND SR

*[Handwritten signature]*  
FRANK RUND  
*By Elizabeth Carane Tislow, AIF*  
05027962

STATE OF INDIANA

COUNTY OF TIPPECANOE

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC IN AND FOR THE  
AFOREMENTIONED STATE AND COUNTY, THIS 18TH DAY OF Nov, 2005,  
RESIDENT OF TIPPECANOE COUNTY; COMMISSION EXPIRES:

Andrea M Waller  
Notary Signature:

Prepared by:  
Andrea M. Waller



79C01-9501-CP-000007

*RANDY WILLIAMS COUNSEL FOR  
ELIZABETH L. TISLOW AND  
WILLIAM M. TISLOW*

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

Doyne Carson

§  
§  
§  
§  
§

Location: Tippecanoe Circuit Court  
Filed on: 01/09/1995

vs.

William M. Tislow Et Al

01/20/1995

Converted Event

*Jack L. Walkey and Randy J. Williams enter their written appearances as counsel for the defendants, William M. Tislow and Elizabeth L. Tislow,*

01/20/1995

Converted Event

*together with Answer, Counterclaim and Third-Party Complaint, both with certificate of service.*

***COMPLAINT REGARDING VESTER &  
ASSOCIATES INC PARCELIZATION OF  
TISLOW PROPERTY IN  
BATTLEGROUND INDIANA***



**LEGAL DESCRIPTION PARCEL 1**

A part of the southeast quarter of Section Five (5), Township Twenty-four (24) north, Range Three (3) west, Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows to wit: Commencing at the southwest corner of the southeast quarter of section 5-24-3; thence along the southern line of said quarter section South 89° 35' 30" East a distance of 761.48 feet to the point of beginning; thence North 30° 00' 00" East a distance of 739.88 feet; thence easterly along a non-tangent curve (said curve being concave southwesterly having a radius of 927.84 feet, a chord distance of 174.12 feet, a chord bearing of South 71° 18' 31" East) an arc distance of 174.37 feet; thence South 28° 42' 00" West a distance of 668.63 feet to the southern line of the southeast quarter of said section 5; thence North 89° 35' 30" West a distance of 213.79 feet, along said line, to the point of beginning, containing 2.906 acres, more or less.

**LEGAL DESCRIPTION PARCEL 2**

A part of the southeast quarter of Section Five (5), Township Twenty-four (24) north, Range Three (3) west, Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows to wit: Commencing at the southwest corner of the southeast quarter of section 5-24-3; thence along the southern line of said quarter section South 89° 35' 30" East a distance of 761.48 feet; thence North 30° 00' 00" East a distance of 739.88 feet to the point of beginning; thence North 30° 00' 00" East a distance of 585.77 feet to the meander line of the Tippecanoe River; thence along the meander line of the Tippecanoe River South 70° 51' 00" East a distance of 160.40 feet; thence South 28° 42' 00" West a distance of 581.97 feet; thence westerly along a non-tangent curve (said curve being convex northeasterly having a radius of 927.84 feet, a chord distance of 174.12 feet, a chord bearing of South 71° 18' 31" East) an arc distance of 174.37 feet to the point of beginning, containing 2.194 acres, more or less.

**LEGAL DESCRIPTION EASEMENT** (Per Deed Record 74 Pg. 4773)

An easement for ingress and egress described as follow:

A strip of land 66 feet in even width lying 33 feet on either side of the following described line located in parts of the Southeast Quarter and the Southwest Quarter of Section 5, Township 24 North, Range 3 West, Tippecanoe Township, Tippecanoe County, Indiana; Commencing at the Southwestern corner of the Southeast Quarter of said Section Five; thence North 00°58' West along the Western line of the Southeast Quarter of said Section Five, 1267.29 feet; thence North 90° 00'00" West, 948.77 feet to the centerline of Tyler Road; thence North 01° 02' East along the centerline of Tyler Road, 33.00 feet to the point of beginning of this description; thence North 90° 00' East, 965.00 feet; thence Southeasterly on a curve to the right having a radius of 224.38 feet, an arc distance of 188.14 feet; thence South 41° 57' 30" East, 550.00; thence Southeasterly on a curve to the left having a radius of 404.78 feet, an arc distance of 287.30 feet; thence South 82°37'30" East, 260.00 feet; thence Southeasterly on a curve to the right having a radius of 927.84 feet, an arc distance of 297.43 feet; thence South 64°15'30" East, 225.00 feet; thence Southeasterly on a curve to the right having a radius of 1,311.17 feet an arc distance of 249.5 feet; thence South 53° 32' East, 120.00 feet, thence southeasterly on a curve to the left having a radius of 963.54 feet, an arc distance of 248.61 feet; thence South 68°19' East, 194.85 feet; thence Easterly on a curve to the left having a radius of 441.79 feet, an arc distance of 196.69 feet; thence North 86°10'30" East, 20.00 feet.

