

Estate of Beehler, Bessie Fern	Case #	Date	
	E-79-132	4/7/1982	
DeVoss, Jay M			Co-Personal Representative
			Requesting funding for building that was
			owned by deceased to pay for utilities

ESTATE OF)
BESSIE FERN BEEHLER, DECEASED)

ESTATE NO. E-79-132

Comes now the co-personal representative of said estate and now files a petition to continue business of decedent, which petition is in the following words and figures, to-wit;

STATE OF INDIANA
COUNTY OF ADAMS, SS:

IN THE ADAMS CIRCUIT COURT

82 APR 7 1982 TERM

In the Matter of the
Estate of Bessie Fern
Beehler, Deceased

CAUSE NO. E-79-132

PETITION TO CONTINUE
BUSINESS OF DECEDENT

82 APR 7 P 2: 25
MARCEE KAY LINN, CLERK

FILED IN ADAMS COUNTY
CIRCUIT COURT

Comes now Jay M. DeVoss, co-personal representative of the Estate of Bessie Fern Beehler, deceased, and respectfully represents to the Court as follows:

1. That the Decedent died testate on the 5th day of September, 1979, a resident of the County of Adams, and that said Petitioner is the duly appointed, qualified and acting co-personal representative of said Estate, having been so qualified on the 27th day of December, 1979.

2. That at the time of the Decedent's death she owned the following described real estate, to-wit:

Inlot Number 93 in the Original Plat of the town, now city of Decatur, Adams County, Indiana, upon which the business of operating the Rice Hotel was conducted.

3. That on March 31, 1982, the Northern Indiana Public Service Company discontinued gas service to the Rice Hotel as a result of nonpayment of said utility account.

4. That said business should be continued and an order authorizing the co-personal representative to pay necessary operating expenses from assets in the Estate used to continue said business should be granted for the following reasons:

A. The Northern Indiana Public Service Company will not reestablish gas service unless your co-personal representative obtains an order from this Court authorizing your co-personal representative to pay all necessary operating expenses, including but not limited to the outstanding gas bill, from Estate assets used in the continuation of said business;

B. Unless said gas service is reinstated immediately, sub-freezing temperatures presently being experienced in Adams County, Indiana, could cause substantial damage to the plumbing in said Rice Hotel and thus, could substantially reduce the value of said premises;

C. Unless said gas service is reinstated holdover tenants in said hotel could suffer harm;

D. Without heat, said business would lose tenants and the property could sustain damages with the result that a potential buyer of said premises and business would be lost; and

E. Because holdover tenants are paying rental income and operating expenses are being incurred, a marshalling of said income and expenses is necessary.

5. That any liability incurred by the Estate for operation of said business should be limited to the assets in said Estate used in connection with said business.

6. That your co-personal representative should continue to conduct said business pursuant to the order of this Court for the benefit of this Estate for a period of one (1) year or until such business can be sold.

7. That all liabilities incurred in such conduct of the business whether prior to or subsequent to the order of the Court, should be chargeable solely to that part of the Estate directed by the Court to be set aside for use in such business.


8. That your co-personal representative should not be held personally liable for any obligations incurred in conducting said business.

9. That because of the urgency in reacquiring gas service to the Rice Hotel, notice of an order granting this Petition to Continue Business of the Decedent should be given within five (5) days after the signing of said order to such persons as the Court deems interested parties.

WHEREFORE, your co-personal representative, Jay M. DeVoss, prays that an order of this Court be made authorizing him to continue to conduct the business of the Decedent pursuant to the order issued by this Court.


Jay M. DeVoss
Co-personal representative of the
Estate of Bessie Fern Beehler

Subscribed and sworn to before me, a Notary Public in and for the above-said County and State, this 7th day of April, 1982.


Andrea J. Solik, Notary Public
a resident of Adams County

My Commission expires:
August 30, 1985

and the Court now having seen and inspected said petition, and being duly advised in the premises, now sustains the same, which order on petition to continue business of decedent is in the following words and figures, to wit:

STATE OF INDIANA
COUNTY OF ADAMS
IN THE ADAMS CIRCUIT COURT
1982 TERM
82 APR 7 P 2: 26
NANCEE KAY LINN, CLERK
In the Matter of the
Estate of Bessie Fern
Beehler, Deceased
CAUSE NO. E-79-132

ORDER ON PETITION TO CONTINUE
BUSINESS OF DECEDENT

Comes now Jay M. DeVoss, as co-executor of the Estate of Bessie Fern Beehler, deceased, and files his duly verified Petition to Continue the Business of the Decedent, which Petition is in the words and figures following, to-wit:

(H. I.)

and the Court, having examined said Petition and being fully advised in the premises, now finds that the averments contained therein are true; that at the time of the Decedent's death, she was engaged in the business of running a hotel, doing business at 103 North Third Street, Decatur, in Adams County, Indiana, under the name of the Rice Hotel; and that the nature of such business is such that it has a value to this Estate as a going concern which would be lost if said business were discontinued; that said Hotel requires gas service which will only be provided upon the entry of an order from this Court authorizing said co-personal representative to continue said business; that unless said gas utility service is reacquired, the value of said premises and said business will decrease and a potential buyer for said premises will be lost.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Jay M. DeVoss, as co-executor of the Estate of Bessie Fern Beehler, is authorized and directed to continue to conduct said business of the Decedent in the following manner:

1. The operation of said business shall continue as the Rice Hotel;
2. The extent of liability of the Estate for obligations incurred in the continuation of the business shall be limited to the following Estate assets:

A. Inlot Number 93 in the Original Plat of the town, now city of Decatur, Adams County, Indiana, and all improvements located thereon;

B. All personal property presently used in the course of the hotel business; and

C. All income generated from the continuation of said business.

3. Said co-executor shall conduct said business in his capacity as co-personal representative of the Estate of Bessie Fern Beehler and shall not in any way be held personally liable for any obligations incurred therein;

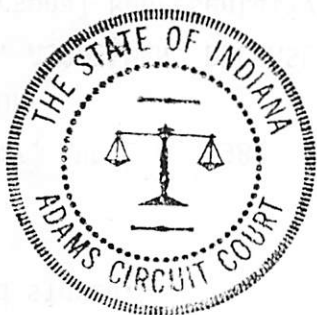
4. Said business shall be conducted for a period of one (1) year or until such time as said business and business assets are sold.

5. Said co-executor shall pay all operating expenses from income generated in conducting said hotel business, and if necessary, shall pay any outstanding operating expenses, whether incurred prior to or after this order, from the proceeds of the sale of assets set forth above used in the course of conducting said hotel business.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that notice of this order accompanied by a copy of this order of Court be mailed by first class United States Mail within five (5) days from the date hereof to the following named interested persons:

Carl L. Beehler, Sr.; James Eugene Dancer, Jr.; Jane Ellen Dancer.

All of which is ordered this 7th day of April, 1982.



Robert S. Anderson
Robert S. Anderson, Judge
Adams Circuit Court

the Clerk of the Adams Circuit Court is hereby ordered and directed to mail a certified copy of this order to the persons indicated in the last paragraph of said order, by first class United States mail, for their information and appropriate action.

S/ Robert S. Anderson
Robert S. Anderson, Judge Adams Circuit Court
