

CCS ENTRY FORM  
IN THE LAKE CIRCUIT COURT - PROBATE COMMISSIONER  
SITTING AT CROWN POINT, INDIANA

File Stamp Here

CAUSE NO.: 45C01-0807-EU-00188

CAPTION: ESTATE OF ROBERT P. BOLIN

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The activity of the Court should be summarized as follows on the Chronological Case Summary (CCS):

David Bolin, by counsel, files: Response in Opposition to Motion to Reconsider July 8, 2010 Order.

Submitting Attorney: LAW OFFICE OF WEISS & SCHMIDGALL, P.C.  
Our File No.: 11009  
Six W. 73rd Avenue  
Merrillville, Indiana 46410  
(219) 736-5297

BY:   
SHAUN T OLSEN

Opposing Party: J. Brian Hittinger, 833 W. Lincoln Hwy., Ste. 410W, Schererville, IN 46375

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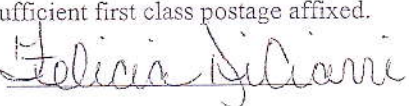
This CCS Entry Form shall be:

- Placed in the Case File
- Discarded after entry on the CCS
- Mailed to all counsel by: \_\_\_\_\_ Counsel \_\_\_\_\_ Clerk \_\_\_\_\_ Court
- There is no attached Order; or
- The attached Order shall be placed in the RJO Yes  No

Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
Magistrate / Judge

CERTIFICATE OF SERVICE

I certify that on August 3, 2010 service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

BY: 

STATE OF INDIANA )  
 )ss: IN THE CIRCUIT COURT OF LAKE COUNTY  
COUNTY OF LAKE ) PROBATE DIVISION  
 ) SITTING AT CROWN POINT, INDIANA

IN THE MATTER OF )  
ROBERT P. BOLIN, ) Cause No.: 45C01-0807-EU-00188  
Deceased. )

RESPONSE IN OPPOSITION TO MOTION TO RECONSIDER JULY 8, 2010 ORDER

DAVID BOLIN, by counsel, respectfully requests that the Court Deny the Personal Representative's Request that this Court Reconsider its prior order compelling the Personal Representative to respond to certain discovery requests, and in support of the same, states as follows:

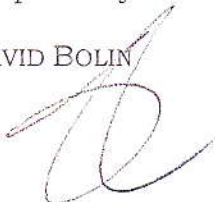
1. In the Personal Representative's Motion, it seeks only to disturb the Court's Order compelling the Personal Representative to answer discover requests propounded on it.
2. The Personal Representative asserts that, essentially, it has fully complied with the requirements of disclosure by and through providing an Amended Final Accounting in this matter and that it has otherwise provided "all required information to the heirs of the Estate..." *Mot. to Reconsider*, ¶ 4.
3. However, as a prelude to the issues expected in this case, David Bolin, by counsel, tendered a preview of the existing issues concerning the Revised Final Accounting, which has not been filed in this case but is attached to the *Motion to Reconsider* as Exhibit B.
4. There is no dispute that the discovery rules apply to this matter - there is a contest or issue involving the administration of the estate and the accounting thereof. As such, the Indiana Rules of Trial Procedure, inclusive of its discovery provisions, apply. Local Probate Rule 19.
5. A simple reading of the proposed objections in Exhibit B clearly demonstrate that the Personal Representative has not provided any such complete set of information in this case as is required as:
  - a. There is a concern over missing accounts that should have been the property of the Estate.
  - b. The Personal Representative has failed to attach relevant contracts, invoices, or billings concerning almost all of the challenged transactions as required by I.C. 29-1-16-4 and Local Rule 15.

- c. The information provided by the Personal Representative gives rise to concerns of waste chargeable to the Personal Representative and the information as to the necessity or need for such potentially wasteful expenditures is in the sole custody and control of the Personal Representative.
6. A plain reading of the Personal Representative's Revised Final Accounting does not resolve or answer - in any way - why the information needed to verify a particular transaction is present or not.
7. Moreover, the Personal Representative and its attorney have continued to decline to explain or provide some support for their respective claims for fees. Without a separate petition, presumably those items would not be awarded. However, in the event they wished to obtain those fees, the discovery requests address those issues as well.
8. The discovery issues is simply designed - and has been used in a multitude of cases - to determine the probate and non-probate assets, obtain the documents necessary to formulate the devisee's own proposed accounting, and compare the two to determine the issues and differences, if any, which also includes appropriate allocation of personal representative fees between the recipients of probate and non-probate assets.
9. Finally, the Personal Representative asserts that this is simply an effort to delay the administration of the estate. Instead, this is an effort to ensure that the accounting is correct and if not the appropriate parties are charged for wasteful expenditures.
10. If anything, that is particularly odd as the last Estate asset to administer was the real estate owned by the Estate - which occurred in November of 2009. Nothing happened until after the undersigned forwarded correspondence attached as Exhibit 1 in March 2010 as to why there was a delay and when it was expected this matter would move forward.
11. Further, there is no reason to order the Personal Representative to complete the requested discovery after the final accounting is approved or not since, at that point, the matter would be resolved. That would effectively eliminate Mr. Bolin's opportunity to investigate and resolve the issues with the Estate.

Wherefore, DAVID BOLIN, by counsel, respectfully request that the Personal Representative's Motion be denied and for any and all other relief that this honorable Court finds just and proper.

Respectfully submitted,

DAVID BOLIN



By: \_\_\_\_\_

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BY: \_\_\_\_\_

