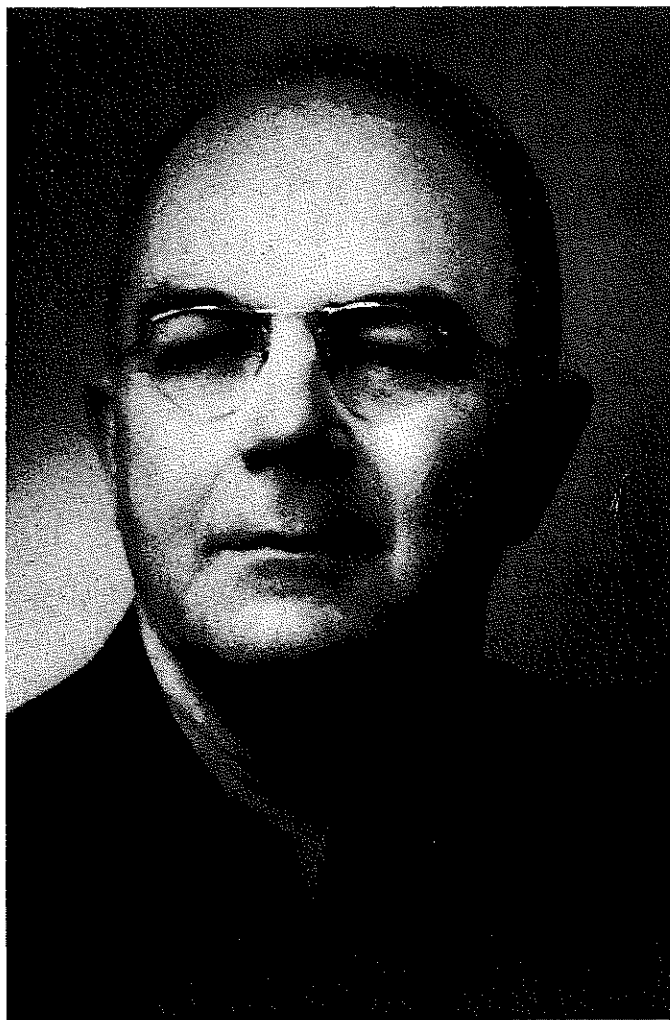


KANSAS JUDICIAL COUNCIL BULLETIN

APRIL, 1946

PART I.—TWENTIETH ANNUAL REPORT



WILLIAM A. SMITH
Justice, Supreme Court of Kansas

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FOREWORD

We are glad to publish in this issue an article entitled "Joint and Mutual Wills," by Justice William A. Smith, who is well known to most of the readers of this bulletin. Justice Smith became a member of the supreme court in 1930.

The communication received from the American Bar Association, printed herein under the heading "Lawyers Wanted for Service in Germany," offers an opportunity to lawyers who would like to participate in military government in a civilian capacity, at an attractive salary.

Under the title "In re: John Doe and Richard Roe, deceased," there is printed a complete copy of probate papers in a simple intestate estate and proceeding to determine descent, with index and check sheets, compiled by Randal C. Harvey.

MARY VERLE ROSEWORN

We regret to announce the death, on March 1, 1946, of Mary Verle Roseworn, who had served since 1936 as chief clerk of the Judicial Council, during more than half its existence. Her work was faithful and conscientious and has been appreciated not only by members of the council, but by the lawyers, judges and clerks of the courts.

JOINT AND MUTUAL WILLS

WILLIAM A. SMITH, Justice of the Supreme Court

This paper has to do with a difficult problem involved in passing on joint, simultaneous and mutual wills. Is the mere execution of a joint and mutual will by two testators in and of itself sufficient proof that it was made as the result of a contract between the testators as to warrant enforcing it as a contract? I shall confine myself in a large measure to what has been said by our supreme court on the subject.

This type of will lends itself best to cases where two elderly people are husband and wife and each has substantial property. They do not know which is to be the survivor, but they desire whichever one is the survivor to enjoy the property of both during his or her lifetime and at the death of the survivor that it go either to a beneficiary, both parties in common wish to be the recipient of their bounty, or to parties each desires to benefit.

The question whether in a particular case the survivor might make a different disposition of the property than was made in the joint will has troubled courts from the beginning.

When this type of will first came into use the courts were confronted with the cardinal principle of the law of wills that a will may be changed at any time or revoked at any time before the death of the testator. How then were the terms of a joint, mutual and reciprocal will to be made effective? That is, how were the parties to know that when one testator died the property would finally on the death of the survivor pass as provided in the joint and mutual will? Here equity, by treating the joint will as a contract, made itself felt to prevent an obvious injustice.

The first case dealing with reciprocal and mutual wills in the Kansas reports seems to be *Carle v. Miles*, 89 Kan. 540, 132 Pac. 146. In that case the will attacked was that of a sister. She and her brother had made wills by which each gave all of the property each owned to the other. After the death of the sister one of her heirs at law attacked the will on the ground that mutual or reciprocal wills made in pursuance of a contract wherein each was a consideration for the other were invalid. The argument was based upon the fact that such dispositions of property were irrevocable and that such an instrument could not be recognized as a will because it was against public policy that wills should be irrevocable. The court pointed out that at one time it was held that such wills were unknown to the law. Various authorities were discussed, however. In one of them as early as the year 1851 the supreme court of New York held that because the will happened to be in conformity with some agreement or contained on its face matter of agreement or showed mutuality of testamentary intention between two parties and a compact or intention not to revoke it was none the less a will. See *Day Ex parte*, 1 Bradf. 476. Our supreme court followed that rule and upheld the joint and mutual will. This will was made as a result of a contract. Contract is spoken of throughout the discussion in the court's opinion.

In this type of case the courts are confronted with the troublesome fact that a will is a written instrument. Ordinarily written instruments are interpreted

by construction of the terms contained therein. However, as will presently appear, the question of irrevocability of a joint and mutual will turns upon whether it was made as the result of a contract between the testators—hence in every question of whether a joint and mutual will is revocable we have the will itself and the corollary one of whether it was written as the result of a contract. They are two legal acts.

The contract may be either oral or written. Some confusion has arisen in the reports on account of the loose use of terms. Sometimes the courts have used the term "contractual will." One reading that term might conclude that it meant something in the will itself. As a matter of fact, however, when the cases are examined it appears that the court was speaking of the will and of the contract as two distinct matters.

It would tend to lessen the law business and perhaps save much agony of soul and vexation of spirit if people would always do business by means of writings. It would help greatly also if all joint and mutual wills would have a clause such as was used in the will interpreted in *Sage v. Sage*, 230 Mich. 477, 203 N. W. 90. That will contained the following clause:

"Intending hereby that neither shall have the right to revoke the same without the written consent of the other and our properties are hereby disposed of as follows:"

Some such a clause was also used in the wills interpreted in the following cases: *Warwick v. Zimmerman*, 126 Kan. 619, 270 Pac. 612; *Brown v. Brown*, 101 Kan. 335, 166 Pac. 499, and *Robertson et al*, 94 Miss. 645, 47 So. 675.

Courts were made for the service of the people, however. They assume the burden of passing upon the activities of the people with as little injustice as possible. We must remember that regardless of the wisdom of acting otherwise people trust each other. They act upon the oral promises of each to the other. They change the course of their lives and incur great liability relying upon the spoken word of a trusted associate. Courts must when occasions demand weigh evidence and pass upon a question of whether a certain oral contract alleged to have been made was actually made. In such cases, as has been pointed out many times, the mere number of witnesses is not necessarily the deciding factor. One undenied circumstance may outweigh the testimony of witnesses from the witness stand upon whose veracity there appears to be a shadow. Many apparently unrelated circumstances may sometimes lead to as definite a conclusion as the spoken testimony of witnesses, on the issue of act.

A alleges that ten years before he and B had an oral contract by which each agreed to give the other a life estate in his property and at the death of the survivor the property of both was to go in a certain manner. In support of this obligation a will freely and understandingly executed providing for such disposition is introduced. Viewed realistically there would seem to be little doubt that the instrument was made as the result of a contract between A and B, that the property should finally go in that manner.

Some such idea was undoubtedly in the minds of the court when the case of *Lewis v. Lewis*, 104 Kan. 269, 178 Pac. 421, was decided. In that case a husband and wife made a joint and mutual will whereby they provided that at the death of the one the survivor should have a life estate in the property of both and that at the death of the survivor the property should pass in cer-

tain amounts provided to the children. The wife died and the husband took charge of the property and exercised dominion over it. Sometime after the death of the wife the husband married again. At his death the second wife claimed under the law of descents and distribution as though the joint and mutual will had not been made. The court first decided, following *Carle v. Miles*, supra, that joint and mutual wills were valid. The widow next argued that the will was revoked by the mere act of the second marriage. The court said that marriage itself revoked a will previously made where it could be revoked. Then it said:

"If it cannot be revoked, it must be because the instrument partakes of the nature of both a will and a contract. The defendant says that there was no evidence to show that T. W. Lewis and Betsy A. Lewis ever entered into any contract to make the will, and that there was no finding of the court that such a contract was made. How could such a will be voluntarily executed if there was no agreement or understanding that it would be made? The will itself, its terms, and its execution, are evidence that such a contract was made."

It should be noted for the purpose of this discussion that the court in deciding the above dealt with the matter of proof only. If the reader will keep that fact constantly in his mind some things that are said later will be clearer—just a matter of proof, nothing more. *Lewis v. Lewis*, supra, has been cited innumerable times in textbooks, law journals and opinions as authority for the rule that the mere execution by two testators of a joint and mutual will is sufficient evidence that it was made pursuant to a contract.

Our court cited first in support of this rule *Nelson v. Schoonover*, 89 Kan. 388, 131 Pac. 147. That case did not involve a joint and mutual will. It was simply a case where a wife had agreed with her husband that if he would convey all his property to her she would leave it to him by will. The court found that such a contract was made. The wife made a will in pursuance of this contract which was destroyed. Later she made another in which she left her property to her son by a former marriage. The action was brought by the husband to enforce the oral contract of his wife to leave her property to him. After dealing with the question of whether or not the above was such a contract as was required to be in writing and holding that it was not because the husband had fulfilled his side of the contract, our court said first:

"The will itself has been treated as such a memorandum of agreement as to satisfy the statute."

It should be noted that the court was only dealing with the statute of frauds when it said that. The court then said:

"A will duly executed in pursuance of an agreement based upon a valuable consideration becomes itself in a sense an enforceable contract. The testator cannot, by making a later will, escape the obligation confirmed by the first one."

The court further said:

"These considerations lead to the conclusion that the plaintiff was entitled to relief, but not necessarily to the full extent of that granted by the trial court. There is no suggestion of a purpose to have the first will enforced as such. By making it, Mrs. Nelson confirmed her obligation to make her husband her devisee and legatee, but she did not necessarily incapacitate herself from making a later will which should be valid except so far as it should impinge upon this obligation."

This language is quoted so the reader may see that while *Nelson v. Schoonover* was cited as authority for the statement in *Lewis v. Lewis*, that had to do with proof, *Nelson v. Schoonover* did not deal with proof at all but with the matter of the enforcibility of an oral contract to make a will. The court in *Lewis v. Lewis* further cited *Nelson v. Schoonover*, 89 Kan. 388, 392, 131 Pac. 147; *Baker v. Syfritt*, 147 Iowa 49; *Bower v. Daniel*, 198 Mo. 289, 320; *Frazier v. Patterson*, 243 Ill. 80; *Campbell v. Dunkelberger*, 172 Iowa 385, and *Larrabee v. Porter*, 166 S. W. 395. (Tex. Civ. App. 1914.)

These cases all speak of contract and will as distinct acts. The final conclusion reached was simply that if two persons make their wills by the same instrument it was not possible that such a course could be followed without some previous understanding or agreement between them.

I am now going to ask the reader to consider two cases together, because they deal with the same subject, were written by the same justice and the result of each case was different although the law announced is the same.

They might be used as laboratory exhibits of the two situations with which courts are confronted in cases of this sort. One is *Menke v. Duwe et al.*, 117 Kan. 207, 230 Pac. 1065, and the other is *St. Denis v. Johnson*, 143 Kan. 955, 57 P. 2d 70.

In *Menke v. Duwe et al.*, supra, the action was brought by a widow who had executed what is referred to as a joint and mutual will to secure her rights under the law regardless of the will. This action was brought while one of the testators was still living. The will is a little different in form from most joint and mutual wills. It started out with "We, Gottlieb Menke and Annie Menke," but in the will itself Gottlieb first gave his wife a life estate in all his property; then it provided that after her death should she survive him all of his property should go to certain named persons. It then provided that if his wife did not survive him his property at his death should go to the same persons named. The will stated that the wife consented to the disposition made therein. In the next clause Anna gave Gottlieb a life estate in her property. The next provision was to the effect that after his death should he survive her, her property was to go to certain persons named and provided that Gottlieb consented to the making of that will. To make the case a little more difficult, after Gottlieb's death Anna in probate court consented to take under the will instead of under the law of descents and distribution. The same afternoon of the day she did this, however, she learned that instead of getting her share of her husband's property she was to get only a life estate in it. The lawsuit followed. The trial court made extensive findings as to the circumstances surrounding the making of the joint and mutual will; found she did not fully understand its terms when it was read to her; and that at the time she signed it she did not know it purported to be her own will or that it purported to cover all of her own property. There was an added circumstance that she was hard of hearing and in advanced years and there was a confidential relationship between her and her husband. Justice Rousseau A. Burch, who wrote the opinion, set out many details surrounding execution of the will. The court said:

"There remains the question of whether the will evidences a contract between the parties which precludes Mrs. Menke from revoking it as her will and from electing to take under the law instead of under the instrument as her husband's will."

Justice Burch referred to two cases from the English reports, one under date of 1769 entitled *Dufour v. Pereira*, 1 Dickens 419, which held that the joint and mutual will was irrevocable as a contract and the other under date of 1797 entitled *Lord Walpole v. Lord Orford*, 3 Vesey Jr. 402, where the court did not follow *Dufour v. Pereira*. The court then said:

"Disposition of property by will is a proper subject of contract. If the contract be in substance or effect not to revoke a will, the will as a will is nevertheless revocable, without notice to anybody. It cannot then be probated as the will of the person revoking it and, if the revocation be by means of a second will, the second will is probatable as the will of the testator. The revocation, however, breaches the contract, and the contract is enforceable in equity against the estate of the testator. A single instrument may have a double aspect—a will contractual in character, or a contract testamentary in character. As will it is revocable. As contract it is enforceable, if broken by revocation as will. Unless there be fraud, or a contract broken by revocation, there is nothing which equity may use as a basis of redress for revocation, no matter what the form of the revoked will, whether described as joint, or joint and mutual, or otherwise."

We get into a little trouble when we notice that Justice Burch referred to the double aspect of the instrument. He said:

"As will it is revocable. As contract, it is enforceable, if broken by revocation as will."

