

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
WILLIAMSON COUNTY, ILLINOIS

In the Matter of the Estate of)	
)	
JANET BAIZE,)	Case No. 2017-P-133
)	
Deceased.)	

PETITION TO AUCTION REAL ESTATE

Now comes the Bank of Herrin, Independent Executor of the Estate of Janet Baize, deceased, by its attorneys, Barrett, Twomey, Broom, Hughes & Hoke, LLP, and petitions this Court for an order to auction the decedent's interest in certain real estate, and in support thereof, states as follows:

1. The Petitioner is the Independent Executor of this estate.
2. The heirs/legatees of the decedent are Paul Edward Baize, Robert William Baize, James Eugene Baize, Thomas Ray Baize and Roger Lee Baize. The Will named William Joseph Baize, Rebecca Ellen Butta, Michelle Palmer, Nathan Daniel Baize, Jessica Michelle Andies, Daniel Thomas Baize, Timothy Ryan Baize, Thomas James Baize, John Peter Baize and Sarah Elizabeth Baize as legatees, and all such individuals named solely as legatees have received their bequests.
3. At the time of her death, the decedent owned the surface of the real estate located in Williamson County legally described in Exhibit "A" attached hereto and by reference made a part hereof.
4. There has been no determination or search of title in regard to minerals if any. Said real estate was not specifically bequeathed or directed not to be sold in the decedent's Will.

5. It is necessary to sell decedent's real estate for the proper administration and completion of the Estate and the decedent's Will grants the Executor the power to sell the real estate.

a) The cash and Treasury note balance of the Estate account as of August 23, 2022 was One Hundred Seventy-five Thousand One Hundred Fifty-seven and 21/100ths Dollars (\$175,157.21).

b) Real estate taxes for 2020 payable in 2021 were in the amount of Eleven Thousand Seven Hundred Forty-six and 98/100ths Dollars (\$11,746.98).

c) Advertising and surveying costs are outstanding.

d) Legal fees and the Executor fees are outstanding.

6. The appraised value of the real estate is \$490,000.00.

7. There are no mortgages on the real estate.

8. Based on the information and belief, the Petitioner believes that a third party had an Illinois Environmental Protection Agency ("IEPA") permit for solid waste disposal on a 2-acre portion of the aforementioned real estate and the Affidavit for Certification for Post Closure Care has not been approved by the IEPA. This information will be provided to the auctioneer for dissemination to potential bidders.

9. The Petitioner has reviewed land auction marketing plans and agreements for the auction of the above real estate.

10. Upon entry of the order granting this Petition the Petitioner will enter into an agreement with an auction company and will require the auction take place with a reserve, to ensure that reasonable proceeds are acquired from the auction.

WHEREFORE, the Bank of Herrin prays for an order as follows:

I. That the Bank be authorized to execute a land auction marketing plan or similar agreement and auction the real estate subject to the terms and conditions set forth in the aforesaid marketing plan or agreement and this Petition;

II. That the Bank be authorized and directed to execute an Executor's deed conveying the interest of the estate in and to said real estate upon closing of the auction together with such other documents as may be necessary or desirable to complete the sale; and

III. For such other and further relief as the Court deems necessary and proper.

The Bank of Herrin, Independent Executor of
the Estate of Janet Baize, Deceased

By _____
One of its attorneys

VERIFICATION

Under penalties as provided by law pursuant to §1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Barbara Jacobs, Trust Officer

CERTIFICATE OF SERVICE

The undersigned, being one of the attorneys of record, hereby certifies that on this date, he served a true copy of the attached **Petition to Auction Real Estate** on the following:

Mr. Paul Edward Baize
13137 Bandyville Road
Herrin, IL 62948

Mr. Robert William Baize
P.O. Box 482
Herrin, IL 62948

Mr. James Eugene Baize
528 West Holmes Street
Chester, IL 62233

Mr. Thomas Ray Baize
15215 McKays Lark
San Antonio, TX 78253

Mr. Roger Lee Baize
2109 Cliff Court
Madison, WI 53713

by depositing the same in the U.S. Postal Service Mail Box at Carbondale, Illinois, before 5:30 p.m., enclosed in an envelope plainly addressed to the addresses aforesaid with proper postage fully prepaid.

Dated: _____, 2022.

By: _____
Kenneth R. Hughes

Kenneth R. Hughes
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EXHIBIT "A"

The surface only of part of the Northwest One-fourth (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, described as follows: Beginning 12 $\frac{1}{2}$ rods North of the Southwest corner of said forty acre tract, for a point of beginning, thence run North 25 rods, thence run East 13 rods, thence run South 25 rods, thence run West 13 rods, to the point of beginning, containing two (2) acres, more or less.

