STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

IN THE ELKHART CIRCUIT/~~SUPERIOR~~ COURT

CAUSE NO. 20C01 1 5 1 2 CC 1 3 6

FIRST FEDERAL SAVINGS BANK)
)
Plaintiff,)
)
vs.)
)
RICHARD L. SWIFT, CLARICE K.)
SWIFT and MICHIANA RECYCLERS, INC.)
)
Defendant.)

FILED
DEC 1 8 2015
CLERK ELKHART
CIRCUIT COURT

COMPLAINT FOR BREACH OF PROMISSORY NOTE, REPLEVIN OF PROPERTY, AND FOR SALE OF PROPERTY

Plaintiff, First Federal Savings Bank ("FFSB"), by counsel, for its Complaint against Defendants Richard L. Swift ("Richard"), Clarice K. Swift ("Clarice") and Michiana Recyclers, Inc. ("MRI", and together with Richard and Clarice, "Borrowers"), as follows:

1. FFSB is a state chartered bank organized under the laws of the State of Indiana, with its principal office located in Huntington County, Indiana.

2. Richard is an individual and a resident of Elkhart County in the state of Indiana.

3. Clarice is an individual and a resident of Elkhart County in the state of Indiana.

4. MRI is an Indiana corporation with its principal place of business at 501 South Main Street, Apartment C, Middlebury, Indiana 46540.

5. On December 19, 2014, Borrowers executed and delivered to FFSB a promissory note (the "Note") in the original principal amount of $105,153.38. A true and accurate copy of the Note is attached as Exhibit A.

6. The Note matured on June 15, 2015.

7. As of December 15, 2015 there is currently due and owing on the Note the sum of $120,773.26 (the "Current Balance"), comprised of principal in the amount of $105,133.88, interest in the amount of $6,020.76, late charges of $5,247.33, fax charges of $15.00 and other charges in the amount of $4,356.29, with interest continuing to accrue at the rate of $17.52 per diem.

8. Despite demand, Borrowers have failed and refused to pay the Current Balance.

9. To secure repayment of the Note, Borrowers executed a number of security agreements (the "Security Agreements"). True and accurate copies of the Security Agreements are attached as Exhibits B, C, D, E, F, & G respectively.

10. The Security Agreements granted to FFSB security interests in certain property including but not limited to:

a. ALL ACCOUNTS, INVENTORY AND EQUIPMENT INCLUDING BUT NOT LIMITED TO:

i. 1993 GMC [redacted]
ii. 1985 INTERNATIONAL HD [redacted]
iii. 1985 INTERNATIONAL [redacted]
iv. 1989 GMC [redacted]
v. 2011 JOHN DEERE EXCAVATOR 200D SERIAL [redacted]
vi. NEW HOLLAND SKID LOADER MODEL L170 SERIAL [redacted]
vii. CAT FORK LIFT MODEL T50C SERIAL [redacted]

b. ALL INVENTORY, ACCOUNTS, GENERAL INTANGIBLES, CONSUMER GOODS, AND EQUIPMENT INCLUDING BUT NOT LIMITED TO:

i. 1990 KOMATSU CRAWLER MOUNTED HYDRAULIC EXCAVATOR MODEL PC400LC-3 WITH STEEL BELT TRACKS [redacted]
ii. 1986 CATERPILLAR DOZER MODEL D6D WITH STEEL BELT TRACKS [redacted]

11. The Security Agreements were perfected in Indiana by the filing of a UCC financing statement with the Indiana Secretary of State on January 23, 2013, and in Michigan by the filing of a UCC financing statement with the Michigan Secretary of State, Uniform Commercial Code office on January 23, 2013. True and accurate copies of the UCC financing statements are attached as Exhibits H and I respectively.

12. In addition, Borrowers delivered to FFSB the titles to certain vehicles, including but not limited to items i., ii., iii., and iv. listed above in paragraph 10.a. above (the "Vehicles"). A true and accurate copy of the titles are attached as Exhibits J, K, L & M respectively.

13. The Note and the Security Agreements provide that Borrowers shall be responsible for all costs and expenses incurred by FFSB or connected with the enforcement of the Note and Security Agreements.