It would seem he was regarding the instrument called a will as the sole matter to be considered. The reading of the rest of the opinion disabuses our minds of that thought, however. Indeed, the next paragraph straightens it out for us. There the justice said:

"Notwithstanding Lord Loughborough's explanation of the *Dufour* case, it is now being cited as authority for the proposition that a mutual will jointly signed by a husband and wife, giving to each a life estate with remainder over, is its own convincing proof that it was made in accordance with a contract to dispose of the property in the manner stated in the will."

He referred then to the question of whether or not the will is proof by itself of the contract, a clear statement that the court was thinking of a matter of proof.

Frazier v. Patterson, supra, was next referred to by the court. There the supreme court of Illinois said:

"But where the parties execute their wills by the same instrument, it is not possible that such course could be adopted without some previous understanding or agreement between them."

Justice Burch demolished this pronouncement by a simple statement, as follows:

"This assertion lay beyond the boundary of the court's information. Such a thing is not possible, but occurred in the case now under decision."

If this means anything at all it means that our court was adhering to the rule it had already announced, that is, that the whole matter was one of proof as to whether a so-called joint and mutual will had been made as the result of a contract. The court then proceeds to set out various facts and circumstances that surrounded these two testators when they made their will. Reference was made to the form of the will, that Mrs. Menke could not hear well when the will was read to her, that she did not understand she was executing

a will and that there was a confidential relationship between the husband and wife. The court said in conclusion:

"The result is, the instrument itself, although declared to be 'our last will and testament,' although containing reciprocal testamentary dispositions, and although jointly executed, does not compel the inference that it was contractual in character. Furthermore, if the paragraph referred to had been omitted, and an inference of contract was strongly indicated, existence of a contract pursuant to which the instrument was executed, would nevertheless be a matter of fact, to be established according to the rules stated by Lord Loughborough, and by the New York Court of appeals in *Edson v. Parsons*, 155 N. Y. 555, and *Rastetter v. Hoenninger*, 214 N. Y. 66."

It would seem that this opinion would have put at rest any contention that the mere execution by two testators of a joint and mutual and reciprocal will is evidence by itself that it was made pursuant to a contract. The case should be read, however, in connection with *St. Denis v. Johnson*, supra.

This was another case where one of the testators was still living. The husband and wife had made a joint and mutual will. It devised the property of each to the other. It was made in 1919. In 1930 the wife made a separate will about which the husband did not learn for some two years. She died in 1933. The probate court denied probate of the will in 1930 and admitted the will of 1919. The district court reversed the probate court. Justice Burch set out the circumstances about the age of the two parties; how the first will happened to be made; that the wife later became suspicious of her husband and the making of the second will followed; about how her children by a former marriage interfered with the relationship and various other circumstances. He referred to the fact that the court found there was some evidence introduced that prior to the marriage of the two testators they entered into a contract to make a joint will but that the evidence regarding this contract was not clear and convincing and that the court refused to find there was such a contract. Justice Burch pointed out that the trial court did not find that such a contract was not made. The opinion quoted from *Menke v. Duwe et al.*, supra, and *Lewis v. Lewis*, supra, where the court said:

"The will of 1919 did not just happen to be as it was. It was a duplicate of a will made in 1909, which was lost. The conduct of husband and wife indicates they had a settled purpose that disposition of their property at death should be governed by will of a definite kind; and reassertion of the terms of the earlier will confirmed the evidence afforded by the instrument, that it was the product of contract. The finding of the district court ignored the two joint wills and what they indicated."

Note this statement refers to the conduct of a husband and wife and that it indicates they had a settled purpose as to the disposition of their property. The last sentence of the quotation is:

"The finding of the district court ignored the two joint wills and what they indicated."

If this were all that the opinion contained it might be taken on approval of what was said in *Lewis v. Lewis*, supra. However, it quoted from *Menke v. Duwe et al.*, supra, as well as *Lewis v. Lewis*, supra, and immediately following that statement there is a long detailed discussion of the surrounding facts and circumstances. The court then said:

"This is doubtless the evidence which the district court said was not clear and satisfactory. Why this evidence, considered alone, was not clear and satisfactory is not apparent, and looking at the finding as a whole, the court must have meant this testimony was not sufficiently clear and satisfactory to the court to base a finding of contract on the testimony. Otherwise the declination of the court to find a contract was purely arbitrary."

Following this there was a further detailed statement of facts and circumstances. Finally the court said:

"The attorney who drew the wills of 1909 and 1919 testified Johnson and Mrs. Johnson did not tell him they had entered into a contract for a will of the kind he prepared. Whatever they said or did not say, he prepared wills which the Johnsons executed, and which the evidence as a whole shows were contractual."

The result was that our court in face of a refusal of the trial court so to find held that the joint and mutual will was entered into as a result of a contract.

We have then two leading cases.

In one the court reviewed all the evidence and found that there were facts aliunde the will which clearly indicated that it was not the result of a contract. In the other, the court after considering all the facts and circumstances held the evidence all compelled a finding that the joint and mutual will was executed as a result of a contract. A casual reader might say that these two cases are opposed to each other. Just the opposite is true. They support each other on the question that is the object of this paper.

Later cases dealing with this general question are *Frontier Lodge v. Nelson*, 139 Kan. 75, 30 P. 2d 307. There the conclusion was that the surrounding facts and circumstances did not warrant the finding that joint, mutual and reciprocal wills were made as a result of a contract. In *West v. Sims*, 153 Kan. 248, 109 P. 2d 479, the trial court had concluded as a matter of law that where a husband and wife had made a joint, mutual and reciprocal will while sick in adjoining rooms there was a presumption of some understanding or contract between them. In dealing with that question the court said:

"The action was not to enforce a will but to enforce a contract of which the will was persuasive evidence."

In re Estate of Pennington, 158 Kan. 495, 148 P. 2d 516, was a case where the argument was made that joint and mutual wills of two sisters were contractual. The court disposed of that by pointing out that there was no evidence as to contract.

A careful analysis of the opinions where the supreme court has considered the question seems to establish quite clearly that the very most that can be said for a joint, mutual and reciprocal will in and of itself is that it creates a presumption that it was entered into as a result of a contract which would warrant a finding to that effect, but which should be tested by the presentation of other facts and circumstances when questioned before a tribunal charged with the obligation of making a finding of fact.

LAWYERS WANTED FOR SERVICE IN GERMANY

(A communication from the American Bar Association to Beryl Johnson, Secretary of the Bar Association of the State of Kansas)

MARCH 27, 1946.

DEAR MR. JOHNSON:

The American Bar Association has received a request from the Department of State for assistance in the selection of attorneys to serve as "Military Government Court Officers" in Germany. This letter is addressed to you in compliance with that request and in the belief that you can be of assistance. I suggest that, if you know of any qualified men who might be interested, you acquaint them with the contents of this letter and ask them to communicate with:

Boyd Fisher, Recruitment Officer,
Department of State,
2049 Munitions Building,
Washington 25, D. C.

The general requirements and duties of this assignment and the compensation incident thereto have been outlined to us, as follows:

Acceptance of the assignment will necessitate leaving family and commitments here for a year and serving under Military leadership in circumstances alien to the experience of established men of the bar. The prestige of the United States rules out any candidates without a high-grade legal education, a broad background in or with a good firm, considerable forensic experience, totaling not less than from three to five years, possibly some civic experience, and certainly inherent qualities pointing to the candidate's capacity to uphold the honor and competence of the American Bar in a wholly unusual setting.

The duties of the assignment will include service at various times as judge or prosecutor in military government courts; preparation of opinions and advice to superiors on military government and German and International Law; making recommendations on proposed German legislation, and reviewing cases already heard in military government courts. Knowledge of German would be desired, but is not requisite.

The salary is based on \$6,230 per annum, with 25 percent added for overseas maintenance, totaling around \$7,787. The Army furnishes round-trip transportation and provides meals and lodging at a very low rate (around \$50 per month). Many of the qualified civilian leaders already at work have, obviously, earned more than compensation of this order. The appeal of the assignment, therefore, is likely to be partly in the unusual experience it offers and partly in the opportunity it presents to advance the cause of peace.

It will be greatly appreciated if you will give this matter your prompt and careful attention.

Sincerely yours,
JOSEPH D. STECKER,
Secretary.

IN RE: JOHN DOE AND RICHARD ROE, DECEASED

By RANBAL C. HARVEY

It will soon be seven years since the probate code became effective and the mechanics of probate practice have somewhat crystallized during that period. Most lawyers in active practice have handled a sufficient number of estates since 1939 to have become thoroughly familiar with the statutory procedure in simple estates including the sequence and timing of the various necessary acts, the form and contents of the petitions, notices and orders which are usually required, and the jurisdictional steps which must be taken.

In acquiring a working knowledge of the proceedings required in ordinary estates, the bar has been greatly assisted by the excellent forms printed in Volume 3 of Bartlett's Probate Law and Practice, published in 1939, and the second edition of McCamish Kansas Forms, published in 1941. However, most lawyers have used forms only as a supplement to their own study and understanding of the probate code, as interpreted by the numerous decisions of the supreme court since 1939, and as amended in 1941, 1943 and 1945.

A large percentage of our most active lawyers have been absent in military service during a substantial part of the seven years while probate practice under the 1939 code has been developing, and some of them may feel at a loss in picking up the loose ends of their experience in probate matters. Also, we will now have an ever increasing number of new graduates who have made extensive studies of the statutes and decisions, but have not had the actual experience of administering estates. Many of them find that, in addition to the statutes and form books, it is helpful to examine the files of actual estates which have been administered under the code.

For whatever value it may be, the following is presented as an actual transcript of all of the papers filed in the probate court in the mythical estate of John Doe—headings, verifications, and filing dates included—from the filing of petition for administration to the order of final discharge, with brief references to the statutes and standard form books, and an occasional note of explanation. While the names of persons and geography are all fictitious, the papers are almost all taken from the files in actual estates, and have served their purpose without challenge in the probate court. They are not presented as ideal forms—undoubtedly many of them could be improved—but it is hoped that they include all necessary and jurisdictional details of a simple probate proceeding.

Proceedings for the sale of real estate are included because this is necessary in so many smaller estates which come into the office of the average lawyer, but most of the other offshoots of administration proceedings are omitted, such as discovery, special administration, appeals, and even the use of waivers in lieu of notice. The annexed notes are not claimed to be complete, but only to furnish a quick reference to further study.

There are also included complete proceedings for determination of descent of the real estate of the mythical Richard Roe, whose death presumably occurred at the same time but whose estate did not require full administration.

This is followed by an index and check sheet for a simple intestate estate,

a testate estate, and proceedings for determination of descent, correlated as nearly as possible with the text.

All statutory references are to the current supplement of the General Statutes of Kansas and only the section number is given (59-201, etc.). References to 3 Bartlett refer to the third volume of Kansas Probate Law and Practice by Samuel E. Bartlett. References to McCamish (2) refer to the second edition of Kansas forms by the Honorable William H. McCamish.

Proceedings in the Estate of John Doe, Deceased

(1)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

PETITION FOR APPOINTMENT OF ADMINISTRATOR

The petitioner, Mary Doe, alleges that she is a resident of Apache county, Kansas, and that her correct post office address is Route 1, Hometown, Kansas; that she is an heir of the decedent named herein and as such has an interest in said estate; that the decedent, John Doe, died intestate at Hometown, Kansas, on the 2d day of January, 1945; that at the time of his death he was a resident of Apache county, Kansas, and a citizen of the United States; that the decedent is survived by the following named persons who are all of his heirs:

| <i>Name, Age and Relationship</i> | <i>Address and Residence</i> |
|---------------------------------------|------------------------------------|
| Mary Doe, Adult, Wife..... | Route 1, Hometown, Kan. |
| Theodore R. Doe, Adult, Son..... | 1120 Main street, Metropolis, Kan. |
| Alice Doe Smith, Adult, Daughter..... | Grand Hotel, Lake George, Tex. |

that the general character and probable value of the decedent's estate are:

- A homestead of the value of \$8,000.00;
- Other real estate of the value of \$1,000.00;
- Personal property of the value of \$1,500.00;

that the appointment of an administrator of said estate is necessary for the conservation, collection, and administration of said property according to law; and that Theodore R. Doe, who is a resident of Apache County, Kansas, and whose post office address is 1120 Main street, Metropolis, Kansas, is a proper and suitable person to whom to grant letters of administration, and petitioner waives the right to administer said estate.

WHEREFORE, The petitioner asks that letters of administration be granted to Theodore R. Doe as administrator of said estate.

MARY DOE,
Petitioner.

STATE OF KANSAS, APACHE COUNTY, ss:

Mary Doe, of lawful age, being first duly sworn, upon her oath says that she is the petitioner above named, that she has read the above and foregoing petition for appointment of administrator and is familiar with the contents thereof, and that all of the statements therein made are true.

MARY DOE.

Subscribed and sworn to before me this 10th day of January, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Filed January 10, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2204, 59-2219, 59-2221. 3 Bartlett, 86; McCamish (2) 584.

Time: Any time after death if intestate. By creditor, in time to secure appointment in one year. (59-2239.) Petition to probate will, within one year. (59-617.)

Testate estates: Petition for probate of will should be filed in lieu of petition for administration (59-2220, forms in 3 Bartlett 54, McCamish (2) 585).

A special administrator may be appointed, if necessary, pending appointment of executor or administrator. (59-710, 59-2204.)

(2)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER FIXING TIME AND PLACE AND REQUIRING NOTICE OF HEARING

On this 10th day of January, 1945, it is ordered that the petition filed herein of Mary Doe for appointment of administrator of the Estate of John Doe, deceased, be heard on the 3d day of February, 1945, at ten o'clock, a. m., by this court in the court house at Metropolis in said county and state, and that notice of the time and place of said hearing be given pursuant to section 59-2209, Supplement to General Statutes of Kansas.

A. L. MANN,
Probate Judge.

(SEAL)

Reference: 59-2204, 59-2208, 59-2222. 3 Bartlett, 87, McCamish (2) 587.

Time: At time of filing of petition. (In fixing time for hearing, conform to 59-2209, as follows: Ascertain when first publication can be legally made in newspaper selected; allow for second publication one week thereafter, and third publication second week thereafter, set date for hearing between seven and fourteen days after third publication.)

Testate estates: Same.

Waiver: Notice may be waived (59-2208, 59-2223) by all interested parties, in which case order would be for immediate hearing.

(3)

(First published in Hometown Bugle, January 11, 1945)

STATE OF KANSAS, APACHE COUNTY, SS.

IN THE PROBATE COURT OF SAID COUNTY AND STATE

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

NOTICE OF HEARING

The State of Kansas to all persons concerned:

You are hereby notified that a petition has been filed in said court by Mary Doe, widow and heir at law of John Doe, deceased, praying for the appoint-

ment of an administrator of the estate of John Doe, deceased, and you are hereby required to file your written defenses thereto on or before the 3d day of February, 1945, at 10 o'clock, a. m., of said day, in said court, in the city of Metropolis, in said county and state, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said petition.

MARY DOE,
Petitioner.

W. B. PLEADER,
Attorney for Petitioner.

Reference: 59-2209, 59-2210.

This form is statutory and should be followed. (Statute was slightly amended since publication of form books elsewhere referred to.)

Time: Once a week for three consecutive weeks.

First publication within ten days after order for hearing. (59-2209.)

