

CCS
JASPER SUPERIOR COURT

IN RE: THE REVOCABLE LIVING)
TRUST OF:) Cause No: 37D01-0208-TR-310
) Honorable J. Leach, Special Judge
MARTHA HAM, an incompetent adult.)

The decision of the Court should be summarized as follows in the Chronological Case Summary under this Cause number:

Successor Trustee Richard F. Comingore files Trustee's Final Account and Petition to Settle and Allow Account and for Authority to Distribute Trust Corpus and Close Trust.
Proposed Order entered for Distribution of Trust Corpus
Proposed Order entered to set Hearing for May 10, 2004

A full text of this decision for the Record of Judgments and Order is attached.

Yes xxx No _____

Moving Counsel: Richard F. Comingore
Richard Comingore (#20069-37)
P.O. Box 223 Jeff Shaw
Rensselaer, Indiana 47978 1005 1/2 Calumet Ave.
(219) 866-7988 Valparaiso, IN 46383

Opposing Counsel: John Potter Joseph M. Skozen
219 W. Harrison #5 Lisa Misner-Skozen
Rensselaer, Indiana 47978 9335 Calumet Ave, Suite D
Munster, IN 46321

Designated Service:
Attorney: x Alan Naggatz
Clerk: _____ 175 W. Lincolnway, Ste C Kyle Shayna Hamilton
Court: _____ Valparaiso, IN 46383 5237 Wiseburn Avenue
Hawthorne, CA 90250

Approved:

CERTIFICATE OF SERVICE

I certify that on April 8, 2004, I served a true and complete copy of the above and foregoing documents upon each party or attorney of record herein by depositing the same in the United States Mail in envelopes addressed to each of them and with sufficient postage affixed.

Richard F. Comingore

STATE OF INDIANA)
)
COUNTY OF JASPER) SS JASPER SUPERIOR COURT
) RENSSELAER, INDIANA

IN RE: THE MATTER OF:)
MARTHA HAM,) Cause No. 37D01-0208-TR-310
REVOCABLE TRUST,) Honorable J. Leach, Special Judge

ORDER APPROVING TRUSTEE'S FINAL
ACCOUNT AND AUTHORIZING DISTRIBUTION
OF THE TRUST CORPUS

Comes now Richard F. Comingore, as trustee of the Martha Ham Revocable Trust dated September 11, 2000, and submits his verified Final Accounting and Petition To Distribute said Trust Corpus, which Final Accounting and Petition is on file with the Court and a part of the Court's record.

And the Court, having examined said Final Report and being duly advised in the premises, now finds that the allegations and accounting contained therein are true and that the prayer in said Final Report and Petition To Distribute Trust Corpus should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that all assets of said trust estate have been administered upon and all the obligations of the trustee have been discharged except for the making of final distribution and the payment of administration costs, attorney fees, and trustee fees. That the trustee's final accounting and petition to distribute the trust corpus be, and hereby is, in all respects approved.

That the trustee is directed to pay as costs of administration trustee fees in the amount of Ten Thousand, Nine Hundred Eighty-One and 75/100 Dollars (\$10981.75), as full and final compensation for the services rendered in connection with the administration and legal aspects of this trust. Furthermore, the trustee is directed to pay as costs of administration of the trust to Alan Naggatz, Attorney of Record for the Beneficiary the amount of Eight Thousand, Nine Hundred Fifteen and 76/100 dollars (\$8915.76) to release his Attorney's Lien filed on or about March 27, 2004.

Said trustee is further ordered and directed to distribute the trust corpus remaining in his hands available for distribution to Alan Naggets, Attorney of Record for the Beneficiary, Kyle Hamilton for distribution to Kyle Hamilton as sole beneficiary, and that said trustee is hereby directed, after making distribution as directed, to file his Supplemental Report showing any further accounting of receipts and disbursements in accordance with the foregoing, that distribution and payment of said trust corpus has been made pursuant to this decree, and that the trustee has in all respects carried out the provisions of this decree.

All of which is ordered on this ____ day of ____, 2004.

Special Judge,
Jasper Superior Court

STATE OF INDIANA)
)
COUNTY OF JASPER) SS JASPER SUPERIOR COURT
) RENSSELAER, INDIANA

IN RE: THE MATTER OF:)
MARTHA HAM,)
REVOCABLE TRUST,) Cause No: 37D01-0208-TR-310

Filed April 7, 2004
Jasper County Superior Court
Kara Fishburn, Clerk

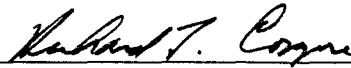
TRUSTEE'S FINAL ACCOUNT AND PETITION
TO SETTLE AND ALLOW ACCOUNT AND FOR AUTHORITY
TO DISTRIBUTE TRUST CORPUS AND CLOSE TRUST.

