

# UNOFFICIAL COPY

## CLERK'S CERTIFICATE

CAUSE NUMBER: 34C01-0505-TR-00440

STATE OF INDIANA}

} SS:

HOWARD COUNTY}

IN RE THE MATTER OF THE TRUST CREATED UNDER THE

LAST WILL AND TESTAMENT OF:

DONALD J BOLINGER

I, KIM WILSON, Clerk of the Circuit Court, within and for the County of Howard and the State of Indiana, the same being a Court of Record having a seal, do hereby certify that the above and following is a full, true and complete copy of:

CHRONOLOGICAL CASE SUMMARY HOWARD CIRCUIT COURT

PETITION TO DOCKET TRUST WITH COURT, FILED MAY 16, 2005

ORDER TO DOCKET TRUST WITH COURT, FILED MAY 17, 2005



Doc#: 1332234002 Fee: \$68.00

RHSP Fee: \$9.00 RPRF Fee: \$1.00

Karen A. Yarbrough

Cook County Recorder of Deeds

Date: 11/18/2013 08:19 AM Pg: 1 of 16

as the same appears upon the records of said Court in my custody as such Clerk and on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court, at the City of Kokomo, Indiana, this 5<sup>TH</sup> DAY OF NOVEMBER 2013

Signed Kim Wilson  
w Clerk of Howard Circuit Court of Indiana

S YJ  
P 16  
S M  
M NO  
SC NO  
E YJ  
INT M

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Tue Nov 05 2013 09:44:05

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CHRONOLOGICAL CASE SUMMARY  
CIVIL, HOWARD CIRCUIT COURTFOR CAUSE NO: 34C01-0505-TR-00440  
DONALD J BOLINGER TRUST  
THE HONORABLE LYNN MURRAY

ACTION:

DATE FILED: 05/16/2005  
ORIG FILE DT: 05/16/2005

FUTURE CALENDAR DATES:

ENTRY/FEE BOOK:	PAGE:	TRUST
BOOK: 0	PAGE: 0	
BOOK: 0	PAGE: 0	

-----  
ATTORNEYSPARTIES  
-----IN RE THE TRUST OF:  
DONALD J BOLINGER  
DOD 04/05/200522215-34 MATTHEW M GOLITKO  
GOLITKO & DALY, P.C.  
P.O. BOX 3009  
KOKOMO IN 46904-3009  
PH: 765-865-9300  
FAX: 765-865-9305TRUSTEE(S)  
JUDITH E GOLITKO  
2046 WEST BROADWAY  
BUNKER HILL IN 46914-----  
CHRONOLOGICAL SUMMARY OF FILINGS AND PROCEEDINGS  
-----MIN Date: 05/17/2005 Notice: A  
Input: 05/18/2005

RJO: Y

Matthew M. Golitko, files his written appearance on behalf of Judith E. Golitko, Trustee and furthermore files Petition to Docket Trust with Court and the same is granted per written Order. Court now finds Judith E. Golitko appointed as Trustee of the Donald J. Bolinger Trust II as provided under Article VII in the Last Will and Testament of Donald J. Bolinger dated 3/24/03. Trustee shall make report to the Court once transfer has been made and shall make annual reports to the Court therein, all per written Order. rmr

MIN Date: 12/16/2005 Notice: A  
Input: 12/19/2005

RJO: Y

Trustee by counsel, Matthew M. Golitko, files Trustee's Current Report and Accounting and Petition for Allowance of Fees to Trustee and Attorney and both are herein approves per Order entered. rmr

MIN Date: 12/03/2007 Notice: A  
Input: 12/10/2007

RJO: N

Trustee by counsel, Matthew M. Golitko files Current Report and Accounting and Petition for Trustee and Attorney Fees. Court now orders that the

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CHRONOLOGICAL CASE SUMMARY  
CIVIL, HOWARD CIRCUIT COURTFOR CAUSE NO: 34C01-0505-TR-00440  
DONALD J BOLINGER TRUST  
THE HONORABLE LYNN MURRAY