Testate estates: Use statutory form, but describe petition for probate of will.

(4)

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, APACHE COUNTY, SS.

N. H. Greeley being first duly sworn, says that he is manager of the Home-town Bugle, and that he knows that it is a weekly newspaper which has been continuously and uninterruptedly published in Apache county, for one year prior to the first publication of the attached notice, and which is of general circulation in said county and state; and has been admitted to the mails as second class matter in said county and that the notice, of which the attached is a true copy, was published for 3 insertions in said newspaper, as follows: 1st insertion January 11, 1945; 2d insertion January 18, 1945; 3d insertion January 25, 1945.

N. H. GREELEY.

Subscribed and sworn to before me this 3d day of February, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Approved: A. L. MANN, *Judge* (SEAL).

Filed February 3, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2209, 59-2211, 64-101, 3 Bartlett 89.

Time: File before hearing: (59-2211.)

Testate estates: Same.

(5)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

AFFIDAVIT OF MAILING

STATE OF KANSAS, APACHE COUNTY, SS:

W. B. Pleader, of lawful age, being first duly sworn, on oath says:

That he is attorney for the petitioner herein; that he served notice of hearing of petition for appointment of administrator, copy of which notice is hereto attached, by mailing a true copy of such notice to each heir, devisee, and legatee, other than the petitioner, whose name and address are known to him, by depositing said notices in the United States mail on January 14, 1945, and within seven days after the first publication of said notice, postage prepaid, addressed to the following persons, to-wit:

Theodore R. Doe, 1120 Main street, Metropolis, Kan.

Alice Doe Smith, Grand Hotel, Lake George, Tex.

W. B. PLEADER.

Subscribed and sworn to before me this 3d day of February, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

Filed February 3, 1945. A. L. MANN, *Probate Judge*.*Reference:* 59-2209, 59-2211.*Time:* Mail within seven days after first publication. (59-2209.) File before hearing (59-2211).*Testate estates:* Same.

The words "devisee and legatee" are inappropriate in an intestate estate, and are sometimes omitted, but it is desirable to have the affidavit conform to the statute (59-2209).

(6)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER APPOINTING ADMINISTRATOR

Now on this 3d day of February, 1945, this matter comes on upon the petition of Mary Doe, for the appointment of administrator, said petitioner appearing in person and by W. B. Pleader, her attorney, and Theodore R. Doe appearing in person. The court finds that notice of said hearing has been given by publication and mailing as provided by law and by the order of this

court. Thereupon, evidence is presented on said petition, and the court finds that the said John Doe died intestate on January 2, 1945, being a resident of Apache county, Kansas, at the time of his death, and leaving an estate to be administered herein, and that Theodore R. Doe, a resident of Apache county, Kansas, is a proper person to be appointed administrator of said estate.

IT IS THEREFORE BY THE COURT ORDERED that Theodore R. Doe be and he is appointed administrator of the estate of John Doe, deceased, and that, upon the filing of his oath and bond in the amount of \$2,000.00, letters of administration issue to him.

A. L. MANN,
Probate Judge.

(SEAL)

Reference: 59-2232, 3 Bartlett 93.

Time: On date fixed in order for hearing, or any adjournment therefrom.

Testate estates: Substitute order admitting will to probate, (3 Bartlett 54) also written testimony of subscribing witnesses. (3 Bartlett 61, see also 59-2224.)

(7)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
 John Doe, Deceased.

No. 1001

OATH OF ADMINISTRATOR

STATE OF KANSAS, APACHE COUNTY, SS:

I, Theodore R. Doe, do solemnly swear that I will faithfully and impartially and to the best of my ability discharge all the duties of my trust according to law as administrator of the estate of John Doe, deceased, and that I am acting on my own behalf and not on behalf of any bank or corporation organized or having its principal place of business outside this state. So help me God.

THEODORE R. DOE.

Subscribed and sworn to before me this 3d day of February, 1945.

(SEAL)

A. L. MANN,
Probate Judge.

Filed February 3, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-1702, 3 Bartlett 94, McCamish (2) 592.

Time: Within ten days after appointment. (59-2227.)

Testate estates: Substantially same.

The clause commencing "that I am acting on my own behalf, etc." is required. (59-1702.)

(8)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

BOND OF ADMINISTRATOR

KNOW ALL MEN BY THESE PRESENTS:

That we Theodore R. Doe as principal and N. M. Hanna as surety are held and firmly bound unto the state of Kansas in the sum of two thousand and no/100 dollars (\$2,000.00) to the payment of which, well and truly to be made, we bind ourselves, our executors, and administrators, firmly by these presents.

Dated, signed and sealed by us, this 3d day of February, 1945.

The condition of the above obligation is such that whereas, the above bounden Theodore R. Doe has been duly appointed by the probate court in and for the county of Apache, and state of Kansas, administrator of the estate of John Doe, deceased;

Now if Theodore R. Doe, the said administrator, shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise shall remain in full force and effect.

THEODORE R. DOE, (SEAL)
N. M. HANNA, (SEAL)

VERIFICATION OF SURETY

STATE OF KANSAS, APACHE COUNTY, SS:

N. M. Hanna being duly sworn, says that he is worth, over and above all liabilities and legal exemptions, the sum of \$4,000.00.

N. M. HANNA.

Subscribed and sworn to before me, this 3d day of February, 1945.

(SEAL)

A. L. MANN, *Probate Judge.*

The above bond taken and approved by me, this 3d day of February, 1945.

(SEAL)

A. L. MANN, *Probate Judge.*

Reference: 59-1101. 3 Bartlett 94, McCamish (2) 590.

Time: Within ten days after appointment. (59-2227.)

Testate estates: Substantially same except where bond not required.

* Sometimes a separate order is issued approving bond and directing the issuance of letters. (3 Bartlett 95.)

(9)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

LETTERS OF ADMINISTRATION

KNOW ALL MEN BY THESE PRESENTS:

That Theodore R. Doe, having been appointed and having qualified as administrator of the estate of John Doe, deceased, the said Theodore R. Doe is hereby granted letters of administration of said estate, with full power and authority in the premises, as provided by law.

IN TESTIMONY WHEREOF, I, the undersigned, judge of the probate court in and for Apache county, Kansas, have hereunto subscribed my name and affixed the seal of said court this 3d day of February, 1945.

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2227; 3 Bartlett 95, McCamish (2) 589.

Time: As soon as oath and bond are filed and approved.

Testate estates: Substitute letters testamentary. (3 Bartlett 69; McCamish (2) 590.)

(10)

(First published in Hometown Bugle, February 8, 1945)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

NOTICE OF APPOINTMENT OF ADMINISTRATOR

Notice is hereby given to the creditors, heirs, devisees, legatees, and all others concerned, that on the 3d day of February, 1945, the undersigned was by the probate court of Apache county, Kansas, duly appointed and qualified as administrator of the estate of John Doe, deceased, late of Apache county, Kansas.

All parties interested in said estate will take notice and govern themselves accordingly. All demands not exhibited within nine months from the date of the first publication of this notice shall be forever barred.

THEODORE R. DOE,
*Administrator.*W. B. PLEADER,
Attorney for Administrator.

Reference: 59-709, 59-2236. 3 Bartlett 97. McCamish (2) 591.

Time: Within thirty days after qualification (59-709).

Testate estates: Substantially same.

The words "devises" and "legatees" are inappropriate in an intestate estate, and are sometimes omitted, but it is desirable to have the notice conform to the statute (59-2236).

(11)

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, APACHE COUNTY, SS.

N. H. Greeley being first duly sworn, says that he is manager of the Hometown Bugle, and that he knows that it is a weekly newspaper which has been continuously and uninterruptedly published in Apache county, for one year prior to the first publication of the attached notice, and which is of general circulation in said county and state; and has been admitted to the mails as second class matter in said county and that the notice, of which the attached is a true copy, was published for 3 insertions in said newspaper, as follows: 1st insertion February 8, 1945; 2d insertion February 15, 1945; 3d insertion February 22, 1945.

N. H. GREELEY.

Subscribed and sworn to before me this 24th day of February, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Approved: A. L. MANN, *Judge* (SEAL).

Filed February 28, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2211, 64-101, 3 Bartlett 89.

Time: After last publication (no specific provision).

Testate estates: Same.

(12)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER APPOINTING APPRAISERS

Now on this 1st day of March, 1945, upon the files, records and proceedings herein, IT IS ORDERED that R. E. Dealer, A. G. Broker and S. N. Neighbor, be and they are hereby appointed appraisers herein to appraise all the real and personal property of the decedent according to law, at such time and place as may be designated by Theodore R. Doe, Administrator of said estate.

A. L. MANN,
Probate Judge.

(SEAL)

Reference: 59-1202, 3 Bartlett 105, McCamish (2) 593.

Time: Within 30 days after appointment of administrator. (59-1202.)

Testate estates: Substantially same.

(13)

OATH OF APPRAISERS

STATE OF KANSAS, APACHE COUNTY, ss:

The undersigned appraisers, being duly sworn, each for himself, deposes and says:

I will faithfully and justly perform all the duties of the office and trust which I now assume as appraiser to make an appraisalment of the estate of John Doe, deceased. So help me God.

R. E. DEALER,
A. G. BROKER,
S. N. NEIGHBOR.

Subscribed and sworn to before me this 1st day of March, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Filed March 1, 1945. A. L. MANN, Probate Judge.

Reference: 59-1202, 3 Bartlett 106, McCamish (2) 593.

Time: Before making appraisalment.

Testate estates: Same.

Sometimes a written notice is given to appraisers of their appointment (3 Bartlett 106).

(14)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the matter of the estate of
John Doe, deceased.

No. 1001

INVENTORY AND APPRAISEMENT

Date of death: January 2, 1945.

Inventory of all the property of John Doe, deceased, made and returned by Theodore R. Doe, administrator, and appraisal of the property comprised in said inventory made and returned by the appraisers appointed by the court.

| <i>Inventory</i> | <i>Value as found by appraisers</i> |
|--|---|
| <i>Homestead:</i> | |
| The S. W. ¼ of Section 37, Township 75, Range 80, West of the 15th p. m., in Apache county, Kansas..... | \$8,000.00 |
| <i>Other Real Estate:</i> | |
| Lot 21 on Main street, in Ponzi's Fourteenth Addition to the city of Metropolis, in Apache county, Kansas..... | 1,000.00 |
| <i>Furniture, Household Goods, and Wearing Apparel:</i> | |
| Furniture and household goods..... | 250.00 |
| <i>Corporate Stocks:</i> | |
| Certificate No. 1442 for 10 shares of common stock of Metropolis Development Company, Inc., a Kansas corporation, par value \$10.00 per share..... | 150.00 |
| 1 share common stock of Hometown Country Club, Cert. No. 33 | 1.00 |
| <i>Bonds, Mortgages, Notes, Written Evidences of Debt:</i> | |
| 1 Series "E" U. S. Savings Bond No. 10000001E issued June 6, 1944, \$500 maturity value..... | 375.00 |
| <i>Other Personal Property:</i> | |
| Money on deposit in Hometown State Bank (checking account), | 942.00 |
| <i>Partnership Property:</i> | |
| None | None |
| Total Appraisalment | \$10,718.00 |

The foregoing inventory dated and signed this 1st day of March, 1945.

THEODORE R. DOE,
Administrator.

VERIFICATION OF INVENTORY

STATE OF KANSAS, APACHE COUNTY, SS:

Theodore R. Doe, being first duly sworn, on oath says:

That he is the administrator of the estate of John Doe, deceased; that he has read the foregoing inventory subscribed by him; and knows the contents

thereof; and that the same is a true and correct inventory of all the estate of the decedent that has come to his possession or knowledge.

THEODORE R. DOE.

Subscribed and sworn to before me this 1st day of March, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

CERTIFICATE OF APPRAISERS

STATE OF KANSAS, APACHE COUNTY, SS:

We, the undersigned appraisers, being first duly sworn upon our respective oaths, hereby depose and certify that we have appraised at its full and fair value according to law all of the property described and mentioned in the above inventory as of January 2, 1945, the date of the death of said decedent, and set the value thereof opposite each item contained in said inventory.

R. E. DEALER,
A. G. BROKER,
S. N. NEIGHBOR,
Appraisers.

Subscribed and sworn to before me this 3d day of March, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires: December 7, 1947.

Filed March 3, 1945. A. L. MANN, *Probate Judge.*

References: 59-1201, 59-1202. 3 Bartlett 109-111; McCamish (2) 594-596.

Time: Inventory should be filed and appraisers appointed within thirty days after appointment of administrator (59-1201) and appraisal made within sixty days thereafter (59-1202).

Testate estates: Same.

Appraisal should be made as of date of death.

(15)

INVENTORY AND APPRAISAL

State Commission of Revenue and Taxation, Inheritance Tax Division, Form No. IH-12. (1941 Revision.)
 OF ESTATE OF DECEDENT Required to be made by the Executor, Administrator or Trustee.

STATE OF KANSAS }
 } ss.
 APACHE COUNTY, }

IN THE PROBATE COURT OF SAID COUNTY

In the Matter of the Estate of }
 }
 John Doe, Deceased,

INVENTORY AND APPRAISAL OF PROPERTY
 Owned by the Decedent at the Time of Death. No secretions to the
 Estate after Death are to be included

(1) Statement of All Goods and Chattels of Said Estate
 NOTE.—Household goods, personal effects, jewelry, livestock, farming implements, grain, growing crops or other similar property,
 should be included in this subdivision, and may be listed in total by classes unless specific items are devised by will, in which event
 such items should be separately described and valued. If insufficient space under any of the subdivisions, a statement may be
 attached.

| Inventory | Description of Property | Appraisal Value |
|-----------|------------------------------------|-----------------|
| | Furniture and household goods..... | \$250.00 |
| | TOTAL, | \$250.00 |

(2) Statement of Bonds, Mortgages, Notes, and Other Securities Belonging to Said Estate

| Number | Kind of Security | Debtor's Name | Date | Original Value | Amount of Accrued Interest | Appraised Value |
|-----------|------------------|--------------------------------|---------|----------------|----------------------------|-----------------|
| 1 | E | United States Savings..... | 6-6-44 | \$375.00 | none | \$375.00 |
| 10 shares | Common Stock | Metropolis Development Company | 3-4-33 | 100.00 | none | 150.00 |
| 1 share | Common Stock | Hometown Country Club..... | 2-28-29 | 100.00 | none | 1.00 |
| | | | | | | \$526.00 |

(3) Statement of Debts and Accounts Belonging to Said Estate

| Debtor's Name | How Secured | Date | Balance Due | When Due | Value which in the Judgment of the Exec., Adm., or Trustee can be Collected |
|---------------|-------------|------|-------------|----------|---|
| | | | | | |
| | | | | | |

(4) Statement of All Moneys, Bank Bills, and Other Circulating Medium, Belonging to Said Estate

| Specie | Value | Bank Bills | Value | Total |
|--------------------------------|-------|------------|----------|----------|
| Other Circulating Medium | | | \$942.00 | \$942.00 |
| Deposit in Hometown State Bank | | | | |

(5) Description and Value of Real Estate Belonging to Said Estate
(As shown by report of appraisers appointed by this court for this purpose.)

| Legal Description (by metes and bounds, if less than a full or equal subdivision) | Sec. | T. | R. | Acres | County | State | Appraisal Value | Assessed Value for year in which decedent died |
|---|------|----|----|-------|--------|--------|-----------------|--|
| SW 1/4 | 37 | 75 | 80 | 160 | Apache | Kansas | \$8,000.00 | \$4,500.00 |
| Total Value of Lands, | | | | | | | \$8,000.00 | |

| Lot No. | Block No. | Street | City | County | State | Appraisal Value | Assessed Value for year in which decedent died |
|----------------------------------|-----------|-----------|------------|-------------|-------------|-----------------|--|
| 21 Ponzi's 14th Addition..... | | Main..... | Metropolis | Apache..... | Kansas..... | \$1,000.00 | \$900.00 |
| Total Value of Lots, | | | | | | \$1,000.00 | |

Total Value of all Real Estate, \$9,000.00

RECAPITULATION

| | | |
|---|-------------|--|
| (1) Total value of all goods and chattels..... | | |
| (2) Total value of all bonds, mortgages, notes and other securities | \$250.00 | |
| (3) Total value of all debts and accounts..... | 526.00 | |
| (4) Total value of all moneys, bank bills, and other circulating medium | 942.00 | |
| (5) Total value of all real estate | 9,000.00 | |
| Total appraised value of all property..... | \$10,718.00 | |

| | AMOUNT | |
|--|----------|-------|
| | Dollars | Cents |
| | \$250 | .00 |
| | 526 | .00 |
| | 942 | .00 |
| | 9,000 | .00 |
| | \$10,718 | .00 |

(In reporting estates with a gross valuation of more than \$100,000 attach federal schedules showing recapitulation of estate and computation of federal tax.)