(Said Easement as created by that certain Grant of Right of Way dated November 10, 1976, recorded December 13, 1976, Deed Record 76, Page 4773, from Garrott Grain Co., Inc., as Grantors).

The above described easement will not be accepted for maintenance by any participating jurisdiction.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

**LAND SURVEYOR'S CERTIFICATE**

I, Patrick N. Cunningham, a Registered Professional Land Surveyor of the State of Indiana do hereby certify that the above legal description was prepared under my direct supervision.

CERTIFIED BY:

  
Patrick N. Cunningham, RLS #S0332



CERTIFICATION DATE: December 7, 1994

TITLE HOLDER: William Michael and Elizabeth L. Tislow

AUDITOR'S KEY NUMBER: 124-00500-0449

The Front lot line is the center of the above easement. The front yard and the rear yard setbacks are 25 feet with the side yard setbacks being 6 feet.

Job no. 94166.doc

9726015 12/05/1997 03:10P 1 of 9  
Pamela K. Berglund, Tippecanoe County Recorder

Key No.: 124-00500-0449

**DISSOLUTION OF PARCELIZATION**

Come now William Michael Tislow and Elizabeth L. Tislow, who reside at 6720 Indian Bluff Road, Battle Ground, Indiana, and do hereby dissolve the parcelization created in Parcelization No. P94-100 as recorded December 28, 1994, as Instrument No. 9424544 in the office of the Recorder of Tippecanoe County, Indiana, pertaining to the real estate described on the attached Exhibit A.

IN WITNESS WHEREOF, the undersigned, being the legal owners of said real estate, execute this instrument this 29<sup>th</sup> day of August, 1997.

**APPROVED**

William Michael Tislow  
William Michael Tislow

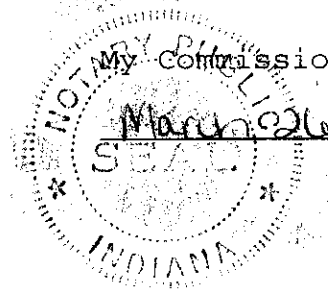
AREA PLAN COMMISSION  
OF TIPPECANOE COUNTY  
SIGNED [Signature]  
DATE 12.5.97

Elizabeth L. Tislow  
Elizabeth L. Tislow

DULY ENCLOSED FOR RECORD  
SUBMITTED TO THE CLERK OF THE COURT  
BY [Signature]  
RECORDED IN TIPPECANOE CO. IN  
12-5-97

STATE OF INDIANA )  
 ) SS:  
COUNTY OF TIPPECANOE )

Before me, a Notary Public in and for said County and State, personally appeared William Michael Tislow and Elizabeth L. Tislow, who acknowledged the execution of the above and foregoing Dissolution of Parcelization this 3<sup>rd</sup> day of September, 1997.



My Commission Expires:  
March 26, 1999

Signature: Kristina Ross

Printed: Kristina Ross  
Notary Public, residing in  
Tippecanoe County, Indiana

This instrument prepared by:  
Randy J. Williams #14452-79  
BALL, EGGLESTON, BUMBLEBURG, McBRIDE,  
WALKEY & STAPLETON, PC  
810 Bank One Bldg., P.O. Box 1535  
Lafayette, Indiana 47902  
Phone: (317) 742-9046