ACTION:

DATE FILED: 05/16/2005  
ORIG FILE DT: 05/16/2005

Trustee's Current Report and Accounting is hereby approved in all respects. That fees for the Trustee in the amount of \$3,000.00 and attorney fees of \$500.00 for her attorney, Matthew M. Golikto, are hereby approved. That said Trustee shall give further accounting of funds held in said Trust to the Court in one year form the date of this Order, per written Order. de

MIN Date: 12/05/2008 Notice: A  
Input: 12/05/2008

RJO: N

Trustee, Judith E. Golicko files Trustee's Current Report and Accounting and Petition For Trustee and Attorney Fees with proposed Order on Trustee's Current Report and Accounting and Order on Fees. de

MIN Date: 12/05/2008 Notice: A  
Input: 12/08/2008

RJO: Y

Submitted on pleadings filed 12/5/08. Both are herein approved per Order entered. bb

MIN Date: 12/07/2009 Notice: A  
Input: 12/07/2009

RJO: N

Trustee by counsel, Matthew M. Goliko files Current Report and Accounting and Petition for Trustee and Attorney Fees with proposed order. de

MIN Date: 12/07/2009 Notice: A  
Input: 12/08/2009

RJO: N

Submitted on Trustee's Current Report and Accounting and Petition for Trustee and Attorney Fees. Examined and approved. All as per written order. bb

MIN Date: 12/08/2010 Notice: A  
Input: 12/08/2010

RJO: N

Trustee, Judith E. Golitko files Trustee's Current Report and Accounting and Petition for Trustee and Attorney Fees with proposed order. bb

MIN Date: 12/08/2010 Notice: A  
Input: 12/08/2010

RJO: N

Submitted on Trustee's Current Report and Accounting and Petition for Trustee and Attorney Fees. Examined and approved. All as per written ORDER ON TRUSTEE'S CURRENT REPORT AND ACCOUNTING AND ORDER ON FEES. bb

MIN Date: 12/16/2011 Notice: A  
Input: 12/16/2011

RJO: Y

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CHRONOLOGICAL CASE SUMMARY  
CIVIL, HOWARD CIRCUIT COURTFOR CAUSE NO: 34C01-0505-TR-00440  
DONALD J BOLINGER TRUST  
THE HONORABLE LYNN MURRAY

ACTION:

DATE FILED: 05/16/2005  
ORIG FILE DT: 05/16/2005

Judith E. Golitko, counsel/trustee, files Trustee's Current Report and Accounting and Petition for Fees and the same is approved as specified per order entered. rmr

MIN Date: 12/05/2012 Notice: A  
Input: 12/06/2012

RJO: N

Judith E. Golitko, Trustee files Trustee's Current Report and Accounting and Petition for Trustee and Attorney Fees with proposed order. de

MIN Date: 12/06/2012 Notice: A  
Input: 12/06/2012

RJO: Y

Submitted on Trustee's Current Report and Accounting and Petition for Trustee and Attorney Fees filed 12/5/12. Examined and approved. All as per written ORDER ON TRUSTEE'S CURRENT REPORT AND ACCOUNTING AND ORDER ON FEES. bb (Senior Judge Daniel J. Vanderpool)

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STATE OF INDIANA ) IN THE HOWARD CIRCUIT/SUPERIOR COURT  
 )  
 COUNTY OF HOWARD) 2005 TERM

IN RE THE MATTER OF THE )  
 TRUST CREATED UNDER )  
 THE LAST WILL AND ) CAUSE NO. 34C01- 0505 - TR - 0440  
 TESTAMENT OF DONALD J.)  
 BOLINGER )

### PETITION TO DOCKET TRUST WITH COURT

Comes now Judith E. Golitko, designated Trustee under the Last Will and Testament of Donald J. Bolinger , who being first sworn upon her oath respectfully shows the Court as follows:

1. That the Decedent, Donald J. Bolinger died on the 5<sup>th</sup> day of April, 2005, a resident of Kokomo, Howard County, Indiana.
2. That said Decedent's Last Will and Testament was admitted to probate in the Howard Superior II Court on April 12, 2005, under Cause Number 34D02-0504-EU-0031 and that Donald J. Bolinger II and Judith E. Golitko were appointed as Co-Personal Representatives of the Estate of Donald J. Bolinger and Letters Testamentary were issued to them on April 21, 2005.
3. That under the terms of said Will, a copy of which is attached hereto and marked as Exhibit "A", and made a part of this petition, namely Article VII, a testamentary trust was created to be called the Donald J. Bolinger Trust II for the following named beneficiaries: Judith E. Golitko, Anne Lawvere and Debra Dagwell and Judith E. Golitko was designated as Trustee .

**FILED**

MAY 16 2005

MONA L. MYERS  
Clerk Howard County

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4. That the person named in the Last Will and Testament as beneficiaries of said Trust, and their specific interest in said trust are:

Judith E. Golitko	50%
2046 West Broadway	
Bunker Hill, Indiana 46914	

Anne Lawvere	25%
9378 E 1061S	
Upland, Indiana 46989	

Debra Dagwell	25%
2024 Landmark Drive	
Franklinton, NC 27525	

5. That the sole corpus of said Trust is certain commercial real estate described as follows:

Lots 71, 72, 73, 74, 75 and 76 in Wheelers Subdivision of the Southeast quarter of the Southeast quarter of the northwest quarter of section 20, township 38 North, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

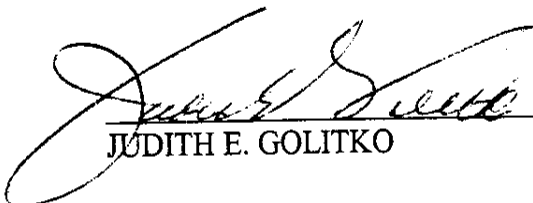
which is located at 6646 South Halsted, Chicago, Illinois, together with the rental income from said real estate, which is currently leased to White Castle for \$5,000 per month on a net, net, net lease. That the approximate value of said real estate is in the amount of \$400,000.

6. That the Petitioner is requesting to docket said trust in that it is necessary to transfer said real property in said Trust over into the name of Judith E. Golitko, Trustee of the Donald J. Bolinger Trust II and that verified proof of her appointment is needed in order to effectuate said transfer of the real estate located in Cook County, Illinois.

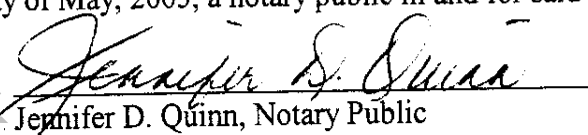
7. That Article VII of the Last Will and Testament of Donald J. Bolinger provides that said trustee shall not be required to post bond.

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WHEREFORE, Petitioner prays for an Order invoking the jurisdiction of the Court over said Trust and ordering that the same be docketed so that said Petitioner can be named Trustee and be authorized to transfer the above-described real estate over into the name of Judith E. Golitko, Trustee for the Donald J. Bolinger Trust II.

  
JUDITH E. GOLITKO

Subscribed to before me this 16th day of May, 2005, a notary public in and for said county and state.

  
Jennifer D. Quinn, Notary Public

My Comm. Expires: 8/27/2008

Matthew M . Golitko  
Attorney at Law  
125 N. Buckeye Street  
Kokomo, In 46901

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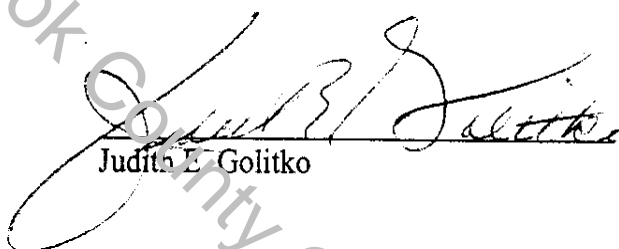
STATE OF INDIANA )  
 )  
COUNTY OF HOWARD)