14. FFSB has incurred attorney's fees and other expenses, and will continue to incur additional attorney's fees and expenses until the Note is paid in full.

COUNT I – BREACH OF PROMISSORY NOTE

15. Paragraphs 1 thru 14 are incorporated herein by reference.

16. FFSB is the holder of the Note and Security Documents (collectively the "Loan Documents") with sole ownership, title and interest in the Loan Documents.

17. FFSB is entitled to judgment against Borrowers jointly and severally, in the amount of $120,773.26 as of December 15, 2015, plus continuing interest at the rate of $17.52 per diem until the date of judgment, and with interest continuing to accrue at the legal rate thereafter, plus attorney's fees and other expenses of collection.

COUNT II – REPLEVIN OF COLLATERAL

18. Paragraphs 1 thru 17 are incorporated herein by reference.

19. Borrowers default under the Loan Documents entitles FFSB to foreclose its liens on the collateral itemized in paragraphs 10 and 12 above (the "Collateral"), and to take possession of the Collateral.

20. FFSB is further entitled to an order authorizing a commercially reasonable sale or sales of the Collateral with the proceeds applied first to FFSB's costs of repossession and sale, and then toward the indebtedness owing to it under the Note, with any excess deposited with the Court.

WHEREFORE, FFSB, by counsel, respectfully requests that the court grant the following relief:

a. A judgment against Richard L. Swift, Clarice K. Swift and Michiana Recyclers, Inc. jointly and severally, in the amount of $120,773.26 as of December 15, 2015, together with interest at the rate of $17.52 *per diem* from and after December 15, 2015, until the date of judgment, and post judgment interest at the statutory rate of 8% from the date of judgment until paid in full;

b. That FFSB's liens on the Collateral is foreclosed;

c. That FFSB is authorized to take possession of the Collateral;

d. That FFSB be authorized conduct a commercially reasonable sale or sales of the Collateral with the proceeds applied first to FFSB's costs of repossession and sale, and then toward the indebtedness owing to it under the Note with any excess deposited with the Court;

e. That Defendants be ordered to pay to FFSB all fees and expenses incurred in connection with enforcing the Note and Security Agreements; and

g. That the Court grant FFSB all such other and further relief to which it may be entitled.

Respectfully submitted,

CARSON BOXBERGER LLP

Robert L. Nicholson, #16153-02
301 W. Jefferson Blvd., Suite 200
Fort Wayne, IN 46802
(260) 423-9411 phone
(260) 423-4329 facsimile
ATTORNEYS FOR PLAINTIFF

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

IN THE ELKHART CIRCUIT COURT

CASE NO. 20C01-1512-CC-001361

FIRST FEDERAL SAVINGS BANK)
Plaintiff,)
vs.)
)
RICHARD L. SWIFT, CLARICE K. SWIFT)
and MICHIANA RECYCLERS, INC.)
Defendants.)

FILED
FEB 12 2016
CLERK ELKHART
CIRCUIT COURT

PROOF OF SERVICE

The undersigned, being duly admitted to practice law in the State of Indiana and before this Court, hereby certifies that Service by Private Process of the Complaint, Alias Summons and Motion for Pre-Judgment Possession was executed with respect to Defendants Richard L. Swift, Clarice K. Swift, and Michiana Recyclers, Inc. as follows:

- Admission of Service signed by Richard L. Swift for Defendant Richard L. Swift individually at [redacted] on February 9, 2016 @ 8:45 p.m. Affidavit reflecting Return of Service for this Defendant is attached as Exhibit "A".
- Admission of Service signed by Clarice K. Swift for Defendant Clarice K. Swift, individually at [redacted] on February 9, 2016 @ 8:45 p.m. Affidavit reflecting Return of Service for this Defendant is attached as Exhibit "B".
- Admission of Service signed by Richard L. Swift, as Registered Agent for Defendant Michiana Recyclers, Inc. at [redacted] on February 9, 2016 @ 8:45 p.m. Affidavit reflecting Return of Service for this Defendant is attached as Exhibit "C".

