

STATE OF INDIANA  
SS;  
COUNTY OF ORANGE

IN RE; ESTATE OF ODESSIA GROFF, DECEASED  
AFFIDAVIT FOR TRANSFER OF REAL PROPERTY

1. That the above named decedent died intestate on the 3rd day of August, 1990, while domiciled in Orange County, Indiana.

2. That forty-five (45) days have elapsed since the death of the decedent.

3. That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

4. That the following named persons are the only heirs of the decedent:

James Groff, son, RFD #2, French Lick, IN 47432

Earl Groff, son, Milltown, Indiana 47145

Dorothy Bruner, daughter, R #2, West Baden Springs, IN 47469

Margaret Rainey, daughter, RFD #1, French Lick, IN 47432

5. That the value of the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the allowance provided by I.C. 29-1-4-1, the costs and expenses of administration and reasonable funeral expenses.

6. That among the decedent's probate assets is a real estate contract for the sale of real estate between Odessia Groff, decedent herein, as Seller, and Cassandra Rainey and Kenneth Rainey, husband and wife, Purchasers which real estate is described as follows, to-wit:

Real estate situate in Orange County, Indiana, to-wit:

Lot number thirty-four (34) in the Highland Addition to the Town of French Lick, Indiana,

that said purchasers have completed the terms of said contract and are entitled to a transfer of said real estate to them to complete the terms of said contract.

7. That the decedent's estate is not subject to Federal Estate taxes, Inheritance tax, nor State and Federal income tax.

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8. That this affidavit is made for the purpose of transferring the following described real estate situate in Orange County, Indiana, to-wit:

Lot number thirty-four (34) in the Highland Addition to the Town of French Lick, Indiana, to Fred Kenneth Rainey and Cassandra Rainey, husband and wife, of 110 West Michigan, French Lick, IN 47432, Orange County, Indiana.

Frank Groff died January 7, 1970.

*Earl Groff*  
Earl Groff

STATE OF INDIANA  
SS:  
COUNTY OF *Orange*

Before me, a Notary Public in and for said County and State, personally appeared Earl Groff, as son and heir at law of Odessia Groff, deceased, who acknowledged the execution of the foregoing Affidavit for Transfer of Real Property, and who having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 12 day of January, 1991.

MY COMMISSION EXPIRES;

5-14-93

*Bobby Carnes*  
Notary Public  
Resident, *Orange* County, Indiana

THIS INSTRUMENT WAS PREPARED BY JAMES C. TUCKER, ATTORNEY AT LAW

*Also see deed record 150  
pages 761-62*

7 533

RECEIVED FOR RECORD  
This 28 day of Jan, 1991  
at 11:30 o'clock P.M. and Recorded  
In Record No: 50 Page 17-18  
*Bobby Carnes*  
Orange County Indiana

DULY ENTERED FOR TAX, THIS  
28 DAY OF Jan 1991  
*Brenda L. O'Connell*  
AUDITOR ORANGE COUNTY

STATE OF INDIANA



INDIANAPOLIS

OFFICES OF ATTORNEY GENERAL  
LINLEY E. PEARSON, ATTORNEY GENERAL  
200 WEST WASHINGTON STREET  
219 STATE HOUSE

46204-2794

May 13, 1992

Mr. James C. Tucker  
TUCKER AND TUCKER  
188 South Court Street  
Paoli, Indiana 47454

Dear Mr. Tucker:

I have always assumed that the affidavit described in Indiana Code Section 29-1-8-3(b) was only used in cases where the estate was insolvent and real property passed directly to the heirs of the decedent. Subsection (b)(3) seems to support such an interpretation. In context, "each person's share" under subsection (b)(4) probably refers to the shares in the estate mentioned in (b)(3) which pass as a result of the death of the decedent.

However it is very clear that in Indiana Code Chapter 29-1-8 the General Assembly intended to simplify and expedite the distribution of the assets in insolvent estates. I do not wish to adopt an overly technical interpretation of IC 29-1-8-3 and thereby cause unnecessary additional expense to the heirs or to the purchasers of the real property in question.

I do not know whether a title insurance company will accept the affidavit as a valid transfer; but if the affidavit and the contract for sale are both recorded, the county auditor may legally recognize the contract purchasers as the fee owners for tax purposes. I am willing to agree with your position in the very rare situation where an estate is insolvent and the vendor died after the purchase price was paid but before the deed was executed.

Although there is no legal requirement that the affidavit be signed by all heirs, some future title examiner might feel more comfortable with an affidavit executed by all four children.