IN THE HOWARD CIRCUIT/SUPERIOR COURT  
  
2005 TERM

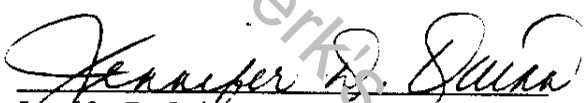
IN RE THE MATTER OF THE )  
TRUST CREATED UNDER )  
THE LAST WILL AND ) CAUSE NO.  
TESTAMENT OF DONALD J.)  
BOLINGER )

TRUSTEE'S OATH AND ACCEPTANCE OF TRUST

The Undersigned, Judith E. Golitko, hereby accepts the responsibility of the Trust and swears that she will faithfully discharge her duties as Trustee of the Testamentary Trust of Donald J. Bolinger according to the laws of the State of Indiana.

  
Judith E. Golitko

Subscribed and sworn to before me this 16th day of May, 2005.

  
Jennifer D. Quinn  
Resident of Cass County

My Comm. Exp: 8/27/2008

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STATE OF INDIANA     )  
                                  )  
COUNTY OF HOWARD    )

## LAST WILL AND TESTAMENT OF DONALD J. BOLINGER

I, **Donald J. Bolinger**, a resident of the State of Indiana, County of Howard, being of sound mind and disposing memory, do hereby make, publish, declare and affirm this to be my Last Will and Testament hereby revoking any and all other previous Wills by me made at any time whatsoever.

### ITEM I

I hereby direct that all of my debts existing at the time of my demise as well as any taxes against my Estate of any nature whatsoever shall be paid from my Estate and shall take priority over any and all devises and bequests hereinafter set out in this my Last Will and Testament. I specifically provide that all inheritance tax owed by reason of all bequests hereinafter set out be paid from my estate.

### ITEM II

I hereby will, devise, and bequeath to Debra Dagwell and Robert Leffer any and all items of personal effects that I might have that belonged to their mother, Betty J. Bolinger.

### ITEM III

I hereby will, devise, bequeath and make the following specific monetary gifts to those persons and in those amounts as follows:

Donald J. Bolinger  
DONALD J. BOLINGER, TESTATOR

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A. I will, devise and bequeath the sum of Five Thousand Dollars (\$5,000.00) each to the following three individuals: Heather Leffert, daughter of Robert and Connie Leffert, and Dee Dee Dagwell Benson and Staci Benson Hamsho, daughters of Debra Dagwell.

B. I will, devise and bequeath to all secretaries working at the Donald J. Bolinger Law Firm at the time of my death the following monetary bequests in amounts in accordance with the following increments:

- a) If employed by my firm from one to two years, that secretary shall receive the sum of One Thousand Dollars (\$1,000.00).
- b) If employed by my firm from two to four years, that secretary shall receive the sum of Two Thousand Dollars (\$2,000.00).
- c) If employed by my firm from three to six years, that secretary shall receive the sum of Three Thousand Dollars (\$3,000.00).
- d) If employed by my firm from six to ten years, that secretary shall receive the sum of Five Thousand Dollars (\$5,000.00).
- e) If employed by my firm over ten years, that secretary shall receive the sum of Ten Thousand Dollars (\$10,000.00).

C. I hereby will, devise and bequeath the sum of One Thousand Five Hundred Dollars (\$1,500.00) each to the following four (4) former secretaries whom I feel made positive contributions to my firm throughout the years: Tresha R. Strunk, Deborah L. Young, Barbara Cline, and Cindy Beeler.

  
 DONALD J. BOLINGER, TESTATOR

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## ITEM IV.

I hereby will, devise, and bequeath and make the following special bequests in regard to my personal effects:

A. I provide that Judith E. Golitko shall receive any and all items of my personal effects that might have sentimental or emotional attachment to her that she might desire and provide that she shall have first choice of said items.