Theodore R. Doe,
Administrator of said Estate.

State of Kansas, Apache County, ss.

I, the undersigned, do solemnly swear that I am the above-named Administrator of the estate and effects of John Doe, deceased; that the within, foregoing and above inventory and appraisal is, in all respects, just and true; that it contains a true statement of all the estate and property of said deceased which has come to my knowledge and the actual value in money thereof, particularly of all moneys, bank bills, and other circulating medium belonging to said estate, and of all just claims of said estate against myself and all other persons according to the best of my knowledge. So help me God.

Theodore R. Doe,
Administrator.

Subscribed and sworn to before me, this 3d day of March, 1945.

A. L. Mann, Probate Judge.

Statement of Indebtedness Owed by the Estate and Secured by Mortgage on Real Estate

| Name of County or City | Legal Subdivision | Section Lot | Twp. | Range Block | Amount |
|------------------------|-------------------|-------------|------|-------------|--------|
| | None | | | | |

The following parties appraised the personal property: The following parties appraised the real estate:

R. E. Dealer
A. G. Broker
S. N. Neighbor

R. E. Dealer
A. G. Broker
S. N. Neighbor

The amounts of real estate indebtedness here given should include amount of mortgage only. Interest, if any, should be listed on Form 12-G.

Certificate of True Copy of Inventory and Appraisal

STATE OF KANSAS }
 COUNTY OF APACHE, } ss.

In the Probate Court of the County of Apache, Kansas.

IN RE THE ESTATE OF JOHN DOE, DECEASED.

I, A. L. Mann, Judge of the Probate Court of the County of Apache, Kansas, do hereby certify that the writing to which this certificate is attached is a true and correct copy of the inventory and appraisal filed in my office by Theodore R. Doe, administrator of the estate of John Doe, deceased.

Witness my hand and the seal of my office, this 10th day of March, A. D. 1945.

A. L. Mann,
Judge of the Probate Court.

[SEAL]

List of Property Conveyed without Consideration in Money or Money's Worth by Decedent within (1) One Year of Death, and Property in Which a Present Right of Possession Vests in Any Person as a Result of Decedent's Death Under Any Deed, Contract, or Other Instrument in Which Decedent was the Grantor or Donor.

(A.) REAL ESTATE

| Description of Real Estate | Date of Conveyance | Name of Grantee | Relationship of Grantee | Age of Grantee | Reservations Created by Deed* | Value |
|----------------------------|--------------------|-----------------|-------------------------|----------------|-------------------------------|-------|
| None | | | | | | |
| Total Value, | | | | | | \$ |

(B.) PERSONAL PROPERTY

| Description of Property | Date of Gift | Name and Relationship of Donee | Value |
|-------------------------|--------------|--------------------------------|-------|
| None | | | |
| Total Value, | | | \$ |

* Reservations in deed whereby an estate less than fee simple is created, should be reported by quotation of such reservations in deed. If space provided is insufficient, prepare same on separate sheet and attach.

Reference: 79-1511. Use printed form IH-12 furnished by Inheritance Tax Division.

Time: Within 30 days after inventory and appraisal filed. (79-1511.)

Testate estates: Also transmit copy of will. Order will be made by director, and transmitted to court (79-1517) payment of tax, if any, must be made by administrator (79-1506) to county treasurer (79-1518).

(16)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

PETITION TO SET APART HOMESTEAD AND PERSONAL PROPERTY

Comes now Mary Doe, the surviving spouse of John Doe, deceased, and shows to the court that she is the widow of said John Doe; that the following described real estate, to-wit:

The SW $\frac{1}{4}$ of Section 37, Township 75, Range 80, West of the 15th P. M.,
in Apache county, Kansas,

was the homestead of John Doe and the petitioner, his wife, at the time of his death, and has continued to be and is the homestead of the petitioner herein since the date of the death of decedent, and that she desires said homestead set apart to her. Petitioner further shows that she selects personal property allowed in G. S. Supp. 59-403, consisting of the furniture and household goods, set out in the inventory filed herein, and the sum of \$750.00.

WHEREFORE, petitioner prays that the homestead above described and the personal property above designated be set apart to petitioner, free and clear of the payment of any of decedent's debts or other demands against his estate.

MARY DOE,
Petitioner.

STATE OF KANSAS, APACHE COUNTY, SS:

Mary Doe, of lawful age, being first duly sworn, on oath says:

That she is the petitioner above named; that she has read the above and foregoing petition and knows the contents thereof, and that all the statements therein made are true.

MARY DOE.

Subscribed and sworn to before me this 6th day of March, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Filed March 6, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-403, 59-2235. 3 Bartlett 144, McCamish (2) 596.

Time: After inventory and appraisement filed.

Testate estates: Substantially same (see 59-404); also surviving spouse should elect whether to take under will or law. (59-603, 59-2233, 59-2234.)

(17)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER SETTING APART HOMESTEAD AND PERSONAL PROPERTY TO WIDOW

Now on this 6th day of March, 1945, this matter comes on upon the petition of Mary Doe, widow of John Doe, deceased, to set apart homestead and personal property, and the court finds that said petition should be heard without notice. Thereupon, evidence is produced upon said petition, and, after consideration of the evidence, the court finds that the allegations of said petition are true and that the real estate hereinafter described was the homestead of decedent and petitioner prior to the death of decedent and is and has been the homestead of petitioner since said date, and that the same should be set aside to petitioner as such homestead, and that the petitioner should be granted an allowance under the provisions of G. S. Supp. 59-403.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE COURT that the following described real estate:

The SW $\frac{1}{4}$ of Section 37, Township 75, Range 80, West of the 15th P. M., in Apache county, Kansas,

be and the same is set apart and assigned to Mary Doe, the widow of John Doe, deceased, as her homestead, free and clear of all debts and other demands against his estate.

IT IS BY THE COURT FURTHER ORDERED that the following described personal property be set aside to Mary Doe as her widow's allowance under G. S. Supp. 59-403: furniture and household goods, utensils and implements used in the home, and the sum of seven hundred fifty dollars (\$750.00) cash, to be hers absolutely.

A. L. MANN,
Probate Judge.

(SEAL)

Reference: 59-403, 59-2235, 3 Bartlett 148, McCamish (2) 596.

Time: Any time after filing petition, unless notice required.

Testate estates: Same (see 59-404).

Note that title to homestead passes the same as other property (59-401) and is assigned in final settlement. (59-2235.)

(18)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

PETITION FOR ALLOWANCE OF DEMAND

Comes now the petitioner, Sunnyside Funeral Home, whose place of business and address is 400 Main street, Metropolis, Kansas, and shows to the court that the petitioner is a creditor of the estate of John Doe, deceased, having a just and valid claim against the said estate for funeral services, an itemized statement of which is hereto attached, in the amount of \$265.70, after deducting all credits and offsets, and is entitled to the allowance thereof in this estate.

WHEREFORE, petitioner prays that the said demand be allowed against said estate in the amount of \$265.70, and that the same be assigned to the first class of demands.

SUNNYSIDE FUNERAL HOME,
By Z. Z. SMITH, *Petitioner.*

STATE OF KANSAS, APACHE COUNTY, ss:

I do solemnly swear that I am manager of the above named claimant, and have had the management and transaction of the business out of which the above demand originated, and that I have had the means of knowing, personally, the facts above set forth, and that I have given credit to said estate for all payments and offsets to which it is entitled, and that the balance of \$265.70, claimed is justly due said claimant, to the best of my knowledge and belief. So help me God.

Z. Z. SMITH.

Subscribed and sworn to before me this 20th day of March, 1945.

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

Filed March 20, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2237, 59-2239, 3 Bartlett 149, McCamish (2) 602.

Time: Within nine months after first publication of notice of appointment.
(59-2239.)

Testate estates: Same.

(19)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

PETITION FOR ALLOWANCE OF DEMAND

Comes now the petitioner, the Hometown State Bank, whose place of business and address is Hometown, Kansas, and shows to the court that the petitioner is a creditor of the estate of John Doe, deceased, having a just and valid claim against the said estate in the amount of \$500.00 and interest upon note for \$500.00, executed by John Doe on December 1, 1944, due ninety days after date with interest at 6 percent per annum after deducting all credits and offsets, a copy of which note is hereto attached and made a part hereof. That said note is past due and wholly unpaid.

Wherefore petitioner prays for the allowance of its demand against said estate in the amount of \$500.00 with interest at 6 percent from December 1, 1944.

HOMETOWN STATE BANK,
By N. P. MORGAN, *Cashier,*
Petitioner.

STATE OF KANSAS, APACHE COUNTY, ss:

I do solemnly swear that I am cashier of the above named claimant, and have had the management and transaction of the business out of which the above demand originated, and that I have had the means of knowing, personally, the facts above set forth, and that I have given to said estate credit for all payments and offsets to which it is entitled, and that the balance of \$500.00 and interest claimed, is justly due said claimant, to the best of my knowledge and belief. So help me God.

N. P. MORGAN.

Subscribed and sworn to before me this 28th day of March, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Filed March 28, 1945, A. L. MANN, *Probate Judge.*

Reference: 59-2237, 59-2239, 3 Bartlett 149, McCamish (2) 602.

Time: Within nine months after first publication of notice of appointment.
(59-2239.)

Testate estates: Same.

(20)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER FIXING TIME OF HEARING ON DEMANDS

Now on this 4th day of April, 1945, this matter comes on for an order of the court fixing the time for hearing on certain demands against said estate, and the court finds that the same should be assigned for hearing and notice given as hereinafter set out.

IT IS THEREFORE BY THE COURT ORDERED that the petitions for allowance of the demands against the said estate, filed by the following creditors in the following amounts:

| | |
|-----------------------------|---------------------|
| Sunnyside Funeral Home..... | \$265.70 |
| Hometown State Bank..... | 500.00 and interest |

be and they are assigned for hearing before the court on the 18th day of April, 1945, and the administrator is directed to give notice to all interested persons by mail at least ten days before said date of hearing.

A. L. MANN,
Probate Judge.

(SEAL)

Reference: 59-2237, 3 Bartlett 150.

Time: When requested by creditor or executor or administrator or ordered by court. (59-2237.) The former rule in *Estate of Whittelsey*, 156 Kan. 157, requiring demand to be set for hearing within nine months from notice of appointment, was changed by 1943 amendment to 59-2237.

Testate estates: Same.

(21)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001.

NOTICE

The State of Kansas to all persons concerned:

You and each of you will take notice that petitions have been filed by the following named creditors praying for the allowance of demands against the said estate, in the amounts set opposite their names, to-wit:

| | |
|-----------------------------|---------------------|
| Sunnyside Funeral Home..... | \$265.70 |
| Hometown State Bank..... | 500.00 and interest |

and that said petitions have been set for hearing before the court at the courthouse in Metropolis, in said county and state, on the 18th day of April, 1945, at ten o'clock, a.m., and that you must file your written defenses to said

petitions on or before the time of said hearing or judgment will be rendered thereon in due course.

Dated April 4, 1945.

THEODORE R. DOE,
*Administrator of the Estate
of John Doe, Deceased.*

W. B. PLEADER,
Attorney for Administrator.

Reference: 59-2237. 3 Bartlett 151, McCamish (2) 603.

Time: As may be ordered by court. (59-2237.)

Testate estates: Same.

Statutory form (59-2210) is usually convenient, unless different form is required by order of court (59-2237).

(22)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

AFFIDAVIT OF MAILING

STATE OF KANSAS, APACHE COUNTY, SS:

W. B. Pleader, of lawful age, being first duly sworn, on oath says:

That he is attorney for the administrator herein; that he served notice of hearing on demands, copy of which notice is attached hereto, by mailing a true copy of such notice to all interested persons whose names and addresses are known to him, in accordance with law and the order of this court, by depositing said notices in the United States mail on April 5, 1945, postage prepaid, addressed to the following persons, to-wit:

Mary Doe, Route No. 1, Hometown, Kansas;
Alice Doe Smith, Grand Hotel, Lake George, Texas;
Sunnyside Funeral Home, 400 Main street, Metropolis, Kansas;
Hometown State Bank, Hometown, Kansas;

the date of said mailing being at least ten days prior to April 18, 1945, the date of said hearing.

W. B. PLEADER.

Subscribed and sworn to before me this 5th day of April, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.
Filed April 18, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2237, 3 Bartlett 151.

Time: Mail notice when required by court order. (59-2237.) File affidavit before hearing. (59-2211.)

Testate estates: Same.

(23)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER ALLOWING DEMANDS

Now on this 18th day of April, 1945, this matter comes on upon the petitions of certain creditors hereinafter named for the allowance of their demands against the said estate, the petitioners appearing in person and the administrator appearing by W. B. Pleader, his attorney. The court finds that notice of said hearing has been given in accordance with the order of this court, and proof thereof has been duly filed and is approved. Thereupon, said petitions are submitted to the court, and evidence produced thereon, and after consideration thereof, the court finds that the said petitions should be granted and that the said demands against the said estate should be allowed and classified as hereinafter set out.

IT IS THEREFORE BY THE COURT ORDERED that the following demands against the estate of John Doe, deceased, be and the same are allowed in the following amounts, and classified as follows, to-wit:

Sunnyside Funeral Home, \$265.70 first class;
Hometown State Bank, \$500.00 with interest at 6 percent from December 1, 1944 until paid, fourth class:

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2237, 59-1301, 3 Bartlett 152.