Very truly yours,  
  
William E. Daily  
Chief Counsel

WED/pb:3900b

cc: Linda L. Noblitt

29 April 1992

Mr. William E. Daily  
Chief Counsel  
Office of Attorney General  
200 West Washington Street  
219 State House  
Indianapolis, Indiana 46204-2794

Dear Mr. Daily:

Enclosed you will find a copy of a letter which you wrote to Linda L. Noblitt, Auditor of Orange County. Next enclosed is a copy of I.C. 29-1-8-3.

Finally enclosed is an Affidavit For Transfer Of Real Property concerning real estate which had been sold on contract and was then transferred by Affidavit to the purchasers under the contract.

Please give me your opinion then as to the Affidavit as it was presented.

Is it your opinion that the Affidavit is incorrect?

With best regards, I am,

Yours very truly,

James C. Tucker

cc: Linda L. Noblitt  
Casandra Rainey  
nlm

*Casandra Rainey*



OWNERS OF REAL ESTATE, ORANGE COUNTY, IND., AND

RECORD OF TRANSFERS-MARCH \_\_\_\_\_, 19\_\_\_\_ TO MARCH, \_\_\_\_\_, 19\_\_\_\_

Town or Corporation FRENCH LICK TOWN

A	B	C	D	E	F	G	H	I		J
								Value	Year Added	
X	GADAU, BARBARA ROLLING HILLS ADD. SEC 3 002-007-001-000 202-007-001-000	30			509	1500	1250			
Out	GALLOWAY, ANTHONY R. WASHINGTON ST. ADD. 002-007-002-000 202-007-002-000	PT 4				1670	4730			
X	GALLOWAY, SELMA VIOLET WASHINGTON ST. ADD. 002-007-003-000 202-007-003-000	5				670	6810			
X	GALLOWAY, E. BROOKS & PATRICIA LUCKETTS BROADWAY ADD. 002-007-004-000 202-007-004-000	1				4400	3370	21860	'95	
	<i>handwritten: under this</i> FRENCH LICK SPRINGS 2nd ADD 002-007-004-010 202-007-004-010	22-23-24-RW				3300	13270			
X	Garrett, Eric Lee & Grover G. Garrett RYANS SUMMIT ST. ADD. 202-007-005-000	6				570	6420			
	<i>Signature Separately</i> H.E. WELLS ADD. 002-007-005-010 202-007-005-010	8				530	10800			
X	GARTHRIGHT, RONALD & PATRICIA L. WASHINGTON ST. ADD. 002-007-006-000 202-007-006-000	11				670	7360			
X	GERBRACHT, JAMES A. & PATRICIA LUCKETTS WALNUT HILL ADD. N 1/2 002-007-007-000 202-007-007-000	41-42				530	6350			
	<i>1/1/95 CONTRACT TO: BEBE DEANE PATTON 11675 W CO RD 150 FRENCH LICK, IN 47432</i> LUCKETT WALNUT HILL ADD. 002-007-007-010 202-007-007-010	43-44-45				1370	6350			
Out	GLASS, GARY A. & ALYSIA JAN H.E. WELLS ADD. W 1/2	45				420	4800			
Out	GLASS, JOE WAYNE & JACQUELYN SUE H.E. WELLS ADD 002-007-008-000 202-007-008-000	E 1/2 61				330	3310			
Out	GODDEN, DENNIS R. & CARLA A CLAXTON WALNUT GROVE ADD. 002-007-009-000 202-007-009-000	3				480	3950			
	CRECELIUS, JOINT TENANTS WITH FULL RIGHT OF SURVIVORSHIP									

K	L	M		O
		Kind	Date	
FERRELL KING				
TWIN CITY FEED MILL INC	<i>508 E College St 7:2</i> <i>Lawrence D Robbins &amp; Sherry K Robbins W.D.</i>	W.D.	6-20-93	6-22-93
RAY EVERETT MORGAN				
MAUDIE ELLEN ARCHER				
GALLOWAY & LANE AGENCY				
GROVER & HAZEL GARRETT ERIC LEE GARRETT				
JEFFERY WILLIAM FENTON				
JERRY L. & SHEILA M ANDERSON				
CATHERINE STAPLETON SORRELS VICTORIA SUMMERS	<i>First Indiana Bank</i>	<i>Sheriff's DEED</i>	1-29-90	2-9-90
HARRY L. BROWN & JACKIE A BEATY	<i>Springs Valley Bank &amp; Trust</i>	<i>SHERIFF'S DEED</i>	11/29/95	11/29/95
JAMES & VIOLET CONDRA	<i>Robinson, Sherry</i>	<i>W.D.</i>	12/8/95	12/14/95