**LEGAL DESCRIPTION PARCEL 1**

A part of the southeast quarter of Section Five (5), Township Twenty-four (24) north, Range Three (3) west, Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows to wit:  
Commencing at the southwest corner of the southeast quarter of section 5-24-3; thence along the southern line of said quarter section South 89° 35' 30" East a distance of 761.48 feet to the point of beginning; thence North 30° 00' 00" East a distance of 739.88 feet; thence easterly along a non-tangent curve (said curve being concave southwesterly having a radius of 927.84 feet, a chord distance of 174.12 feet, a chord bearing of South 71° 18' 31" East) an arc distance of 174.37 feet; thence South 28° 42' 00" West a distance of 668.63 feet to the southern line of the southeast quarter of said section 5; thence North 89° 35' 30" West a distance of 213.79 feet, along said line, to the point of beginning, containing 2.906 acres, more or less.

**LEGAL DESCRIPTION PARCEL 2**

A part of the southeast quarter of Section Five (5), Township Twenty-four (24) north, Range Three (3) west, Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows to wit:  
Commencing at the southwest corner of the southeast quarter of section 5-24-3; thence along the southern line of said quarter section South 89° 35' 30" East a distance of 761.48 feet; thence North 30° 00' 00" East a distance of 739.88 feet to the point of beginning; thence North 30° 00' 00" East a distance of 585.77 feet to the meander line of the Tippecanoe River; thence along the meander line of the Tippecanoe River South 70° 51' 00" East a distance of 160.40 feet; thence South 28° 42' 00" West a distance of 581.97 feet; thence westerly along a non-tangent curve (said curve being convex northeasterly having a radius of 927.84 feet, a chord distance of 174.12 feet, a chord bearing of South 71° 18' 31" East) an arc distance of 174.37 feet to the point of beginning, containing 2.194 acres, more or less.

**Exhibit A**



\* 2 0 1 3 1 3 0 2 7 1 4 3 3 \*

201313027143

FILED FOR RECORD IN  
 TIPPECANOE COUNTY, IN  
 ONETA TOLLE, RECORDER  
 12/09/2013 02:33:30PM  
 DEED 20.00

Key Number: 124-00500-0449  
 (79-04-05-400-012.000-017)

## WARRANTY DEED

1 of 2

**THIS INDENTURE WITNESSETH THAT** William Michael Tislow and Elizabeth L. Tislow, husband and wife, conveys and warrants to Aaron S. Ness and Aimee E. Ness, husband and wife, in consideration of Ten Dollars (\$10.00) and other valuable considerations, the receipt of which is hereby acknowledged, the following described real estate in Tippecanoe County, in the State of Indiana, to wit:

### PARCEL 1

Part of the Southeast Quarter of Section Five (5), Township Twenty-four (24) North, Range Three (3) West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at a point on the Southern line of the Southeast Quarter of said Section Five, said point being located South 89 degrees 35' 30" East, 761.48 feet from the Southwestern corner of the Southeast Quarter of said Section Five (5), thence North 30 degrees 00' 00" East, 1325.66 feet to the meander line of Tippecanoe River; thence South 70 degrees 51' 00" East along the meander line of the Tippecanoe River, 160.40 feet; thence South 28 degrees 42' 00" West, 1250.00 feet to the Southern line of the Southeast Quarter of said Section Five (5); thence North 89 degrees 35' 30" West along the Southern line of the Southeast Quarter of said Section Five (5), 213.79 feet to the point of beginning, containing 5.10 acres, more or less.

### PARCEL 2

TOGETHER WITH an Easement for ingress and egress described as follows: A strip of land 66 feet in even width lying 33 feet on either side of the following described line located in parts of the Southeast Quarter and the Southwest Quarter of Section 5, Township 24 North, Range 3 West, Tippecanoe Township, Tippecanoe County, Indiana; Commencing at the Southwestern corner of the Southeast Quarter of said Section Five; thence North 00 degrees 58' West along the Western line of the Southeast Quarter of said Section Five, 1,267.29 feet; thence North 90 degrees 00' 00" West, 948.77 feet to the centerline of Tyler Road; thence North 01 degrees 02' East along the centerline of Tyler Road, 33.00 feet to the point of beginning of this description; thence North 90 degrees 00' East 965.00 feet; thence Southeasterly on a curve to the right having a radius of 224.38 feet, an arc distance of 188.14 feet; thence South 41 degrees 57' 30" east, 550.00 feet; thence Southeasterly on a curve to the left having a radius of 404.78 feet, an arc distance of 287.30 feet; thence thence South 82 degrees 37' 30" East, 260.00 feet; thence Southeasterly on a curve to the right having a radius of 927.84 feet, an arc distance of 297.43 feet; thence South 64 degrees 15' 30" East, 225.00 feet; thence Southeasterly on a curve to the right having a radius of 1,311.17 feet and arc distance of 249.5 feet; thence South 53 degrees 32' East, 120.00 feet;