Time: On date provided in order for hearing or adjournment therefrom.

Testate estates: Same.

Verification of demand is prima facie evidence of its validity. (59-2237.)

Demands \$50.00 or less may be allowed without petition or notice. (59-2237.)

(24)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

PETITION FOR AUTHORITY TO SELL PERSONAL PROPERTY

Comes now Theodore R. Doe, administrator herein, and shows to the court that he has on hand certain personal property listed in the inventory and appraisal as follows, to-wit:

Certificate No. 1442 for 10 shares of common stock of Metropolis Development Company, Inc., Par value \$10.00 per share, appraised at \$150.00;

1 share common stock of Hometown Country Club, Certificate No. 33, appraised at \$1.00;

Also, 1 series "E" U. S. Savings Bond No. 10000001E issued June 6, 1944, maturity value \$500.00, appraised value \$375.00.

Said administrator further shows that the proceeds of said securities are needed to pay debts, taxes and expense of administration and it is to the best interests of the estate that the same be converted into cash.

WHEREFORE, petitioner prays that he be authorized to sell and convert into cash the stocks above described and to execute all papers required to transfer the ownership thereof, and to surrender the U. S. savings bond for its cash value.

THEODORE R. DOE,
Administrator.

STATE OF KANSAS, APACHE COUNTY, SS:

Theodore R. Doe, of lawful age, being first duly sworn, on oath says:

That he is the administrator above named; that he has read the above and foregoing petition for authority to sell personal property and knows the contents thereof, and that the statements therein made are true.

THEODORE R. DOE.

Subscribed and sworn to before me this 24th day of April, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

Filed April 24, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-1407, 59-2242, 3 Bartlett 159, McCamish (2) 599.

Time: Whenever necessary or desirable under 59-1407.

Testate estates: Same, unless will gives authority, in which case no procedure is required.

May be heard with or without notice. (59-2242.)

(25)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER FOR SALE OF PERSONAL PROPERTY

Now on this 24th day of April, 1945, this matter comes on upon the petition of Theodore R. Doe, administrator, for authority to sell and convert into cash certain securities described in said petition. The court finds that no notice of hearing on said petition is necessary or required to be given, and the court further finds that the proceeds of said securities are needed to pay expense of administration and demands allowed against said estate and it is to the best interests of the estate that the same be sold and converted into cash.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE COURT that Theodore R. Doe, administrator of the estate of John Doe, deceased, be and he is authorized and directed to sell at private sale according to law for not less than

three-fourths their appraised value, the following described securities which are a part of the estate of John Doe, deceased, to-wit:

10 shares of common stock of Metropolis Development Company, Inc., represented by Certificate No. 1442; and

1 share of stock of Hometown County Club represented by Certificate No. 33.

IT IS BY THE COURT FURTHER ORDERED that the administrator be directed to surrender U. S. Savings Bond, Series E, No. 10000001E, for its cash value of \$375.00.

IT IS BY THE COURT FURTHER ORDERED that the said administrator be authorized and directed to execute such papers as may be necessary to carry out the provisions of this order.

(SEAL)

A. L. MANN,

Probate Judge.

Reference: 59-2242, 3 Bartlett 160.

Time: Without notice, on filing of petition, or with notice, at such time as the court may order. (59-2242.)

Testate estates: Same, except where will gives authority.

(26)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

REPORT OF SALE OF PERSONAL PROPERTY

Theodore R. Doe, administrator of said estate, reports that, pursuant to the order of sale made herein on April 24, 1945, he sold to Z. Z. Smith 10 shares of the common stock of the Metropolis Development Company, Inc., for the sum of \$125.00, and sold to A. S. Climber, 1 share of stock in the Hometown Country Club for the sum of \$65.00, being in each case more than three-fourths of the appraised value thereof. Said administrator further shows that said sales were made after diligent effort and that the price obtained was the best price obtainable for said securities, and that said administrator did not directly or indirectly acquire any beneficial interest in said property and that he is not interested in the property sold except as stated in this report.

Said administrator further reports that he has surrendered United States Savings Bond Series "E," No. 10000001E for its cash value of \$375.00 in accordance with the order of this court.

Dated this 9th day of May, 1945.

THEODORE R. DOE,

Administrator.

STATE OF KANSAS, APACHE, COUNTY, SS:

Theodore R. Doe, of lawful age, being first duly sworn, on his oath says:

That he is the administrator above named; that he has read the above report of sale of securities and is familiar with the contents thereof, and that the statements therein made are true.

THEODORE R. DOE,

Subscribed and sworn to before me this 9th day of May, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

Filed May 9, 1945: A. L. MANN, *Probate Judge*.

Reference: 59-2245, 3 Bartlett 160.

Time: Within thirty days after sale. (59-2245.)

Testate estates: Same. Where will gives authority to sell, report is probably unnecessary, but is desirable to complete record.

In some cases, the court issues an order confirming sale, but statute has no express requirement.

(27)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

PETITION OF THEODORE R. DOE, ADMINISTRATOR FOR AUTHORITY TO SELL
REAL ESTATE

Your petitioner, Theodore R. Doe, shows to the court that he is a resident of Apache county, Kansas; that his post office address is 1120 Main street, Metropolis, Kansas; that he is the duly appointed, qualified and acting administrator of the estate of John Doe, deceased; that letters of administration were issued to him on February 3, 1945; and that he has published notice of his appointment as provided by law.

Petitioner further shows that certain demands have been allowed against said estate as shown by the files and records in this court, and that there is not sufficient cash and personal property in said estate to pay the debts, taxes and expenses of administration.

Petitioner further shows that John Doe, deceased, died seized and possessed of the following described real estate:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis in Apache county, Kansas;

that the sale of the real estate above described is necessary to pay the debts, taxes, and expense of administration in this estate; that said real estate is not a homestead and is subject to sale for such purposes; that in the opinion of your petitioner the said real estate can be sold to best advantage at private sale.

WHEREFORE, your petitioner prays that an order of this court be made, authorizing and directing him to sell the real estate hereinbefore described, on such terms as the court may direct, for the purpose of paying the debts of said estate and the expenses of administration.

THEODORE R. DOE,
*Administrator of the estate
of John Doe, deceased,
Petitioner.*

STATE OF KANSAS, APACHE COUNTY, SS:

Theodore R. Doe, of lawful age, being first duly sworn, on oath says:

That he is the duly appointed, qualified and acting administrator of the estate of John Doe, deceased, and the petitioner above named; that he has read the above and foregoing petition for authority to sell real estate, and knows the contents thereof, and that the allegations and statements therein contained are true.

THEODORE R. DOE.

Subscribed and sworn to before me this 15th day of May, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947:

Filed May 15, 1945. A. L. MANN, Probate Judge.

Reference: 59-1410, 59-2303. 3 Bartlett 171-172. McCamish (2) 604.

Time: Whenever necessary under 59-1410.

Testate estates: Same, except where will gives authority to sell real estate, in which case no proceedings are required. (59-1413.) (However, many fiduciaries and lawyers prefer to secure court's approval of sales under authority of a will, though by less formal procedure.)

Some lawyers prefer to elaborate the necessity for sale by showing amount of debts, etc., and amount of personal assets available.

(28)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER FOR HEARING ON PETITION TO SELL REAL ESTATE

On this 15th day of May, 1945, it is ordered that the petition filed herein of Theodore R. Doe, administrator, for authority to sell real estate be heard on the 8th day of June, 1945, at ten o'clock, a. m., by this court in the court house at Metropolis in said county and state, and that notice of the time and place of said hearing be given pursuant to section 59-2209, Supplement to General Statutes of Kansas.

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2204, 59-2304. 3 Bartlett 172.

Time: Upon filing of petition. In fixing time for hearing, conform to 59-2209.

Testate estates: Same, except where will gives authority to sell real estate. (59-1413.)

(29)

(First published in The Hometown Bugle, May 17, 1945)

STATE OF KANSAS, APACHE COUNTY, SS:

IN THE PROBATE COURT OF SAID COUNTY AND STATE

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

NOTICE OF HEARING

The State of Kansas to all persons concerned:

You are hereby notified that a petition has been filed in the above estate by Theodore R. Doe, administrator of the estate of John Doe, deceased, praying for an order for the sale of the following described real estate belonging to said estate, for the purpose of paying the debts of said estate and taxes and expense of administration, to-wit:

Lot 21 on Main street in Ponzis's fourteenth addition to the city of Metropolis, in Apache county, Kansas:

and you are hereby required to file your written defenses thereto on or before the 8th day of June, 1945, at ten o'clock a. m. of said day, in said court, in the city of Metropolis, Apache county, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said petition.

THEODORE R. DOE,
*Administrator of the estate
of John Doe, Deceased.*

W. B. PLEADER,
Attorney for Administrator.

Reference: 59-2304, 59-2209, 59-2210.

Time: First publication within ten days after order for hearing.

*Testate estates: Same, except where will gives authority to sell real estate.
(59-1413.)*

Use statutory form (59-2210).

While 59-2304 does not specifically require real estate to be described in notice, it is prudent to describe same, as title examiners are not agreed on this question.

(30)

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, APACHE COUNTY, SS:

N. H. Greeley being first duly sworn, says that he is manager of the Hometown Bugle, and that he knows that it is a weekly newspaper which has been continuously and uninterruptedly published in Apache county, for one year prior to the first publication of the attached notice, and which is of general circulation in said county and state; and has been admitted to the mails as sec-

ond class matter in said county and that the notice, of which the attached is a true copy, was published for three insertions in said newspaper, as follows: 1st insertion May 17, 1945; 2d insertion May 24, 1945; 3d insertion May 31, 1945.

N. H. GREELEY.

Subscribed and sworn to before me this 1st day of June, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Approved: A. L. MANN, *Judge* (SEAL).

Filed June 1, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2211, 64-101. 3 Bartlett 173.

Time: File before hearing.

Testate estates: Same except when will gives authority to sell real estate.

(31)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

AFFIDAVIT OF MAILING

STATE OF KANSAS, APACHE COUNTY, SS:

Theodore R. Doe, of lawful age, being first duly sworn, on oath says:

That he is the duly appointed, qualified and acting administrator of the estate of John Doe, deceased; that he served notice of hearing of petition for authority to sell real estate, copy of which notice is hereto attached, by mailing a true copy of said notice to each heir, devisee and legatee, other than the petitioner, whose name and address are known to him, within seven days after the first published notice, by depositing said notices in the United States mail, postage prepaid, on May 18, 1945, addressed to the following persons, to-wit:

Mary Doe, Route No. 1, Hometown, Kansas;

Alice Doe Smith, Grand Hotel, Lake George, Texas;

Further affiant sayeth not.

THEODORE R. DOE.

Subscribed and sworn to before me this 8th day of June, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

Filed June 8, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2209, 59-2211, 59-2304, 3 Bartlett 173.

Time: Mail notice within seven days after first publication (59-2209). File affidavit before hearing (59-2211.)

Testate estates: Same except when will gives authority to sell real estate. (59-1413.)

(32)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

JOURNAL ENTRY ON PETITION OF ADMINISTRATOR TO SELL REAL PROPERTY

Now on this 8th day of June, 1945, at ten o'clock a. m., this matter comes on to be heard on the petition filed of Theodore R. Doe, administrator of said estate, for an order directing him to sell the real property hereinafter described for the payment of the debts of said John Doe, deceased, and to pay taxes and expense of administration. The said administrator appears in person and by his attorney, W. B. Pleader, and there are no other appearances.

The court finds that said administrator has given notice of the time and place of this hearing by publication and mailing as provided by law and heretofore ordered by the court, proof of which publication and mailing is duly filed herein and approved by the court.

Thereupon, evidence is produced in support of said petition, and the court, after consideration of the evidence and being fully advised in the premises, finds that the allegations of the petition are true, and that it is necessary to sell the real estate described in said petition and hereinafter described, to pay the debts of said deceased, taxes and costs of administration, that the said real estate is not a homestead and is subject to sale for such purposes, and that said real estate can be sold to best advantage at private sale.

The court further finds that no additional bond is required to be given by the administrator.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE COURT that the said administrator proceed to sell the following described real estate:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis, in Apache County, Kansas,

after appraisal thereof as provided by law, at private sale, for the highest and best price obtainable but in no case for less than three-fourths of the appraised value thereof, said sale to be made for cash.

IT IS FURTHER ORDERED AND ADJUDGED BY THE COURT that the sale hereunder shall not be made more than one year after this date unless the said property shall be reappraised under order of this court within three months preceding the sale, and that the administrator apply the proceeds arising from said sale of said property to the payment of the demands allowed herein, and taxes and expense of administration.

IT IS BY THE COURT FURTHER ORDERED that the administrator be authorized to pay for certificate and expense of bringing abstract of title to date.

A. L. MANN,
Probate Judge.

(SEAL)

Reference: 59-2305, 3 Bartlett 174, McCamish (2) 605.

Time: On date fixed in published notice, or adjournment thereof. (From seven to fourteen days after last publication. 59-2209.)

Testate estates: Same except when will gives authority to sell real estate. (59-1413.)

For forms for public sale see 3 Bartlett 174.

Sometimes a separate order of sale is issued. (3 Bartlett 175.)

Additional bond may be required. (59-2306, 3 Bartlett 175-176, McCamish (2) 606.) On abstract expense, see 59-2313. Real estate commission may be authorized. (59-2312.)

(33)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER APPOINTING APPRAISERS IN CONNECTION WITH SALE OF REAL ESTATE

Now on this 8th day of June, 1945, this matter comes on for an order appointing appraisers to appraise the real estate directed to be sold by the administrator by the order of this court entered on this date.

IT IS THEREFORE BY THE COURT ORDERED that R. E. Dealer, A. G. Broker, and S. N. Neighbor, three disinterested persons of the county of Apache, state of Kansas, be and they are hereby appointed to appraise the following described real estate situated in the county of Apache, state of Kansas, to wit:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis, in Apache county, Kansas;

for the purpose of the sale of said real estate under the provisions of the order of this court.

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2307, 3 Bartlett 174, McCamish (2) 606.

Time: After order directing sale (59-2307).

Testate estates: Same except when will gives authority to sell real estate without appraisal. (59-1413.)

Sometimes appointment of appraisers is included in order directing sale. (3 Bartlett 174.)

Appraisers may be the same or different persons from those who made general appraisal, but must be residents of county where part of real estate is situated. (59-2307.)

Appraisal required only for private sale. (59-2307.)

(34)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

OATH AND REPORT OF APPRAISERS

STATE OF KANSAS, APACHE COUNTY, SS.

The undersigned appraisers appointed by the court on June 8, 1945, to appraise certain real estate ordered to be sold by the administrator of said estate, being first duly sworn, severally upon their oath say that they will truly, honestly and impartially, according to the best of their abilities, view and appraise the real estate to them shown by said administrator, and deliver to said administrator report thereof duly signed by each of them.

R. E. DEALER,
A. G. BROKER,
S. N. NEIGHBOR.

Subscribed and sworn to before me this 11th day of June, 1945,

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

REPORT OF APPRAISERS

STATE OF KANSAS, APACHE COUNTY, SS.