Respectfully submitted,

CARSON BOXBERGER, LLP

Robert L. Nicholson, #16153.02
301 W. Jefferson Blvd., Suite 200
Fort Wayne, IN 46802
(260) 423-9411
(260) 423-4329 facsimile
ATTORNEY FOR PLAINTIFF

I hereby certify, as indicated in the date issued field, that a copy of this Summons and the claim were sent to the named person(s) at the address(es) furnished, by registered/certified mail at Fort Wayne, Indiana, return receipt requested.

Date Issued:_____

_____
Clerk of Circuit and Superior Courts

I hereby certify that service by registered/certified mail at Fort Wayne, Indiana was attempted as required by law to the person and address stated on the **return receipt attached**; and that service was/was not made, according to the information contained therein.

Date Returned:_____

_____
Clerk of Circuit and Superior Courts

ADMISSION OF SERVICE

I received a copy of this Summons and the claim on this date 9 Feb 16 and at this location [redacted]

[redacted]

Signature of Party & Relationship (if not the within named person)

RETURN OF SERVICE BY SHERIFF OR OTHER OFFICER. Place the letter in the space (_____) to indicate the type of service.

I served a copy of this Summons and the claim as specified below: (A)

READING/delivering a copy (A) to the within named party;

LEAVING A COPY for the within named party

(B) with the SPOUSE, named:
(C) with a RELATIVE, named:
(D) at the RESIDENCE, located at:
(E) with the EMPLOYER*, named:
(F) with a SECRETARY, named:
(G) with the ATTORNEY, named:
(H) with this person* (OTHER - specify):

_____

*** Specify name of person, work supervisor, place of business, or location where copy was left. ***

and (if applicable) by sending a copy of this Summons by first-class mail to the last known address of the within named person as indicated below:

_____
Last Known Address of Person Named in the Summons (or Change of Address)

I did not serve the within Summons and claim because: (_____)

(I) the party was NOT FOUND/NO SUCH ADDRESS.
(J) the document EXPIRED.
(K) the party AVOIDED service.
(L) the party REFUSED service.
(M) the party was NO LONGER EMPLOYED at that address.
(N) the document was RETURNED BY THE AUTHORITY OF THE PLAINTIFF
(O) the party is DECEASED.
(P) the party was UNKNOWN AT THAT ADDRESS.
(Q) the party was on SICK LEAVE/LAY OFF.
(R) the party was on VACATION.
(S) the party was NOT FOUND/VACANT.
(T) the party was NOT FOUND/MOVED.
(U) the party was NOT FOUND IN THIS BAILIWICK.
(V) INSUFFICIENT ADDRESS OR INFORMATION WAS GIVEN.
(W) they are NO LONGER IN BUSINESS.
(X) several attempts were made/UNABLE TO SERVE.
(Y) of the following reason (OTHER – specify):

_____

I affirm, under the penalty of perjury, that the foregoing representations are true.

9 Feb 16 — Date Served/Attempted
8:45 PM — Time Served/Attempted

_____
Signature of Sheriff
(or other authorized Officer)

John D. Dube, Confidential Investigations
(Printed Name of Server)

By:_____
(Signature of Server)

IN LIC [redacted]

ALL-STATE LEGAL®
EXHIBIT
A

ELKHART COUNTY CIRCUIT/SUPERIOR COURT
GOSHEN, INDIANA

CAUSE NO. 20C01-1512-CC-001361

PLAINTIFF(S)		DEFENDANT(S)
FIRST FEDERAL SAVINGS BANK	vs.	RICHARD L. SWIFT, CLARICE K. SWIFT And MICHIANA RECYCLERS, INC.

ALIAS SUMMONS

To Defendant:

You have been sued by the person named plaintiff in the above-entitled Court in Elkhart County, Indiana. The claim made against you is attached with this summons.

The manner of delivering notice and the time within which to answer this claim are designated by an "X" below:

_____Registered or certified mail: you or your attorney must file a written answer to the claim within twenty-three (23) days, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

___X___ Personal Service: you or your attorney must file a written answer to the claim within twenty (20) days, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

_____ Other service. (Specify)_____

An answer is considered filed when it is received in the Office of the Clerk of the Elkhart Circuit and Superior Courts. The method you choose to deliver the answer to the Clerk is up to you; however, you should be able to prove that you filed your answer. If you have a claim against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The date and time of any hearing requiring your attendance is shown on a Notice of Hearing attached as a separate document. Examine all pages carefully. Failure to appear may result in judgment against you as claimed. Unless documents indicate otherwise all hearings will be held in the designated court at the Elkhart County Courthouse, 101 North Main Street #204, Goshen, Indiana 46526, Phone: (574) 535-6430.

