

| Harsha, Lyle J | Case # | Date | |
|-----------------------|---------------|-------------|---|
| | E-82-34 | 6/15/1982 | Petition to compromise claim |
| | | | |
| Harsha, Donald | | | Executor |
| Harsha, Velma M | | | Spouse |
| Burk, Jerry Lee | | | Second beneficiary of life insurance policy |

ESTATE OF)
LYLE J. HARSHA, DECEASED)

ESTATE NO. E-82-34

Comes now the executor by his counsel and now files a petition for authority to compromise claim of contingent beneficiary on life insurance policy in the following words and figures, to wit;

FILED ADAMS COUNTY
CIRCUIT COURT
NANCEE RAY LINN, CLERK

STATE OF INDIANA

SS:

COUNTY OF ADAMS

82 JUN 15 P 4:10

IN THE ADAMS CIRCUIT COURT

ESTATE NO. E-82-34

IN RE: THE SUPERVISED
ESTATE OF LYLE J. HARSHA,
DECEASED

PETITION FOR AUTHORITY TO
COMPROMISE CLAIM OF CONTINGENT
BENEFICIARY ON LIFE INSURANCE
POLICY

Comes now DONALD HARSHA, Executor under the Last Will and Testament of Lyle J. Harsha, deceased, and being first duly affirmed upon his affirmation, would respectfully petition and show the Court as follows:

1. That the undersigned is the duly appointed, acting, and qualified Executor of the Estate of Lyle J. Harsha, and that Letters of Administration were duly issued to him by this Court on the 16th day of April, 1982.

2. The undersigned states that he is the natural son of the decedent, Lyle J. Harsha, and that he knows of his own knowledge that his father was married to one Velma M. Harsha, and that said persons remained as husband and wife on the date of their death being the 13th day of February, 1982, as evidenced by two certified death certificates attached hereto and marked "Exhibits A and B."

3. The undersigned states that Velma M. Harsha was an employee of CTS Corporation of Berne, Indiana, and was the owner of a certain policy of insurance issued by the Prudential Insurance Company of America, being CTS policy #45227, which policy was for life and accidental death of the said Velma M. Harsha. The undersigned further states that in said policy of insurance as aforesaid, the said Lyle J. Harsha was named as the first beneficiary under said policy, and that Velma M. Harsha's son, Jerry Lee Burk, was named as second beneficiary under said policy.

4. The undersigned says that both Lyle J. Harsha and Velma M. Harsha died on or about the 13th day of February, 1982, in Adams County, in the State of Indiana, both of said persons being found dead in their home with death being attributed to accidental death by carbon monoxide poisoning.

5. The undersigned further states that the Coroner of Adams County, in the State of Indiana, was called to the scene immediately upon discovery thereof, and that the undersigned was present when the Coroner arrived and examined said parties and pronounced that Velma M. Harsha passed away at 3:10 a.m. February 13, 1982; and that Lyle Harsha passed away at 3:25 a.m. February 13, 1982.

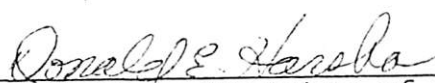
6. That by virtue of the close proximity in time of death as set forth by said Coroner, question has arisen as to whether or not said deaths would be treated as simultaneous under the Indiana Uniform Simultaneous Death Act, as more particularly found in I.C. 29-2-14-4.

7. That the undersigned Executor of the estate of Lyle J. Harsha, does herein believe that a lengthy, time consuming, expensive, and costly litigation will no doubt likely arise if said matter is submitted to a Court for a determination thereof. That at the present time, numerous obligations are in existence and are legally required to be paid so as to forestall additional penalties, interest, and possible loss of estate assets. That as a potential result thereof, your Executor does herein believe that additional expenses of administration, costs of administration, and loss of assets may well result if the question of simultaneous death is litigated in said estate. Your undersigned Executor of the estate of Lyle J. Harsha, does herein believe that in order to minimize and reduce the expenses of administration, the related costs thereto, to minimize the potential loss of estate assets, and to abate interest and/or penalties running on obligations due and owing in said estate, that the said disputed claim should herein be settled and allowed as hereinafter set forth.

8. The undersigned Executor, Donald Harsha, does herein petition to the Court to have the proceeds of the aforementioned life insurance policy ordered vesting unto the said Jerry Lee Burk in consideration for the forbearance and nonpursuit of a petition in said estate under the Indiana Uniform Simultaneous Death Act for a determination therein.

9. Said petitioner, Donald Harsha, as Executor of the estate of Lyle J. Harsha, does now herein petition the Court to order and direct Prudential Insurance Company of America to pay the proceeds of said policy unto Jerry Lee Burk as a compromise settlement in said estate so as to avoid a lengthy litigation as to a potential simultaneous death occurrence and so as so minimize the expense, cost of administration, interest and penalty, as well as the loss of assets that may occur as a result of a lengthy, time consuming litigation on said issue.