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Town or Corporation FRENCH LICK TOWN

A	B	C	D	E	F	G	H	I		J
								Value	Year Added	
Out GOODMAN, EVERETT & MAMIE M.	PT SW SE	3	1n	2w	.50	1230	2800			
Out GOODPASTER, <del>ELAINE</del> & DELORES F	PT NW SE	3	1n	2w	.15	450	3220			
GOOLSBY, WILLIAM A. & JEWEL	RYANS SUMMIT ST ADD, 002-007-010-000 202-007-010-000	PT	16	+RW-	PT 17	400	3950			
GRAHAM, DARRELL W.	FRENCH LICK SPRINGS CO, ADD. 002-007-011-000 202-007-011-000	18				1630	17560 17500			
	FRENCH LICK SPRINGS CO. ADD. 002-007-011-000 202-007-011-010	17				1630	17070 18470			
X GRAVES, DONNA J.	LUCKETT ADDITION 002-007-012-000 202-007-012-000	22-			PT 21	1310	11680			
X GRAVES, IRENE	H.E. WELLS ADDITION 002-007-013-000 202-007-013-000	PT			Pt 84-85	550	7160			
on contract to Robert S. Jones + Sandra S. Jones	N.E. Wells Add. 002-007-014-000 202-007-014-000	PT			PT 84	340	2020	190		
Out GRIGSBY, P. CLAVER & EDITH	PT E 1/2 SW	9	1n	2w	.424	1370	21890			
	PT E 1/2 SW	9	1n	2w	.464	120				
GRIGSBY, PETER; LIFE ESTATE; HOLBERT H & FRANCES GRIGSBY 1212 N Lake Shore Dr. #584 Chicago, Ill. 60610	RYAN COLLEGE ST. ADD. 002-007-015-000 202-007-015-000	PT			1	930	10020			
Out GROFF, ESTHER Buy Sale '91 for James + Lois Webb	DISHER- ENYART HIGHLAND ADD.	33				420	510			
Out GROFF, FRANK & ODESSA James, Carl, Duff, Dorothy Bruner + Margaret Rainey	HIGHLAND ADD.	34				420	720			
Out GROFF, JAMES K. & MADELEINE	ROLLING HILLS ADD, SEC 2				LOT 17	1550	8770			

K	L	M		O
		Kind	Date	
OTTO EMMONS	Jacqueline R. Martin 337 Washington St F.F.	W.D.	6-18-91	6-24-91
DENVER EMMONS	Delores F Goodpaster Orange County Bank	Quit claim W.D.	12-2-89	12-8-89
NOEL IIAMS JERRY LEE ANDERSON			12-21-91	1-13-92
NAVARRO B. BROCK LARRELL R. MILLER	Orange County Child Care Cooperative, Inc. (Part of 18417)	W.D.	9/21/95	1/5/96
JOHN RENNER JR.				
JOHN P. CRUME				
CLAUDE PIERCE RUSSELL BLEDSOE	Robert S. Jones + Sandra Lee Jones 531 S. Johnson Ave. St. J.	W.D.	12-16-93	4-28-94
RADIE GRIGSBY	Joyce Ellen Drefta administratrix of a certain trust 10/26/90	W.D.	9-27-91	9-30-91
ESTHER & ROBERT GROFF	James + Lois Webb	Tax Title Deed	1-25-93	1-25-93
JERRY ALLBRIGHT	James Groff, Carl Groff, Dorothy Bruner + Margaret Rainey Fred Kenneth Rainey + Alexandra Rainey	affidavit affidavit	1-2-91	1-28-91
F.H.A.	Chester A. Smith + Phyllis Smith	W.D.	6-27-90	6-27-90



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Town or Corporation FRENCH LICK TOWN