B. I further provide that the following individuals may choose an item of my personal effects as a memento: Debra Dagwell, Robert Leffert, Eleanor B. Schneider, and Anne Lawvere.

C. I acknowledge that the following individuals have been very much a part of my life but because I feel that they will have no economical needs, I do not make any specific provision for them: Connie Leffert and the children of Connie and Robert Leffert, with the exception of Heather Leffert; and Donna Golitko Mentis.

## ITEM V.

I hereby will, devise, and bequeath the assets constituting the Donald J. Bolinger Law Firm, with the exception of my accounts receivable for my personal client accounts, but including all other assets of the firm, including the goodwill name of the firm, to Donald J. Bolinger II and Matthew M. Golitko equally. It is my desire that they continue to practice jointly. In the event that they do not, then I provide that either may buy out the other for the sum of Twenty Five Thousand Dollars (\$25,000.00). I provide that either party would have a period of one year to pay the other after their agreement thereon.

  
 DONALD J. BOLINGER, TESTATOR

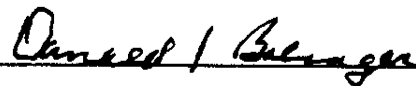
# UNOFFICIAL COPY

## ITEM VI

I provide that the accounts receivable that are collected from my clients during the first six months after my demise shall be applied to the law firm's operating expenses for the first six months after my demise.

## ITEM VII

I hereby will, devise and bequeath the real estate I own at 6646 South Halsted, Chicago, Illinois, and currently leased to White Castle, to the Donald J. Bolinger Trust II, with Judith E. Golitko serving as Trustee of said Trust and with Judith E. Golitko receiving reasonable compensation for her services thereon. The beneficiaries of said Donald J. Bolinger Trust II shall be as follows: Judith E. Golitko a fifty percent (50%) share, Anne Marie Lawvere a twenty five percent (25%) share and Debra Dagwell a twenty-five percent (25%) share. I further provide that Judith E. Golitko as Trustee shall be in charge of said property, shall collect all proceeds therefrom, establish such reserves as she shall deem necessary for any expenditures which might be needed regarding said property and she shall distribute rents collected to the beneficiaries of this trust subject to any limitations hereinafter set out. I provide that no interest of any beneficiary may be assigned except in accordance with the following terms: If any beneficiary shall wish to dispose of their share in this trust, it must be offered to the other beneficiaries of this trust for the price of One Hundred Thousand Dollars (\$100,000.00) per twenty-five percent (25%) share, payable over four (4) years without interest. Should the beneficiary receiving a fifty



**DONALD J. BOLINGER, TESTATOR**

# UNOFFICIAL COPY

percent (50%) interest wish to dispose of her share, it must be offered to the other beneficiaries of this trust for the price of Two Hundred Thousand Dollars (\$200,000.00) payable over six years with five (5) payments of Thirty Five Thousand Dollars (\$35,000.00) and one payment of Twenty Five Thousand Dollars (\$25,000.00) for the fifty percent (50%) interest.

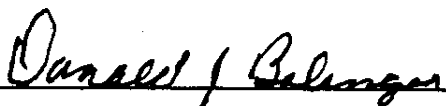
In the event of the demise of Judith E. Golitko, then her fifty percent (50%) share be equally divided between Anne Marie Lawvere and Debra Dagwell. In the event of the death of Anne Marie Lawvere, her share in the trust shall go to her issues, share and share alike. In the event of the death of Debra Dagwell, her share shall go to her issues, share and share alike.

Said Trustee shall have full authority to release the real estate in the event the present lease with White Castle expires and shall have full control over said real estate in accordance with reasonable standard care.

I provide that said Trustee of said Trust shall not be required to post security bond of any kind.

I further provide that no money may be borrowed against said Trust property except by the Trustee herein for Trust purposes.

I provide that said real estate in said Trust cannot be sold without the consent of all beneficiaries of said Trust.



