

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
PROPOSED ZONING CHANGE APPLICATION**

Jurisdiction: (Check One)

Submitted: Sept 5 2025

☐ Delaware County

Case No.: MPC 16-252

☒ City of Muncie

(1) Applicant: Peter Linwood Brown by Maureen M. Walby, POA

Address: 1217 N Brentwood LN Phone: 7652126274
Muncie, IN 47304

(2) Record of Applicant's Ownership:

A. ☒ By Deed:

Deed Book No. & Page No.: Instrument 2025R10939

Date of Deed: _____

B. ☐ By Recorded Contract:

Misc. Book No. & Page No.: _____

Date of Contract: _____

C. ☐ By Unrecorded Contract:

Date of Contract: _____

Name of Contract Seller: _____

Book No. & Page No. Of Deed in Seller's Name: _____

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).

Lot Six (6) Block Four (4) Except the North One (1) foot and Lot One (1) in Block Three (3) in the A.E. Boyce Addition to the City of Muncie. ALSO: All that part of vacated Hefel Street, adjacent to both said Lot Six (6) in Block Four (4) and said Lot One (1) in Block Three (3) in the A. E. Boyce Addition

Parcel No. 18-11-11-462-001.000-003; 18-11-11-460-007.000-003

(4) Common Address of Property Involved:
100 N. Hodson Avenue, Muncie, IN 47303

(5) Proposed zoning change: (Give exact zone classification.)

From the split zone R-3 Residence Zone and R-4 Residence Zone Zone

To the R-3 Residence Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
The house is located in the center of the two parcels. One is zoned R-3 and the other is zoned R-4. I am requesting that both parcels be zoned R-3 so they can be combined into a single property with one tax liability.
- (7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.
The property will not be otherwise developed. Change is to correct two different zoning designations.
- (8) State how the proposed change will not adversely affect the surrounding area.
This is a family dwelling with half of the house sitting on one parcel, the other half of the house is on the second parcel which is a different zone designation.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
No
- (10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? yes
Has the applicant discussed this rezoning with those owners personally? no
(If answer is yes, give their attitudes toward the rezoning.)
- (11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application?
(If answer is yes, attach copy of it and/or explain.)
No

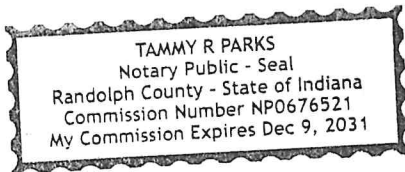
AFFIDAVIT

(I or We) PETER LINWOOD BROWN By MAUREEN M. WALBY, POA
TYPE NAME(S) OF SIGNATORIES

being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[s]) of
property involved in this application and that the foregoing signatures, statements and answers
herein contained and the information herewith submitted are in all respects true and correct to the
best of (my or our) knowledge and belief.

SIGNATURES: Peter Linwood Brown By Maureen M. Walby, POA

Subscribed and sworn to before me this 2nd day of September, 2025.



Tammy R Parks
Notary Public
Dec 9, 2031
Commission Expires
Resident of Randolph County
State of Indiana

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was filed with the office of
the Delaware-Muncie Metropolitan ~~Board of Zoning Appeals~~ Plan Commission in accordance with all
the formal requirements and procedures.

If properly advertised by the applicant, the application will be heard in public
hearing on the 2nd day of October, 2025.

Signed: Denell Munell
Date: 9/15/2025

Maureen Walby
3P

COPY

DURABLE POWER OF ATTORNEY

2025R09567
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
07/21/2025 01:47 PM
REC FEE 25.00
PAGES: 3
RECORDED AS PRESENTED

I, PETER L. BROWN, being at least eighteen years old and mentally capable, appoint MAUREEN M. WALBY, who currently resides at 1217 NORTH BRENTWOOD LANE, MUNCIE, INDIANA 47304, and whose telephone number is (765) 212-6274, as my attorney-in-fact to have the power listed in this document.

I. POWERS

MAUREEN M. WALBY shall have the following powers which are described in more detail in Indiana Code 30-5-5 and are incorporated by reference in this document.

1. General authority with respect to real property transactions;
2. General authority with respect to tangible personal property transactions
3. General authority with respect to bond, share, and commodity transactions;
4. General authority with respect to retirement plans;
5. General authority with respect to banking transactions;
6. General authority with respect to business operation transactions;
7. General authority with respect to insurance transactions;
8. General authority with respect to transfer in death or payable on death transfers;
9. General authority with respect to beneficiary transactions;
10. General authority with respect to gift transactions, except that if I reside in a nursing facility or other long term care institution and my personal physician, or another physician who has personally examined me, and states that:
 - (1) I cannot reasonably be expected to be discharged within six months after admission; or
 - (2) I have an incurable injury, disease, or illness and my death will likely occur before I can reasonably be expected to be discharged.