Dated 2-1-16

Clerk, Elkhart Circuit/Superior Court

Attorney/Party preparing summons:
Robert L. Nicholson (#16153-02), Attorney for Plaintiff
Carson Boxberger LLP
301 W. Jefferson Blvd., #200
Fort Wayne, IN 46802
(260) 423-9411

PRAECIPE DESIGNATING MANNER OF SERVICE

TO THE SHERIFF – this summons shall be served as follows:
____ Personal Service
____ Leaving a copy at dwelling or place of employment
____ Agent, _____
____ Other (describe in particular)

TO THE CLERK – This summons shall be served as follows:
____ Certified Mail
____ Registered Mail
____ Publication
__X__ Attorney to serve and provide proof

NOTICE: CARSON BOXBERGER LLP IS A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

I hereby certify, as indicated in the date issued field, that a copy of this Summons and the claim were sent to the named person(s) at the address(es) furnished, by registered/certified mail at Fort Wayne, Indiana, return receipt requested.

Date Issued:_____

_____
Clerk of Circuit and Superior Courts

I hereby certify that service by registered/certified mail at Fort Wayne, Indiana was attempted as required by law to the person and address stated on the **return receipt attached**; and that service was/was not made, according to the information contained therein.

Date Returned:_____

_____
Clerk of Circuit and Superior Courts

ADMISSION OF SERVICE

I received a copy of this Summons and the claim on this date 9 Feb 2016 and at this location: [redacted]

[redacted]

Signature of Party & Relationship (if not the within named person)

RETURN OF SERVICE BY SHERIFF OR OTHER OFFICER. Place the letter in the space (_____) to indicate the type of service.

I served a copy of this Summons and the claim as specified below: (A)

READING/delivering a copy (A) to the within named party;

LEAVING A COPY for the within named party

(B) with the SPOUSE, named:
(C) with a RELATIVE, named:
(D) at the RESIDENCE, located at:
(E) with the EMPLOYER*, named:
(F) with a SECRETARY, named:
(G) with the ATTORNEY, named:
(H) with this person* (OTHER - specify):

_____

*** Specify name of person, work supervisor, place of business, or location where copy was left. ***

and (if applicable) by sending a copy of this Summons by first-class mail to the last known address of the within named person as indicated below:

_____
Last Known Address of Person Named in the Summons (or Change of Address)

I did not serve the within Summons and claim because: (_____)

(I) the party was NOT FOUND/NO SUCH ADDRESS.
(J) the document EXPIRED.
(K) the party AVOIDED service.
(L) the party REFUSED service.
(M) the party was NO LONGER EMPLOYED at that address.
(N) the document was RETURNED BY THE AUTHORITY OF THE PLAINTIFF
(O) the party is DECEASED.
(P) the party was UNKNOWN AT THAT ADDRESS.
(Q) the party was on SICK LEAVE/LAY OFF.
(R) the party was on VACATION.
(S) the party was NOT FOUND/VACANT.
(T) the party was NOT FOUND/MOVED.
(U) the party was NOT FOUND IN THIS BAILIWICK.
(V) INSUFFICIENT ADDRESS OR INFORMATION WAS GIVEN.
(W) they are NO LONGER IN BUSINESS.
(X) several attempts were made/UNABLE TO SERVE.
(Y) of the following reason (OTHER – specify):

_____

I affirm, under the penalty of perjury, that the foregoing representations are true.

9 Feb 16 8:45PM

Date Served/Attempted Time Served/Attempted

_____
Signature of Sheriff
(or other authorized Officer)

John D. Dube, Confidential Investigations

(Printed Name of Server)

By:_____
(Signature of Server)

IN Lic [redacted]

ALL-STATE LEGAL®

EXHIBIT

B

ELKHART COUNTY CIRCUIT/SUPERIOR COURT
GOSHEN, INDIANA

CAUSE NO. 20C01-1512-CC-001361

PLAINTIFF(S)

FIRST FEDERAL SAVINGS BANK

vs.