The surface only of the Southwest fourth of the Southeast quarter (SE $\frac{1}{4}$) of Section Thirty-two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, excepting right of way of the Missouri Pacific Railroad Company, and except a piece or parcel of land in the Southwest corner of said forty acre tract which lies Southwest of the railroad right of way, and excepting public road right of way along the South side of said forty acre tract.

The surface only of a part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, more particularly described as follows: A tract of land of equal width off and across the south side thereof three hundred thirty-six (336) feet wide, except the railroad right of way of the Missouri Pacific Railroad on the west end thereof, said tract of land being twelve hundred ninety-five (1295) feet East and West by Three Hundred Thirty-six (336) feet North and South.

The surface only of Sixteen and One-half (16 $\frac{1}{2}$) acres of equal width off the West side of the Southeast Fourth of the Northeast Quarter in Section Thirty-two (32) Township Eight (8) South, Range Two (2) East of the Third Principal Meridian; also the Southwest Fourth of the Northeast Quarter of Section Thirty (32) Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, except Four (4) acres in the Southwest corner of said description. Also except a strip off the Northwest corner of said description for right of way for railroad purposes, containing an acre more or less, all of the above descriptions containing fifty-two (52) acres more or less.

The surface only of the Northwest Fourth (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Except the following tract of land described as follows: Beginning at the southwest corner of said forty acre tract for a point of beginning and running thence North thirty-seven and one-half (37 $\frac{1}{2}$) rods, thence East thirteen (13) rods, thence South twenty-five (25) rods, thence East two (2) rods, thence south twelve and one-half (12 $\frac{1}{2}$) rods, thence West fifteen (15) rods to the point of beginning, situated in Section Thirty-two (32), Township Eight (8) South of Range Two (2) east of the Third Principal Meridian, containing 37 acres more or less.

The surface only of the East twenty-three (23) acres of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, Williamson County, Illinois.

The surface only of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-Two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, Williamson County, Illinois.

The surface only of the South Nine (9) acres of the South One-half ($S \frac{1}{2}$) of the Northeast One-fourth ($NE \frac{1}{4}$) of the Northeast Quarter ($NE \frac{1}{4}$) of Section Thirty-two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian; EXCEPT the following described parcels:

EXCEPT, A part of the Northeast Quarter ($NE \frac{1}{4}$) of the Northeast Quarter ($NE \frac{1}{4}$) of Section Thirty-two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, Williamson County, Illinois, more particularly described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section Thirty-two (32); thence N 00 degrees 09'54" W (assumed bearing) along the East line of said Quarter-Quarter, to the point of beginning, a distance of 285.53 feet; thence N 89 degrees 02'31" W, a distance of 331.96 feet; thence S 00 degrees 09'54" E a distance of 100 feet to a point; thence S 89 degrees 02'31" East a distance of 331.96 feet to a point on the East line of said Quarter-Quarter; thence N 00 degrees 09'54" W a distance of 100.00 feet to the point of beginning.

ALSO EXCEPT, A part of the Northeast Quarter of the Northeast Quarter of Section Thirty-two (32), Township Eight (8) South, Range Two (2) East of the Third Principal Meridian, Williamson County, Illinois more particularly described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 32; thence N 00 degrees 09'54" W (Assumed bearing) along the East line of said Quarter-Quarter to the point of beginning, a distance of 285.53 feet; thence N 89 degrees 02'31" W to the West line of said Quarter-Quarter, a distance of 1336.40 feet; thence N 00 degrees 09'49" W along said West line, a distance of 6.52 feet; thence S 89 degrees 06'01" E to the East line of said Quarter-Quarter, a distance of 1336.38 feet; thence S 00 degrees 09'54" E to the point of beginning, a distance of 7.88 feet and containing 0.221 acres, more or less.

Part of the Southwest Quarter of the Northeast Quarter of Section 32, Township 8 South, Range 2 East of the Third Principal Meridian, Williamson County, Illinois: The East half of 4.00 acres in the southwest corner of the Southwest Quarter of the Northeast Quarter of said Section 32, more particularly described as follows: Commencing at the southwest corner of the Southwest Quarter of the Northeast Quarter of said Section 32; thence South 88 degrees 50' 58" East along the South line of the Southwest Quarter of the Northeast Quarter of said Section 32 for a distance of 209.55 feet to the point of beginning; thence South 88 degrees 50' 58" East along the South line of the Southwest Quarter of the Northeast Quarter of said Section 32 for a distance of 209.55 feet; thence North 00 degrees 27' 00" East along a line parallel to the West line of the Southwest Quarter of the Northeast Quarter of said Section 32 for a distance of 415.80 feet; thence North 88 degrees 50' 58" West along a line parallel to the South line of the Southwest Quarter of the Northeast Quarter of said Section 32 for a distance of 209.55 feet; thence South 00 degrees 27' 00" West along a line parallel to the West line of the Southwest Quarter of the Northeast Quarter of said Section 32 for a distance of 415.80 feet to the point of beginning; containing 2.00 acres, more or less.