DULY ENTERED FOR TAXATION  
 SUBJECT TO FINAL ACCEPTANCE  
 FOR TRANSFER.

DEC 09 2013 n m

*Jennifer Weston*  
 AUDITOR OF TIPPECANOE CO.

thence southeasterly on a curve to the left having a radius of 963.54 feet, an arc distance of 248.61 feet; thence South 68 degrees 19' East, 194.85 feet; thence Easterly on a curve to the left having a radius of 441.79 feet, an arc distance of 196.69 feet; thence North 86 degrees 10' 30" East, 20.00 feet.

(Said Easement was created by that certain Grant of Right of Way dated November 10, 1976, recorded December 13, 1976, Deed Record 76, Page 4773, from Garrott Grain Co., Inc. as Grantors.)

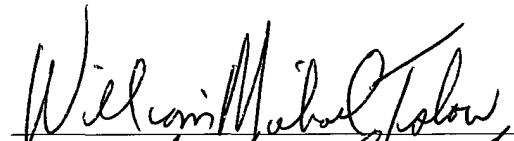
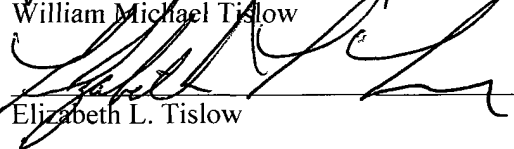
SUBJECT TO easements, rights of way and restrictions of record, if any.

SUBJECT TO taxes for the year 2012, due and payable in November, 2013; and all subsequent taxes.

SUBJECT TO minimum building lines, easements, restrictions, conditions, and rights-of-way as shown on the Plat of Survey of Indian Bluffs, recorded February 14, 1980 in Misc. Record 80, page 54.

SUBJECT TO covenants and restrictions as set forth in Restrictive Covenants, dated March 18, 1977 and recorded March 21, 1977 in Deed Record 77, page 812, and all amendments thereto.

DATED this 12 day of December, 2013.

  
\_\_\_\_\_  
William Michael Tislow  
  
\_\_\_\_\_  
Elizabeth L. Tislow

STATE OF INDIANA )  
 ) SS:  
TIPPECANOE COUNTY )

Before me, a Notary Public in and for said County and State, personally appeared William Michael Tislow and Elizabeth L. Tislow who acknowledged the execution of the foregoing Warranty Deed.

WITNESS my hand and Notarial Seal this 6 day of December, 2013.

My Commission Expires: \_\_\_\_\_



(written) \_\_\_\_\_

*[Handwritten Signature]*

(printed) \_\_\_\_\_

NOTARY PUBLIC

Resident of \_\_\_\_\_ County

This instrument prepared by: Daniel A. Teder of the firm of REILING TEDER & SCHRIER, LLC, 250 Main Street, Suite 601, Lafayette, Indiana 47901. Telephone: (765) 423-5333. E-Mail Address: [dat@rtslawfirm.com](mailto:dat@rtslawfirm.com)

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. Daniel A. Teder

*1348044*

Mail Tax Bills To: Grantee address  
(if different than billing address)

~~William~~  
*Arvin & Amee New*  
*6720 Indiana Blvd.*  
*Bluffton, IN 47920*

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

Doyne Carson

§  
§  
§  
§

Location: **Tippecanoe Circuit Court**  
Filed on: **01/09/1995**

vs.