Then my attorney-in-fact shall have the authority to transfer any of my interest in any property to my spouse, my children, or my attorney-in-fact, without regard to any limitations on the amount transferred contained in I.C.30-5-5-9;

11. General authority with respect to fiduciary transactions;
12. General authority with respect to claims and litigation:



13. General authority with respect to family maintenance;
14. General authority with respect to benefits from military service;
15. General authority with respect to records, reports, and statements;
16. General authority with respect to electronic records, reports, and statements:
(includes access to equipment, user accounts, and the authority to access and
act
concerning digital assets in the same manner as written records).
17. General authority with respect to estate transactions;
18. General authority with respect to delegating authority;
19. General authority with respect to all other matters;

I ratify and confirm that all my attorney-in-fact shall do by virtue of this Power of Attorney. This Power of Attorney in no way limits or restricts my own authority and decision-making capabilities concerning any of the powers listed.

II. EFFECTIVE DATE

This Power of Attorney is effective immediately and will continue in effect even if I subsequently become incapacitated.

III. TERMINATION

I reserve the right to revoke this Power of Attorney. However, this Power of Attorney shall continue in full force and effect until I notify my attorney-in-fact in a written instrument signed by me of my revocation of this Power.

Further, I agree to indemnify and hold harmless any person who, in good faith, acts under the Power of Attorney or transacts business with my attorney in fact in reliance upon this Power, without actual knowledge of its revocation.

IV. REIMBURSEMENT OF EXPENSES AND FEES FOR SERVICE

My attorney-in-fact is entitled to reimbursement of all reasonable expenses advanced on my behalf, and is entitled to a fee for services rendered.

V. ACCOUNTING

My attorney-in-fact shall keep a record of all transactions made on my behalf under this Power of Attorney. The accounting shall be made available to the Executor(trix) of my estate at the time of my death. No other accounting unless requested by me or ordered by a court, is required.

VI. GUARDIANSHIP

In the event a judicial proceeding is brought to establish a guardianship over me, and it is determined that a guardian is needed, I nominate MAUREEN M. WALBY to serve as guardian.



DATED: 5-21-24

Peter L. Brown
100 N. Hodson
Muncie, IN 47303

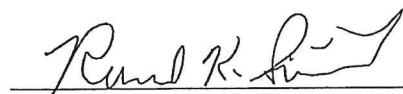
STATE OF INDIANA)
)
COUNTY OF DELAWARE)

Before me appeared the undersigned, a Notary Public in and for the said County, State of Indiana, personally appeared, PETER L. BROWN, and signed this Power of Attorney in my presence:

Witness my hand and official seal on May 21, 2024.

My Commission expires: 7/5/31.

My County of Residence:
DELAWARE


Notary Public
RONALD R. SMITH
NPO 749957

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.

Name Maureen M. Walby POA
for Peter Linwood Brown

Duly Entered for Taxation
Transfer Fees \$ 20

AUG 15 2025

DELAWARE CO. AUDITOR

COPY

2025R10939
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
08/15/2025 11:22 AM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

Affidavit to Correct Records

Comes now Peter Linwood Brown, by his attorney in fact Maureen M. Walby, and after being duly sworn, deposes and says as follows:

1. That Peter Linwood Brown is over 18 years of age.
2. That Peter Linwood Brown is the owner of the following described real estate:

Lot Six (6) Block Four (4) Except the North One (1) foot and Lot One (1) in Block Three (3) in the A.E. Boyce Addition to the City of Muncie. ALSO: All that part of vacated Hefel Street, adjacent to both said Lot Six (6) in Block Four (4) and said Lot One (1) in Block Three (3) in the A.E. Boyce Addition.

Parcel No. 18-11-11-462-001.000-003; 18-11-11-460-007.000-003

3. That Swartz & Brough, Inc. had acquired this real estate at Instrument Number 2007R24997 and that deed referenced both of the above tax parcels. ✓
4. That deeds at Instruments Numbered 2008R00325, 2011R01290, 2011R05342, 2011R11631, 2011R12694, 2012R15417, 2024R16792, 2025R09156 and 2025R09566 comprise the subsequent chain of title for the above real estate, however, each of those deeds only referenced tax parcel number 18-11-11-460-007.000-003 and did not reference tax parcel number 18-11-11-462-001.000-003 even though the legal description clearly included both tax parcels. ✓✓✓✓✓
5. That the legal description controls even if the tax parcel number was inadvertently left off the above deeds.
6. That the purpose of this affidavit is to correct and supplement the records of the Delaware County Auditor and Recorder by showing both parcels in the name of Peter Linwood Brown.