WHEREFORE, the undersigned prays the Court to enter an order finding and determining that Jerry Lee Burk is entitled to the insurance proceeds on the insurance policy heretofore referred to; that the estate of Lyle J. Harsha has no interest or claim in and to said policy; that the Court herein enter an order authorizing and directing the undersigned to compromise, settle, and adjust this controversy; that the Court enter an order authorizing and directing Prudential Insurance Company of America to pay the proceeds of said policy of insurance unto the said Jerry Lee Burk; that on the payment of the same, Prudential Insurance Company of America shall be released and discharged from their duties and obligations under said policy of insurance; that the said Jerry Lee Burk be authorized and directed to accept said proceeds of insurance; and finally, that the Court enter such further orders as might be right and proper in the premises.

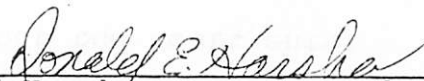

Donald Harsha, Executor of the
Estate of Lyle J. Harsha, Deceased

STATE OF INDIANA

SS:

COUNTY OF ADAMS

I, Donald Harsha, affirm under the pains and penalties for perjury that the foregoing representations are true.

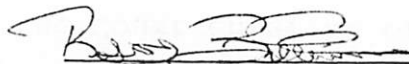


Donald Harsha, Executor of the
Estate of Lyle J. Harsha, Deceased

Subscribed and sworn to before me, this 14th day of June,
1982.

My Commission Expires:

January 14, 1984



Robert L. Biberstein, Notary Public
residing in Adams County, Indiana.

said petition for authority to compromise claim of contingent beneficiary on life insurance policy is now submitted, examined and approved, which order granting authority to compromise claim of contingent beneficiary on life insurance policy is in the following words and figures, to wit;

STATE OF INDIANA

SS: 82 JUN 15 P 4:10 THE ADAMS CIRCUIT COURT

COUNTY OF ADAMS

ESTATE NO. E-82-34

IN RE: THE SUPERVISED
ESTATE OF LYLE J. HARSHA,
DECEASEDORDER GRANTING AUTHORITY TO
COMPROMISE CLAIM OF CONTINGENT
BENEFICIARY ON LIFE INSURANCE
POLICY

Comes now Robert S. Anderson, Judge of the Adams Circuit Court, and having heard evidence submitted thereon and being fully advised in the premises, does herein submit the following Order of Authority to Compromise Claim of Contingent Beneficiary on Life Insurance Policy as hereinafter set forth.

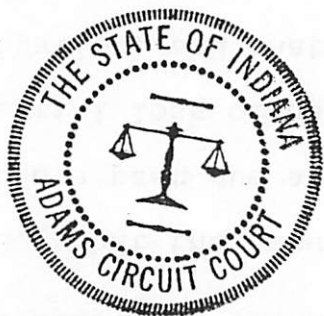
1. That by virtue of the peculiar facts and circumstances of the deaths of Velma M. Harsha and Lyle J. Harsha, a potential question exists as to the time of death of said individuals;
2. That in order to establish whether or not a simultaneous death occurred, potential extensive, time consuming, and expensive litigation may result therein;
3. That the estate of Lyle J. Harsha, currently has obligations that are past due and owing, with interest accruing, that a potential loss of assets may result as a result of a prolonged litigation, and that a prolonged litigation would result in additional legal expense and costs of administration;
4. That in order to conserve and maximize the assets of the estate of Lyle J. Harsha, the Executor of said estate, Donald Harsha, is hereby authorized and empowered to settle and compromise the claim of Jerry Lee Burk for the life insurance benefits under Policy #45227 with Prudential Insurance Company of America;
5. That the said Jerry Lee Burk is hereby authorized to receive as a compromise settlement herein, said life insurance policy in consideration for the forbearance and nonpursuit of any litigation under the Simultaneous Death Act in the State of Indiana;

6. That upon the granting of said order herein, the said estate of Lyle J. Harsha shall have no claim of any kind or character, nor have any interest in and to the aforementioned life insurance policy or the proceeds thereof;

7. That the said Prudential Insurance Company of America is hereby ordered to issue proceeds of said policy unto Jerry Lee Burk and upon the issuance thereof, the said Prudential Insurance Company of America shall be released and discharged from their duties and obligations under said policy of insurance;

8. That the said Jerry Lee Burk is hereby authorized and directed to accept said proceeds of insurance.

JUDGMENT ACCORDINGLY.



[Handwritten Signature]
Robert S. Anderson, Judge
Adams Circuit Court

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

Read and signed.

[Handwritten Signature]
ROBERT S. ANDERSON, JUDGE ADAMS CIRCUIT COURT