We, the undersigned appraisers appointed for the purpose of appraising the real estate hereinafter described for sale by the administrator in accordance with the order of the court dated June 8, 1945, being first duly sworn upon our respective oaths, do hereby certify that we have viewed the said real estate and do, on our oaths, appraise the same at its full and fair value, as follows, to wit:

| | <i>Appraised Value</i> |
|---|------------------------|
| Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis, in Apache County, Kansas..... | \$1,000.00 |

R. E. DEALER,
A. G. BROKER,
S. N. NEIGHBOR,
Appraisers.

Subscribed and sworn to before me this 11th day of June, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

Filed June 15, 1945. A. L. MANN, *Probate Judge.**Reference:* 59-2307, 3 Bartlett 177, McCamishi (2) 606.*Time:* No specific time fixed but see 59-2305 last sentence.*Testate estates:* Same except where will gives authority to sell without requiring appraisement. (59-1413.)

Appraisement required only for private sale. (59-2307.)

(35)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

REPORT OF THE SALE OF REAL ESTATE AND PETITION FOR CONFIRMATION THEREOF

The Petitioner, Theodore R. Doe, administrator of the estate of John Doe, deceased, shows to the court that, pursuant to an order heretofore made in this court on the 8th day of June, 1945, directing the sale of the real estate herein described, he caused the said real estate to be appraised as provided by law and did on the 15th day of June, 1945, sell at private sale the following described real estate, situated in Apache county, Kansas, to-wit:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis, in Apache county, Kansas;

to D. H. Hunter for the sum of one thousand four hundred dollars (\$1,400.00), being the highest price offered and obtainable and more than three-fourths of the appraised value of the said real estate.

Petitioner further shows that the said real estate is not liable for any charge, mortgage, lien or other encumbrance thereon except unpaid taxes and the cost of bringing abstract to date; the said sale being for cash upon furnishing abstract showing merchantable title, all past due taxes to be paid by the administrator.

The petitioner further states that he did not, directly or indirectly, acquire any beneficial interest in the said real estate, and is not directly or indirectly interested in the property sold except as stated herein, and that the said sale was fairly conducted and legally made.

The report and certificate of appraisalment is filed herewith.

WHEREFORE, the petitioner prays that the said sale be confirmed and that he be directed to execute and deliver to the purchaser a deed of conveyance according to law, upon the purchaser's compliance with the terms and conditions of the sale.

THEODORE R. DOE,
Petitioner.

STATE OF KANSAS, COUNTY OF APACHE, SS:

Theodore R. Doe, of lawful age, being first duly sworn, on oath says:

That he is the petitioner above named; that he has read the above and foregoing report of sale and petition for confirmation thereof, and that the statements therein made are true.

THEODORE R. DOE.

Subscribed and sworn to before me this 15th day of June, 1945.

(SEAL)

HELEN H. WATERS,
Notary Public.

My commission expires December 7, 1947.

Filed June 15, 1945. A. L. MANN, *Probate Judge.*

Reference: 59-2309, 3 Bartlett 179, McCamish (2) 608.

Time: No specific time fixed.

Testate estates: Same, except where will gives authority to sell real estate. (59-1413.) (However, many fiduciaries and lawyers prefer to report sales under authority of a will, and secure court's confirmation and approval of deed.)

(36)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER OF CONFIRMATION OF SALE OF REAL ESTATE

Now on this 15th day of June, 1945, the above entitled matter comes on for hearing before the court upon the petition and report filed herein of Theodore R. Doe, administrator of the estate of John Doe, deceased, for a confirmation of the sale made by said administrator to D. H. Hunter of the real property therein described. The said report shows that the said administrator sold the following described real estate situated in Apache county, Kansas, to-wit:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis, Apache county, Kansas;

to D. H. Hunter for the sum of one thousand four hundred dollars (\$1,400.00), to be paid in cash on delivery of administrator's deed, taxes for 1944 and prior years to be paid and abstract furnished by the administrator, and that such sale was fairly conducted and legally made. The court, after hearing the evidence and being fully advised in the premises, finds that the statements made in said report and petition are true and that said sale should be confirmed.

IT IS THEREFORE BY THE COURT ORDERED that the said sale be and the same is hereby confirmed and that the said administrator be and he is directed to execute and deliver to the purchaser his administrator's deed according to law, upon the purchasers' compliance with the terms and conditions of the sale; and that the administrator be authorized to furnish abstract and pay taxes as above set out, from the proceeds of said sale.

A. L. MANN,
Probate Judge.

(SEAL)

Reference: 59-2309, 3 Bartlett 180.

Time: Any time after filing of report. No requirement of notice or hearing (59-2309.)

Testate estates: Same except where will gives authority to sell real estate (59-1413).

Title expense authorized by 59-2313.

Real estate commission may be authorized by court prior to sale. (59-2312.)

(37)

ADMINISTRATOR'S DEED

KNOW ALL MEN BY THESE PRESENTS:

That whereas, on the 8th day of June, 1945, the probate court of Apache county, Kansas, on the petition of Theodore R. Doe, administrator of the estate of John Doe, deceased, after due and legal notice given, entered its order directing said administrator to sell at private sale the following described real property situated in the county of Apache and state of Kansas, to-wit:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis, Apache county, Kansas;

and whereas, on the 11th day of June, 1945, the said real estate was duly appraised for the purpose of such sale as provided by law at the sum of \$1,000.00, which appraisal is on file in said court; and

Whereas on the 15th day of June, 1945, the said Theodore R. Doe, as administrator of the estate of John Doe, deceased, did sell said real property to D. H. Hunter for the sum of \$1,400.00 under the order of said court; and

Whereas, on the 15th day of June, 1945, a report of said sale was duly filed and the said court approved, ratified and confirmed said sale and ordered said administrator to make, execute and deliver to the purchaser at said sale a good and sufficient deed conveying to him all the right, title and interest of the deceased in and to the said real property;

Now, THEREFORE, I, Theodore R. Doe, administrator of the estate of John Doe, deceased, in consideration of the sum of one thousand four hundred dollars (\$1,400.00) to me paid, do hereby grant, bargain, sell and convey unto D. H. Hunter, his heirs and assigns, all of the interest of John Doe in the following described real estate situated in the county of Apache, state of Kansas, to-wit:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis, in Apache County, Kansas;

to have and to hold the same, with all the appurtenances and hereditaments thereunto belonging, forever.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of June, 1945.

THEODORE R. DOE,

*Administrator of the estate
of John Doe, Decased.*

(\$1.65 Revenue Stamps).

STATE OF KANSAS, APACHE COUNTY, SS.

BE IT REMEMBERED that on this 20th day of June, A. D. 1945, before me, the undersigned, a notary public in and for the county and state aforesaid, came Theodore R. Doe, administrator of the estate of John Doe, deceased, who is personally known to me to be the same person who executed the above administrator's deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the day and year last above written.

(SEAL)

HELEN H. WATERS, *Notary Public.*

My commission expires December 7, 1947.

The foregoing deed is hereby approved by the probate court of Apache county, Kansas, this 20th day of June, 1945.

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2309, 59-2311. 3 Bartlett 181; McCamish (2) 609.

Time: After confirmation of sale and payment of purchase price.

Testate estates: Same except where will gives authority to sell real estate, in which case deed should recite authority of will and whatever proceedings were had, if any. In any event it is desirable to have the court endorse approval on deed under seal of court.

Sometimes a separate order is issued, approving deed.

(38)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

PETITION FOR FINAL SETTLEMENT

Comes now Theodore R. Doe, administrator of the estate of John Doe, deceased, and shows to the court that he was duly appointed as such administrator on the 3d day of February, 1945, and duly qualified as such; that he gave notice of his appointment as required by law, as shown by the files and records of this court, and that time for filing demands against said estate has expired; that the estate of said John Doe has been fully administered according to law and it is no longer necessary to continue said administration, and your petitioner desires to make final settlement and to be discharged from his trust.

A final and complete account of the receipts and disbursements of said administrator is hereto attached and made a part hereof.

Petitioner further shows that the decedent, John Doe, died intestate on the 2d day of January, 1945; that at the time of his death he was a resident of Apache county, Kansas, and a citizen of the United States; that the decedent was survived by the following named persons who are all of his heirs:

Mary Doe, his widow, address, Route No. 1, Hometown, Kansas;
Theodore R. Doe, his son, address, 1120 Main street, Metropolis, Kansas;
Alice Doe Smith, his daughter, address, Grand Hotel, Lake George, Texas.

Petitioner further shows that all taxes and debts of the said estate have been paid in full; that the said estate is not subject to federal estate taxes nor to state inheritance taxes.

Petitioner further shows that the decedent owned the following described real estate at the time of his death:

Lot 21 on Main street in Ponzi's fourteenth addition to the city of Metropolis in Apache county, Kansas;

which real estate has been sold by the petitioner as administrator under order of sale issued herein on June 8, 1945, to D. H. Hunter, which sale was duly reported to and approved by this court, all as shown by the files and records herein, and the proceeds of said real estate are accounted for in the account attached to this petition.

Petitioner further shows that the decedent also owned the following described real estate at the time of his death:

The Southwest Quarter (SW $\frac{1}{4}$) of Section 37, Township 75, Range 80, West of the 15th p.m., in Apache county, Kansas;

that the said real estate was set aside for the use of Mary Doe, widow of decedent, by order of this court dated March 6, 1945, and that the title to said real estate should be assigned to the heirs of John Doe, above named, subject to the homestead rights of the widow above named.

Petitioner further shows that he has performed services in said estate and has employed W. B. Pleader as his attorney herein and that allowance should be made out of the said estate, to said administrator for his services and attorneys' fees.

WHEREFORE, the petitioner prays that his account be settled and allowed, and that final settlement be had of said estate as provided by law, and that the court determine and adjudge who are the heirs of said decedent, and that the real estate last above described and all other real estate owned by decedent at the time of his death, subject to any lawful disposition thereof heretofore made, be assigned as above set out, and that the court order and direct the administrator as to the disbursement and distribution of the remaining assets and property of said estate; and that allowance be made to said administrator in such amount as the court may find reasonable for his services and attorneys' fees; and that, upon the filing of receipts evidencing the disbursement and distribution of said remaining assets and property, an order be made and entered closing said estate and discharging said administrator and the surety on his bond from all further duties and liabilities herein.

THEODORE R. DOE,
Administrator.

STATE OF KANSAS, APACHE COUNTY, ss:

Theodore R. Doe, of lawful age, being first duly sworn, on oath says:

That he is the duly appointed, qualified and acting administrator of the estate of John Doe, deceased, and is the petitioner above named; that he has read the above and foregoing petition for final settlement, and that all the statements therein made are true, and that the attached account is a full, true and correct account of his receipts and disbursements as such administrator.

THEODORE R. DOE.

Subscribed and sworn to before me this 11th day of December, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Filed December 11, 1945, A. L. MANN, *Probate Judge.*

FIRST AND FINAL ACCOUNT OF RECEIPTS AND DISBURSEMENTS OF THEODORE R. DOE, ADMINISTRATOR OF THE ESTATE OF JOHN DOE, DECEASED, FROM FEBRUARY 4, 1945, TO DECEMBER 11, 1945

(Attached to and filed with petition for final settlement.)

| 1945 | <i>Received</i> | <i>Disbursed</i> |
|---------|--|--------------------------|
| Feb. 4 | Cash in bank per inventory..... | \$942.00 |
| Feb. 7 | Received from G. W. Rochester (Jan. rent)... | 5.00 |
| Mar. 3 | Paid to R. E. Dealer—appraiser's fee and mileage | \$6.80 |
| Mar. 3 | Paid to A. G. Broker—appraiser's fee and mileage | 6.80 |
| Mar. 3 | Paid to S. N. Neighbor—appraiser's fee and mileage | 5.20 |
| Mar. 6 | Paid to Mary Doe, widow's allowance..... | 750.00 |
| Apr. 10 | Received from G. W. Rochester (Feb. rent)... | 5.00 |
| May 9 | Received from Z. Z. Smith for stock in Metrop- olis Development Co. | 125.00 |
| May 9 | Received from A. S. Climber for stock in Hometown Country Club | 65.00 |
| May 9 | Received from surrender of U. S. Series "E" bond | 375.00 |
| May 11 | Received from G. W. Rochester (Mar., Apr., May rent) | 15.00 |
| May 12 | Paid to Sunnyside Funeral Home, full payment of demand allowed | 265.70 |
| June 1 | Received from G. W. Rochester (June rent)... | 5.00 |
| June 20 | Received from D. H. Hunter, sale of real estate, 1,400.00 | |
| June 20 | Paid to appraisers on sale of real estate..... | 6.00 |
| June 20 | Paid to County Treasurer, taxes on real estate sold | 12.85 |
| June 20 | Paid to Metropolis Abstract Co..... | 8.75 |
| June 20 | Revenue stamps on deed..... | 1.65 |
| July 3 | Paid to Hometown State Bank in full payment of demand allowed and interest..... | 517.74 |
| Dec. 1 | Paid to County Treasurer, 1945 personal taxes in full | 6.72 |
| | Totals | \$2,937.00 \$1,588.21 |
| Dec. 11 | Balance on hand | \$1,348.79 |

Reference: 59-1501, 59-1502, 59-2247. 3 Bartlett 227; McCamish (2) 615.

Time: Whenever estate has been fully administered but *order* of final settlement should be at least one year after death, and over nine months after publication of notice of appointment, whichever is later. As a practical matter, the earliest time for filing petition for final settlement is slightly over eleven months after death.

Testate estates: Include devisees and legatees and their interests but do not omit names of heirs at law.

Above verification includes attached account.

On compensation and attorneys fees, see 59-1717, and same may be requested by separate petition. (3 Bartlett 225.)

(39)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

ORDER FOR HEARING ON PETITION FOR FINAL SETTLEMENT

On this 11th day of December, 1945, it is ordered that the petition filed herein of Theodore R. Doe, administrator for final settlement of said estate be heard on the 4th day of January, 1946, at ten o'clock, a. m., by this court in the court house at Metropolis in said county and state, and that notice of the time and place of said hearing be given pursuant to section 59-2209, Supplement to General Statutes of Kansas.

A. L. MANN,

(SEAL)

Probate Judge.

Reference: 59-2204, McCamish (2) 615.

Time: Upon filing of petition. In fixing time for hearing, calculate time of publication and hearing to conform to 59-2209.

Testate estates: Same.

(40)

(First published in Hometown Bugle, December 13, 1945)

STATE OF KANSAS, APACHE COUNTY, SS.

IN THE PROBATE COURT OF SAID COUNTY AND STATE

In the Matter of the estate of
John Doe, Deceased.

No. 1001

NOTICE OF HEARING

The State of Kansas to all persons concerned:

You are hereby notified that a petition has been filed in said court by Theodore R. Doe, administrator of the estate of John Doe, deceased, praying for a final settlement of said estate, approval of his accounts as administrator, allowances for his services and attorneys' fees, also that the court determine the heirs of said decedent and assign to them the real estate and personal property remaining in said estate, and you are hereby required to file your written defenses thereto on or before the 4th day of January, 1946, at 10 o'clock a. m., of

said day, in said court, in the city of Metropolis, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said petition.