DEFENDANT(S)

RICHARD L. SWIFT, CLARICE K. SWIFT
And MICHIANA RECYCLERS, INC.

ALIAS SUMMONS

To Defendant:

Clarice K. Swift
[redacted]

You have been sued by the person named plaintiff in the above-entitled Court in Elkhart County, Indiana. The claim made against you is attached with this summons.

The manner of delivering notice and the time within which to answer this claim are designated by an "X" below:

_____Registered or certified mail: you or your attorney must file a written answer to the claim within twenty-three (23) days, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

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_____ Other service. (Specify)_____

An answer is considered filed when it is received in the Office of the Clerk of the Elkhart Circuit and Superior Courts. The method you choose to deliver the answer to the Clerk is up to you; however, you should be able to prove that you filed your answer. If you have a claim against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The date and time of any hearing requiring your attendance is shown on a Notice of Hearing attached as a separate document. Examine all pages carefully. Failure to appear may result in judgment against you as claimed. Unless documents indicate otherwise all hearings will be held in the designated court at the Elkhart County Courthouse, 101 North Main Street #204, Goshen, Indiana 46526, Phone: (574) 535-6430.

Dated 2-1-16

Clerk, Elkhart Circuit/Superior Court

Attorney/Party preparing summons:
Robert L. Nicholson (#16153-02), Attorney for Plaintiff
Carson Boxberger LLP
301 W. Jefferson Blvd., #200
Fort Wayne, IN 46802
(260) 423-9411

PRAECIPE DESIGNATING MANNER OF SERVICE

TO THE SHERIFF – this summons shall be served as follows:
____ Personal Service
____ Leaving a copy at dwelling or place of employment
____ Agent, _____
____ Other (describe in particular)

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Date Issued:_____

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Clerk of Circuit and Superior Courts

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Date Returned:_____

_____
Clerk of Circuit and Superior Courts

ADMISSION OF SERVICE

I received a copy of this Summons and the claim on this date 9 Feb 16 and at this location: [redacted]

[redacted]

_____
Signature of Party & Relationship (if not the within named person)

RETURN OF SERVICE BY SHERIFF OR OTHER OFFICER. Place the letter in the space (_____) to indicate the type of service.

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LEAVING A COPY for the within named party

(B) with the SPOUSE, named:
(C) with a RELATIVE, named:
(D) at the RESIDENCE, located at:
(E) with the EMPLOYER*, named:
(F) with a SECRETARY, named:
(G) with the ATTORNEY, named:
(H) with this person* (OTHER - specify):

_____

*** Specify name of person, work supervisor, place of business, or location where copy was left. ***

and (if applicable) by sending a copy of this Summons by first-class mail to the last known address of the within named person as indicated below:

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(O) the party is DECEASED.
(P) the party was UNKNOWN AT THAT ADDRESS.
(Q) the party was on SICK LEAVE/LAY OFF.
(R) the party was on VACATION.
(S) the party was NOT FOUND/VACANT.
(T) the party was NOT FOUND/MOVED.
(U) the party was NOT FOUND IN THIS BAILIWICK.
(V) INSUFFICIENT ADDRESS OR INFORMATION WAS GIVEN.
(W) they are NO LONGER IN BUSINESS.
(X) several attempts were made/UNABLE TO SERVE.
(Y) of the following reason (OTHER – specify):

_____

I affirm, under the penalty of perjury, that the foregoing representations are true.

9 Feb 16 — Date Served/Attempted
8:45 PM — Time Served/Attempted
_____ Signature of Sheriff (or other authorized Officer)

John Dube Confidential Investigations — (Printed Name of Server)
By: _____ (Signature of Server)

IN LC# [redacted]

ALL-STATE LEGAL®
EXHIBIT
C

ELKHART COUNTY CIRCUIT/SUPERIOR COURT
GOSHEN, INDIANA

CAUSE NO. 02C01-1512-CC-001361

PLAINTIFF(S)		DEFENDANT(S)
FIRST FEDERAL SAVINGS BANK	vs.	RICHARD L. SWIFT, CLARICE K. SWIFT And MICHIANA RECYCLERS, INC.