William M. Tislow Et Al

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CASE INFORMATION

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Statistical Closures  
01/10/1995 Closed

Case Type: **CP - Civil Plenary**

Case Status: **01/10/1995 Decided**

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DATE

CASE ASSIGNMENT

---

**Current Case Assignment**

Case Number	79C01-9501-CP-000007
Court	Tippecanoe Circuit Court
Date Assigned	01/09/1995

---

PARTY INFORMATION

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Plaintiff

**Bujak, Adam**  
, 00000

*Attorneys*

**Withered, Jerome L**  
*Retained*  
765-742-8774(F)  
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**Bujak, Vala**  
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jwithered@witheredlaw.com

**Carson, James**

**Withered, Jerome L**



CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

, 00000

*Retained*  
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**Robinson, Barbara**  
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CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

jwithered@witheredlaw.com

**Robinson, Stephen**  
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**Sharvelle, Sybil**  
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**Stevenson, Jeffrey**  
, 00000

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**Stevenson, Margaret**  
, 00000

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**Whitehouse, James**  
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**Withered, Jerome L**  
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*Withered Burns LLP*

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

8 North Third Street, Suite  
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PO Box 499  
Lafayette, IN 47902  
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**Whitehouse, Julie**  
, 00000

**Withered, Jerome L**  
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765-742-1988(W)  
Withered Burns LLP  
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**Defendant**

**Bienkowski, Paul R.**  
701 CEDAR LN. APT.68  
KNOXVILLE, 37912

**Carter, Gary**  
6598 INDIAN BLUFF ROAD  
BATTLE GROUND, IN 47920

**Carter, Kathleen**  
6598 INDIAN BLUFF ROAD  
BATTLE GROUND, IN 47920

**Duncan, Deidre**  
R.R. 1  
BOX 98 E  
BATTLE GROUND, IN 47920

**Duncan, W. Malcolm**  
R.R. 1  
BOX 98 E  
BATTLE GROUND, IN 47920

**Misner, Allen R.**  
1226 HOLLOWAY  
LAFAYETTE, IN 47905

**Ott, Lemoyne**  
6604 INDIAN BLUFF ROAD  
BATTLE GROUND, IN 47920

**Ott, Marilyn**  
6604 INDIAN BLUFF ROAD  
BATTLE GROUND, IN 47920

**Richardson, Brian**  
1256 ROYAL OAKS  
MONTICELLO, IN 47960

**Richardson, Tina**  
1256 ROYAL OAKS  
MONTICELLO, IN 47960

**Tislow, Elizabeth L.**  
6720 INDIAN BLUFF ROAD  
BATTLE GROUND, IN 47920

**Walkey, John Leslie**  
Retained  
765-742-9046(W)  
P.O.Box 1535  
Lafayette, IN 47902-1535  
JWALKEY@BALL-LAW.COM

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. 79C01-9501-CP-000007**

**Tislow, William M.**  
6720 INDIAN BLUFF ROAD  
BATTLE GROUND, IN 47920

**Walkey, John Leslie**  
Retained  
765-742-9046(W)  
P.O.Box 1535  
Lafayette, IN 47902-1535  
JWALKEY@BALL-LAW.COM

DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/09/1995	Converted Event <i>RECEIPT NO. : 0051690 AMOUNT: \$55.00 TENDER CODE: CK ACTIVE CD: R  SCHEDULE: CRTDV DET SEQ NUM: 001 DSB CHK NUM: 0000 ORDER NUM: 361</i>	
01/09/1995	Converted Event <i>Rec'd of pltf. \$55.00/cc</i>	
01/11/1995	Converted Event <i>On motion of counsel for Plaintiffs, the Court sets January 24, 1995 at 10:00 A.M. as the date and time for hearing on Plaintiff's complaint</i>	
01/11/1995	Converted Event <i>for preliminary injunction. Notice is ordered issued to Defendants William Tislow and Elizabeth Tislow by certified mail, return receipt requested at</i>	
01/11/1995	Converted Event <i>6720 Indian Bluff Road, Battle Ground, IN 47920. Copy to counsel. Entered this 11th day of January, 1995.</i>	
01/13/1995	Converted Event <i>Summons returned by Sheriff showing service on William M. Tislow and Elizabeth L. Tislow, both by leaving copy, on January 10, 1995.</i>	
01/20/1995	Converted Event <i>Receipts returned showing service on William Tislow and Elizabeth Tislow, both on Jan. 18, 1995.</i>	
01/20/1995	Converted Event <i>Jack L. Walkey and Randy J. Williams enter their written appearances as counsel for the defendants, William M. Tislow and Elizabeth L. Tislow,</i>	
01/20/1995	Converted Event <i>together with Answer, Counterclaim and Third-Party Complaint, both with certificate of service.</i>	
01/23/1995	Converted Event <i>On motion of counsel for Plaintiffs, the Court sets Monday, February 6, 1995 at 11:00 A.M. as the date and time for pre-hearing conference on</i>	
01/23/1995	Converted Event <i>Plaintiff's complaint for preliminary injunction. Copy to counsel. Entred this 23rd day of January, 1995.</i>	
01/23/1995	Converted Event <i>Pre-hearing conference</i>	
01/23/1995	Converted Event <i>Defendants, William M. Tislow and Elizabeth L. Tislow, by counsel, file Answer, with certificate of service.</i>	
01/25/1995	Converted Event	