A NAMES OF OWNERS	B DESCRIPTION OF LAND OR NAME OF ADDITION	C Section	D In-Lot	E Township	F Range	G Blk. or Sq.	H Acres	I Hundredths	J VALUE OF LANDS AND LOTS	K VALUE OF IMPROVEMENTS	L ADDITIONAL IMPROVEMENTS	
											M Value	N Year Added
X GROMER, DOUGLAS EDWARD & MITZI LYNN 202-007-017-010 202-007-017-020	PT NE NE 002-007-017-000 202-007-017-000 PT NE NE 002-007-017-010 PT NE NE 002-007-017-020	9	1n	2w			.52		130			
X GROMER, JAMES EDWARD & BERNICE I. Casey	WASHINGTON ST. ADD. 002-007-018-000 202-007-018-000	6							670	4660		
Out GROMER, JAMES W. & AGNES L.	H.E. WELLS ADD.	107							500	2570		
Out GROUB, JOHN C. COMPANY INC	PT NE SE PT Vacated Center alley & PT 4TH ST. BELVIEW ADD.	3	1n	2w			3.5		930			
Out Dalloway, Brooks + Patricia	Rolling Hills Add Sec 2						39		1180	13070		
Out Darris, Catherine P.	PT NW SW PT NE SW	3	1N	2W			.62		870	3840		
X Dalloway, E. Brooks & James N. Hickey est	Rolling Hills Add Sec 3 Lot 21 Hidden Valley First Add								1550	9730		
1994 Daza, Marcelino Jr & Delia F. Orleans	002-008-024-000 Luckett Walnut Hill Add 202-008-037-000						31-32		1120	6450		
1984 Dalloway, Anthony R. & Susan D. P.O. Box 155 W.P.	202-018-005-010 002-018-005-010 PT NW NW PT NW NW PT NW NW 202-018-005-020 PT NW NW 202-018-005-020	10	1N	2W			.33		750	16720		

K FROM WHOM TRANSFERRED	L TO WHOM TRANSFERRED AND ADDRESS	M INSTRUMENT		O TRANSFER Date
		N Kind	P Date	
KENNETH & MELVA MCLANE DALE E MCLANE				
WM. H. BEATY	Bernice & James Betty & James 108 Cherry Lane Bucklin PA 18917	Affidavit Court order Affidavit	2/15/95 2/15/95	2/17/95 // 2/17/95 //
HENRY MESSER	Sherry D. Robinson Rt 1 Box 186110 Chickadee Ind 47111	W.D.	9-3-92	9-3-92
CLIFFORD L. MASON TOWN OF FRENCH LICK	Hilbert & Bonnie Lindsey R. 2, F.L.	W.D.	5-7-92	5-8-92
Eric L. Jawbush	Robert J. Crall Jr & Karen E. Crall	W.D.	9-7-90	9-7-90
William R. Kellama	Bruce D. Vincent & Jammy Vincent	W.D.	3-16-90	3-20-90
Kevin Ray Smith Weiserstein Corp.	Laura D. Conrad Kevin R. & Debbie R. Smith R. 1, French Lick	W.D. W.D.	12-28-91 7-11-91	12-30-91 7-22-91
Spring Valley Bank & Trust				
Bernard A. Rasche Jr.				



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Town or Corporation \_\_\_\_\_

A	B	C	D	E	F	G	H	I	
								Value	Year Added
4-20-94 ✓ Madan, Bradley D + Lillian L. Madan R1 Box 477 72	ROLLING HILLS ADD. Sec 2 002-002-075-000 202-02-175-000				39	1180	13070		
4-2-94 ✓ Dromer, Danny J + Dellie K 5833 S Co Rd 1025W 72	F. L. Springs Co. Add. 002-013-023-000 202-013-023-000				14	890	10310		
5-15-94 ✓ Glas, John + Linda 612 N 14th St Mitchell, Ind 47446	H.E. Wells Sub Div 002-013-014-000 202-013-014-000	52-53-54			3	210	1880		
5-16-94 ✓ Greenlee, Joseph W + Dila R 1007 Ave D DUNCAN, TRAVIS + MARY L. 115 WELLS AVE. FRENCH LICK, IN 47432	H.E. Wells add 002-010-009-000 202-010-009-000				20	490	11430		
12-10-94 ✓ Goldman, Richard + Carol R3 1/2 Pauli	Washington St. Add. 002-016-027-000 202-016-027-000				73	520	4150		
12-10-94 ✓ Gonyea, Kenneth E + Florence N 214 College St 72	Ryans College Addition 002-013-045-000 202-013-045-000				4	750	9140		
4-14-95 ✓ Halloway, Brooks 8528 W. COLLEGE ST. FRENCH LICK, IN 47432	Ryans College St. Add. 002-020-044-000 202-020-044-000				7	640	9100		
✓ Halloway, C. Brooks 515 COLLEGE ST. FRENCH LICK, IN 47432	H.E. Wells Add. 002-007-014-000 202-007-014-000				84	340	2020		
✓ Hass, John C. 612 N 14th St MITCHELL, IN 47446	H.E. Wells Add. 002-002-015-000 202-002-015-000				13	1630	3330		

K	L	M		O
		Kind	Date	
CALL, Robert J.				
Harry L. Moore				
Anna F Miller				
George E Jones				
Arthur, George				
Michael Clenden				
Joliver, Michael + Anita Kay				
Jones, Robert A. + Sandra Lee				
Bentley, Robert				