Peter Linwood Brown
Peter Linwood Brown

By: Maureen M. Walby ATTORNEY IN FACT
Maureen M. Walby, his attorney-in-fact

TX:4242756

DocId:8418641



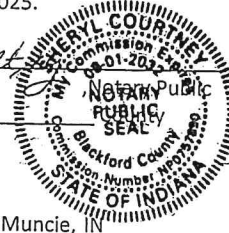
STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Peter Linwood Brown, by Maureen M. Walby, his attorney-in-fact who acknowledged the execution of the foregoing Affidavit to Correct Records and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 15 day of August, 2025.

My Commission Expires:

Residing in _____

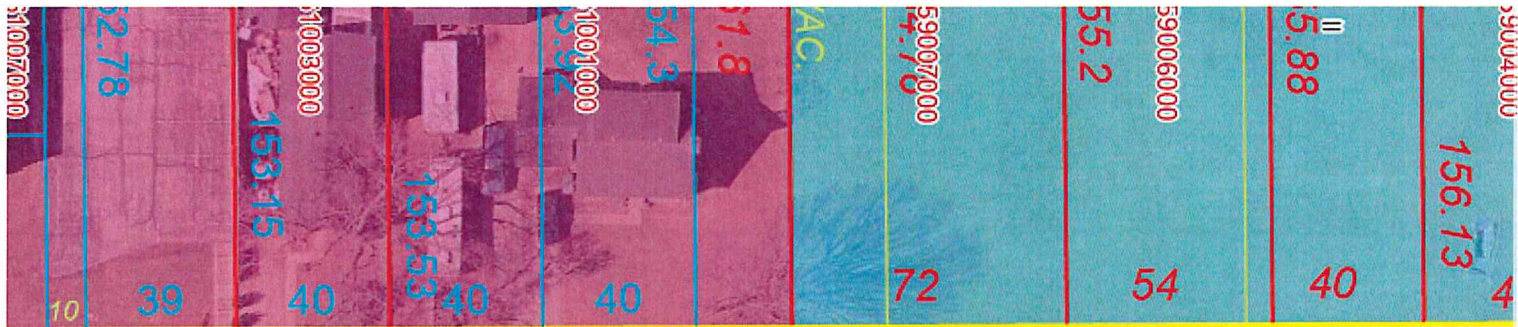


Power of Attorney recorded at Instrument Number 2025R09567.