Comes now Richard F. Comingore, as trustee of the Martha E. Ham Revocable Trust Dated September 11, 2000 and files his verified Final Accounting and Petition To Settle and Allow Account and for Authority to Distribute Trust Corpus, and respectfully shows the Court as follows:

1. That on or about August 23, 2002 , Richard F. Comingore, Attorney at Law was duly appointed and qualified as the trustee of the Martha E. Ham Revocable Trust dated September 11, 2000 and that he has continued to serve in such capacity to date.
2. That all the provisions established by the Martha E. Ham Revocable Trust dated September 11, 2000 have been discharged, except making final distribution to the beneficiary.
3. That all of the assets of the trust corpus have properly been administered upon and all obligations of the trustee have been discharged, except as to making of final distribtuion of the remaining assets being held in the trust estate. That there is no advantage to holding such funds in trust and it would be in the best interests of the beneficiary and the trust estate to distribute the same. The trustee knows of no reason why this trust estate cannot or should not be closed at this time and sets forth his final accounting as per Schedules A, B, C, D and associated Exhibits attached heretofore and made part and parcel hereof.
4. That the name and post office address of said income beneficiary of the trust estate as designated in Item III, Section 3 of the trust are as follows: Kyle Shayna Hamilton, 5237 Wiseburn Avenue, Hawthorne, CA 90250.
5. That the trustee requests compensation for his services rendered as trustee under this Trust Agreement for the following time period: February 1, 2003 to April 1, 2004. That the trustee rendered the following services: See attached Exhibit D and has approximately 88 hours devoted to the legal and administrative aspects of this trust. That the trustee requests compensation in the amount of One Hundred Twenty-five Dollars (\$125.00) per hour, wherein the trustee requests final compensation in the total amount of Ten Thousand, Nine Hundred Eighty-One and 75/100 Dollars (\$10,981.75).

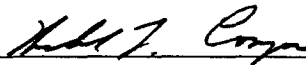
WHEREFORE, Richard F. Comingore, as trustee of the Martha E. Ham Revocable Trust Dated September 11, 2000 respectfully submits his final account and petition to distribute trust corpus, and prays that this be set for a hearing so that this account may be settled and allowed by the Court and that the Court designate, determine and confirm the parties to whom final distribution is to be made, and enter an order authorizing said trustee to pay costs of administration, trustee fees, distribute the balance of the assets available for final distribution and for all other relief which is proper in the premises.

Respectfully Submitted



Richard F. Comingore, trustee
Attorney at Law
P.O. Box 223
Rensselaer, IN 47978

I swear or affirm under the pains and penalties of perjury that this is a true and accurate accounting to the best of my knowledge.



Richard F. Comingore

**Schedule A
Income**

Pursuant to Trustee's Intermediate Accounting and Report filed October 24, 2003 in this Cause of Action:

National City Bank, Checking Account Number 698499269	
as of September 23, 2003 Ending Balance	\$68284.37
Interest Earned from September 24, 2003 ending March 23, 2004	159.80
Total	<u>68444.17</u>

**Schedule B
Disbursements**

Disbursement paid pursuant to this Court's order entered November 14, 2003:

Receipts attached as "Group Exhibit A"

<u>Check</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
1373	11/14/03	Blaney, Casey & Walton	\$3178.00
1374	11/17/03	James Lakin, Attorney at Law	520.00
1375	11/14/03	John Potter, Attorney at Law	6112.50
1376	11/14/03	John Potter, Attorney at Law	1457.40
1377	12/16/03	R.S. Gaud, M.D., P.C.	12.47
1378	11/14/03	Rensselaer Health Centre	51.90
1379	11/14/03	John Potter, Attorney at Law	1581.25
1380	11/14/03	Richard F. Comingore, Attorney at Law	4523.00
1381	11/14/03	Kent Mahnesmith, Attorney at Law	150.00
1382	11/20/03	Timothy Issac, Attorney at Law	525.00
1383	11/14/03	Donald Shelmon, Attorney at Law	962.50
1384	11/18/03	R. Steven Ryan, Attorney at Law	175.00

Claims paid pursuant to Court Order Filed January 13, 2004:
 IN RE: THE MATTER OF THE ESTATE OF MARTHA E. HAM,
 Cause Number 37D01-0302-ES-056
 Receipts attached as " Group Exhibit B"

1385	01/22/04	Ned Tonner, Attorney at Law	6174.74
1386	01/22/04	Jasper County Hospital	2159.47
1387	01/22/04	James R. Beaver, Attorney at Law	4440.23
1388	****	Void	
1389	01/22/04	Glen Burkhardt, Attorney at Law	300.00
1390	01/22/04	John Potter, Attorney at Law	5566.90

Claim paid Pursuant to Item III, Paragraph 2 of The Martha E. Ham
 Revocable Living Trust Agreement dated September 11, 2000 docketed
 in 37D01-0208-TR-310:

See "Exhibit C"

1391	03/04/04	Blaney, Casey & Walton, Attorneys at Law	2709.50
1392	****	Void	
1393	04/04/04	Blaney, Casey & Walton, Attorneys at Law	434.00

Total Disbursements	41033.86
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**Schedule C
Accrued Claims**

Notice of Intent to Hold Attorney's Lien filed on or about March 27, 2004: Attorney Alan Naggatz	8915.76
Trustee Fees	10981.75
Total Accrued Claims (unpaid)	<u>19897.51</u>

**Schedule D
Reconciliation**

National City Bank, Checking Account Number 698499269 as of September 23, 2003 Ending Balance	\$68284.37
Interest Earned from September 24, 2003 ending March 23, 2004	159.80
Income (Schedule A)	<u>68444.17</u>
Disbursements (Schedule B)	41033.86
Balance as of April 4, 2004	<u>27410.31</u>
Accrued Claims (unpaid) (Schedule C)	19897.51
Balance (to be distributed to Beneficiary's Attorney of Record)	<u>7512.80</u>