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

*Receipts returned showing service on Brian Spaulding and Tina Spaulding, both on Jan. 24, 1995.*

01/27/1995      Converted Event  
*Receipts returned showing service on Diedre Duncan, W. Malcolm Duncan, Marilyn Ott, and LeMoyne Ott, all on January 25, 1995.*

01/30/1995      Converted Event  
*Receipts returned showing service on Allen Misner and Gary Carter, both on January 26, 1995.*

02/01/1995      Converted Event  
*Receipts returned showing service on Paul Bienkowski and Kathleen Carter, both on January 27, 1995.*

02/06/1995      Converted Event  
*William M. & Elizabeth L. Tislow files NOTICE OF DISMISSAL with certificate of service. rb*

02/06/1995      Converted Event  
*Come now the parties each by counsel and the Court conducts pre-hearing conference herein. By agreement, the Court sets April 3, 1995*

02/06/1995      Converted Event  
*at 1:30 P.M. as the date and time for additional pre-hearing conference in this cause. Copy to counsel.*

02/06/1995      Converted Event  
*Entered this 6th day of February, 1995.*

02/07/1995      Converted Event  
*The Court having reviewed Defendants William M. Tislow's and Elizabeth L. Tislow's Notice of Dismissal regarding Third Party-Defendants*

02/07/1995      Converted Event  
*now orders Tislow's complaint against third-party Defendants Paul Bienkowski, Brian Spaulding and Tina Spaulding dismissed. Copy to*

02/07/1995      Converted Event  
*counsel. Entered this 7th day of February, 1995. na Spaulding dismissed. Copy to*

02/08/1995      Converted Event  
*Defendants, William M. & Elizabeth L. Tislow, by counsel, files AMENDED ANSWER, COUNTERCLAIM AND THIRD-PARTY COMPLAINT with certificate fo service.*

02/08/1995      Converted Event  
*File marked 2-7-95. rb AINT with certificate fo service.*

02/08/1995      Converted Event  
*Amended summons filed. Sarah Brown/jp ficate fo service.*

02/10/1995      Converted Event  
*Certificate of mailing returned showing service on Allen Misner, Kathleen Carter and Gary Carter each on 2-9-95. bl*

02/14/1995      Converted Event  
*Certificate of mailings returned served on Brian & Tina Richardson both on 2-10-95 and on Diedre A. & W. Malcolm Duncan both on 2-13-95. rb*

03/02/1995      Converted Event  
*Receipts returned showing NON-SERVICE on LeMoyne Ott and Marilyn Ott (Unclaimed).*

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
**CASE NO. 79C01-9501-CP-000007**

03/03/1995 Converted Event  
*Jerome L. Withered enters his written appearance as counsel for the Plaintiffs, Derek & Sybil Sharvelle, Jeffrey & Margaret Stevenson, Michael*

03/03/1995 Converted Event  
*& Virginia Mahn, Stephen & Barbara Robinson, James & Julie Whitehouse, James & Jean Lee Carson, Richard & Doyne Carson and Adam & Vala Bujak,*

03/03/1995 Converted Event  
*with certificate of service. and Adam & Vala Bujak,*