THEODORE R. DOE,
Petitioner.

W. B. PLEADER,
Attorney for Petitioner.

Reference: 59-2209, 59-2210.

Time: First publication within ten days after order for hearing, weekly thereafter. Third and last publication 7 to 14 days before hearing. (59-2209.)

Testate estates: Substantially same (conform to petition).

This notice is jurisdictional and must describe all matters which will be submitted to the court in connection with final settlement. (*In re estate of Grove*, 158 Kan. 444.)

(41)

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, APACHE COUNTY, SS.

N. H. Greeley being first duly sworn, says that he is owner and manager of the Hometown Bugle, and that he knows that it is a weekly newspaper which has been continuously and uninterruptedly published in Apache county, for one year prior to the first publication of the attached notice, and which is of general circulation in said county and state; and has been admitted to the mails as second class matter in said county and that the notice of which the attached is a true copy, was published for three insertions in said newspaper, as follows: 1st insertion December 13, 1945; 2d insertion December 20, 1945; 3d insertion December 27, 1945.

N. H. GREELEY.

Subscribed and sworn to before me this 29th day of December, 1945.

HELEN H. WATERS,
Notary Public.

(SEAL)

My commission expires December 7, 1947.

Approved: A. L. MANN, *Judge* (SEAL).

Filed January 3, 1946. A. L. MANN, *Probate Judge.*

Reference: 59-2211, 64-101, 3 Bartlett 173.

Time: Must be filed before hearing. (59-2211.)

Testate estates: Same.

(42)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

AFFIDAVIT OF MAILING AND OF NON-MILITARY SERVICE

STATE OF KANSAS, APACHE COUNTY, SS:

W. B. Pleader, of lawful age, being first duly sworn, on oath says:

That he is attorney for Theodore R. Doe, administrator herein; that he mailed notice of hearing on petition for final settlement, copy of which notice is hereto attached, by depositing copy of said notice in the United States mail, postage prepaid, on December 14, 1945, and within seven days after the first publication thereof, addressed to the following persons:

Mary Doe, Route 1, Hometown, Kansas;

Alice Doe Smith, Grand Hotel, Lake George, Texas.

Such persons being all of the heirs, devisees, legatees, guardians and wards, of said decedent, whose names and addresses are known to petitioner or to affiant.

Affiant further states that he is personally acquainted with the said Mary Doe and knows that she is residing on her homestead in Apache county, Kansas, and is personally acquainted with Alice Doe Smith and knows she is in civilian employment as cashier of the Grand Hotel at Lake George, Texas, and that neither of them nor any other person interested in said estate is in the military service of the United States as defined by the Soldiers' and Sailors' Civil Relief Act of 1940 as amended.

W. B. PLEADER.

Subscribed and sworn to before me this 31st day of December, 1945.

HELEN H. WATERS,

Notary Public.

My commission expires December 7, 1947.

Filed January 3, 1946. A. L. MANN, *Probate Judge.*

Reference: 59-2209, 59-2211.

Time: Mail notice within seven days after first publication (59-2209). File affidavit before hearing. (59-2211.)

Testate estate: Same. Mail to heirs as well as legatees and devisees.

Affidavit of non-military service, when applicable, should be filed at some time during proceedings as long as Soldiers' and Sailors' Civil Relief Act is in effect. May be combined with affidavit of mailing.

(43)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

JOURNAL ENTRY OF FINAL SETTLEMENT

Now on this 4th day of January, 1946, this matter comes on upon the petition of Theodore R. Doe, administrator, for a final settlement of said estate. The said administrator appears in person and by his attorney, W. B. Pleader, and there are no other appearances. The court finds that notice of said hearing has been given by publication and mailing as provided by law and by the orders of this court and that proof thereof has been duly filed in this court, and the said notice and the proof thereof are examined and approved by the court.

Thereupon, the said petition for final settlement is submitted to the court and evidence produced thereon, and the court finds that the said John Doe, died intestate on the 2d day of January, 1945, being a resident of Apache county, Kansas, and a citizen of the United States, and leaving as his sole heirs the following persons:

Mary Doe, his widow, whose address is Route No. 1, Hometown, Kansas;
Theodore R. Doe, his son, whose address is 1120 Main street, Metropolis, Kansas;
Alice Doe Smith, his daughter, whose address is Grand Hotel, Lake George, Texas.

The court further finds that letters of administration were granted to Theodore R. Doe as administrator of said estate, on February 3, 1945, and that he published his notice of appointment on February 8, 1945, that more than nine months has expired since the publication of such notice and more than one year has expired since date of death and that the time for filing claims against said estate has expired.

The court further finds that the said estate has been fully administered, that all demands of creditors against said estate have been paid in full by the administrator, that no inheritance taxes are due to the state of Kansas and no estate taxes due to the United States; and that the said administrator has filed his account showing his receipts and disbursements, which account is examined and approved by the court.

The court further finds that said administrator has on hand the sum of \$1,348.79, and that there are costs due in this court in the amount of \$41.62, and that the said administrator has performed services which are reasonably worth the amount of \$200.00, and has employed attorney whose services are reasonably worth the sum of \$250.00 and that allowance should be made to the administrator in said amounts for his services and attorney's fees.

The court further finds that the said John Doe owned the following described real estate at the time of his death:

Lot 21 on Main street in Ponzi's fourteenth addition to the City of Metropolis, in Apache county, Kansas;

and that the said real estate has been sold by the administrator to D. H. Hunter, for the payment of debts, taxes and expenses of administration, and that said sale has been confirmed and the purchase price fully paid and administrator's deed executed by the administrator and approved by this court and delivered to the purchaser, and that this estate has no further interest in the said real estate.

The court further finds that the said John Doe also owned the following described real estate at the time of his death:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-seven (37), Township Seventy-five (75), Range Eighty (80) West of the Fifteenth Principal Meridian, in Apache county, Kansas;

and that the said real estate was set aside for the use of Mary Doe, widow of decedent, as her homestead, by order of this court dated March 6, 1945, and that title to said real estate should be assigned to the heirs above named, subject to the homestead rights of said widow.

The court further finds from the affidavit of the administrator filed herein and other evidence submitted to the court that neither Mary Doe, nor Alice Doe Smith, nor any other person interested in this estate, is in the military service of the United States as defined by the Soldiers' and Sailors' Civil Relief Act of 1940 as amended.

IT IS THEREFORE BY THE COURT ORDERED that the accounts of Theodore R. Doe, as administrator of the estate of John Doe, deceased, be allowed and approved, and that the administrator be allowed the sum of \$200.00 for his services, and the sum of \$250.00 for his attorneys' fees to be paid to W. B. Pleader, for his services as attorney for the said administrator, and that said administrator distribute the moneys in his hands as follows:

To the payment of the costs in this court in the amount of \$41.62.

To the said administrator, allowance for his services, in the amount of \$200.00, and allowance for his attorneys' fees to be paid to W. B. Pleader, his attorney, in the amount of \$250.00, leaving a balance of \$857.17 to be distributed to the heirs of John Doe, deceased, in the following proportions and amounts:

| | |
|-------------------------------------|----------|
| To Mary Doe, one-half..... | \$428.59 |
| To Theodore R. Doe, one-fourth..... | \$214.29 |
| To Alice Doe Smith, one-fourth..... | \$214.29 |

IT IS BY THE COURT FURTHER ORDERED that the title to following described real estate, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-seven (37), Township Seventy-five (75), Range Eighty (80) West of the 15th Principal Meridian, in Apache county, Kansas;

and all other real estate owned by decedent at the time of his death, subject to any lawful disposition thereof heretofore made, be assigned to the heirs of John Doe, deceased, according to their interest as above set out, to wit: To Mary Doe, an undivided one-half interest therein, and to Theodore R. Doe, an undivided one-fourth interest therein, and to Alice Doe Smith, and undivided one-fourth interest therein; all subject to the homestead rights of Mary Doe, as widow of John Doe, deceased.

IT IS BY THE COURT FURTHER ORDERED that upon the filing of receipts showing the distribution of the funds in his hands in accordance with the provisions of this order, that the said Theodore R. Doe be discharged as administrator of the estate of John Doe, deceased, and that he and his surety be relieved from further liability on his bond.

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2249, 3 Bartlett 226, 229, 230, McCamish (2) 616.

Time: At least one year after death and at least nine months after first publication of notice of appointment, whichever is later. (Sec. 59-617, 59-2239.) Also on date fixed in published notice, or any adjournment therefrom.

Testate estates: Assign real estate and distribute personal property to devisees and legatees in accordance with will, otherwise substantially same.

Allowance of attorney's fees should be made to administrator, not attorney. (*In re Estate of Eyth*, 157 Kan. 268.)

Note that title to homestead passes the same as other property (59-401) and is included in order of final settlement. (59-2235.)

Other unfinished business can be considered only if included in notice. (*In re Estate of Grove*, 158 Kan. 444.)

(44)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the matter of the estate of
John Doe, Deceased.

No. 1001

RECEIPTS

Received of Theodore R. Doe, Administrator of the estate of John Doe, deceased, \$250.00 attorneys' fees in full.

W. B. PLEADER.

Received of Theodore R. Doe, Administrator of the estate of John Doe, deceased, \$41.80 court costs in full.

A. L. MANN,
Probate Judge.

Received of Theodore R. Doe, Administrator of the estate of John Doe, deceased, \$200.00 allowance to administrator in full.

THEODORE R. DOE.

Received of Theodore R. Doe, Administrator of the estate of John Doe, deceased, \$428.59 in full payment of my distributive share in said estate, per order of final settlement.

MARY DOE.

Received of Theodore R. Doe, Administrator of the estate of John Doe, deceased, \$214.29 in full payment of my distributive share in said estate, per order of final settlement.

THEODORE R. DOE.

Received of Theodore R. Doe, Administrator of the estate of John Doe, deceased, \$214.29 in full payment of my distributive share in said estate, per order of final settlement.

ALICE DOE SMITH.

Filed January 9, 1946. A. L. MANN, *Probate Judge*.

Reference: 59-1718, 3 Bartlett 238.

Time: After order of final settlement.

Testate estate: Same.

(45)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of
John Doe, Deceased.

No. 1001

JOURNAL ENTRY OF FINAL DISCHARGE

Now on this 9th day of January, 1946, comes Theodore R. Doe, administrator of the estate of John Doe, deceased, and files his receipts showing that he has fully complied with the order of final settlement entered on January 3, 1946, in said estate, and the court finds that he should be finally discharged herein.

IT IS THEREFORE BY THE COURT ORDERED that Theodore R. Doe be and he is finally discharged as administrator of the estate of John Doe, deceased, and he and his surety are released from any further liability upon his bond.

A. L. MANN,

(SEAL)

Probate Judge.

Reference: 59-1718, 3 Bartlett 238.

Time: Whenever receipts filed, and order of final settlement is complied with in other respects.

Testate estates: Same.

**Proceedings To Determine the Descent of the Real Estate
of Richard Roe, Deceased**

(51)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the estate of
Richard Roe, Deceased.

No. 1102

PETITION FOR DETERMINATION OF DESCENT

Your petitioner, Sarah Roe, whose residence and address is Route 1, Hometown, Apache county, Kansas, represents and shows to the court:

That Richard Roe, a resident of Apache county, Kansas, and a citizen of the United States, died on the 2d day of January, 1945, intestate; that at the time of his death he was the owner of the following described real estate in Apache county, Kansas, to wit:

East Half (E. ½) of Southeast Quarter (S.E. ¼) of Section 37, Township 75, Range 80, in Apache county, Kansas.

That no will of the said Richard Roe has been admitted to probate nor administration had of his estate; that the said Richard Roe died intestate, and that all the debts of the said Richard Roe have been paid.

That the said Richard Roe left surviving him as his sole heirs-at-law the following persons, to wit:

Sarah Roe, his wife; the petitioner.

Woodrow W. Roe, adult son; whose residence and post office address is 1918 South Broadway, Metropolis, Kansas;

Franklin D. Roe, minor son; residing with petitioner;

Eleanor Roe, minor daughter; residing with petitioner.

That the said Richard Roe was married only once, and had no other children or adopted children or issue of deceased children, natural or adopted, who survived him, except the heirs above named.

That petitioner is interested in this matter as the widow and one of the heirs of Richard Roe, and as the owner of an interest in the real estate hereinbefore described.

WHEREFORE, petitioner prays that the court fix a time and place for the hearing of this petition, and provide for giving notice thereof, and that the court, upon hearing as provided by law, determine the descent of the real estate hereinbefore described and all other real estate or interests therein, owned by the said Richard Roe at the time of his death, and assign it to the persons entitled thereto in accordance with such determination.

SARAH ROE,
Petitioner.

W. B. PLEADER,
Attorney for petitioner.

STATE OF KANSAS, APACHE COUNTY, SS.

Sarah Roe, of lawful age, being first duly sworn, on oath says:

That she is the petitioner above named; that she has read the above and foregoing petition to determine descent, and knows the contents thereof, and that all the statements therein made are true.

SARAH ROE.

Subscribed and sworn to before me this 5th day of January, 1946.

A. L. MANN,
Probate Judge.

(SEAL)

Filed January 5, 1946. A. L. MANN, Probate Judge.

Reference: 59-2250, 3 Bartlett 239, McCamish (2) 617.

Time: After one year from date of death.

Testate estates: Not applicable.

(52)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the estate of
Richard Roe, Deceased.

No. 1102

ORDER FOR HEARING

On this 5th day of January, 1946, comes Sarah Roe and files her petition to determine the descent of the real estate of Richard Roe, deceased; and the court finds that the same should be set for hearing and notice given thereof.

IT IS THEREFORE BY THE COURT ORDERED that the said petition be heard and is set for hearing on the 31st day of January, 1946, at ten o'clock a.m., at the probate court room of this court, and that notice of said hearing be published as provided by General Statutes Supplement, section 59-2209.

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2251, 3 Bartlett 240, McCamish (2) 617.

Time: Upon filing of petition. Conform to 59-2209.

Testate estates: Not applicable.

(53)

Inheritance Tax Division Form IH-27

Information to Be Furnished the Inheritance Tax Division in Connection with Proceedings to Determine Descent Pursuant to G. S. 1941 Supp. 59-2250 and 59-2251

STATE OF KANSAS }
 COUNTY OF APACHE, } ss.

IN THE MATTER OF THE ESTATE OF

Richard Doe, Deceased.
 (Print)

In the matter of the above-entitled estate, the following information is submitted to the DIRECTOR OF REVENUE, STATE COMMISSION OF REVENUE AND TAXATION, of the State of Kansas, for the purpose of obtaining a determination of the legacy and succession tax, if any, on the distributive shares of the above entitled estate.