ALIAS SUMMONS

To Defendant:

Michiana Recyclers, Inc.
c/o Richard Swift, Registered Agent
[redacted]

You have been sued by the person named plaintiff in the above-entitled Court in Elkhart County, Indiana. The claim made against you is attached with this summons.

The manner of delivering notice and the time within which to answer this claim are designated by an "X" below:

_____Registered or certified mail: you or your attorney must file a written answer to the claim within twenty-three (23) days, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

__X__ Personal Service: you or your attorney must file a written answer to the claim within twenty (20) days, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

_____ Other service. (Specify)_____

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The date and time of any hearing requiring your attendance is shown on a Notice of Hearing attached as a separate document. Examine all pages carefully. Failure to appear may result in judgment against you as claimed. Unless documents indicate otherwise all hearings will be held in the designated court at the Elkhart County Courthouse, 101 North Main Street #204, Goshen, Indiana 46526, Phone: (574) 535-6430.

Dated 2-1-16

hpd
Clerk, Elkhart Circuit/Superior Court

Attorney/Party preparing summons:
Robert L. Nicholson (#16153-02), Attorney for Plaintiff
Carson Boxberger LLP
301 W. Jefferson Blvd., #200
Fort Wayne, IN 46802
(260) 423-9411

PRAECIPE DESIGNATING MANNER OF SERVICE

TO THE SHERIFF – this summons shall be served as follows:
____ Personal Service
____ Leaving a copy at dwelling or place of employment
____ Agent, _____
____ Other (describe in particular)

TO THE CLERK – This summons shall be served as follows:
____ Certified Mail
____ Registered Mail
____ Publication
__X__ Attorney to serve and provide proof

NOTICE: CARSON BOXBERGER LLP IS A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

RICHARD W. ROGERS
ATTORNEY AT LAW
Licensed in Indiana and Illinois

February 15, 2016

Re: FFSB v. Swift et al., 20C01-1512-CC-001361

FILED
MAR 07 2016
CLERK ELKHART
CIRCUIT COURT

Clerk of the Circuit Court
Elkhart County Courthouse
101 North Main Street, # 204
Goshen, IN 46526

Dear Clerk:

Please find enclosed for filing in the above my "appearance" for responding parties, Richard L. Swift, Clarice K. Swift, and Michiana Recyclers, Inc. I have included an additional copy of same and SASE for your use in mailing me back a file-marked copy.

Thank you in advance for your cooperation and assistance.

Sincerely yours,

Richard W. Rogers

RWR/
Encls.
CC: Robert L. Nicholson w/ Encl.
Richard L. Swift w/ Encl.

P.O. Box 1142, Middlebury, Indiana 46540
574-825-9441, 574-825-9549 (fax)
Rrogers104@aol.com

STATE OF INDIANA) IN THE ELKHART CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF ELKHART) CAUSE NO. 20C01-1512-CC-001361

FIRST FEDERAL SAVINGS BANK)
)
Plaintiff,)
)
vs.)
)
RICHARD L. SWIFT, CLARICE K.)
SWIFT and MICHIANA RECYCLERS, INC.)
)
Defendant.)

AGREED JUDGMENT

Now comes Plaintiff, First Federal Savings Bank ("FFSB"), by counsel, and Defendants, Richard L. Swift, Clarice K. Swift and Michiana Recyclers, Inc. (collectively the "Swift Defendants"), by counsel, and file this Agreed Judgment as follows:

1. The Swift Defendants were duly and legally served with Alias Summons, a copy of the Complaint, and a Motion for Pre-Judgment Possession on February 9, 2016, via a private process server.

2. The Swift Defendants further confirm that they are not in the military service and are not under any legal disability.

3. On December 19, 2014, the Swift Defendants executed and delivered to FFSB a promissory note (the "Note") in the original principal amount of $105,153.38.

4. The Note matured on June 15, 2015.

5. As of February 29, 2016 there was due and owing on the Note the sum of $122,773.26 (the "Current Balance"), comprised of principal in the amount of $103,933.88, interest in the amount of $7,347.45, late charges of $5,247.33, attorney's fees in the amount of

$1,151.00 and other charges in the amount of $4,356.29. Interest continues to accrue at the rate of $17.32 per diem.