03/03/1995 Converted Event  
*Counter-claim Defendants, Derek Sharvelle and Sybil Sharvelle, Jeffrey Stevenson and Margaret Stevenson, Michael Mahn and Virginia Mahn, Stephen*

03/03/1995 Converted Event  
*Robinson and Barbara Robinson, James Whitehouse and Julie Whitehouse, James Carson and Jean Lee Carson, Richard Carson and Doyle Carson and Adam*

03/03/1995 Converted Event  
*Bujak and Vala Bujak, by counsel, file Reply to Counter-Claim, with certificate of service.*

04/03/1995 Converted Event  
*Come now counsel and the Court conducts status pre-trial conference. By agreement the Court sets June 12, 1995 at 2:00 P.M. as the date and*

04/03/1995 Converted Event  
*time for pre-trial conference herein. Copy to counsel. Entered this 3rd day of April, 1995.*

06/12/1995 Converted Event  
*Come now Plaintiffs, by counsel, and come also Defendants Tislow, by counsel, and the Court conducts pre-trial conference in this cause. By*

06/12/1995 Converted Event  
*agreement, the Court sets October 3, 1995 at 10:00 A.M. as the date and time for trial by the Court on all equitable issues in this cause with two*

06/12/1995 Converted Event  
*(2) days being allotted therefore and subject to 91-CP-197. Copy to counsel.*

06/12/1995 Converted Event  
*Entered this 12th day of June, 1995.*

08/17/1995 Converted Event  
*Jerome L. Withered and Michael H. Dowler, counsel for Plaintiffs' file Motion for Summary Judgment, Memorandum in Support of the Plaintiffs'*

08/17/1995 Converted Event  
*Motion for Summary Judgment and Plaintiffs' Designation of Materials Relied Upon, with certificate of service.*

08/28/1995 Converted Event  
*Come now the parties each by counsel and by agreement the Court sets aside the trial date of October 3, 1995 and assigns the pending motions*

08/28/1995 Converted Event  
*for summary judgment for hearing for Tuesday, October 3, 1995 at 3:30 P.M. Copy to counsel.*

08/28/1995 Converted Event  
*Entered this 28th day of August, 1995.*

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

09/18/1995	Converted Event <i>The Court, sua sponte, sets aside the hearing date of October 3, 1995 on plaintiff's Motion for Summary Judgment. Copy to counsel. jj</i>
09/18/1995	Converted Event <i>Entered this 18th day of September, 1995. jj</i>
09/18/1995	Converted Event <i>The Court grants Defendant's Motion for Extension of Time for an additional twenty (20) days. SEE ORDER. Copy to counsel. jj</i>
09/18/1995	Converted Event <i>Entered this 18th day of September, 1995.</i>
11/22/1995	Converted Event <i>Comes now the parties each by counsel and by agreement the Court sets Monday, January 8, 1996 at 1:30 p.m. as the date and time for hearing on</i>
11/22/1995	Converted Event <i>Plaintiff's Motion for Summary Judgment. Copy to counsel. Entered this 22nd day of November, 1995. sl</i>
11/28/1995	Converted Event <i>Defendants, by attorney Randy J. Williams, file Notice of Service of Discovery Materials, with certificate of service.</i>
12/29/1995	Converted Event <i>Defendants, William M. Tislow and Elizabeth L. Tislow, by counsel, file Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment,</i>
12/29/1995	Converted Event <i>together with Defendants' Designation of Materials Relied Upon in Opposition to Plaintiffs' Motion for Summary Judgment; Affidavit of Paul</i>
12/29/1995	Converted Event <i>Bienkowski; Affidavit of Marie O'Brien; Affidavit; and Affidavit; all with certificate of service.</i>
01/08/1996	Converted Event <i>Come now Plaintiffs who are represented by counsel. Come also Defendants who are represented by counsel. Comes also Defendant Kathleen</i>
01/08/1996	Converted Event <i>Carter in person pro se. Plaintiff's move to strike affidavits of Wiedman and Duncan for the reason that these affidavits state legal</i>
01/08/1996	Converted Event <i>conclusions. The Court takes Plaintiff's Motion to Strike under advisement. Plaintiff's Motion for Partial Summary Judgment is submitted</i>
01/08/1996	Converted Event <i>and argument of counsel is heard thereon. The Court takes Plaintiff's Motion for Partial Summary Judgment under advisement. Copy to counsel.</i>
01/08/1996	Converted Event <i>Entered this 8th day of January, 1996. counsel.</i>
01/10/1996	Converted Event <i>Plaintiffs, by counsel, file Plaintiffs' Reply Brief, with certificate of service.</i>
05/17/1996	Converted Event <i>The Court, having taken plaintiff's Motion for Summary Judgment under advisement, having considered the argument and briefs of counsel, now</i>

CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

05/17/1996	Converted Event <i>denies plaintiff's Motion for Summary Judgment. Copy to counsel. jj Entered this 17th day of May, 1996.</i>
11/25/1996	Converted Event <i>Come now the parties each by counsel and by agreement the Court sets Monday, December 16, 1996 at 2:00 P.M. as the date and time for pre-trial</i>
11/25/1996	Converted Event <i>conference in this cause. The Court directs that representative of each of the parties shall appear on the said pre-trial conference. Copy to</i>
11/25/1996	Converted Event <i>counsel. Entered this 25th day of November, 1996. r on the said pre-trial conference. Copy to</i>
12/16/1996	Converted Event <i>Come now the parties each by counsel and the Court conducts pre-trial conference in this cause. By agreement, the Court sets Thursday, March</i>
12/16/1996	Converted Event <i>13, 1997 at 10:30 A.M. as the date and time for trial by the Court on Plaintiff's complaint with two (2) days being allotted therefore.</i>
12/16/1996	Converted Event <i>Counsel, Jerome Withard, orally moves to withdraw the names of Christopher Corrigan and Daniel Tedar as counsel for Plaintiffs. The Court grants</i>
12/16/1996	Converted Event <i>said motion and orders the Appearance of Christopher Corrigan and Daniel Tedar withdraw of record as counsel for Plaintiffs. Copy to counsel.</i>
12/16/1996	Converted Event <i>Entered this 16th day of December, 1996. unsel.</i>
03/13/1997	Converted Event <i>Come now the parties each by counsel and the Court conducts pre-hearing conference in chambers. The Court appoints Michael Godbey to</i>
03/13/1997	Converted Event <i>appraise the real estate at issue in this cause. The Court directs the appraiser to file his report with the Court no later than April 14, 1997.</i>
03/13/1997	Converted Event <i>The Court will conduct the status pre-trial conference herein on April 28, 1997 at 3:30 P.M. Copy to counsel.</i>
03/13/1997	Converted Event <i>Entered this 13th day of March, 1997.</i>
03/13/1997	Converted Event <i>Plaintiffs, by counsel, file Request for Findings of Fact and Conclusions of Law, with certificate of service.</i>
04/09/1997	Converted Event <i>Michael T. Godby files Appraiser's Report.</i>
04/28/1997	Converted Event <i>Come now the parties each by counsel and the Court conducts status pre-trial conference in this cause. Copy to counsel.</i>



CHRONOLOGICAL CASE SUMMARY  
**CASE SUMMARY**  
CASE NO. 79C01-9501-CP-000007

04/28/1997	Converted Event <i>Entered this 28th day of April, 1997.</i>
05/06/1997	Converted Event <i>Come now the parties each by counsel. By agreement the Court sets Tuesday, July 29, 1997 at 1:30 P.M. as the date and time for trial by the</i>
05/06/1997	Converted Event <i>Court on Plaintiff's complaint and Defendant's counter-claim with one-half day being allotted therefore. Copy to counsel.</i>
05/06/1997	Converted Event <i>Entered this 6th day of May, 1997.</i>
12/15/1997	Converted Event <i>The Court, having examined said Stipulation and being duly advised in the premises, hereby approves the same. It is therefore Ordered, Adjudged</i>
12/15/1997	Converted Event <i>and Decreed that the above-entitled cause be, and hereby is, dismissed, with prejudice. See Order. Copy to counsel.</i>
12/15/1997	Converted Event <i>Entered this 15th day of December, 1997.</i>