**DONALD J. BOLINGER, TESTATOR**

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## ITEM VIII

I will, devise and bequeath all the rest and residue of the property which I die possessed, including real, personal or mixed property, tangible or intangible, to my son, Donald J. Bolinger II, and urge him to conserve said assets, using them in such a way as to create assets for his son, Donald J. Bolinger III, and any other natural born children he might have thereafter.

## ITEM IX

I nominate and appoint Donald J. Bolinger II and Judith E. Golitko to serve as Co-Executors of this my Last Will and Testament and further provide that they serve without bond. It is my desire that Judith E. Golitko take the normal and customary fee for serving as Co-Executor. I further provide that my estate will not be subject to supervision of the Court, except in the event of a dispute among my heirs herein.

## ITEM X

I nominate and appoint the Donald J. Bolinger Law Firm to serve as attorney for said Trustee and for the Co-Executors of this my Last Will and Testament.

  
\_\_\_\_\_  
DONALD J. BOLINGER, TESTATOR

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On the 24 day of March, 2003, the above-named Testator, Donald J.

Bolinger, signed, published, declared and affirmed this to be his Last Will and Testament, containing seven (7) typewritten pages, each of which were signed by him in our presence and each of us in his presence and said Testator having signed first, we hereto set and affix our names as attesting witnesses.

Donald J. Bolinger  
DONALD J. BOLINGER, TESTATOR

[Signature]  
WITNESS

Linda M. Rank  
WITNESS

We, the undersigned, under penalties for perjury whose names are assigned to the attached instrument, declare:

1. That the Testator executed the instrument as his Last Will and Testament.
2. That in the presence of both witnesses he signed and acknowledged his signature.
3. That he executed the Will as his free and voluntary act for the purposes stated herein.
4. That each of the witnesses in the presence of the Testator and each other, signed the Will as witnesses after said Testator had signed said Will.
5. That the Testator was of sound mind.
6. That the witnesses have knowledge that the Testator was at the time more than eighteen (18) years of age.

Donald J. Bolinger  
DONALD J. BOLINGER, TESTATOR

[Signature]  
WITNESS

Linda M. Rank  
WITNESS

THIS INSTRUMENT PREPARED BY:  
Donald J. Bolinger, Attorney at Law, 125 N. Buckeye Street, Kokomo, In 46901

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STATE OF INDIANA, )  
 )  
COUNTY OF HOWARD)

IN THE HOWARD CIRCUIT/SUPERIOR COURT  
2005 TERM

**ENTERED**  
MAY 17 2005  
HOWARD CIRCUIT COURT

IN RE THE MATTER OF THE)  
TRUST CREATED UNDER )  
THE LAST WILL AND )  
TESTAMENT OF DONALD J.)  
BOLINGER )

CAUSE NO. **34001- 0505 - TR - 0440**

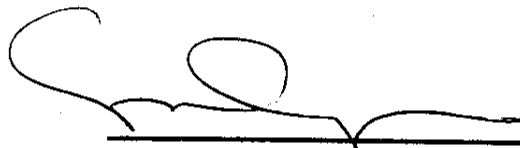
ORDER TO DOCKET TRUST WITH COURT

Comes now Judith E. Golitko, and files her verified Petition to Docket Trust with Court, together with Trustee's Oath and Acceptance of Trust. (H.I.)

And the Court being duly advised in the premise now finds that said Trust should be and hereby is docketed with the Court and Judith E. Golitko should be appointed as Trustee of the Donald J. Bolinger Trust II.

IT IS THEREFORE ORDERED AND DECREED, that said Trust be docketed and Judith E. Golitko is hereby appointed as Trustee of the Donald J. Bolinger Trust II as provided for under Article VII in the Last Will and Testament of Donald J. Bolinger, dated March 24, 2003. Trustee shall make report to the Court once transfer of the trust corpus has been transferred over into the name of said Trustee and shall make annual reports to the court of her actions therein.

Dated: May <sup>17</sup> 2005

  
\_\_\_\_\_  
Judge

**FILED**

MAY 16 2005

MCNA  
Clerk Howard Circuit Court