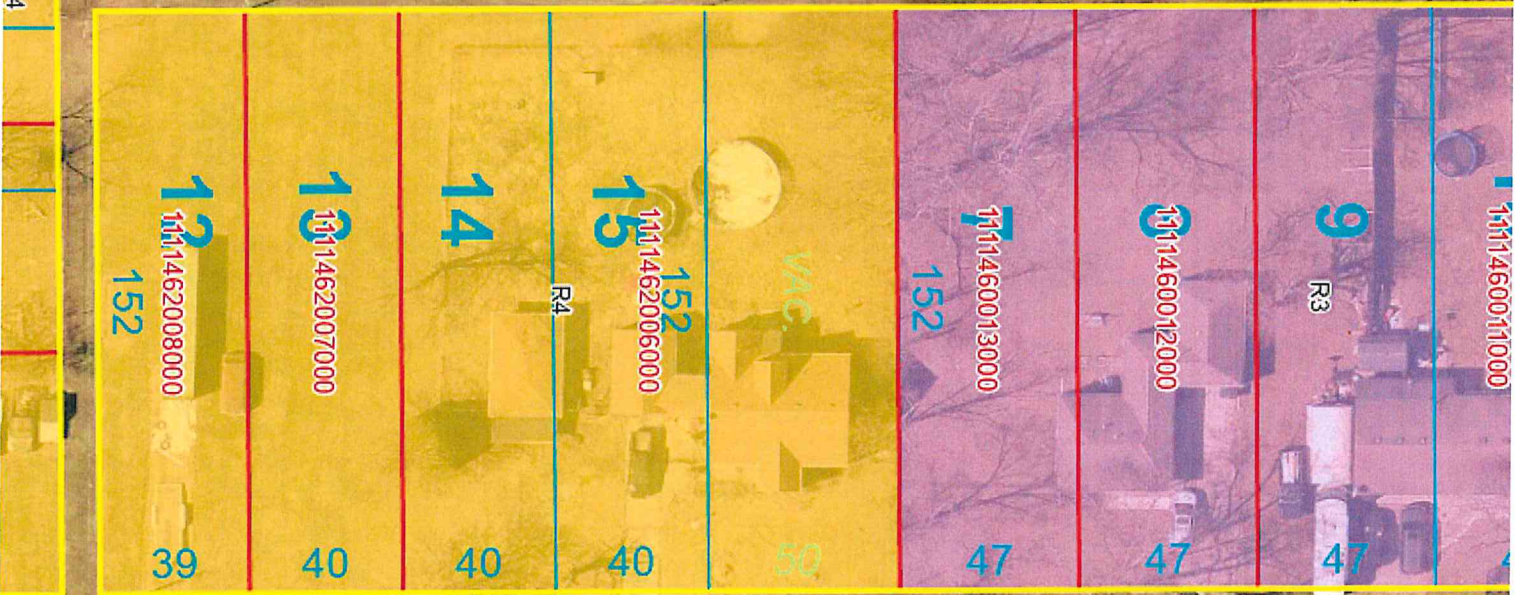
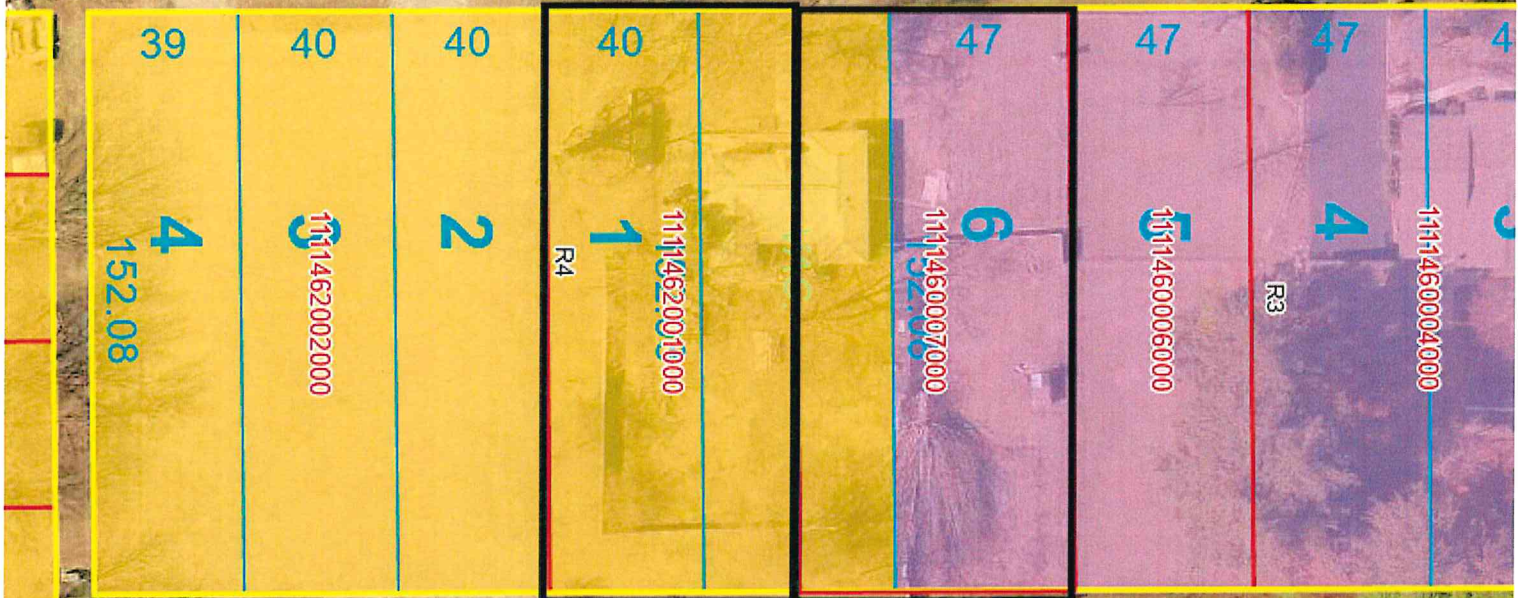
Peter Linwood Brown's address is and send tax statements to: 100 N Hodson Ave; Muncie, IN 47303

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. James W. Smith, Attorney-at-Law

This instrument prepared by: James W. Smith, Attorney-at-Law



HODSON AVE



GRAFTON AVE