6. To secure repayment of the Note, the Swift Defendants executed a number of security agreements (the "Security Agreements").

7. The Security Agreements granted to FFSB security interests in certain collateral (the "Collateral") owned by the Debtors including but not limited to:

a. ALL ACCOUNTS, INVENTORY AND EQUIPMENT INCLUDING BUT NOT LIMITED TO:

i. 1993 GMC VIN [redacted]
ii. 1985 INTERNATIONAL HD VIN [redacted]
iii. 1985 INTERNATIONAL VIN [redacted]
iv. 1989 GMC VIN [redacted]
v. 2011 JOHN DEERE EXCAVATOR 200D SERIAL [redacted]
vi. NEW HOLLAND SKID LOADER MODEL L170 SERIAL # [redacted]
vii. CAT FORK LIFT MODEL T50C SERIAL [redacted]

b. ALL INVENTORY, ACCOUNTS, GENERAL INTANGIBLES, CONSUMER GOODS, AND EQUIPMENT INCLUDING BUT NOT LIMITED TO:

i. 1990 KOMATSU CRAWLER MOUNTED HYDRAULIC EXCAVATOR MODEL PC400LC-3 WITH STEEL BELT TRACKS [redacted]
ii. 1986 CATERPILLAR DOZER MODEL D6D WITH STEEL BELT TRACKS [redacted]

8. The Security Agreements were perfected in Indiana by the filing of a UCC financing statement with the Indiana Secretary of State on January 23, 2013, and in Michigan by the filing of a UCC financing statement with the Michigan Secretary of State, Uniform Commercial Code office on January 23, 2013.

9. In addition, Borrowers delivered to FFSB the titles to certain vehicles, including but not limited to items i., ii., iii., and iv. listed above in paragraph 7.a. above (the "Vehicles", collectively the Collateral and the Vehicles are referred to as the "Property").

Based on the foregoing, the parties agree that judgment shall be issued in favor of FFSB and against the Swift Defendants as follows:

A. FFSB is hereby awarded a personal judgment against Richard L. Swift, Clarice K. Swift, and Michiana Recyclers, Inc. an Indiana corporation, jointly and severally, in the amount of $122,035.95 as of February 29, 2016, together with interest at the rate of $17.32 *per diem* from and after February 29, 2016, until the date of judgment, and post judgment interest at the statutory rate of 8% from the date of judgment until the balance of the judgment is satisfied, attorney's fees and all other costs and expenses of any nature incurred by FFSB in connection with this proceeding including repossession costs, the disposition of the property before and after sale, and collection of any deficiency balance due;

B. That FFSB is awarded final possession of the Property, and said right of possession is superior to any and all Defendants;

C. That a commercially reasonable disposition of the Property is approved with the proceeds to be applied first to the costs of repossession and sale, and then toward satisfaction of the indebtedness owed to FFSB under the Judgment;

D. That any sale of the Property is declared to be conducted without relief from valuation and appraisement laws; and

E. That Michiana Recyclers, Inc., Richard L. Swift and Clarice K. Swift, jointly and severally, shall remain liable for any deficiency.

AGREED TO THIS ____ DAY OF MARCH, 2016.

Approved as to Form and Content:

Robert L. Nicholson, Esq.#16153-02
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(260) 423-9411
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Attorney for Defendants

The parties have consented by signature above, and the Court being duly advised, hereby enters judgment accordingly.

SO ORDERED.

Dated: MARCH 8, 2016

Judge, Elkhart Circuit Court

NOTICE IS TO BE GIVEN BY:

_____COURT ___X___CLERK _____PARTY _____OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D):

A copy of this entry was served either by mail to the address of record, deposited in the Court's attorney's distribution box, distributed personally upon the persons and/or filed as listed below:

Robert L. Nicholson, Esq.
Carson Boxberger LLP
301 W. Jefferson Blvd. #200
Fort Wayne, Indiana, 46802

Richard William Rogers, Esq.
P O Box 1142
Middlebury, Indiana 46540-1142

DATE OF NOTICE:_____

INITIALS OF PERSON WHO NOTIFED PARTIES:

_____COURT _____CLERK _____PARTY _____OTHER