1. The above-named decedent died a resident of Apache County, State of Kansas, on the 2d day of January, 1945, and no will has been admitted to probate nor administration had in this state.
2. The decedent's heirs under the law of descents and distribution are as follows:

| Name | Relation | P. O. Address |
|----------------------|---------------|--------------------------------------|
| Sarah Roe..... | Wife..... | Route No. 1, Hometown, Kansas |
| Woodrow W. Roe..... | Son..... | 1918 S. Broadway, Metropolis, Kansas |
| Franklin D. Roe..... | Son..... | Route No. 1, Hometown, Kansas |
| Eleanor Roe..... | Daughter..... | Route No. 1, Hometown, Kansas |

3. At the time of his death the decedent was the owner of property described and of value as follows:

| Personal Property: Description | Value |
|--------------------------------|------------|
| Cash in bank..... | \$1,000.00 |
| Total..... | \$1,000.00 |

| Real Estate: Description | Sect. Lot | Twp. | Range Block | County or City | Appraised Value | Mortgage Indebtedness | Assessed Value for Year of Death |
|--|-----------|------|-------------|----------------|-----------------|-----------------------|----------------------------------|
| E 1/2 SE 1/4 | 37 | 75 | 80 | Apache | | | \$4,000.00 |
| Total | | | | | | | |
| Mortgage Indebtedness | | | | | | | 4,000.00 |
| Net Value of Realty | | | | | | | 5,000.00 |
| Total Value of Estate | | | | | | | |
| 3. Expenses of Last Sickness and Burial, Attorneys Fees, Etc | | | | | | | \$5,000.00 |
| Net Value of the Estate | | | | | | | |

I do solemnly swear that the matters and facts set forth in the above application are true and correct as I verily believe. So help me God.

Sarah Roe,
Petitioner.
Post office address Route 1, Hometown, Kansas.

[S.E.A.L.] Subscribed and sworn to before me, this 5th day of January, A. D. 1946.

A. L. Mann,
Probate Judge.

Resident Petitioners Have Probate Judge Verify.

My commission expires.....day of.....19.....

* Attach itemized statement showing names of creditors, with amounts of debts, claims or expenses, and dates when incurred if it appears that any share or shares of the estate may be taxable.

Reference: 59-2251. Use form IH-27 furnished by tax commission.

Time: Secure tax order before decree of descent.

(54)

(First published in The Metropolis World, January 9, 1946)

STATE OF KANSAS, APACHE COUNTY, ss:

IN THE PROBATE COURT OF SAID COUNTY AND STATE

In the Matter of the estate of
Richard Roe, Deceased.

No. 1102

NOTICE OF HEARING

The State of Kansas to all persons concerned:

You are hereby notified that a petition has been filed in said court by Sarah Roe, as widow and one of the heirs-at-law of Richard Roe, deceased, praying for the determination of the descent of the following described real estate in Apache county, Kansas, to wit:

East Half (E ½) of Southeast Quarter (SE ¼) of Section 37, Township 75, Range 80 in Apache county, Kansas;
and all other real estate or interests therein, owned by the said Richard Roe at the time of his death; and you are hereby required to file your written defenses thereto on or before the 31st day of January, 1946, at ten o'clock a. m., of said day, in said court, in the city of Metropolis, in Apache county, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said petition.

SARAH ROE,
Petitioner.

W. B. PLEADER,
Attorney for petitioner.

Reference: 59-2251, 59-2209, 59-2210.

Time: Once a week for three consecutive weeks. (Conform to 59-2209.)

Testate estates: Not applicable.

(55)

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, APACHE COUNTY, ss:

A. M. Nelson, being first duly sworn, says that he is owner and manager of the Metropolis World, and that he knows that it is a daily newspaper which has been continuously and uninterruptedly published in Apache county, for one year prior to the first publication of the attached notice, and which is of general circulation in said county and state; and has been admitted to the mails as second class matter in said county and that the notice, of which the attached is a true copy, was published for 3 insertions in said newspaper, as follows: 1st insertion January 9, 1946; 2d insertion January 16, 1946; 3d insertion January 23, 1946.

A. M. NELSON.

Subscribed and sworn to before me this 24th day of January, 1946.

HELEN H. WATERS,

Notary Public.

(SEAL)

My commission expires December 7, 1947.

Approved: A. L. MANN, *Judge* (SEAL).

Filed January 24, 1946. A. L. MANN, *Probate Judge.*

Reference: 59-2211, 64-101. 3 Bartlett 89.

Time: File before hearing (59-2211).

Testate estates: Not applicable.

(56)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the estate of

Richard Roe, Deceased.

No. 1102

AFFIDAVIT OF MAILING

STATE OF KANSAS, APACHE COUNTY, SS:

W. B. Pleader, of lawful age, being first duly sworn, on oath says:

That he is attorney for the petitioner above named; that he mailed notice of hearing on petition for determination of descent herein, copy of which notice is hereto attached, by depositing copy of such notice in the United States mail, postage prepaid, on January 10, 1946, and within seven days after the first publication of said notice, addressed to each of the following persons:

Woodrow W. Roe, 1918 S. Broadway, Metropolis, Kansas;

Franklin D. Roe, Route No. 1, Hometown, Kansas;

Eleanor Roe, Route No. 1, Hometown, Kansas;

Sarah Roe, Route No. 1, Hometown, Kansas (as mother and natural guardian of Franklin D. Roe and Eleanor Roe);

such persons being all of the heirs, devisees, legatees, guardians and wards, other than the petitioner, whose name and address are known to petitioner.

W. B. PLEADER.

Subscribed and sworn to before me this 10th day of January, 1946.

HELEN H. WATERS,

Notary Public.

(SEAL)

My commission expires December 7, 1947.

Filed January 31, 1946. A. L. MANN, *Probate Judge.*

Reference: 59-2209, 59-2211. 3 Bartlett 241.

Time: Mail notice within seven days after first publication (59-2209). File affidavit before hearing. (59-2211.)

Testate estates: Not applicable.

(57)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the estate of
Richard Roe, Deceased.

No. 1102

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF KANSAS, COUNTY OF APACHE, SS:

Sarah Roe, of lawful age, being first duly sworn, on oath says:

That she is the petitioner herein; that she is personally acquainted with Woodrow W. Roe, one of the heirs of Richard Roe, who resides at 1918 S. Broadway, Metropolis, Kansas, and is a civilian engaged in the lumber business, and who is the son of affiant; and with Franklin D. Roe and Eleanor Roe, who are minor children living at home with affiant; and personally knows that they are all civilians and not in the military service of the United States as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 as amended; and that no other persons interested in this matter are in the military service as defined in such Act.

SARAH ROE.

Subscribed and sworn to before me this 31st day of January, 1946.

HELEN H. WATERS,

Notary Public.

(SEAL)

My commission expires December 7, 1947.

Filed January 31, 1946. A. L. MANN, Probate Judge.

Reference: Federal Statutes.

Time: File before hearing.

(58)

IN THE PROBATE COURT OF APACHE COUNTY, KANSAS

In the Matter of the estate of
Richard Roe, Deceased.

No. 1102

DECREE DETERMINING DESCENT OF REAL ESTATE

Now on this 31st day of January, 1946, comes on for hearing the petition of Sarah Roe to determine the descent of the real estate of Richard Roe, deceased. The petitioner, Sarah Roe, appears in person, and by W. B. Pleader, her attorney, and said Sarah Roe also appears as mother and natural guardian of Franklin D. Roe and Eleanor Roe, minors, and the court finds that it is not necessary to appoint a guardian ad litem for said minors. There are no other appearances. The court finds that said petitioner has given notice of the time and place of this hearing as provided by law and the orders of this court, proof of which notice and the publication and mailing thereof is duly filed herein, and is approved by the court.

Thereupon evidence is produced upon said petition and after consideration of the evidence and being fully advised, the court finds that the allegations

of said petition are true, that Richard Roe, a resident of Apache county, Kansas, and a citizen of the United States, died on the 2d day of January, 1945, intestate; that at the time of his death he was the owner of the following described real estate in Apache county, Kansas, to wit:

East Half (E $\frac{1}{2}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section 37, Township 75, Range 80, in Apache county, Kansas;

that no will of the said Richard Roe has been admitted to probate nor administration had of his estate; that the said Richard Roe died intestate, and that all of the debts of the said Richard Roe have been paid. The court further finds that it has been determined by the Inheritance Tax Division of the State Commission of Revenue and Taxation of the state of Kansas that no tax liability attached to any property of the said Richard Roe which changed ownership by reason of his death, and that his estate is not subject to inheritance tax, and the order of said commission has been filed in this court.

The court further finds that the said Richard Roe left surviving him as his sole and only heirs at law the following persons, whose names and respective shares in his estate were as follows:

Sarah Roe, his wife, one-half;
Woodrow W. Roe, his son, one-sixth;
Franklin D. Roe, his son, one-sixth;
Eleanor Roe, his daughter, one sixth.

The court further finds that the said Richard Roe was married only once, and had no other children or adopted children or issue of deceased children, natural or adopted, who survived him, except the heirs above named.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the title to all of the interest of Richard Roe, and to the following described real estate:

East Half (E $\frac{1}{2}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section 37, Township 75, Range 80, in Apache county, Kansas;

and all other real estate owned by the said Richard Roe, descended from him on the 2nd day of January, 1945, the date of his death, to his heirs at law as follows:

Sarah Roe, his wife, one-half;
Woodrow W. Roe, his son, one-sixth;
Franklin D. Roe, his son, one-sixth;
Eleanor Roe, his daughter, one-sixth;

and the title thereto is assigned to the said heirs as of said date.

(SEAL)

A. L. MANN,
Probate Judge.

Reference: 59-2251, 3 Bartlett 241, McCamish (2) 618.

Time: At time fixed in notice, or adjournment therefrom.

Testate Estates: Not applicable.

Appointment of guardian ad litem is discretionary (59-2205). See article by Samuel E. Bartlett in Judicial Council Bulletin, October, 1942. (Vol. 16, Part 3) pages 91, 93.

Index and Check Sheet—Intestate Estate

| | |
|--|--|
| <i>Papers usually required.</i> | <i>Papers frequently required</i> |
| Petition for administration (1) | Petition for special administrator* |
| Order for hearing (2) | Order appointing special administrator* |
| Notice of hearing (3) | Oath of special administrator* |
| †Proof of publication (4) | Bond of special administrator and approval* |
| Affidavit of mailing (5) | Letters of special administrator* |
| Order appointing administrator (6) | Report of special administrator* |
| Oath of administrator (7) | Order discharging special administrator* |
| Bond of administrator and approval by court (8) | Petition to set apart homestead, and for allowance to widow (16) |
| Letters of administration (9) | Order setting apart homestead and allowances to widow (17) |
| Notice of appointment (10) | †Receipts for payment of inheritance tax |
| †Proof of publication (11) | Petition for allowance of demand (18, 19) |
| Order appointing appraisers (12) | Order for hearing and form of notice (20) |
| Oath of appraisers (13) | Notice of hearing (21) |
| Inventory and appraisal (14) | Proof of service of notice (22) |
| Inheritance tax inventory and appraisal (15) | Order allowing demand (23) |
| Order of Inheritance Tax Division* | Receipt* |
| Personal property tax return* | Petition for sale of personal property (24) |
| †Receipt for payment* | Order authorizing sale (25) |
| | Report of sale (26) |
| | Petition for sale of real estate (27) |
| | Order for hearing (28) |
| | Notice of hearing (29) |
| | †Proof of publication (30) |
| | Affidavit of mailing (31) |
| | Order of sale (32) |
| | Order appointing appraisers (33) |
| | Oath of appraisers (34) |
| | Report of appraisers (34) |
| | Report of sale (35) |
| | Order confirming sale (36) |
| | Administrator's deed and approval by court (37) |
| | Order for additional bond* |
| | Additional bond and approval by court* |
| | State and federal income tax returns* |
| Petition for final settlement including account (38) | |
| Order for hearing (39) | |
| Notice of hearing (40) | |
| †Proof of publication (41) | |
| Affidavit of mailing (42) | |
| Affidavit of non-military service (42) | |
| Order of final settlement (43) | |
| Receipts (44) | |
| Order of final discharge (45) | |

Numbers indicate corresponding forms in "Estate of John Doe."

* Indicates forms not included in "Estate of John Doe."

† Indicates papers which are not usually prepared by attorney but which should be checked for filing and correctness.

Check Sheet—Testate Estate

Papers usually required.

- Will*
- Petition for probate (1)
- Order for hearing (2)
- Notice of hearing (3)
- †Proof of publication (4)
- Affidavit of mailing (5)
- Testimony of 1st subscribing witness*
- Testimony of 2d subscribing witness*
- Order admitting to probate (6)
- Oath of executor (7)
- Bond of executor and approval by court (8)
- Letters testamentary (9)

- Notice of appointment (10)
- †Proof of publication (11)

- Order appointing appraisers (12)
- Oath of appraisers (13)
- Inventory and appraisement (14)

- Inheritance tax inventory and appraisement (15)
- †Order of Inheritance Tax Division*

- Personal property tax return*
- †Receipt for payment*

- Petition for final settlement including account (38)
- Order for hearing (39)
- Notice of hearing (40)
- †Proof of publication (41)
- Affidavit of mailing (42)
- Affidavit of non-military service (42)

- Order of final settlement (43)
- Receipts (44)
- Order of final discharge (45)

Papers Frequently Required.

- Petition for special administrator*
- Order appointing special administrator*
- Oath of special administrator*
- Bond of special administrator and approval*
- Letters of special administrator*
- Report of special administrator*
- Order discharging special administrator*

- Election of widow*

- Petition to set apart homestead, and for allowances to widow (16)
- Order setting apart homestead and allowances to widow (17)

- †Receipts for payment of inheritance tax*

- Petition for allowance of demand (18, 19)
- Order for hearing and form of notice (20)
- Notice of hearing (21)
- Proof of service of same (22)
- Order allowing demand (23)
- Receipt*

- Petition for sale of personal property (24)
- Order authorizing sale (25)
- Report of sale (26)

- Petition for sale of real state (27)
- Order for hearing (28)
- Notice of hearing (29)
- †Proof of publication (30)
- Affidavit of mailing (31)
- Order of sale (32)
- Order appointing appraisers (33)
- Oath of appraisers (34)
- Report of appraisers (34)
- Report of sale (35)
- Order confirming sale (36)
- Executor's deed and approval by court (37)
- Order for additional bond*
- Additional bond and approval by court*

- State and federal income tax returns*

Numbers indicate corresponding forms in "Estate of John Doe" subject to variation in testate estates.

* Indicates forms not included in "Estate of John Doe."

† Indicates papers which are not usually prepared by attorney but which should be checked for filing and correctness.

Index and Check Sheet—Determination of Descent

Petition (51)
Order for hearing (52)
Application to Inheritance Tax Commission (53)
Notice (54)
†Proof of publication (55)
Affidavit of mailing (56)
†Order of Inheritance Tax Commission *
Affidavit of nonmilitary service (57)
Decree of descent (58)

Numbers indicate corresponding forms in "Estate of Richard Roe."

* Indicates forms not included in "Estate of Richard Roe."

† Indicates papers which are not usually prepared by attorney but which should be checked for filing and correctness.

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Handwritten text, likely bleed-through from the reverse side of the page. The text is extremely faint and illegible due to the low contrast and high noise of the scan. It appears to be several lines of text, possibly a list or a series of notes, but the specific content cannot be discerned.